

Cabinet Agenda

Monday, 4 June 2018 at 6.00 pm

Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY

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For further information, please contact Deniz Musa on 01424 451486 or email dmusa@hastings.gov.uk

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Agenda Item 3

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Present: Councillors Chowney (Chair), Forward, Batsford, Fitzgerald, Poole, Beaney, Lee and Patmore.

73. DECLARATION OF INTERESTS

Councillor	Minute Number	Interest
Forward	76 – Development of a Social Lettings Agency for Hastings.	Prejudicial – She owns a property with the social lettings agency.
Beaney	76 – Development of a Social Lettings Agency for Hastings	Prejudicial – She is the Director of the Hastings Housing Company.

74. MINUTES OF THE MEETING HELD ON 5 MARCH 2018

RESOLVED that the minutes of the Cabinet meeting held on 5 March 2018 be approved as a correct record.

RESOLVED the chair called over the items on the agenda, under rule 13.3 of the council's constitution, the recommendations set out in minute numbers 77 and 78 were agreed without being called for discussion.

75. AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Members discussed a report on amendments to the council's constitution, previously spoken about at the Working Arrangements Group.

Councillor Poole proposed approval of the motion, seconded by Councillor Fitzgerald.

RESOLVED (by 4 votes for, to 2 votes against with 1 abstention) that:

1. Cabinet recommend that the amendments to the Council's Constitution be adopted by Full Council.

The reason for this decision was:

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

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76. DEVELOPMENT OF A SOCIAL LETTINGS AGENCY FOR HASTINGS

The Assistant Director, Housing & Built Environment presented a report on the development of a social lettings agency for Hastings. The council run Social Lettings Agency (SLA) currently leases 45 units of accommodation from private individual property owners. The private sector leasing model was, until March 2017, funded by the Temporary Accommodation Management Fee (TAMF). This was a demand led payment from government which paid a supplement of £60 per week, per property, in addition to the standard Local Housing Allowance rate. The TAMF payments enabled the scheme to offset the operating costs of managing accommodation.

Two amendments to the report by officers were pointed out, in the five year forecast section of the report. The first amendment was that the Grant Funding Required should be corrected to -£98,949 in 2018/19 and -£77,101 in 2019/20. The second amendment was that the Bad Debt (Rent) costs were incorrect, and should be £13,673 in 2018/19 and £2,665 in 2019/20.

It was noted that a funding change to a cash limited grant was put in place. This had caused the existing scheme to no longer be viable. Though, a business plan was ready to be put in place to continue the service, which was considered important to the town.

In 2017, it was discussed whether the council would establish a commercially competitive scheme, however it was not recommended that this should happen currently, but could be considered in the future.

A question was raised on what would happen if the recommendation were not accepted. The reply was that there would have to be made arrangements to assist with the rehousing of tenants if the leases were terminated.

Councillor Batsford proposed the approval of the recommendations, seconded by Councillor Fitzgerald. Councillors Forward and Beaney could not vote due to their interests in this item.

RESOLVED (by 4 votes for, to 2 against) that:

Members are asked to approve the recommendation within the report for the council to proceed with two new service models for the SLA. The two models being proposed are:

- **A Guaranteed Rent Scheme**
- **A Management Service to support the Council's Housing Company**

The reason for this decision was:

1. The objective of the SLA is to improve access to quality, well-managed private sector housing for households who present to the council as homeless or at risk of homelessness. Cabinet approval was granted in July 2017 for a cost effective scheme to be developed to replace the council's existing private sector leasing arrangements

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and allow for the SLA to continue operating and achieve its objective. This was necessary due to changes in central government funding arrangements.

2. The introduction of the Homelessness Reduction Act in April 2018 allows for local authorities to discharge a new 'Relief Duty' by offering the minimum of a fixed-term 6 month Assured Short-hold tenancy in the private rented sector from a private landlord. It is therefore increasingly a priority for the council to minimise the cost of homelessness by maximising access to affordable, suitable and well managed private sector accommodation.

3. Continuation of SLA also provides the council will the necessary property management capacity to provide services to the council owned Housing Company.

77. PROPOSED REVISIONS TO THE LOCAL DEVELOPMENT SCHEME

The Assistant Director, Regeneration & Culture submitted a report on Proposed Revisions to the Local Development Scheme (Local Plan Timetable). This was to inform Cabinet of the updated timescales for the production of Local Plan documents since the last Local Development Scheme was adopted in April 2016.

Planning regulations require the council to prepare and maintain a Local Development Scheme (LDS) setting out a programme for preparing the documents that will make up local planning policy for Hastings.

Under Rule 13.3 of the council constitution, this item was agreed without being called for discussion.

RESOLVED that the contents of the revised Local Development Scheme be agreed.

The reason for this decision was:

So that an up-to-date Local Development Scheme is in place in accordance with section 15 of the Planning and Compulsory Purchase Act 2004, as amended by section 180 of the Planning Act 2008 and section 111 (7) of the Local Act, and the Town and Country Planning (Local Development) (England) regulations 2004.

78. HEALTHY HASTINGS & ROTHER FUNDING PROGRAMME UPDATE

The Assistant Director, Housing & Built Environment submitted a report on the Healthy Hastings & Rother, Reducing Health Inequalities Programme. This was to advise Cabinet on proposed changes to funding to funding allocations for the Hastings Borough Council (HBC) led projects within the NHS Hastings & Rother Clinical

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Commissioning Group's (CCG) Healthy Hastings & Rother (HHR) programme, and seek agreement for the revised programme and the arrangements for ensuring delivery of projects until March 2020.

Since 2015 the CCG has allocated substantial resources from its Healthy Hastings & Rother Programme, for HBC, East Sussex County Council, and other partners or providers to invest in projects, which will address health inequalities.

Overall, the revised programme supported by CCG funding amounts to a considerable sum of approximately £2.75m between 2015-2020. However, please note the revised programme is still subject to confirmation by the CCG's Governing Body on 28 March 2018.

Under Rule 13.3 of the council constitution, this item was agreed without being called for discussion.

RESOLVED that:

- 1. To note the proposed changes to funding allocations from 2017 to 2020 for HBC led projects within the CCG's Healthy Hastings & Rother Programme.**
- 2. To agree the revised programme of HBC led projects as described in the report, within the total financial resources available from the CCG of £2,751,12.**
- 3. Subject to confirmation of the programme by the CCG's Governing Body on 28 March 2018, the Director of Operational Services, in consultation with the Lead Member, be authorised to enter into a funding agreement with the CCG under section 256 of the NHS Act 2006 to support continuation of the HBC led programme until 31 March 2020**

The reason for this decision was:

The Council has long held the position that good health is a key factor in determining the quality of people's lives and that health inequality is a significant outcome of and contributor to poverty. This programme is helping to contribute towards more integrated work with partners to address issues of health inequality. The revised programme supported by CCG funding requires Cabinet approval.

79. FREEDOM LEISURE CAPITAL INVESTMENT

The Assistant Director, Regeneration & Culture presented a report on the Freedom Leisure Loan for Capital Investment. The report proposes that the council supports the initial capital investment for leisure facility improvements by providing a loan to Freedom Leisure. Freedom Leisure will pay back the loan, plus the appropriate interest charge over the contract term, achieving a financial net gain for the council.

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It was said that the loan would be at market rate, so there would be no public funding implications from giving the loan. The amount earned in profit would be around £4,000 per annum.

It was noted that the loan would be beneficial to the council, as it would help with Freedom Leisure's management of one of the council's buildings. Improvements to the facilities would include a clip and climb wall, as well as energy reduction measures, a new pool inflatable and improvements to changing areas.

A question was raised in regards to whether the money had to be spent on the facility in question. The reply was that the loan must be spent on the facility in Hastings.

Councillor Batsford proposed the approval of the recommendations, seconded by Councillor Fitzgerald.

RESOLVED (unanimously) that:

- 1. Approve the proposal for the Council to provide a loan to Freedom Leisure.**
- 2. Delegate authority to the Chief Financial Officer and Chief Legal Officer to agree any matters of detail necessary to conclude the final loan arrangements.**

The reason for this recommendation was:

The recent procurement process for the leisure management contract identified Freedom Leisure as the successful bidder. The new contract will commence from 1 April 2018. Freedom Leisure's bid included an investment into various areas, including £134,037.60 on a climbing wall and energy reduction measures. The proposal will result in a net gain of £21,774 for the Council based on an opportunity cost of borrowing of 1%.

(The Chair declared the meeting closed at 6.38 pm)

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Agenda Item 4

Hastings Borough Council

Regulation of Investigatory Powers Act 2000

(RIPA)

Corporate Policy and Procedures

and

Codes of Practice and Guidance

This policy was adopted by Hastings Borough Council at its Cabinet Meeting on 24 November 2003
Reviewed (April.2006)
Reviewed (March 2009)
Reviewed (June 2011)
Reviewed (December 2012)
Reviewed (June 2018)

Hastings Borough Council, RIPA Corporate Policy and Procedures and Code of Practice
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NB: The Regulation of Investigatory Powers Act 2000 (RIPA) refers to ‘Designated Officers’. For ease of understanding and application within Hastings Borough Council this policy refers to ‘Authorising Officers’.

Furthermore, such officers can only act under RIPA if they have been duly authorised by the Chief Legal Officer and the Corporate Director of Operational Services. The list of Authorised Officers can be found at Appendix 1.

A. Introduction

1. This Corporate Policy and Procedures Document is based upon the requirements of The Regulation of Investigatory Powers Act 2000 (RIPA)(as amended) the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2012 and the Home Office's Code of Practices on Covert Surveillance, and the Covert Human Intelligence Sources (CHIS). It also refers to the Home Office guidance to local authorities on the judicial approval process for RIPA. Covert Surveillance should be used only rarely and in exceptional circumstances. These Codes are to be found at Appendix 7 and Appendix 8 of this policy. The Codes and guidance are also available on the Home Office's website at www.homeoffice.gov.uk. The website Codes should be consulted, from time to time, to ensure that this document remains up to date.
2. The authoritative position on RIPA is the Act itself. Any officer who is unsure about any aspect of this document should, if unsure, contact at the earliest possible opportunity the Council's Legal Services for advice and assistance. Most Council enforcement officers, authorised officers and senior managers have received RIPA training (where appropriate). Any further training will be arranged by Personnel and Organisational Development as and when required. If you need training please request this from your immediate line manager. Copies of this policy and related forms will be placed on the Council's website and on the intranet.
3. The Chief Legal Officer will maintain and check the Corporate Central Register of all RIPA Authorisations, Reviews, Renewals, Cancellations and Rejections. For administration and operational effectiveness the Chief Legal Officer and the Corporate Director of Operational Services are authorised to add or substitute officers authorised for the purposes of RIPA.
4. This policy document is important for the effective and efficient operation of the Council's actions with regard to Covert Surveillance and Covert Human Intelligence Sources. This document will be reviewed annually by the Council's Legal Services. Authorising Officers must bring any suggestions for continuous improvement of this document to the attention of the Chief Legal Officer at the earliest opportunity. If any of the Home Office Codes of Practice change, this document will be amended accordingly.
5. In terms of monitoring e-mails and internet usage, it is important to recognise the important interplay and overlaps with the Council's e-mail and internet policies and guidance, the Telecommunications (Lawful Business Practice)(Interception of Communications) Regulations 2000, The Data Protection Act 1998 and its Codes of Practice. Under normal circumstances the Council's e-mail and internet policies should be used as any surveillance is likely to be more relevant under the contract of employment terms as opposed to RIPA. In 2017 the Council refreshed its Social Media Policy. This can be found on the Council's website.
6. At no time should the Council undertake any surveillance that interferes with any private property. Placing tracking devices on a subject's vehicle or person are not authorised for local authorities and must not be used. Again, if anyone has any doubt as to the Council's RIPA powers then they should contact Legal Services for clarification at the earliest opportunity.
7. Historically, three inspections by the Office of the Surveillance Commissioners have previously been undertaken concerning Hastings Borough Council's use of RIPA procedures. Past criticisms from those inspections have resulted in further training of key staff and further reviews of the Council's policy and procedures and forms. The last

two reports, following inspection, have resulted in positive comments on the Council's policies and procedures.

B. General Information on RIPA

8. This Corporate Policy, Procedures and the Forms provided in this policy document are operative with immediate effect. It is essential, therefore, that Chief Officers and Authorising Officers in their Departments take personal responsibility for the effective and efficient operation of this document in their Departments. As part of this review the forms have been revised using the Home Office templates as amended.
9. It will be the responsibility of Authorising Officers to ensure that their relevant members of staff are suitably trained so as to afford common mistakes appearing on forms for RIPA authorisations.
10. Authorising officers will also ensure that staff who report to them follow this Corporate Policy and Procedures document and do not undertake or carry out any form of surveillance without first obtaining the relevant authorisations in compliance with this document.
11. Authorising Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances should an Authorising Officer approve any RIPA form unless, and until s/he is satisfied that the health and safety of Council employees/agents are suitably addressed and/or risks minimised, so far as is possible and proportionate to/with the surveillance being proposed. If an Authorising Officer is in any doubt he should obtain prior guidance on the same from Legal Services.
12. Authorising Officers must acquaint themselves with the relevant Codes of Practice and guidance issued by the Home Office regarding RIPA. These are appended at Appendix 7 and Appendix 8. They are also available on the home office website at www.homeoffice.gov.uk. Any failure to comply exposes the Council to unnecessary legal risks and criticism from the Office of Surveillance Commissioners. Forms must be dealt with promptly.
13. Coming across private/confidential information during surveillance must be given prior thought before any applications are authorised, as failure to do so may invalidate the admissibility of any evidence obtained. Furthermore, thought must be given before any forms are signed to the retention and disposal of any material obtained under a RIPA authorisation. Refer to the Council's Document Retention policy on the website. Where there is any possibility of private/confidential information being obtained through covert surveillance, the application must be authorised by an Authorised Officer.
14. The Authorising Officer must ensure proper regard is had to necessity and proportionality before any applications are authorised. Stock phrases or cut and paste narrative must be avoided at all times as the use of the same may suggest that insufficient detail and consideration had been given to the particular circumstances of any person likely to be the subject of the claim. This is especially important now reasons must be explained to a Justice of the Peace (JP) Any equipment to be used in any approved surveillance must also be properly controlled, recorded and maintained for audit purposes.
15. The Human Rights Act requires the Council and organisations working on its behalf, pursuant to Article 8 of the European Convention to respect the private and family life of citizens, his home and his correspondence. The European Convention did not however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances the Council may interfere in the citizen's right mentioned above, if such interference is:-

- (a) in accordance with the law;
- (b) necessary; and
- (c) proportionate.

16. The Regulation of Investigatory Powers Act 2000 provides a statutory mechanism for authorising covert Directed Surveillance and the use of Covert Human Intelligence source (CHIS), e.g. undercover agents. It now also permits public authorities to compel telecommunications and postal companies to obtain and release communications data to themselves, in certain circumstances. The Council do not use this facility at present. If there is a desire to use it please contact Legal Services. It seeks to ensure that any interference with the individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.
17. Directly employed Council Staff and external agencies working for the Council are covered by the Act for the time that they are working for the Council. All external agencies must therefore comply with RIPA and the work carried out by agencies on the Council's behalf must be properly authorised by one of the Council's Authorising Officers. See Appendix 1.
18. If the correct procedures are not followed, evidence may be disallowed by the Courts, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. Furthermore, breaches would become apparent on inspection from the OSC. Such action would not of course promote the good reputation of the Council and will undoubtedly be the subject of adverse press and media interest. It is essential that that all involved with RIPA comply with this document and any further guidance that may be issued from time to time by Legal Services.
19. A flowchart of the procedures to be followed for Directed Surveillance, CHIS and Communications Data appear at Appendix 2.

C. What RIPA Does and Does Not Do

20. RIPA does:-

- Require prior authorisation of directed surveillance by authorised officers AND a Justice of the Peace (JP)
- Prohibit the Council from carrying out intrusive surveillance
- Compels disclosure of communications data from telecom and postal service providers*
- Require authorisation of the conduct and use of CHIS
- Require safeguards for the conduct and use of CHIS
- Permit the Council to obtain Communications records from Communications service providers.

*NB. Hastings Borough Council has not received any applications requiring authorisation for Communications Data. If you are thinking of making such an application, please contact Legal Services to discuss before submitting an application.

21. RIPA does not:-

- Make unlawful conduct which is otherwise lawful
- Prejudice or dis-apply any existing powers available to the Council to obtain information by any means not involving conduct that may be authorised under this Act. For example, it does not affect the Council's current powers to obtain information via the DVLA or to get information from the Land Registry as to the ownership of a property.

22. If the Authorising Officer or any Applicant is in any doubt he should ask Legal Services before any Directed Surveillance and/or CHIS is authorised, cancelled or rejected.

D. Types of Surveillance

23. Surveillance includes:-

- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications
- Recording anything mentioned above in the course of authorised surveillance
- Surveillance, by or with, the assistance of appropriate surveillance device(s).

Surveillance can be overt or covert.

Overt Surveillance

24. Most of the surveillance carried out by Hastings Borough Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases, officers will be going about Council business openly.

25. Similarly, surveillance will be overt if the subject has been told it will happen (e.g. where a noise maker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice of identifying themselves to the owner/proprietor to check that the conditions are being met).

Covert Surveillance

26. Covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. (Section 26(9)(a) of RIPA). It cannot however be necessary if there is reasonably available an overt means of finding out the information desired.

27. RIPA regulates two types of covert surveillance, (Directed Surveillance and Intrusive Surveillance) and the use of Covert Human Intelligence Sources (CHIS).

Directed Surveillance

28. Directed Surveillance is surveillance which:-

- Can be carried out only for the purpose of preventing or detecting a criminal offence punishable by a maximum term of at least 6 months imprisonment
- Is covert; and
- Is not intrusive surveillance (see definition below – the Council must not carry out any intrusive surveillance or any interference with private property)
- Is not carried out in an immediate response to events which would otherwise make seeking authorisation under the act unreasonable, e.g. spotting something suspicious and continuing to observe it; and
- It is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation) (Section 26 (10) of RIPA).

29. Private Information in relation to a person includes any information relating to his private and family life, his home and his correspondence. The fact that Covert Surveillance occurs in a public place or on a business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged Surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that he/she comes into contact, or associates with.
30. Similarly, although overt town centre CCTV cameras do not formally require authorisation, if the cameras are to be directed for a specific purpose to observe particular individuals, authorisation will be required. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others.
31. For the avoidance of doubt, only those Officers designated and certified to be Authorised Officers for the purpose of RIPA can authorise an application for Directed Surveillance if and only if the RIPA authorisation procedures detailed in this document are followed. If an Authorising Officer had not yet been certified for the purposes of RIPA s/he cannot carry out or approve/reject any action set out in this Corporate Policy and Procedures Document. Once the application is approved by an Authorised Officer the application and any documents in support can only be given effect once an order approving the authorisation or notice has been granted by a Justice of the Peace (JP) at Hastings Magistrates Court.

Intrusive Surveillance (cannot be carried out by the Council)

32. This is when it:-

- Is covert
- Relates to residential premises and/or private vehicles
- Involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.

Tracking Devices – Tracking Rubbish

33. Tracking devices to be used in or on skips can be authorised by Authorising Officers provided that the tracking device is disguised as refuse and is not physically attached/affixed to the skip. In the event of there being a requirement that a vehicle tracking device be used and that to install such a device interfered with property not owned by the Council, authorisation will need to be obtained from the police under the Police Act 1997. In either case officers are required to contact Legal Services before authorisation is given.

Necessity and Proportionality

34. Obtaining an authorisation under the 2000 Act, the 1997 Act and 1994 Act will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place. The 2000 Act first requires that the person granting an authorisation believe that the authorisation is necessary in the circumstances of the particular case under section 28(3)(b) of the

2000 Act for directed surveillance. Once necessity is established then proportionality must be considered.

35. The following elements of proportionality should be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented

36. In other words this involves the balancing the intrusiveness of the activity on the target subject and others who might be affected by it or against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances – each case will be judged on and be unique on its merits – or if the information which is sought could be reasonably be obtained by other less intrusive means. All such activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair. Extra care should also be taken over any publication of the product of the surveillance.

37. It is important that when setting out the proportionality of the surveillance, that the applications include clear statements of the other reasonably possible methods of obtaining the desired information and the reasons why they have been rejected. This approach will apply, equally, to arguments for the necessity of surveillance. These statements need to convince the JP that the application is necessary and proportionate otherwise it is likely to be refused. It is therefore crucial that the Authorising Officer give particular attention to necessity and proportionality and expresses his own view rather than those explanations given by the applicant.

Further Information

38. Further guidance on surveillance can be found in the Home Office Code of Practice for Covert Surveillance and Property Interference at Appendix 7, and at:
www.homeoffice.gov.uk

Confidential Information

39. The authorisation of Directed Surveillance or use of a CHIS likely to obtain Confidential Information or the deployment of a juvenile or vulnerable person (by virtue of mental or other condition) as a CHIS requires authorisation by the Head of Paid Service, or in his/her absence, the acting Head of Paid Service. If there is any doubt regarding sufficiency of rank you should contact the Chief Legal Officer or the Monitoring Officer or Deputy Monitoring Officers who will be able to advise you. Further guidance is available in the Home Office Codes of Practice.

Collateral Intrusion

40. Before authorising surveillance the Authorising Officer should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.
41. Those carrying out the surveillance should inform the Authorising Officer if the investigation or operation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. When the original authorisation may not be sufficient, consideration should be given to whether the authorisation needs to be amended and re-authorised or a new authorisation is required. Again, explanation will need to be given to the JPs
42. Further guidance is available in the Home Office Codes of Practice. See Appendix 7 and Appendix 8.

Retention and destruction of product surveillance

43. Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable period and subject to review.
44. There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. Authorising Officers must ensure therefore, that they follow the procedures for handling, storage and destruction of material obtained through the use of covert surveillance. Authorising Officers must also ensure compliance with the appropriate data protection requirements.

Examples of different types of Surveillance

Type of Surveillance: Overt

45. Examples of Overt types of surveillance:-
- Police Officer, Street Warden or Parks Ranger on patrol
 - Sign-posted Town Centre CCTV cameras (in normal use)
 - Recording noise coming from outside the premises after the occupier has been warned that this will occur if the noise persists.
 - Most test purchases (where the officer behaves no differently from a normal member of the public).

Type of Surveillance: Covert but not requiring prior authorisation

46. Example of Covert surveillance, not requiring prior authorisation:-
- CCTV cameras providing general traffic, crime or public safety information.

Type of Surveillance: Directed must be RIPA authorised

47. Examples of Directed surveillance which must be RIPA authorised:- BUT ONLY For the purpose of preventing or detecting a criminal offence

- When the criminal offence to be prevented or detected must be punishable by a maximum term of at least 6 months of imprisonment. An exception is made for RIPA still to be used to prevent or detect the sale of alcohol to underage children although this would apply to Trading Standards

Type of Surveillance: Intrusive – Borough Council cannot do this!

48. Example of Intrusive surveillance:-

- Planting a listening or other device (bug) in a person's home or in their private vehicle.

E. Conduct and Use of a Covert Human Intelligence Source (CHIS)

Who is a CHIS?

49. A person is a CHIS if he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the use of such a relationship to obtain information or to provide access to any information to another person or he covertly discloses information obtained by the use (or as a consequence of the existence) of such a relationship
50. RIPA does not apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or to contact numbers set up to receive information.

What must be authorised?

51. The conduct or use of a CHIS require prior authorisation
- Conduct of a CHIS = establishing or maintaining a persona; or other relationship with a person for the covert purpose of (or is incidental to) obtaining and passing on information
 - Use of a CHIS = Actions inducing, asking or assisting a person to act as a CHIS and the decision to use a CHIS in the first place.
52. The Council can use CHIS's if and only if the RIPA procedures, as detailed in this document are followed. Authorisation for a CHIS can be granted for the purpose of preventing or detecting crime or disorder. Again once an authorised officer has approved the application the JP has to hear the application at Hastings Magistrates Court.

NB. Hastings Borough Council has not received any applications requiring authorisation for a CHIS. If you are thinking of making such an application, please contact Legal Services to discuss before submitting an application.

Juvenile Sources

53. Special safeguards apply to the use or conduct of juvenile sources (i.e. under 18 years old). On no occasion can a child under 16 years of age be authorised to give Information against his or her parents. Please seek advice from Legal Services before considering such a request.

Anti-Social Behaviour activities (e.g. noise, violence etc)

54. Persons who complain about anti-social behaviour and are asked to keep a diary will not normally be a CHIS as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information and therefore does not require authorisation.
55. Recording sound (with a DAT recorder) on private premises could constitute intrusive surveillance unless it is done overtly. For example, it will be possible to record if the

noisemaker is warned that this will occur if the level of noise continues. Placing a stationary or mobile-video camera outside a building to record anti-social behaviour on a residential estate will require prior authorisation.

Further Information

56. Further guidance on CHIS can be found in the Home Office's Code of Practice for Covert Human Intelligence Sources (CHIS) at Appendix 8, and at: www.homeoffice.gov.uk

F. Authorisation Procedures

57. Directed Surveillance and the use of CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation. Appendix 2 and Appendix 4 provide flow charts of processes from application/consideration to recording of information and the storage/retention of data obtained.

Authorising Officers

58. Forms can only be signed by Authorising Officers see Appendix 1. The Chief Legal Officer will keep this list up to-date and add, delete or substitute names on request as the service demands.

59. Authorisations under RIPA are separate from delegated authority to act under the Council's scheme of delegation and internal departmental schemes of delegation. All RIPA authorisations save for authorisations to collect communications data under Section 22(3) are for specific investigations only, and must be reviewed, renewed or cancelled once the specific surveillance is complete or about to expire. The authorisations do not lapse with time. Authorisations to collect communications data under Section 22(3) have, as with Section 22 Notices, a life span of one month. However, they can be renewed by serving a new authorisation or notice for a further extension, at any time within the current life of the notice.

Training Records

60. Appropriate training has been given to Authorising Officers and Enforcement personnel. The training is an ongoing programme as and when the service requires. The list of Authorised Officers is kept on the central register at Legal Services. See Appendix 1.

Application Forms

61. Only the RIPA forms set out in this document and available on the Councils website are permitted to be used. Any other forms used will be rejected by the Authorising Officer and/or Legal Services.

Forms Directed Surveillance

62. See Appendix 3a-d:-

- | | | |
|-----|-----|--|
| 3a. | LA1 | Application for Authorisation to carry out Directed Surveillance |
| 3b | LA2 | Review of a Directed Surveillance Authorisation |
| 3c | LA3 | Renewal of a Directed Surveillance Authorisation |
| 3d | LA4 | Cancellation of Directed Surveillance Authorisation |

Forms Covert Human Intelligence Source (CHIS)

63. See Appendix 5a-d:-

- | | | |
|----|-----|--|
| 5a | LA5 | Application for Authorisation of the Conduct and Use of a CHIS |
| 5b | LA6 | Review of a CHIS Authorisation |

5c	LA7	Renewal of a CHIS Authorisation
5d	LA8	Cancellation of an Authorisation for the Use or Conduct of a CHIS
2	LA9	Application for Judicial Approval

Grounds for Authorisation

64. Directed Surveillance and the Conduct and Use of the CHIS forms and disclosure of Communications data notices are to be authorised by Hastings Borough Council only on the grounds of preventing or detecting a criminal offence. No other grounds are available to local authorities. Judicial approval is then required.

Assessing the Application Form

65. Before an Authorising Officer signs a form, s/he must:-

- (a) Follow the procedures as laid down in this document and the Home Office Codes of Guidance available on their website. Also, refer to the current Procedures and Guidance available on the Office of Surveillance Commissioners website at: <http://surveillancecommissioners.independent.gov.uk> If you are in any doubt please contact Legal Services
- (b) Satisfy his/herself that a RIPA authorisation is:-
 - (i) In accordance with the law
 - (ii) Necessary in the circumstances of the particular case on the grounds mentioned in paragraph 65 above; and
 - (iii) Proportionate to what it seeks to achieve.
- (c) In assessing whether or not the proposed surveillance is proportionate consider whether there are any other non-intrusive means to meet the required aim, if there are none, whether the proposed surveillance is no more than necessary to achieve the objective, as the least intrusive method will be considered proportionate by the Courts.
- (d) Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (Collateral Intrusion). Measures must be taken wherever practicable to avoid or minimise (so far as is possible) collateral intrusion as the matter may be an aspect of determining proportionality.

Completing the Application Form

66. All forms must be given a unique reference number. Legal Services will issue the unique reference number. A hearing will then be made at Hastings Magistrates Court for the JPs to hear the application. A date for review of the authorisation should be set. The review should take place on that date using the relevant form. A copy of every form/notice and judicial permission must be sent to Legal Services for the Central Register within one week of the relevant authorisation, review, renewal, cancellation or rejection.

Additional Safeguards when Authorising a CHIS

67. When authorising the conduct or use of a CHIS, the Authorising Officer must also:-

- (a) be satisfied that the conduct and/or use of the CHIS is proportionate to what is sought to be achieved

Duration

68. The form must be reviewed in the time stated, renewed and/or cancelled once it is no longer needed. The authorisation to carry out/conduct the surveillance lasts for a maximum of three months (from authorisation) for Directed Surveillance, and 12 months (from authorisation) for a CHIS. However, whether the surveillance is carried out/conducted or not, in the relevant period, does not mean the authorisation is 'spent'. In other words the Forms do not expire, they have to be reviewed, renewed (by application to Court) and/or cancelled once they are no longer required.

69. Notices/Authorities issued under Section 22 compelling disclosure of Communications Data are only valid for one month, but can be renewed for subsequent periods of one month, at any time.

70. Authorisations can be renewed on application to the Court before the maximum period in the authorisation has expired. The Authorising Officer must consider the matter afresh including taking into account the benefits of the surveillance to date, and any collateral intrusion that has occurred. This will need to be explained to the JPs. An authorisation cannot be renewed after it has expired. In such event a fresh authorisation will be necessary on application to the court. The renewal will begin on the day when the authorisation would have expired. In exceptional circumstances, renewals may be granted orally in urgent cases and last for a period of seventy two hours.

G. Record Management

71. A Central Register of all Authorisations, Reviews, Renewals and Cancellations and Rejections will be maintained and monitored by the Chief Legal Officer in regard to Directed Surveillance and CHIS. Authorised Officers will be required to send the Chief Legal Officer a copy of all forms with immediate effect – within one week of authorisation.

72. The Council will retain records for a period of at least three years from the ending of the .The Office of Surveillance Commissioners (OSC) can audit/review the Council's policies and procedures, and individual Authorisations, Reviews, Renewals, Cancellations and Rejections. The documents to be stored will include:-

- A copy of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer and Hastings Magistrates Court
- A record of the period over which the surveillance has taken place
- The frequency of reviews prescribed by the Authorising Officer
- A record of the result of each review of the authorisation
- A copy of any renewal of any authorisation, together with the supporting documentation submitted when the renewal was requested
- The date and time when any instruction was given by the Authorising Officer
- The Unique Reference Number (URN) for the authorisation

H. Internet Searches

73. Any investigative search on the Internet must be carried out by searching on the Councils (ask Mark Bourne) Whilst this exercise falls in a non-Ripa category investigations of this type do require the application of the principles of necessity and proportionality and the recognition that collateral intrusion is likely. It may be necessary to conduct a privacy impact assessment. To assist officers in carrying out this kind of surveillance it is required that the form at Appendix 10 is completed. This form should be kept with the working papers of the investigation.
74. Officers are required to comply with the Document Retention policy when destroying data collated in this way. If officers have any questions regarding the use of the intranet and social media please contact the Chief Legal Officer.

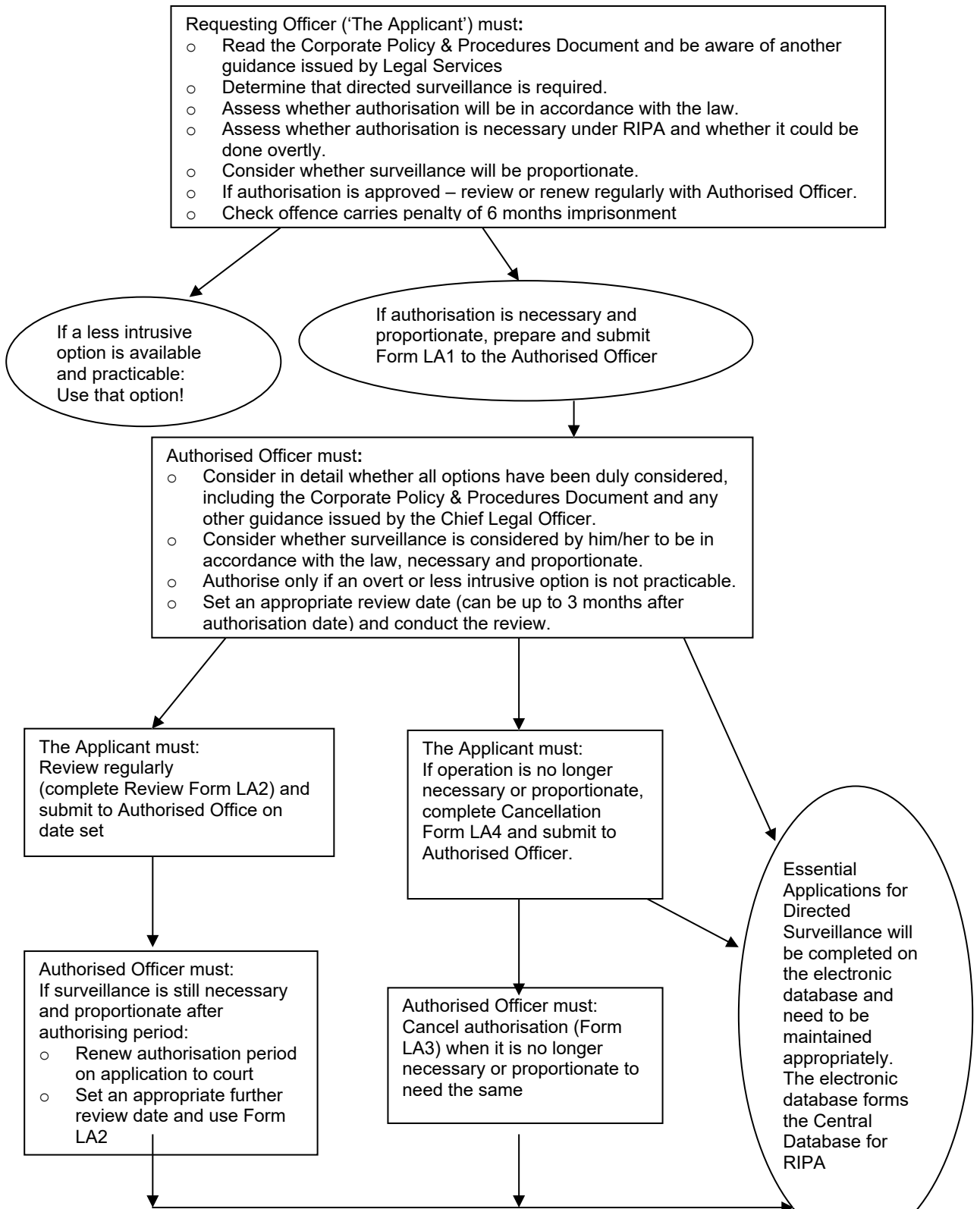
I. Concluding Remarks of the Chief Legal Officer

75. Where there is an interference with the right to respect for private life and family guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority for the interference, or if it is held not to be necessary or proportionate to the circumstances, the consequences of not obtaining or following the correct authorisation procedure set out in RIPA and the document, may be that the action (and the evidence obtained) will be held to be unlawful by the Courts pursuant to Section 6 of the Human Rights Act 1998.
76. Obtaining an authorisation under RIPA and following this document, will ensure, therefore, that the action is carried out in accordance with the law and subject to stringent safeguards against abuse of anyone's human rights.
77. Authorising Officers will be suitably trained and they must exercise their minds every time they are asked to consider a form. They must never sign or rubber stamp form(s) without thinking about their own personal and the Council's responsibilities.
78. Any boxes not needed on the form(s) must be clearly marked as being 'Not Applicable' N/A or a line put through the same. Great care must also be taken to ensure accurate information is used and is inserted in the correct boxes. Reasons for any refusal of an application must be kept on the form and the form retained for future audits.
79. For further advice and assistance on RIPA please contact the Council's Chief Legal Officer

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- Appendix 1 List of Authorising Officer Posts
- Appendix 2 RIPA Flowchart for Directed Surveillance
- Appendix 3 RIPA Forms: Directed Surveillance
- 3a. LA1 Application for Authorisation to carry out Directed Surveillance
- 3b. LA2 Review of a Directed Surveillance Authorisation
- 3c. LA3 Renewal of a Directed Surveillance Authorisation
- 3d. LA4 Cancellation of Directed Surveillance Authorisation
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- Appendix 6 RIPA Flow Chart Directed Surveillance, CHIS or Communications Data
- Appendix 7 Home Office Code of Practice for Covert Surveillance and Property Interference
- Appendix 8 Home Office Code of Practice for Covert Human Intelligence Sources (CHIS)
- Appendix 9 Home Office Guidance to Local Authorities on the Judicial approval process for RIPA and the Crime threshold for Directed Surveillance.

RIPA Flow Chart for Directed Surveillance



NB: If in doubt, ask Legal Services before any directed surveillance and/or CHIS is Authorised, Reviewed, Cancelled, or rejected. Authorised Officers will designate one of their staff to be a Departmental Co-ordinator for the purpose of RIPA and advise the Chief Legal Officer accordingly.

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Hastings Borough Council

Strictly Private and Confidential

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Application for Authorisation to Carry Out Directed Surveillance

Public Authority (including full address)			
Name of Applicant		Unit/Branch/Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Investigating Officer (if a person other than the applicant)			
Details of application:			
1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010; No. 521¹			

¹ For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

2. Describe the intelligence of the specific operation or investigation to date and the relevant legislation

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

4. The identities, where known, of those to be subject of the directed surveillance:

Name:
Address:
DOB:

Other information as appropriate:

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

6. Identify on which ground the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on (SI 2010. No. 521);

For the purpose of preventing or detecting criminal offences that are punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or are related to the underage sale of alcohol and tobacco.

7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 3.3]

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]

Describe precautions you will take to minimise collateral intrusion.

9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? Any why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means? [Code paragraphs 3.4 to 3.7]

**10. Confidential information [Code paragraphs 4.1 to 4.31]
Indicate the likelihood of acquiring any confidential information: NB this is not Private Information**

11. Applicant's Details

Name (print)		Tel No:	
Grade/Rank		Date	
Signature			

12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW - in this and the following box].

I hereby authorise directed surveillance defined as follows: [Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?]

13. Explain why you believe the directed surveillance is necessary. [Code paragraph 3.3]

Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out. [Code paragraphs 3.4 to 3.7].

[Empty box for content]

14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 4.1 to 4.31.

[Empty box for content]

Date of first review

[Empty box for content]

Programme for subsequent reviews of this authorisation: [Code paragraph 3.23]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.

[Empty space for content]

Name (Print)		Grade/ Rank	
Signature		Date and time	
Expiry date and time [e.g.: authorisation granted on 1 April 2005 – expires on 30 June 2005, 23.59]			

15. Urgent Authorisation [Code paragraph 5.9]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

[Empty space for response to question 15]

16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer

[Empty space for response to question 16]

Name (Print)		Grade/ Rank	
---------------------	--	--------------------	--

Appendix 3a

Directed Surveillance Unique Reference Number (URN) (to be supplied by the central monitoring officer).

Signature		Date and time	
Urgent authorisation Expiry date::		Expiry time:	
Remember the 72 hour rule for urgent authorities – check Code of Practice	e.g. authorisation granted at 5pm on June 1 expires 4.59pm on 4 June		

17. I understand the extent of the RIPA authorisation.			
Name (Print)		Date	
Signature			
Investigating Officer			

NB A copy of this form, once it has been authorised by the authorising officer and JP, must be kept on the Investigation Officer's file. The original must be sent to the Chief Legal Officer, for placing on Hastings Borough Council's Central Register.

Hastings Borough Council**Strictly Private and Confidential****Part II of The Regulation of Investigatory Powers Act (RIPA) 2000
Review of a Directed Surveillance Authorisation**

Public Authority (including full address)	
--	--

Applicant		Unit/Branch/ Division	
Full Address			
Contact Details			
Operation Name		Operation Number* *Filing Ref	
Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
		Review Number	

Details of review:

1. Review number and dates of any previous reviews.	
Review Number	Date

2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained.

3. Detail the reasons why it is necessary to continue with the directed surveillance.

4. Explain how the proposed activity is still proportionate to what it seeks to achieve.

5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.

6. Give details of any private/confidential information acquired or accessed and the likelihood of acquiring private/confidential information.

7. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

8. Review Officer's Comments, including whether or not the directed surveillance should continue.

9. Authorising Officer's Statement.			
I, hereby agree that the directed surveillance investigation/operation as detailed above [should/should not] continue [until its next review/renewal][it should be cancelled immediately].			
Name (Print)		Grade/Rank	
Signature		Date	

10. Date of next review.

11. I understand the extent of the review of the RIPA Review Authorisation.			
Name (Print)		Date	
Signature			
Investigating Officer			

NB A copy of this form, once it has been authorised by the authorising officer and a JP must be kept on the Investigation Officer's file. The original must be sent to the Chief legal Officer, for placing on Hastings Borough Council's Central Register.

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Hastings Borough Council
Strictly Private and Confidential

Part II of The Regulation of Investigatory Powers Act (RIPA) 2000
Cancellation of Directed Surveillance Authorisation

Public Authority (including full address)	
---	--

Name of Applicant		Unit/Branch/Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			

Details of cancellation:

1. Explain the reason(s) for the cancellation of the authorisation:

--

2. Explain the value of surveillance in the operation:**3. Authorising Officer's Statement.**

I, hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.

Name (Print)

Grade/Rank

Signature

Date

4. Time and Date of when the authorising officer instructed the surveillance to cease.

Date:

Time:

5. Authorisation cancelled

Date:

Time:

6. I understand that the RIPA Authorisation has been cancelled with effect from:

Date:

Name (Print)

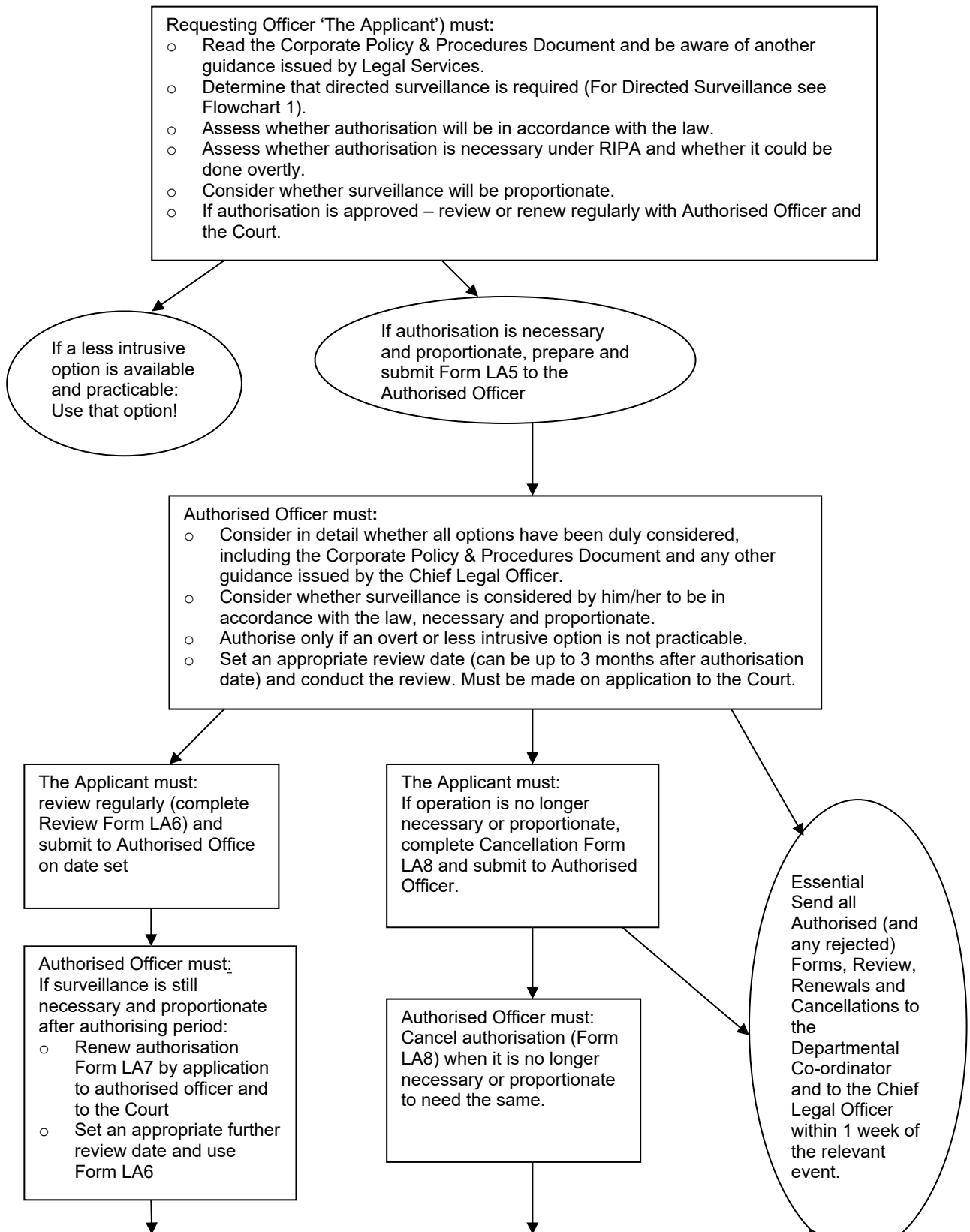
Date:

Signature

Investigating Officer

NB A copy of this form, once it has been authorised by the authorising officer and a JP must be kept on the Investigation Officer's file. The original must be sent to the Chief legal Officer, for placing on Hastings Borough Council's Central Register.

RIPA Flow Chart for CHIS



NB: If in doubt, ask Legal Services before any directed surveillance and/or CHIS is Authorised, Reviewed, Cancelled, or rejected. Authorised Officers will designate one of their staff to be a Departmental Co-ordinator for the purpose of RIPA and advise the Chief Legal Officer accordingly.

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Hastings Borough Council

Strictly Private and Confidential

Part II of The Regulation of Investigatory Powers Act (RIPA) 2000

Review of a Covert Human Intelligence Source (CHIS) Authorisation

Public Authority (including full address)			
Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Operation Name		Operation Number* *Filing Ref	
Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
		Review Number	

Details of review:**1. Review number and dates of any previous reviews.**

Review Number	Date

2. Summary of the investigation/operation to date, including what information has been obtained and the value of the information so far obtained.**3. Detail the reasons why it is necessary to continue with using a Covert Human Intelligence Source.****4. Explain how the proposed activity is still proportionate to what it seeks to achieve.**

5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.**6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.****7. Give details of the review of the risk assessment on the security and welfare of using the source.****8. Applicant's Details**

Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

9. Review Officer's Comments, including whether or not the use or conduct of the source should continue?**10. Authorising Officer's Statement. The authorisation should identify the pseudonym or reference number of the source not the true identity.**

Name (Print)

Grade/Rank

Signature

Date

Date of next review:

11. I understand the extent of the review of the CHIS application.

Name (Print)

Date

Signature

Investigating Officer

NB A copy of this form, once it has been authorised by the authorising officer and a JP must be kept on the Investigation Officer's file. The original must be sent to the Chief Legal Officer, for placing on Hastings Borough Council's Central Register.

Hastings Borough Council
Strictly Private and Confidential
Part II of The Regulation of Investigatory Powers Act (RIPA) 2000
Renewal of a Covert Human Intelligence Source (CHIS) Authorisation
(Please attach the original authorisation)

Public Authority (including full address)	
---	--

Name of Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

3. Detail why it is necessary to continue with the authorisation, including details of any tasking given to the source.

4. Detail why the use or conduct of the source is still proportionate to what it seeks to achieve.

5. Detail the use made of the source in the period since the grant of authorisation or, as the case may be, latest renewal of the authorisation.

6. List the tasks given to the source during that period and the information obtained from the conduct or use of the source.

7. Detail the results of regular reviews of the use of the source.

8. Give details of the review of the risk assessment on the security and welfare of using the source.

9. Applicant's Details

Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

10. Authorising Officer's Comments. This box must be completed.**11. Authorising Officer's Statement. The Authorisation should identify the pseudonym or reference number of the source not the true identity.**

Name (Print)		Grade/Rank	
Signature		Date	
Renewal From		Time:	
		Date:	
		End date/time of the authorisation	

NB. Renewal takes effect at the time/date of the original authorisation would have ceased but for the renewal.

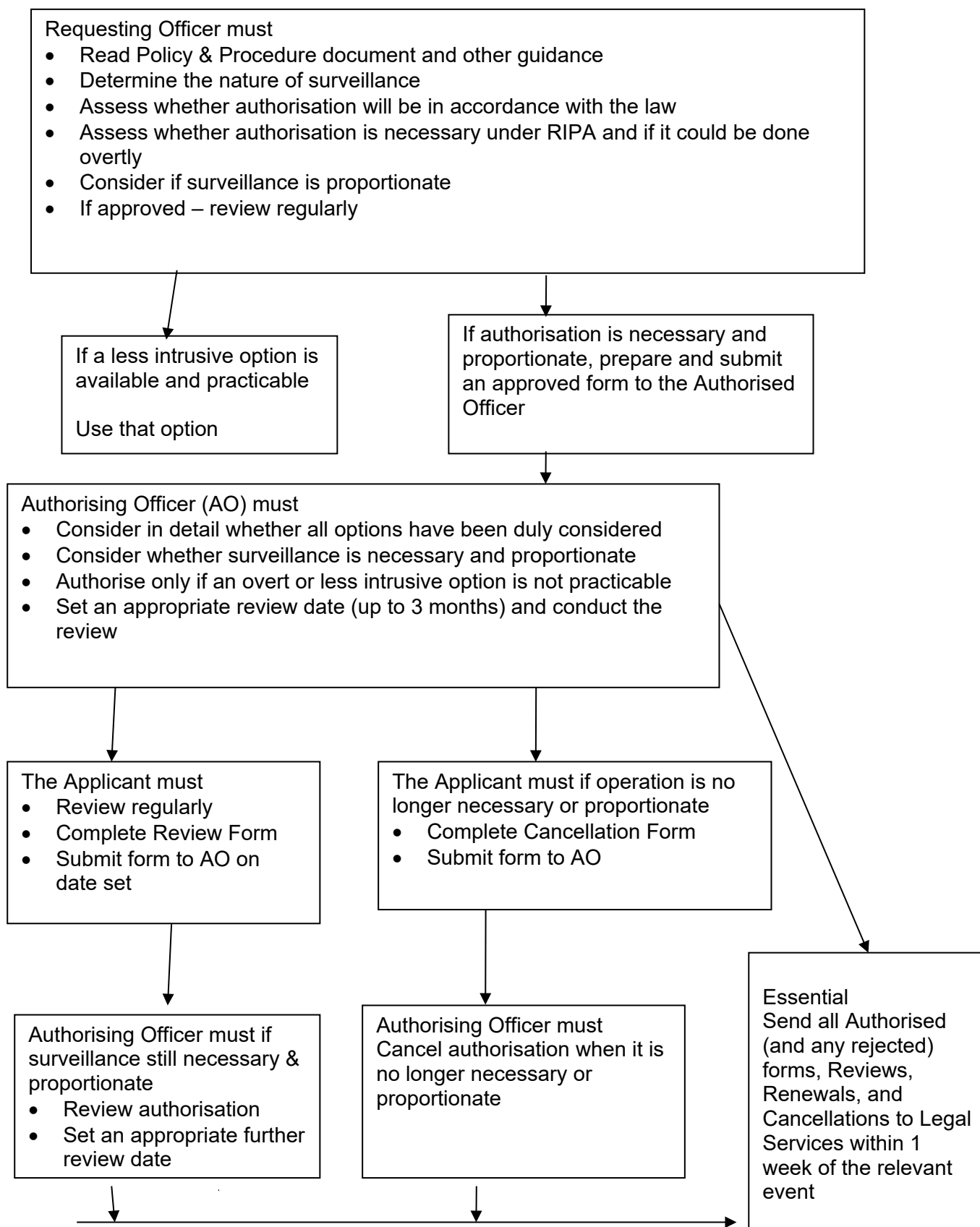
Date of first review:	
Date of subsequent reviews of this authorisation:	

12. I understand the extent of the renewal of the CHIS Authorisation.

Name (Print)		Date:	
Signature			
Investigating Officer			

NB A copy of this form, once it has been authorised by the authorising officer and a JP must be kept on the Investigation Officer's file. The original must be sent to the Chief Legal Officer, for placing on Hastings Borough Council's Central Register.

RIPA Flow Chart



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Home Office

Covert Surveillance and Property Interference

Code of Practice

Pursuant to Section 71 of the Regulation of
Investigatory Powers Act 2000

Covert Surveillance and Property Interference

Code of Practice

Pursuant to section 71(4) of the Regulation of
Investigatory Powers Act 2000

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Chapter 1

INTRODUCTION

Definitions

1.1 In this code:

- ‘1989 Act’ means the Security Service Act 1989;
- ‘1994 Act’ means the Intelligence Services Act 1994;
- ‘1997 Act’ means the Police Act 1997;
- ‘2000 Act’ means the Regulation of Investigatory Powers Act 2000 (RIPA);
- ‘RIP(S)A’ means the Regulation of Investigatory Powers (Scotland) Act 2000;
- ‘2010 Order’ means the Regulation of Investigatory powers (Extension of Authorisation Provisions: Legal Consultations) Order 2010;
- terms in *italics* are defined in the Glossary at the end of this code.

Background

1.2 This code of practice provides guidance on the use by *public authorities* of Part II of the 2000 Act to authorise covert surveillance that is likely to result in the obtaining of *private information* about a person. The code also provides guidance on entry on, or interference with, property or with wireless telegraphy by *public authorities* under section 5 of the Intelligence Services Act 1994 or Part III of the Police Act 1997.

1.3 This code is issued pursuant to section 71 of the 2000 Act, which stipulates that the *Secretary of State* shall issue one or more codes of practice in relation to the powers and duties in Parts I to III of the 2000 Act, section 5 of the 1994 Act and Part III of the 1997 Act. This code replaces the previous code of practice issued in 2010.

1.4 This code is publicly available and should be readily accessible by *members* of any relevant *public authority*¹ seeking to use the 2000 Act to authorise covert surveillance that is likely to result in the obtaining of *private information* about a person or section 5 of the 1994 Act or Part III of the 1997 Act to authorise entry on, or interference with, property or with wireless telegraphy.

1.5 Where covert surveillance activities are unlikely to result in the obtaining of *private information* about a person, or where there is a separate legal basis for such activities, neither the 2000 Act nor this code need apply.²

Effect of code

1.6 The 2000 Act provides that all codes of practice relating to the 2000 Act are admissible as evidence in criminal and civil proceedings. If any provision of this code appears relevant to any court or tribunal considering any such proceedings, or to the Investigatory Powers Tribunal established under the 2000 Act, or to one of the Commissioners responsible for overseeing the powers conferred by the 2000 Act, it must be taken into account. *Public authorities* may also be required to justify, with regard to this code, the use or granting of *authorisations* in general or the failure to use or grant *authorisations* where appropriate.

1.7 Examples are included in this code to assist with the illustration and interpretation of certain provisions. Examples are not provisions of the code, but are included for guidance only. It is not possible for theoretical examples to replicate the level of detail to be found in real cases. Consequently, *authorising officers* should avoid allowing superficial similarities with the examples to determine their decisions and should not seek to justify their decisions solely by reference to the examples rather than to the law, including the provisions of this code.

1 Being those listed under section 30 of the 2000 Act or specified in orders made by the *Secretary of State* under that section.

2 See Chapter 2. It is assumed that intrusive surveillance will always result in the obtaining of *private information*.

Surveillance activity to which this code applies

1.8 Part II of the 2000 Act provides for the *authorisation* of covert surveillance by *public authorities* where that surveillance is likely to result in the obtaining of *private information* about a person.

1.9 Surveillance, for the purpose of the 2000 Act, includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained.³

1.10 Surveillance is covert if, and only if, it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place.⁴

1.11 Specifically, covert surveillance may be authorised under the 2000 Act if it is either intrusive or directed:

- Intrusive surveillance is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle (and that involves the presence of an individual on the premises or in the vehicle or is carried out by a means of a surveillance device);⁵
- Directed surveillance is covert surveillance that is not intrusive but is carried out in relation to a specific investigation or operation in such a manner as is likely to result in the obtaining of *private information* about any person (other than by way of an immediate response to events or circumstances such that it is not reasonably practicable to seek *authorisation* under the 2000 Act).

1.12 Chapter 2 of this code provides a fuller description of directed and intrusive surveillance, along with definitions of terms, exceptions and examples.

³ See section 48(2) of the 2000 Act.

⁴ As defined in section 26(9)(a) of the 2000 Act.

⁵ See Chapter 2 for full definition of residential premises and private vehicles, and note that the 2010 Order identified a new category of surveillance to be treated as intrusive surveillance.

Basis for lawful surveillance activity

1.13 The Human Rights Act 1998 gave effect in UK law to the rights set out in the European Convention on Human Rights (ECHR).

Some of these rights are absolute, such as the prohibition on torture, while others are qualified, meaning that it is permissible for the state to interfere with those rights if certain conditions are satisfied.

Amongst the qualified rights is a person's right to respect for their private and family life, home and correspondence, as provided for by Article 8 of the ECHR. It is Article 8 that is most likely to be engaged when *public authorities* seek to obtain *private information* about a person by means of covert surveillance. Article 6 of the ECHR, the right to a fair trial, is also relevant where a prosecution follows the use of covert techniques, particularly where the prosecution seek to protect the use of those techniques through public interest immunity procedures.

1.14 Part II of the 2000 Act provides a statutory framework under which covert surveillance activity can be authorised and conducted compatibly with Article 8. Where covert surveillance would not be likely to result in the obtaining of any *private information* about a person, no interference with Article 8 rights occurs and an *authorisation* under the 2000 Act is therefore not appropriate.

1.15 Similarly, an *authorisation* under the 2000 Act is not required if a *public authority* has another clear legal basis for conducting covert surveillance likely to result in the obtaining of *private information* about a person. For example the Police and Criminal Evidence Act 1984⁶ provides a legal basis for the police covertly to record images of a suspect for the purposes of identification and obtaining certain evidence.

1.16 Chapter 2 of this code provides further guidance on what constitutes *private information* and examples of activity for which *authorisations* under Part II of the 2000 Act are or are not required.

6 See also the Police & Criminal Evidence (Northern Ireland) Order 1989.

Relevant public authorities

1.17 Only certain *public authorities* may apply for *authorisations* under the 2000, 1997 or 1994 Acts:

- Directed surveillance *applications* may only be made by those *public authorities* listed in or added to Part I and Part II of schedule 1 of the 2000 Act.
- Intrusive surveillance *applications* may only be made by those *public authorities* listed in or added to section 32(6) of the 2000 Act, or by those *public authorities* listed in or designated under section 41(1) of the 2000 Act.
- *Applications* to enter on, or interfere with, property or with wireless telegraphy may only be made (under Part III of the 1997 Act) by those *public authorities* listed in or added to section 93(5) of the 1997 Act; or (under section 5 of the 1994 Act) by the intelligence services.

Scotland

1.18 Where all the conduct authorised is likely to take place in Scotland, *authorisations* should be granted under RIP(S)A, unless:

- the *authorisation* is to be granted or renewed (by any relevant *public authority*) for the purposes of national security or the economic well-being of the UK;
- the *authorisation* is being obtained by, or authorises conduct by or on behalf of, those *public authorities* listed in section 46(3) of the 2000 Act and the Regulation of Investigatory Powers (*Authorisations Extending to Scotland*) Order 2000; SI No. 2418); or,
- the *authorisation* authorises conduct that is surveillance by virtue of section 48(4) of the 2000 Act.

1.19 This code of practice is extended to Scotland in relation to *authorisations* granted under Part II of the 2000 Act which apply to Scotland. A separate code of practice applies in relation to *authorisations* granted under RIP(S)A.

International considerations

1.20 *Authorisations* under the 2000 Act can be given for surveillance both inside and outside the UK. However, *authorisations* for actions outside the UK can usually only validate them for the purposes of UK law. Where action in another country is contemplated, the laws of the relevant country must also be considered.

1.21 *Public authorities* are therefore advised to seek *authorisations* under the 2000 Act for directed or intrusive surveillance operations outside the UK if the subject of investigation is a UK national or is likely to become the subject of criminal or civil proceedings in the UK, or if the operation is likely to affect a UK national or give rise to material likely to be used in evidence before a UK court.

1.22 *Authorisations* under the 2000 Act are appropriate for all directed and intrusive surveillance operations in overseas areas under the jurisdiction of the UK, such as UK Embassies, military bases and detention facilities.

1.23 Under the provisions of section 76A of the 2000 Act, as inserted by the Crime (International Co-Operation) Act 2003, foreign surveillance teams may operate in the UK subject to certain conditions. See Chapter 5 (*Authorisation* procedures for directed surveillance) for detail.

Chapter 2

DIRECTED AND INTRUSIVE SURVEILLANCE DEFINITIONS

2.1 This chapter provides further guidance on whether covert surveillance activity is directed surveillance or intrusive surveillance, or whether an *authorisation* for either activity would not be deemed necessary.

Directed surveillance

2.2 Surveillance is directed surveillance if the following are all true:

- it is covert, but not intrusive surveillance;
- it is conducted for the purposes of a specific investigation or operation;
- it is likely to result in the obtaining of *private information* about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- it is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an *authorisation* under Part II of the 2000 Act to be sought.

2.3 Thus, the planned covert surveillance of a specific person, where not intrusive, would constitute directed surveillance if such surveillance is likely to result in the obtaining of *private information* about that, or any other person.

Private information

2.4 The 2000 Act states that *private information* includes any information relating to a person's private or family life.⁷ *Private information* should be taken generally to include any aspect of a person's private or personal relationship with others, including family⁸ and professional or business relationships.

2.5 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of *private information*. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a *public authority* of that person's activities for future consideration or analysis.⁹

Example: Two people holding a conversation on the street or in a bus may have a reasonable expectation of privacy over the contents of that conversation, even though they are associating in public. The contents of such a conversation should therefore still be considered as private information. A directed surveillance authorisation would therefore be appropriate for a public authority to record or listen to the conversation as part of a specific investigation or operation.

2.6 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances,

⁷ See section 26(10) of the 2000 Act.

⁸ Family should be treated as extending beyond the formal relationships created by marriage or civil partnership.

⁹ Note also that a person in police custody will have certain expectations of privacy.

the totality of information gleaned may constitute *private information* even if individual records do not. Where such conduct includes covert surveillance, a directed surveillance *authorisation* may be considered appropriate.

Example: Officers of a local authority wish to drive past a café for the purposes of obtaining a photograph of the exterior. Reconnaissance of this nature is not likely to require a directed surveillance authorisation as no private information about any person is likely to be obtained or recorded. However, if the authority wished to conduct a similar exercise, for example to establish a pattern of occupancy of the premises by any person, the accumulation of information is likely to result in the obtaining of private information about that person and a directed surveillance authorisation should be considered.

2.7 *Private information* may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance *authorisation* is appropriate.¹⁰

Example: A surveillance officer intends to record a specific person providing their name and telephone number to a shop assistant, in order to confirm their identity, as part of a criminal investigation. Although the person has disclosed these details in a public place, there is nevertheless a reasonable expectation that the details are not being recorded separately for another purpose. A directed surveillance authorisation should therefore be sought.

¹⁰ The fact that a directed surveillance *authorisation* is available does not mean it is required. There may be other lawful means of obtaining personal data which do not involve directed surveillance.

Specific situations requiring directed surveillance authorisations

2.8 The following specific situations may also constitute directed surveillance according to the 2000 Act:

- The use of surveillance devices designed or adapted for the purpose of providing information regarding the location of a vehicle alone does not necessarily constitute directed surveillance as they do not necessarily provide *private information* about any individual but sometimes only supply information about the location of that particular device at any one time. However, the use of that information, when coupled with other surveillance activity which may obtain *private information*, could interfere with Article 8 rights. A directed surveillance *authorisation* may therefore be appropriate.¹¹
- Surveillance consisting of the interception of a communication in the course of its transmission by means of a public postal service or telecommunication system where the communication is one sent or intended for a person who has consented to the interception of communications sent by or to them and where there is no interception *warrant*¹² authorising the interception.¹³

Recording of telephone conversations

2.9 Subject to paragraph 2.8 above, the interception of communications sent by public post or by means of public telecommunications systems or private telecommunications is governed by Part I of the 2000 Act. Nothing in this code should be taken as granting dispensation from the requirements of that Part of the 2000 Act.

11 The use of such devices is also likely to require an *authorisation* for property interference under the 1994 or 1997 Act. See Chapter 7.

12 i.e. under Part 1 Chapter 1 of the 2000 Act.

13 See section 48(4) of the 2000 Act. The availability of a directed surveillance *authorisation* nevertheless does not preclude authorities from seeking an interception *warrant* under Part I of the 2000 Act in these circumstances.

2.10 The recording or monitoring of one or both ends of a telephone conversation by a surveillance device as part of an authorised directed (or intrusive) surveillance operation will not constitute interception under Part I of the 2000 Act provided the process by which the product is obtained does not involve any modification of, or interference with, the telecommunications system or its operation. This will not constitute interception as sound waves obtained from the air are not in the course of transmission by means of a telecommunications system (which, in the case of a telephone conversation, should be taken to begin with the microphone and end with the speaker). Any such product can be treated as having been lawfully obtained.

Example: A property interference authorisation may be used to authorise the installation in a private car of an eavesdropping device with a microphone, together with an intrusive surveillance authorisation to record or monitor speech within that car. If one or both ends of a telephone conversation held in that car are recorded during the course of the operation, this will not constitute unlawful interception provided the device obtains the product from the sound waves in the vehicle and not by interference with, or modification of, any part of the telecommunications system.

Intrusive surveillance

2.11 Intrusive surveillance is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle, and that involves the presence of an individual on the premises or in the vehicle or is carried out by a means of a surveillance device.

2.12 The definition of surveillance as intrusive relates to the location of the surveillance, and not any other consideration of the nature of the information that is expected to be obtained. In addition, directed surveillance under the ambit of the 2010 Order is to be treated as

intrusive surveillance. Accordingly, it is not necessary to consider whether or not intrusive surveillance is likely to result in the obtaining of *private information*.

Residential premises

2.13 For the purposes of the 2000 Act, residential premises are considered to be so much of any premises as is for the time being occupied or used by any person, however temporarily, for residential purposes or otherwise as living accommodation. This specifically includes hotel or prison accommodation that is so occupied or used.¹⁴ However, common areas (such as hotel dining areas) to which a person has access in connection with their use or occupation of accommodation are specifically excluded.¹⁵

2.14 The 2000 Act further states that the concept of premises should be taken to include any place whatsoever, including any vehicle or moveable structure, whether or not occupied as land.

2.15 Examples of residential premises would therefore include:

- a rented flat currently occupied for residential purposes;
- a prison cell (or police cell serving as temporary prison accommodation);
- a hotel bedroom or suite.

2.16 Examples of premises which would not be regarded as residential would include:

- a communal stairway in a block of flats (unless known to be used as a temporary place of abode by, for example, a homeless person);
- a police cell (unless serving as temporary prison accommodation);
- a prison canteen or police interview room;
- a hotel reception area or dining room;
- the front garden or driveway of premises readily visible to the public;

¹⁴ See section 48(1) of the 2000 Act.

¹⁵ See section 48(7) of the 2000 Act.

- residential premises occupied by a *public authority* for non-residential purposes; for example, trading standards ‘house of horrors’ situations or undercover operational premises.

Private vehicles

2.17 A private vehicle is defined in the 2000 Act as any vehicle, including vessels, aircraft or hovercraft, which is used primarily for the private purposes of the person who owns it or a person otherwise having the right to use it. This would include, for example, a company car, owned by a leasing company and used for business and pleasure by the employee of a company.¹⁶

Places for legal consultation

2.18 The 2010 Order provides that directed surveillance that is carried out in relation to anything taking place on so much of any premises specified in Article 3(2) of the Order as is, at any time during the surveillance, used for the purpose of legal consultations shall be treated for the purposes of Part II of the 2000 Act as intrusive surveillance. The premises identified in Article 3(2) are:

- (a) any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained;
- (b) any place in which persons may be detained under paragraph 16(1), (1A) or (2) of Schedule 2 or paragraph 2(2) or (3) of Schedule 3 to the Immigration Act 1971 or section 36(1) of the UK Border Act 2007;
- (c) police stations;
- (d) hospitals where high security psychiatric services are provided;
- (e) the place of business of any professional legal adviser; and
- (f) any place used for the sittings and business of any court, tribunal, inquest or inquiry.

¹⁶ See section 48(1) and 48 (7) of the 2000 Act.

Further considerations

2.19 Intrusive surveillance (or directed surveillance being treated as intrusive surveillance under the 2010 Order) may take place by means of a person or device located in residential premises or a private vehicle or by means of a device placed outside the premises or vehicle which consistently provides information of the same quality and detail as might be expected to be obtained from a device inside.¹⁷

Example: An observation post outside residential premises which provides a limited view compared to that which would be achievable from within the premises does not constitute intrusive surveillance. However, the use of a zoom lens, for example, which consistently achieves imagery of the same quality as that which would be visible from within the premises, would constitute intrusive surveillance.

2.20 The use of a device for the purpose of providing information about the location of any private vehicle is not considered to be intrusive surveillance.¹⁸ Such use may, however, be authorised as directed surveillance, where the recording or use of the information would amount to the covert monitoring of the movements of the occupant(s) of that vehicle. A property interference *authorisation* may be appropriate for the covert installation or deployment of the device.

Where authorisation is not required

2.21 Some surveillance activity does not constitute intrusive or directed surveillance for the purposes of Part II of the 2000 Act and no directed or intrusive surveillance *authorisation* can be provided for such activity. Such activity includes:

- covert surveillance by way of an immediate response to events;
- covert surveillance as part of general observation activities;
- covert surveillance not relating to specified grounds;

¹⁷ See section 26(5) of the 2000 Act.

¹⁸ See section 26(4) of the 2000 Act.

- overt use of CCTV and ANPR systems;¹⁹
- certain other specific situations.

2.22 Each situation is detailed and illustrated below.

Immediate response

2.23 Covert surveillance that is likely to reveal *private information* about a person but is carried out by way of an immediate response to events such that it is not reasonably practicable to obtain an *authorisation* under the 2000 Act, would not require a directed surveillance *authorisation*. The 2000 Act is not intended to prevent law enforcement *officers* fulfilling their legislative functions. To this end section 26(2)(c) of the 2000 Act provides that surveillance is not directed surveillance when it is carried out by way of an immediate response to events or circumstances the nature of which is such that it is not reasonably practicable for an *authorisation* to be sought for the carrying out of the surveillance.

Example: An authorisation under the 2000 Act would not be appropriate where police officers conceal themselves to observe suspicious persons that they come across in the course of a routine patrol.

General observation activities

2.24 The general observation duties of many law enforcement *officers* and other *public authorities* do not require *authorisation* under the 2000 Act, whether covert or overt. Such general observation duties frequently form part of the legislative functions of *public authorities*, as opposed to the pre-planned surveillance of a specific person or group of people.

¹⁹ See the Surveillance Camera Code of Practice issued under Part 2 of the Protection of Freedoms Act 2012 for guidance on the overt use of surveillance cameras, including CCTV and ANPR in public places. This applies in England and Wales.

Example 1: Plain clothes police officers on patrol to monitor a high street crime hot-spot or prevent and detect shoplifting would not require a directed surveillance authorisation. Their objective is merely to observe a location and, through reactive policing, to identify and arrest offenders committing crime. The activity may be part of a specific investigation but is general observational activity, rather than surveillance of individuals, and the obtaining of private information is unlikely. A directed surveillance authorisation need not be sought.

Example 2: Local authority officers attend a car boot sale where it is suspected that counterfeit goods are being sold, but they are not carrying out surveillance of particular individuals and their intention is, through reactive policing, to identify and tackle offenders. Again this is part of the general duties of public authorities and the obtaining of private information is unlikely. A directed surveillance authorisation need not be sought.

Example 3: Intelligence suggests that a local shopkeeper is openly selling alcohol to underage customers, without any questions being asked. A trained employee or person engaged by a public authority is deployed to act as a juvenile in order to make a purchase of alcohol. In these circumstances any relationship, if established at all, is likely to be so limited in regards to the requirements of the Act, that a public authority may conclude that a covert human intelligence source (CHIS) authorisation is unnecessary. However, if the test purchaser is wearing recording equipment and is not authorised as a CHIS, or an adult is observing, consideration should be given to granting a directed surveillance authorisation.

Example 4: Surveillance officers intend to follow and observe Z covertly as part of a pre-planned operation to determine her suspected involvement in shoplifting. It is proposed to conduct covert surveillance of Z and record her activities as part of the investigation. In this case, private life considerations are likely to arise where there is an expectation of privacy and the covert surveillance is pre-planned and not part of general observational duties or reactive policing. A directed surveillance authorisation should therefore be considered.

Surveillance not relating to specified grounds or core functions

2.25 An *authorisation* for directed or intrusive surveillance is only appropriate for the purposes of a specific investigation or operation, insofar as that investigation or operation relates to the grounds specified at section 28(3) of the 2000 Act. Covert surveillance for any other general purposes should be conducted under other legislation, if relevant, and an *authorisation* under Part II of the 2000 Act should not be sought.

2.26 The ‘core functions’ referred to by the Investigatory Powers Tribunal (*C v The Police and the Secretary of State for the Home Office – IPT/03/32/H dated 14 November 2006*) are the ‘specific public functions’, undertaken by a particular authority, in contrast to the ‘ordinary functions’ which are those undertaken by all authorities (e.g. employment issues, contractual arrangements etc.). A *public authority* may only engage the 2000 Act when in performance of its ‘core functions’. The disciplining of an employee is not a ‘core function’, although related criminal investigations may be. The protection of the 2000 Act may therefore be available in relation to associated criminal investigations so long as the activity is deemed to be necessary and proportionate.

Example 1: A police officer is suspected by his employer of undertaking additional employment in breach of discipline regulations. The police force of which he is a member wishes to conduct covert surveillance of the officer outside the police work environment. Such activity, even if it is likely to result in the obtaining of private information, does not constitute directed surveillance for the purposes of the 2000 Act as it does not relate to the discharge of the police force's core functions. It relates instead to the carrying out of ordinary functions, such as employment, which are common to all public authorities. Activities of this nature are covered by the Data Protection Act 1998 and employment practices code.

Example 2: A police officer claiming compensation for injuries allegedly sustained at work is suspected by his employer of fraudulently exaggerating the nature of those injuries. The police force of which he is a member wishes to conduct covert surveillance of the officer outside the work environment. Such activity may relate to the discharge of the police force's core functions as the police force may launch a criminal investigation. The proposed surveillance is likely to result in the obtaining of private information and, as the alleged misconduct amounts to the criminal offence of fraud, a directed surveillance authorisation may be appropriate.

CCTV and automatic number plate recognition (ANPR) cameras

2.27 The use of overt CCTV cameras by *public authorities* does not normally require an *authorisation* under the 2000 Act. Members of the public should be made aware that such systems are in use. For example, by virtue of cameras or signage being clearly visible, through the provision of information and by undertaking consultation. Guidance on their operation is provided in the

Surveillance Camera Code of Practice issued under the Protection of Freedoms Act 2012. This sets out a framework of good practice that includes existing legal obligations, including the processing of personal data under the Data Protection Act 1998 and a public authority's duty to adhere to the Human Rights Act 1998. Similarly, the overt use of ANPR systems to monitor traffic flows or detect motoring offences does not require an *authorisation* under the 2000 Act.

Example: Overt surveillance equipment, such as town centre CCTV systems or ANPR, is used to gather information as part of a reactive operation (e.g. to identify individuals who have committed criminal damage after the event). Such use does not amount to covert surveillance as the equipment was overt and not subject to any covert targeting. Use in these circumstances would not require a directed surveillance authorisation.

2.28 However, where overt CCTV or ANPR cameras are used in a covert and pre-planned manner as part of a specific investigation or operation, for the surveillance of a specific person or group of people, a directed surveillance *authorisation* should be considered. Such covert surveillance is likely to result in the obtaining of *private information* about a person (namely, a record of their movements and activities) and therefore falls properly within the definition of directed surveillance. The use of the CCTV or ANPR system in these circumstances goes beyond their intended use for the general prevention or detection of crime and protection of the public.

Example: A local police team receive information that an individual suspected of committing thefts from motor vehicles is known to be in a town centre area. A decision is taken to use the town centre CCTV system to conduct surveillance against that individual such that remains unaware that there may be any specific interest in him. This targeted, covert use of the overt town centre CCTV system to monitor and/or record that individual's movements should be considered for authorisation as directed surveillance.

Online covert activity

2.29 The use of the internet may be required to gather information prior to and/or during an operation, which may amount to directed surveillance. Whenever a public authority intends to use the internet as part of an investigation, they must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights, including the effect of any collateral intrusion. Any activity likely to interfere with an individual's Article 8 rights should only be used when necessary and proportionate to meet the objectives of a specific case. Where it is considered that private information is likely to be obtained, an authorisation (combined or separate) must be sought as set out elsewhere in this code. Where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites, a CHIS authorisation should be considered.

Specific situations not requiring authorisation

2.30 The following specific activities also constitute neither directed nor intrusive surveillance:

- the use of a recording device by a covert human intelligence source in respect of whom an appropriate use or conduct *authorisation* has been granted permitting them to record any information obtained in their presence;²⁰

²⁰ See section 48(3) of the 2000 Act.

- the recording, whether overt or covert, of an interview with a member of the public where it is made clear that the interview is entirely voluntary and that the interviewer is a *member of a public authority*. In such circumstances, whether the recording equipment is overt or covert, the member of the public knows that they are being interviewed by a *member of a public authority* and that information gleaned through the interview has passed into the possession of the *public authority* in question;
- the covert recording of noise where: the recording is of decibels only or constitutes non-verbal noise (such as music, machinery or an alarm) or the recording of verbal content is made at a level which does not exceed that which can be heard from the street outside or adjoining property with the naked ear. In the latter circumstance the perpetrator would normally be regarded as having forfeited any claim to privacy. In either circumstance, an *authorisation* is unlikely to be required;
- the use of apparatus outside any residential or other premises exclusively for the purpose of detecting the installation or use of a television receiver within those premises. The Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001 (SI No. 1057) permits the British Broadcasting Corporation to authorise the use of apparatus for this purpose under Part II of the 2000 Act, although such use constitutes neither directed nor intrusive surveillance;²¹
- entry on or interference with property or wireless telegraphy under section 5 of the 1994 Act or Part III of the 1997 Act (such activity may be conducted in support of surveillance, but is not in itself surveillance).²²

²¹ See section 26(6) of the 2000 Act.

²² See section 48(3) of the 2000 Act.

Chapter 3

GENERAL RULES ON AUTHORISATIONS

Overview

3.1 An *authorisation* under Part II of the 2000 Act will, providing the statutory tests are met, provide a lawful basis for a *public authority* to carry out covert surveillance activity that is likely to result in the obtaining of *private information* about a person. Similarly, an *authorisation* under section 5 of the 1994 Act or Part III of the 1997 Act will provide lawful authority for *members* of the intelligence services, police, National Crime Agency (NCA) or Her Majesty's Revenue and Customs (HMRC) to enter on, or interfere with, property or wireless telegraphy.

3.2 Responsibility for granting *authorisations* varies depending on the nature of the operation and the *public authority* involved. The relevant *public authorities* and *authorising officers* are detailed in the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010.

Necessity and proportionality

3.3 The 2000 Act, 1997 Act and 1994 Act stipulate that the person granting an *authorisation* or *warrant* for directed or intrusive surveillance, or interference with property, must believe that the activities to be authorised are necessary on one or more statutory grounds.²³

²³ These statutory grounds are laid out in sections 28(3) of the 2000 Act for directed surveillance; section 32(3) of the 2000 Act for intrusive surveillance; and section 93(2) of the 1997 Act and section 5 of the 1994 Act for property interference. They are detailed in Chapters 5, 6 and 7 for directed surveillance, intrusive surveillance and interference with property respectively.

3.4 If the activities are deemed necessary on one or more of the statutory grounds, the person granting the *authorisation* or *warrant* must also believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

3.5 The *authorisation* will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.

3.6 The following elements of proportionality should therefore be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

3.7 It is important therefore that all those involved in undertaking directed or intrusive surveillance activities or interference with property under the 2000 Act, 1997 Act or 1994 Act are fully aware of the extent and limits of the *authorisation* or *warrant* in question.

Example: An individual is suspected of carrying out a series of criminal damage offences at a local shop, after a dispute with the owner. It is suggested that a period of directed surveillance should be conducted against him to record his movements and activities for the purposes of preventing or detecting crime. Although these are legitimate grounds on which directed surveillance may be conducted, it is unlikely that the resulting interference with privacy will be proportionate in the circumstances of the particular case. In particular, the obtaining of private information on the individual's daily routine is unlikely to be necessary or proportionate in order to investigate the activity of concern. Instead, other less intrusive means are likely to be available, such as overt observation of the location in question until such time as a crime may be committed.

Collateral intrusion

3.8 Before authorising *applications* for directed or intrusive surveillance, the *authorising officer* should also take into account the risk of obtaining *private information* about persons who are not subjects of the surveillance or property interference activity (collateral intrusion).

3.9 Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance activity. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to the likelihood of collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

3.10 All *applications* should therefore include an assessment of the risk of collateral intrusion and details of any measures taken to limit this, to enable the *authorising officer* fully to consider the proportionality of the proposed actions.

Example: HMRC seeks to conduct directed surveillance against T on the grounds that this is necessary and proportionate for the collection of a tax. It is assessed that such surveillance will unavoidably result in the obtaining of some information about members of T's family, who are not the intended subjects of the surveillance. The authorising officer should consider the proportionality of this collateral intrusion, and whether sufficient measures are to be taken to limit it, when granting the authorisation. This may include not recording or retaining any material obtained through such collateral intrusion.

3.11 Where it is proposed to conduct surveillance activity or property interference specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy or property of such individuals should not be considered as collateral intrusion but rather as intended intrusion. Any such surveillance or property interference activity should be carefully considered against the necessity and proportionality criteria as described above (paragraphs 3.3–3.8).

Example: A law enforcement agency seeks to conduct a covert surveillance operation to establish the whereabouts of N in the interests of preventing a serious crime. It is proposed to conduct directed surveillance against P, who is an associate of N but who is not assessed to be involved in the crime, in order to establish the location of N. In this situation, P will be the subject of the directed surveillance authorisation and the authorising officer should consider the necessity and proportionality of conducting directed surveillance against P, bearing in mind the availability of any other less intrusive means to identify N's whereabouts. It may be the case that directed surveillance of P will also result in obtaining information about P's family, which in this instance would represent collateral intrusion also to be considered by the authorising officer.

Combined authorisations

3.12 A single *authorisation* may combine:

- any number of *authorisations* under Part II of the 2000 Act;²⁴
- an *authorisation* under Part II of the 2000 Act²⁵ and an *authorisation* under Part III of the 1997 Act;
- a *warrant* for intrusive surveillance under Part II of the 2000 Act²⁶ and a *warrant* under section 5 of the 1994 Act.

3.13 For example, a single *authorisation* may combine *authorisations* for directed and intrusive surveillance. However, the provisions applicable for each of the *authorisations* must be considered separately by the appropriate *authorising officer*. Thus, a police superintendent could authorise the directed surveillance element but the intrusive surveillance element would need the separate *authorisation* of a chief constable and the approval of a Surveillance Commissioner, unless the case is urgent.

3.14 The above considerations do not preclude *public authorities* from obtaining separate *authorisations*.

Collaborative working

3.15 Any person granting or applying for an *authorisation* will also need to be aware of particular sensitivities in the local community where the surveillance is taking place and of any similar activities being undertaken by other *public authorities* which could impact on the deployment of surveillance. It is therefore recommended that where an *authorising officer* from a *public authority* considers that conflicts might arise they should consult a senior *officer* within the police force area in which the investigation or operation is to take place.

²⁴ See section 43(2) of the 2000 Act.

²⁵ On the *application* of a *member* of a police force, NCA, a customs *officer* or an *officer* of the CMA. See section 33(5) of the 2000 Act.

²⁶ On the *application* of a *member* of the intelligence services. See section 42(2) of the 2000 Act.

3.16 In cases where one agency or force is acting on behalf of another, the tasking agency should normally obtain or provide the *authorisation* under Part II of the 2000 Act. For example, where surveillance is carried out by the police on behalf of HMRC, *authorisations* would usually be sought by HMRC and granted by the appropriate *authorising officer*. Where the operational support of other agencies (in this example, the police) is foreseen, this should be specified in the *authorisation*.

3.17 Where possible, *public authorities* should seek to avoid duplication of *authorisations* as part of a single investigation or operation. For example, where two agencies are conducting directed or intrusive surveillance as part of a joint operation, only one *authorisation* is required. Duplication of *authorisations* does not affect the lawfulness of the activities to be conducted, but may create an unnecessary administrative burden on authorities.

3.18 Where an individual or a non-governmental organisation is acting under direction of a public authority then they are acting as an agent of that public authority and any activities they conduct which meet the 2000 Act definitions of directed or intrusive surveillance or amount to property interference for the purposes of the 1994 or 1997 Act, should be considered for authorisation under those Acts.

3.19 There are three further important considerations with regard to collaborative working:

3.20 NCA and HMRC *applications* for directed or intrusive surveillance and property interference, and Competition and Markets Authority (CMA) *applications* for intrusive surveillance, must only be made by a *member* or *officer* of the same force or agency as the *authorising officer*, regardless of which force or agency is to conduct the activity.

3.21 Police *applications* for directed or intrusive surveillance and property interference must only be made by a *member* or *officer* of the same force as the *authorising officer*, unless the Chief Officers of the forces in question have made a collaboration agreement under the Police Act 1996 and the collaboration agreement permits applicants and *authorising officers* to be from different forces.

3.22 *Authorisations* for intrusive surveillance relating to residential premises, and *authorisations* for property interference, may only authorise conduct where the premises or property in question are in the area of operation of the force or agency applying for the *authorisation*. This requirement does not apply where the Chief *Officers* of two or more police forces have made a collaboration agreement under the Police Act 1996 and the collaboration agreement permits *authorising officers* to authorise conduct in relation to premises or property in the force areas of forces other than their own which are party to the agreement.

Reviewing authorisations

3.23 Regular reviews of all *authorisations* should be undertaken to assess the need for the surveillance or property interference activity to continue. The results of a review should be retained for at least three years (see Chapter 8). Particular attention is drawn to the need to review *authorisations* frequently where the surveillance or property interference involves a high level of intrusion into private life or significant collateral intrusion, or *confidential information* is likely to be obtained.

3.24 In each case the frequency of reviews should be considered at the outset by the *authorising officer* or, for those subject to *authorisation* by the *Secretary of State*, the *member* or *officer* who made the *application* within the *public authority* concerned. This should be as frequently as is considered necessary and practicable.

3.25 In some cases it may be appropriate for an *authorising officer* to delegate the responsibility for conducting any reviews to a subordinate *officer*. The *authorising officer* is, however, usually best placed to assess whether the *authorisation* should continue or whether the criteria on which he or she based the original decision to grant an *authorisation* have changed sufficiently to cause the *authorisation* to be revoked. Support staff can do the necessary research and prepare the review process but the actual review is the responsibility of the original *authorising officer* and should, as a matter of good practice, be conducted by them or, failing that, by an *officer* who would be entitled to grant a new *authorisation* in the same terms.

3.26 Any proposed or unforeseen changes to the *nature* or extent of the surveillance operation that may result in the further or greater intrusion into the private life of any person should also be brought to the attention of the *authorising officer* by means of a review. The *authorising officer* should consider whether the proposed changes are proportionate (bearing in mind any extra intended intrusion into privacy or collateral intrusion), before approving or rejecting them. Any such changes must be highlighted at the next renewal if the *authorisation* is to be renewed.

3.27 Where a directed or intrusive surveillance *authorisation* provides for the surveillance of unidentified individuals whose identity is later established, the terms of the *authorisation* should be refined at a review to include the identity of these individuals. It would be appropriate to convene such a review specifically for this purpose. This process will not require a fresh *authorisation*, providing the scope of the original *authorisation* envisaged surveillance of such individuals. Such changes must be highlighted at the next renewal if the *authorisation* is to be renewed.

Example: A directed surveillance authorisation is obtained by the police to authorise surveillance of ‘X and his associates’ for the purposes of investigating their suspected involvement in a crime. X is seen meeting with A in a café and it is assessed that subsequent surveillance of A will assist the investigation. Surveillance of A may continue (he is an associate of X) but the directed surveillance authorisation should be amended at a review to include ‘X and his associates, including A’.

General best practices

3.28 The following guidelines should be considered as best working practices by all *public authorities* with regard to all *applications* for *authorisations* covered by this code:

- *applications* should avoid any repetition of information;

- information contained in *applications* should be limited to that required by the relevant legislation;²⁷
- where *authorisations* are granted orally under urgency procedures (see Chapters 5, 6 and 7 on *authorisation* procedures), a record detailing the actions authorised and the reasons why the urgency procedures were used should be recorded by the *applicant* and *authorising officer* as a priority. There is then no requirement subsequently to submit a full written *application*;
- an *application* should not require the sanction of any person in a *public authority* other than the *authorising officer*;
- where it is foreseen that other agencies will be involved in carrying out the surveillance, these agencies should be detailed in the *application*;
- *authorisations* should not generally be sought for activities already authorised following an *application* by the same or a different *public authority*.

3.29 Furthermore, it is considered good practice that within every relevant *public authority*, a senior responsible *officer*²⁸ should be responsible for:

- the integrity of the process in place within the *public authority* to authorise directed and intrusive surveillance and interference with property or wireless telegraphy;
- compliance with Part II of the 2000 Act, Part III of the 1997 Act and with this code;
- engagement with the Commissioners and inspectors when they conduct their inspections, and
- where necessary, overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.

²⁷ As laid out in Chapters 5, 6 and 7 of this code.

²⁸ The senior responsible *officer* should be a person holding the office, rank or position of an *authorising officer* within the relevant *public authority*.

Local authorities

3.30 The Protection of Freedoms Act 2012 amended the 2000 Act to make local authority authorisations subject to judicial approval. The change means that local authorities need to obtain an order approving the grant or renewal of an authorisation from a judicial authority, before it can take effect. In England and Wales an application for such an Order must be made to a Justice of the Peace (JP). If the JP is satisfied that the statutory tests have been met and that the use of the technique is necessary and proportionate, he or she will issue an order approving the grant or renewal for the use of the technique as described in the application. The amendment means that local authorities are no longer able to orally authorise the use of RIPA techniques. All authorisations must be made in writing and require JP approval. The authorisation cannot commence until this has been obtained.

3.31 In Scotland this requirement only applies to authorisations for communications data as the use of the other techniques is governed by RIP(S)A. Where such an authorisation is required by a local authority in Scotland, an application for grant or renewal should be made to a sheriff. For other activities/authorisations, local authorities in Scotland should refer to devolved legislation. In Northern Ireland this requirement only applies to authorisations where the grant or renewal relates to a Northern Ireland excepted or reserved matter. Where such an authorisation is required by a local authority in Northern Ireland, an application for a grant or renewal should be made to a district judge. For other authorisations, local authorities in Northern Ireland should refer to the general requirements for authorisation set out in this code.

3.32 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 has the following effects:

- Local authorities in England and Wales can only authorise use of directed surveillance under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least six months'

imprisonment **or** are related to the underage sale of alcohol and tobacco. The offences relating to the latter are in Article 7A of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010.

- Local authorities **cannot** authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least six months' imprisonment.
- Local authorities may therefore continue to authorise use of directed surveillance in more serious cases as long as the other tests are met – i.e. that it is necessary and proportionate and where prior approval from a JP has been granted. Examples of cases where the offence being investigated attracts a maximum custodial sentence of six months or more could include more serious criminal damage, dangerous waste dumping and serious or serial benefit fraud.
- Local authorities may also continue to authorise the use of directed surveillance for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco where the necessity and proportionality test is met and prior approval from a JP has been granted.
- A local authority **may not authorise** the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which may include, for example, littering, dog control and fly-posting.

3.33 The provisions of the Order, detailed above, do not apply to Scotland and Northern Ireland.

3.34 Within local authorities, the senior responsible officer should be a member of the corporate leadership team and should be responsible for ensuring that all *authorising officers* are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of the Surveillance Commissioner. Where an inspection report highlights concerns about the standards of *authorising officers*, this individual will be responsible for ensuring the concerns are addressed.

3.35 Elected members of a local authority should review the authority's use of the 2000 Act and set the policy at least once a year. They should also consider internal reports on use of the 2000 Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose.

Chapter 4

LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION

Overview

4.1 The 2000 Act does not provide any special protection for ‘*confidential information*’, although the 1997 Act makes special provision for certain categories of *confidential information*. Nevertheless, particular care should be taken in cases where the subject of the investigation or operation might reasonably expect a high degree of privacy, or where *confidential information* is involved. *Confidential information* consists of communications subject to *legal privilege*, communications between a *Member of Parliament* and another person on constituency matters, confidential personal information, or confidential journalistic material. So, for example, extra care should be taken where, by undertaking surveillance of an individual it is likely that knowledge will be acquired of communications between a minister of religion and that individual relating to the latter’s spiritual welfare, or between a *Member of Parliament* and that individual where he or she is a constituent relating to constituency matters, or wherever matters of medical or journalistic confidentiality or *legal privilege* may be involved.

4.2 *Authorisations* under the 1997 Act likely to result in the acquisition of knowledge of matters subject to *legal privilege*, confidential personal information or confidential journalistic material require (other than in urgent cases) the approval of a Surveillance Commissioner.

4.3 *Authorisations* for directed surveillance of legal consultations falling within the 2010 Order, must comply with the enhanced *authorisation* regime described below. In cases where it is likely that knowledge of *confidential information* will be acquired, the use of covert

surveillance is subject to a higher level of *authorisation* e.g. a Chief *Officer*. Annex A lists the *authorising officer* for each *public authority* permitted to authorise such surveillance.

Material subject to legal privilege: introduction

4.4 Covert surveillance likely or intended to result in the acquisition of knowledge of matters subject to *legal privilege* may take place in circumstances covered by the 2010 Order or in other circumstances. Similarly, property interference may be necessary in order to effect surveillance described in the same Order, or in other circumstances where knowledge of matters subject to *legal privilege* is likely to be obtained.

4.5 The 2010 Order, provides that directed surveillance that is carried out in relation to anything taking place on so much of any premises specified in Article 3(2) of the Order as is, at any time during the surveillance, used for the purposes of ‘legal consultations’ shall be treated for the purposes of Part II of the 2000 Act as intrusive surveillance.

4.6 The Order defines ‘legal consultation’ for these purposes. It means:

- (a) a consultation between a professional legal adviser and his client or any person representing his client, or
- (b) a consultation between a professional legal adviser or his client or any such representative and a medical practitioner made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.

4.7 The definition of ‘legal consultation’ in the 2010 Order, does not distinguish between legal consultations which are legally privileged, wholly or in part, and legal consultations which may be in furtherance of a criminal purpose are therefore not protected by *legal privilege*. Covert surveillance of all legal consultations covered by the 2010 Order (whether protected by *legal privilege* or not) is to be treated as intrusive surveillance.

4.8 *‘Legal privilege’* is defined in section 98 of the 1997 Act. This definition should be used to determine how to handle material obtained through surveillance authorised under RIPA, including through surveillance which is treated as intrusive surveillance as a result of the 2010 Order. As discussed below, special safeguards apply to matters subject to *legal privilege*.

4.9 Under the definition in the 1997 Act, *legal privilege* does not apply to communications or items held, or oral communications made, with the intention of furthering a criminal purpose (whether the lawyer is acting unwittingly or culpably). Legally privileged communications or items will lose their protection for these other purposes if the professional legal adviser intends to hold or use them for a criminal purpose. But privilege is not lost if a professional legal adviser is properly advising a person who is suspected of having committed a criminal offence.

Tests to be applied when authorising or approving covert surveillance or property interference likely or intended to result in the acquisition of knowledge of matters subject to legal privilege

4.10 All *applications* for covert surveillance or property interference that may result in the acquisition of knowledge of matters subject to *legal privilege* should state whether the covert surveillance or property interference is intended to obtain knowledge of matters subject to *legal privilege* as defined by section 98 of the 1997 Act.

4.11 If the covert surveillance or property interference is not intended to result in the acquisition of knowledge of matters subject to *legal privilege*, but it is likely that such knowledge will nevertheless be acquired during the operation, the *application* should identify all steps which will be taken to mitigate the risk of acquiring it. If the risk cannot be removed entirely, the *application* should explain what steps will be taken to ensure that any knowledge of matters subject to *legal privilege* which is obtained is not used in law enforcement investigations or criminal prosecutions.

4.12 Where covert surveillance or property interference is likely or intended to result in the acquisition of knowledge of matters subject to *legal privilege*, an *authorisation* shall only be granted or approved if the *authorising officer*, *Secretary of State* or approving Surveillance Commissioner, as appropriate, is satisfied that there are exceptional and compelling circumstances that make the *authorisation* necessary:

- Where the surveillance or property interference is not intended to result in the acquisition of knowledge of matters subject to *legal privilege*, such exceptional and compelling circumstances may arise in the interests of national security or the economic well-being of the UK, or for the purpose of preventing or detecting serious crime;
- Where the surveillance or property interference is intended to result in the acquisition of knowledge of matters subject to *legal privilege*, such circumstances will arise only in a very restricted range of cases, such as where there is a threat to life or limb, or to national security, and the surveillance or property interference is reasonably regarded as likely to yield intelligence necessary to counter the threat.

4.13 Further, in considering any *authorisation* for covert surveillance or property interference likely or intended to result in the acquisition of knowledge of matters subject to *legal privilege*, the *authorising officer*, *Secretary of State* or approving Surveillance Commissioner, as appropriate, must be satisfied that the proposed covert surveillance or property interference is proportionate to what is sought to be achieved. In relation to intrusive surveillance, including surveillance to be treated as intrusive as a result of the 2010 Order, section 32(4) will apply.

4.14 Directed surveillance likely to result in the acquisition of knowledge of matters subject to *legal privilege* may be authorised only by *authorising officers* entitled to grant *authorisations* in respect of *confidential information*. Intrusive surveillance, including surveillance which is treated as intrusive by virtue of the 2010 Order, or property interference likely to result in the acquisition of material subject to *legal privilege* may only be authorised by *authorising officers* entitled to grant intrusive surveillance or property interference *authorisations*.

4.15 Property interference likely to result in the acquisition of such material is subject to prior approval by a Surveillance Commissioner (unless the *Secretary of State* is the relevant *authorising officer* or the case is urgent). Intrusive surveillance, including surveillance which is treated as intrusive by virtue of the 2010 Order is subject to prior approval by a Surveillance Commissioner (unless the *Secretary of State* is the relevant *authorising officer* or the case is urgent).

Surveillance under the Regulation of Investigatory Powers (Extension of Authorisation Provisions: Legal Consultations) Order 2010

4.16 As noted above, the 2010 Order provides that directed surveillance that is carried out in relation to anything taking place on so much of any premises specified in Article 3(2) of the Order as is, at any time during the surveillance, used for the purposes of ‘legal consultations’ shall be treated for the purposes of Part II of the 2000 Act as intrusive surveillance.

4.17 As a result of the 2010 Order, such surveillance cannot be undertaken without the prior approval of a Surveillance Commissioner (with the exception of urgent *authorisations* or *authorisations* granted by the *Secretary of State*).

4.18 The locations specified in the Order are:

- (a) any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained;
- (b) any place in which persons may be detained under paragraph 16(1), (1A) or (2) of Schedule 2 or paragraph 2(2) or (3) of Schedule 3 to the Immigration Act 1971 or section 36(1) of the UK Border Act 2007;
- (c) any place in which persons may be detained under Part VI of the Criminal Procedure (Scotland) Act 1995, the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Mental Health Act 2003;
- (d) police stations;

- (e) the place of business of any professional legal adviser;
- (f) any place used for the sittings and business of any court, tribunal, inquest or inquiry.

4.19 With the exception of urgent *applications* and *authorisations* granted by the *Secretary of State*, *authorisations* for surveillance which is to be treated as intrusive surveillance as a result of the 2010 Order shall not take effect until such time as:

- (a) the *authorisation* has been approved by a Surveillance Commissioner; and
- (b) written notice of the Commissioner's decision to approve the *authorisation* has been given to the *authorising officer*.

4.20 If an *authorisation* is to be granted by the *Secretary of State*, the provisions in Chapter 6 apply.

Property interference under the 1997 Act likely to result in the acquisition of knowledge of matters subject to legal privilege

4.21 With the exception of urgent *authorisations*, where it is believed that the action authorised is likely to result in the acquisition of knowledge of matters subject to *legal privilege* an *authorisation* under the 1997 Act shall not take effect until such time as:

- (a) the *authorisation* has been approved by a Surveillance Commissioner; and
- (b) written notice of the Commissioner's decision to approve the *authorisation* has been given to the *authorising officer*.

The use and handling of matters subject to legal privilege

4.22 Matters subject to legally privilege are particularly sensitive and surveillance which acquires such material may give rise to issues under Article 6 of the ECHR (right to a fair trial) as well as engaging Article 8.

4.23 Where public authorities deliberately acquire knowledge of matters subject to *legal privilege*, they may use that knowledge to counter the threat which led them to acquire it, but it will not be admissible in court. Public authorities should ensure that knowledge of matters subject to *legal privilege*, whether or not it is acquired deliberately, is kept separate from law enforcement investigations or criminal prosecutions.

4.24 In cases likely to result in the acquisition of knowledge of matters subject to *legal privilege*, the *authorising officer* or Surveillance Commissioner may require regular reporting so as to be able to decide whether the *authorisation* should continue. In those cases where legally privileged material has been acquired and retained, the matter should be reported to the *authorising officer* by means of a review and to the relevant Commissioner or Inspector during his next inspection (at which the material should be made available if requested).

4.25 A substantial proportion of the communications between a lawyer and his or her client(s) may be subject to *legal privilege*. Therefore, in any case where a lawyer is the subject of an investigation or operation, *authorising officers* should consider whether the special safeguards outlined in this chapter apply. Any material which has been retained from any such investigation or operation should be notified to the relevant Commissioner or Inspector during his or her next inspection and made available on request.

4.26 Where there is any doubt as to the handling and dissemination of knowledge of matters which may be subject to *legal privilege*, advice should be sought from a legal adviser within the relevant *public authority* before any further dissemination of the information takes place. Similar advice should also be sought where there is doubt over whether information is not subject to *legal privilege* due to the ‘in furtherance of a criminal purpose’ exception. The retention of legally privileged material, or its dissemination to an outside body, should be accompanied by a clear warning that it is subject to *legal privilege*. It should be safeguarded by taking reasonable steps to ensure there is no possibility of it becoming available, or its contents becoming known, to any person whose possession of it might prejudice any criminal or civil proceedings to which the information relates. Any

dissemination of legally privileged material to an outside body should be notified to the relevant Commissioner or Inspector during his or her next inspection.

Confidential information

4.27 Special consideration must also be given to *authorisations* that involve confidential personal information, confidential constituent information and confidential journalistic material. Where such material has been acquired and retained, the matter should be reported to the relevant Commissioner or Inspector during his or her next inspection and the material be made available if requested.

4.28 Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling of a person (whether living or dead) who can be identified from it.²⁹ Such information, which can include both oral and written communications, is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples include consultations between a health professional and a patient, or information from a patient's medical records.

4.29 Confidential constituent information is information relating to communications between a *Member of Parliament* and a constituent in respect of constituency matters. Again, such information is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation.

4.30 Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.

²⁹ **Spiritual counselling** means conversations between a person and a religious authority acting in an official capacity, where the individual being counselled is seeking or the religious authority is imparting forgiveness, absolution or the resolution of conscience in accordance with their faith.

4.31 Where there is any doubt as to the handling and dissemination of *confidential information*, advice should be sought from a legal adviser within the relevant *public authority* before any further dissemination of the material takes place.

Chapter 5

AUTHORISATION PROCEDURES FOR DIRECTED SURVEILLANCE

Authorisation criteria

5.1 Under section 28(3) of the 2000 Act an *authorisation* for directed surveillance may be granted by an *authorising officer* where he or she believes that the *authorisation* is necessary in the circumstances of the particular case on the grounds that it is:

- (a) in the interests of national security;^{30,31}
- (b) for the purpose of preventing or detecting³² crime or of preventing disorder;
- (c) in the interests of the economic well-being of the UK;
- (d) in the interests of public safety;
- (e) for the purpose of protecting public health;³³

30 One of the functions of the Security Service is the protection of national security and in particular the protection against threats from terrorism. An *authorising officer* in another *public authority* shall not issue a directed surveillance *authorisation* under Part II of the 2000 Act where the investigation or operation falls within the responsibilities of the Security Service, as set out above, except where the investigation or operation is to be carried out by a Special Branch or other police unit with formal counter-terrorism responsibilities (such as Counter Terrorism Units, Counter Terrorism Intelligence Units and Counter Terrorism Command) or where the Security Service has agreed that another *public authority* can carry out a directed surveillance investigation or operation which would fall within the responsibilities of the Security Service.

31 HM Forces may also undertake operations in connection with a military threat to national security and other operations in connection with national security in support of the Security Service, the Police Service of Northern Ireland or other Civil Powers.

32 Detecting crime is defined in section 81(5) of the 2000 Act and is applied to the 1997 Act by section 134 of that Act (as amended). Preventing or detecting crime goes beyond the prosecution of offenders and includes actions taken to avert, end or disrupt the commission of criminal offences.

33 This could include investigations into infectious diseases, contaminated products or the illicit sale of pharmaceuticals.

- (f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;³⁴ or
- (g) for any other purpose prescribed by an order made by the *Secretary of State*.³⁵

5.2 The *authorising officer* must also believe that the surveillance is proportionate to what it seeks to achieve (see 3.3–3.12).

Relevant public authorities

5.3 The *public authorities* entitled to authorise directed surveillance (including to acquire *confidential information*, with specified higher *authorisation*), are listed in Schedule 1 to the 2000 Act. The specific purposes for which each *public authority* may obtain a directed surveillance *authorisation* are laid out in the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010.

Authorisation procedures

5.4 Responsibility for authorising the carrying out of directed surveillance rests with the *authorising officer* and requires the personal authority of the *authorising officer*. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 designates the *authorising officer* for each different *public authority* and the *officers* entitled to act in urgent cases. Where an *authorisation* for directed surveillance is combined with a *Secretary of State authorisation* for intrusive surveillance, the combined *authorisation* must be issued by the *Secretary of State*.

5.5 An *authorising officer* must give *authorisations* in writing, except that in urgent cases they may be given orally by the *authorising officer* or in writing by the *officer* entitled to act in urgent cases. In such cases, a record that the *authorising officer* has expressly authorised the action

³⁴ This could only be for a purpose which satisfies the criteria set out in Article 8(2) of the ECHR.

³⁵ This could only be for a purpose which satisfies the criteria set out in Article 8(2) of the ECHR.

should be recorded in writing by both the *authorising officer* and the applicant as soon as is reasonably practicable, together with the information detailed below.

5.6 A case is not normally to be regarded as urgent unless the time that would elapse before the *authorising officer* was available to grant the *authorisation* would, in the judgement of the person giving the *authorisation*, be likely to endanger life or jeopardise the investigation or operation for which the *authorisation* was being given. An *authorisation* is not to be regarded as urgent where the need for an *authorisation* has been neglected or the urgency is of the *authorising officer's* or *applicant's* own making.

5.7 *Authorising officers* should not normally be responsible for authorising operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable, especially in the case of small organisations, or where it is necessary to act urgently or for security reasons. Where an *authorising officer* authorises such an investigation or operation the centrally retrievable record of *authorisations* (see Chapter 8) should highlight this and the attention of a Commissioner or Inspector should be invited to it during his or her next inspection.

Information to be provided in applications for authorisation

5.8 A written *application* for a directed surveillance *authorisation* should describe any conduct to be authorised and the purpose of the investigation or operation. The *application* should also include:

- the reasons why the *authorisation* is necessary in the particular case and on the grounds (e.g. for the purpose of preventing or detecting crime) listed in section 28(3) of the 2000 Act;
- the nature of the surveillance;
- the identities, where known, of those to be the subject of the surveillance;
- a summary of the intelligence case and appropriate unique intelligence references where applicable;

- an explanation of the information which it is desired to obtain as a result of the surveillance;
- the details of any potential collateral intrusion and why the intrusion is justified;
- the details of any *confidential information* that is likely to be obtained as a consequence of the surveillance;
- the reasons why the surveillance is considered proportionate to what it seeks to achieve;
- the level of authority required (or recommended where that is different) for the surveillance; and,
- a subsequent record of whether *authorisation* was given or refused, by whom, and the time and date this happened.

5.9 In urgent cases, the above information may be supplied orally. In such cases the *authorising officer* and applicant, where applicable, should also record the following information in writing, as soon as is reasonably practicable (it is not necessary to record further detail):

- the identities of those subject to surveillance;
- the nature of the surveillance as defined at 1.9;
- the reasons why the *authorising officer* considered the case so urgent that an oral instead of a written *authorisation* was given; and,
- where the *officer* entitled to act in urgent cases has given written authority, the reasons why it was not reasonably practicable for the *application* to be considered by the *authorising officer* should also be recorded.

Duration of authorisations

5.10 A written *authorisation* granted by an *authorising officer* will cease to have effect (unless renewed or cancelled) at the end of a period of three months beginning with the day when the authorisation was granted.

5.11 Urgent oral *authorisations* or written *authorisations* granted by a person who is entitled to act only in urgent cases will, unless renewed, cease to have effect after 72 hours, beginning with the time when the *authorisation* was granted.

Renewals

5.12 If, at any time before an *authorisation* for directed surveillance granted by a *member* of the intelligence services would cease to have effect, a *member* of the intelligence services who is entitled to grant such *authorisations* considers that it is necessary for the *authorisation* to continue on the grounds of national security or in the interests of the economic well-being of the UK, he or she may renew it for a further period of six months, beginning with the day on which it would have ceased to have effect but for the renewal.

5.13 If, at any time before any other directed surveillance *authorisation* would cease to have effect, the *authorising officer* considers it necessary for the *authorisation* to continue for the purpose for which it was given, he or she may renew it in writing for a further period of three months. Renewals may also be granted orally in urgent cases and last for a period of 72 hours. The renewal will take effect at the time at which the *authorisation* would have ceased to have effect but for the renewal.

5.14 An *application* for renewal should not be made until shortly before the *authorisation* period is drawing to an end. Any person who would be entitled to grant a new *authorisation* can renew an *authorisation*.

5.15 All *applications* for the renewal of a directed surveillance *authorisation* should record (at the time of *application*, or when reasonably practicable in the case of urgent cases approved orally):

- whether this is the first renewal or every occasion on which the *authorisation* has been renewed previously;
- any significant changes to the information in the initial *application*;
- the reasons why the *authorisation* for directed surveillance should continue;
- the content and value to the investigation or operation of the information so far obtained by the surveillance;
- the results of regular reviews of the investigation or operation.

5.16 *Authorisations* may be renewed more than once, if necessary and provided they continue to meet the criteria for *authorisation*. The details of any renewal should be centrally recorded (see Chapter 8).

Cancellations

5.17 During a review, the *authorising officer* who granted or last renewed the *authorisation* may amend specific aspects of the *authorisation*, for example, to cease surveillance against one of a number of named subjects or to discontinue the use of a particular tactic. They must cancel the *authorisation* if satisfied that the directed surveillance as a whole no longer meets the criteria upon which it was authorised. Where the original *authorising officer* is no longer available, this duty will fall on the person who has taken over the role of *authorising officer* or the person who is acting as *authorising officer* (see the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010).

5.18 As soon as the decision is taken that directed surveillance should be discontinued, the instruction must be given to those involved to stop all surveillance of the subject(s). The date the *authorisation* was cancelled should be centrally recorded and documentation of any instruction to cease surveillance should be retained (see Chapter 8). There is no requirement for any further details to be recorded when cancelling a directed surveillance *authorisation*. However effective practice suggests that a record should be retained detailing the product obtained from the surveillance and whether or not objectives were achieved.

Foreign surveillance teams operating in UK

5.19 The provisions of section 76A of the 2000 Act as inserted by the Crime (International Co-Operation) Act 2003 provide for foreign surveillance teams to operate in the UK, subject to the following procedures and conditions.

5.20 Where a foreign police or customs officer, who is conducting directed or intrusive surveillance activity outside the UK, needs to enter the UK for the purposes of continuing that surveillance, and

where it is not reasonably practicable for a UK officer to carry out the surveillance under the authorisation of Part II of the 2000 Act (or of RIP(S)A), the foreign officer must notify a person designated by the Director General of NCA immediately after entry to the UK and shall request (if this has not been done already) that an application for authorisation of such surveillance be made under Part II of the 2000 Act (or RIP(S)A 2000).

5.21 The foreign officer may then continue to conduct surveillance for a period of five hours beginning with the time when the officer enters the UK. The foreign officer may only carry out the surveillance, however, in places to which members of the public have or are permitted to have access, whether on payment or otherwise. The surveillance authorisation, if obtained, will then authorise the foreign officers to conduct such surveillance beyond the five-hour period in accordance with the general provisions of the 2000 Act.

Chapter 6

AUTHORISATION PROCEDURES FOR INTRUSIVE SURVEILLANCE

General authorisation criteria

6.1 An *authorisation* for intrusive surveillance may be granted by the *Secretary of State* – for *applications* by the intelligence services, the Ministry of Defence or HM Forces³⁶ – or by a *senior authorising officer* or designated deputy of the police, NCA, HMRC or CMA, as listed in section 32(6) and 34(6) of the 2000 Act.

6.2 In many cases an operation using covert techniques may involve both directed or intrusive surveillance and property interference. This can be authorised as a combined *authorisation*, although the criteria for *authorisation* of each activity must be considered separately (see above, on combined *authorisations*).

6.3 Under section 32(2), (3) and (3A) of the 2000 Act the *Secretary of State* or the *senior authorising officer* or designated deputy may only authorise intrusive surveillance if they believe:

- (a) that the *authorisation* is necessary in the circumstances of the particular case on the grounds that it is:
 - in the interests of national security;³⁷

³⁶ Or any other *public authority* designated for this purpose under section 41(1) of the 2000 Act.

³⁷ A *senior authorising officer* or designated deputy of a law enforcement agency shall not issue an *authorisation* for intrusive surveillance where the investigation or operation is within the responsibilities of one of the intelligence services and properly falls to be authorised by *warrant* issued by the *Secretary of State* under Part II of the 2000 Act or the 1994 Act.

- for the purpose of preventing or detecting serious crime;³⁸
- in the interests of the economic well-being of the UK; or
- (in the case of the CMA) for the purpose of preventing or detecting an offence under section 188 of the Enterprise Act 2002 (cartel offence);

and

- (b) that the surveillance is proportionate to what is sought to be achieved by carrying it out.

6.4 When deciding whether an *authorisation* is necessary and proportionate, it is important to consider whether the information which it is thought necessary to obtain by means of the intrusive surveillance could reasonably be obtained by other less intrusive means.

Authorisation procedures for the police, NCA, HMRC and CMA – senior authorising officers and designated deputies

6.5 The *senior authorising officers* for these bodies are listed in section 32(6) of the 2000 Act. If the *senior authorising officer* is absent³⁹ then, under section 34(2) of the 2000 Act, an *authorisation* can be given by the designated deputy as provided for in section 12A of the Police Act 1996, section 18 of the Police and Fire Reform (Scotland) Act 2012 and section 25 of the City of London Police Act 1839.

³⁸ Serious crime is defined in section 81(2) and (3) as crime that comprises an offence for which a person who has attained the age of 21 and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more, or which involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

³⁹ The consideration of an *authorisation* by the *senior authorising officer* is only to be regarded as not reasonably practicable (within the meaning of section 34(2) of the 2000 Act) if he or she is on annual leave, is absent from the office and home, or is for some reason not able within a reasonable time to obtain access to a secure telephone or fax machine. Pressure of work is not normally to be regarded as rendering it impracticable for a *senior authorising officer* to consider an *application*. Where a designated deputy gives an *authorisation* this should be made clear and the reason for the absence of the *senior authorising officer* given.

Urgent cases

6.6 The *senior authorising officer* or designated deputy should generally give *authorisations* in writing. However, in urgent cases, oral *authorisations* may be given by the *senior authorising officer* or designated deputy. In an urgent oral case, a statement that the *senior authorising officer* or designated deputy has expressly authorised the conduct should be recorded in writing by the applicant as soon as is reasonably practicable, together with the information detailed below.

6.7 In an urgent case, where it is not reasonably practicable having regard to the urgency of the case for either the *senior authorising officer* or the designated deputy to consider the *application*, an *authorisation* may be granted in writing by a person entitled to act only in urgent cases under section 34(4) of the 2000 Act.⁴⁰

6.8 A case is not normally to be regarded as urgent unless the time that would elapse before the *authorising officer* was available to grant the *authorisation* would, in the judgement of the person giving the *authorisation*, be likely to endanger life or jeopardise the investigation or operation for which the *authorisation* was being given. An *authorisation* is not to be regarded as urgent where the need for an *authorisation* has been neglected or the urgency is of the *authorising officer's* or *applicant's* own making.

Jurisdictional considerations

6.9 A police or NCA *authorisation* cannot be granted unless the *application* is made by a *member* of the same force or agency, unless, in the case of the police, a relevant collaboration agreement has been made (see above, on collaborative working). An HMRC or CMA *authorisation* cannot be granted unless the *application* is made by an *officer* of Revenue and Customs or CMA respectively.

⁴⁰ Note that out-of-hours *officers* of assistant chief constable rank or above will be entitled to act for this purpose.

6.10 Where the surveillance is carried out in relation to any residential premises, the *authorisation* cannot be granted unless the residential premises are in the same area of operation of the force or organisation, unless, in the case of the police, a relevant collaboration agreement has been made (see above, on collaborative working).

Approval of Surveillance Commissioners

6.11 Except in urgent cases a police, NCA, HMRC or CMA *authorisation* granted for intrusive surveillance will not take effect until it has been approved by a Surveillance Commissioner and written notice of the Commissioner's decision has been given to the person who granted the *authorisation*. This means that the approval will not take effect until the notice has been received in the office of the person who granted the *authorisation* within the relevant force or organisation.

6.12 When the *authorisation* is urgent it will take effect from the time it is granted provided notice is given to the Surveillance Commissioner in accordance with section 35(3)(b) (see section 36(3) of the 2000 Act).

6.13 There may be cases that become urgent after approval has been sought but before a response has been received from a Surveillance Commissioner. In such a case, the *authorising officer* should notify the Surveillance Commissioner that the case is now urgent (pointing out that it has become urgent since the notification). In these cases, the *authorisation* will take effect immediately.

Notifications to Surveillance Commissioners

6.14 Where a person grants, renews or cancels an *authorisation* for intrusive surveillance, he or she must, as soon as is reasonably practicable, give notice in writing to a Surveillance Commissioner, where relevant, in accordance with whatever arrangements have been made by the Chief Surveillance Commissioner.⁴¹

⁴¹ The information to be included in the notification to the Surveillance Commissioner is set out in the Regulation of Investigatory Powers (Notification of *Authorisations* etc.) Order 2000; SI No. 2563.

6.15 In urgent cases, the notification must specify the grounds on which the case is believed to be one of urgency. The urgency provisions should not be used routinely. If the Surveillance Commissioner is satisfied that there were no grounds for believing the case to be one of urgency, he or she has the power to quash the *authorisation*.

Authorisation procedures for Secretary of State authorisations

6.16 Intrusive surveillance by any of the intelligence services, the Ministry of Defence or HM Forces⁴² requires the approval of a *Secretary of State*, unless these bodies are acting on behalf of another *public authority* that has obtained an *authorisation*.

6.17 Any *member* or official of the intelligence services, the Ministry of Defence and HM Forces can apply to the *Secretary of State* for an intrusive surveillance *authorisation*. *Applications* to the *Secretary of State* should specify those matters listed below.

6.18 Intelligence services *authorisations* must be made by issue of a *warrant*. Such *warrants* will generally be given in writing by the *Secretary of State*. In urgent cases, a *warrant* may be signed (but not renewed) by a senior official, with the express *authorisation* of the *Secretary of State*.

Information to be provided in all applications for intrusive surveillance

6.19 *Applications* should be in writing (unless urgent) and should describe the conduct to be authorised and the purpose of the investigation or operation. The *application* should specify:

- the reasons why the *authorisation* is necessary in the particular case and on the grounds (e.g. for the purpose of preventing or detecting serious crime) listed in section 32(3) of the 2000 Act;
- the nature of the surveillance;

⁴² Or any other *public authority* designated for this purpose under section 41(1) of the 2000 Act, such as the Home Office on the *application* of a *member* of HM Prison Service (SI 1126; 2001).

- the residential premises or private vehicle in relation to which the surveillance will take place, where known;
- the identities, where known, of those to be the subject of the surveillance;
- an explanation of the information which it is desired to obtain as a result of the surveillance;
- details of any potential collateral intrusion and why the intrusion is justified;
- details of any *confidential information* that is likely to be obtained as a consequence of the surveillance;
- the reasons why the surveillance is considered proportionate to what it seeks to achieve;
- a record should be made of whether the *authorisation* was given or refused, by whom and the time and date at which this happened.

6.20 In urgent cases, the above information may be supplied orally. In such cases the applicant should also record the following information in writing, as soon as is reasonably practicable (it is not necessary to record further detail):

- the identities, where known, of those subject to surveillance;
- the nature and location of the surveillance;
- the reasons why the *authorising officer* or the *officer* entitled to act in urgent cases considered the case so urgent that an oral instead of a written *authorisation* was given; and/or
- the reasons why it was not reasonably practicable for the *application* to be considered by the *authorising officer*.

Duration of intrusive surveillance authorisations – Secretary of State warrants for the intelligence services

6.21 A *warrant* issued by the *Secretary of State* will cease to have effect at the end of a period of six months beginning with the day on which it was issued. So an *authorisation* given at 09.00 on 12 February will expire on 11 August. (*Authorisations* (except those granted under urgency provisions) will cease at 23.59 on the last day).

6.22 *Warrants* expressly authorised by a *Secretary of State*, but signed by a senior official under the urgency procedures, will cease to have effect at the end of the second working day following the day of issue of the *warrant* unless renewed by the *Secretary of State*.

Duration of intrusive surveillance authorisations – all other intrusive surveillance authorisations

6.23 A written *authorisation* granted by a *Secretary of State*, a *senior authorising officer* or a designated deputy will cease to have effect (unless renewed) at the end of a period of three months, beginning with the day on which it took effect. So an *authorisation* given at 09.00 on 12 February will expire on 11 May. (*Authorisations* (except those lasting for 72 hours) will cease at 23.59 on the last day).

6.24 Oral *authorisations* given in urgent cases by a *Secretary of State*, a *senior authorising officer* or designated deputy, and written *authorisations* given by those only entitled to act in urgent cases, will cease to have effect (unless renewed) at the end of the period of 72 hours beginning with the time when they took effect.

Renewals of intrusive surveillance authorisations – Secretary of State authorisations

6.25 If at any time before an intelligence service *warrant* expires, the *Secretary of State* considers it necessary for the *warrant* to be renewed for the purpose for which it was issued, the *Secretary of State* may renew it in writing for a further period of six months, beginning with the day on which it would have ceased to have effect, but for the renewal.

6.26 If at any time before a *warrant* issued by a *Secretary of State* for any other *public authority* expires, the *Secretary of State* considers it necessary for the *warrant* to be renewed for the purpose for which it was issued, he or she may renew it in writing for a further period of three months, beginning with the day on which it would have ceased to have effect, but for the renewal.

Renewals of intrusive surveillance authorisations – all other intrusive surveillance authorisations

6.27 If, at any time before an *authorisation* expires, the *senior authorising officer* or, in their absence, the designated deputy considers that the *authorisation* should continue to have effect for the purpose for which it was issued, he or she may renew it in writing for a further period of three months.

6.28 As with the initial *authorisation*, the *senior authorising officer* must (unless it is a case to which the urgency procedure applies) seek the approval of a Surveillance Commissioner. The renewal will not take effect until the notice of the Surveillance Commissioner's approval has been received in the office of the person who granted the *authorisation* within the relevant force or organisation (but not before the day on which the *authorisation* would have otherwise ceased to have effect).

6.29 In urgent cases, a renewal can take effect immediately (provided this is not before the day on which the *authorisation* would have otherwise ceased to have effect). See section 35 and 36 of the 2000 Act and the Regulation of Investigatory Powers (Notification of *Authorisations* etc.) Order 2000; SI No. 2563.

Information to be provided for all renewals of intrusive surveillance authorisations

6.30 All *applications* for a renewal of an intrusive surveillance *authorisation* or *warrant* should record:

- whether this is the first renewal or every occasion on which the *warrant/authorisation* has been renewed previously;
- any significant changes to the information listed in paragraph 6.19;
- the reasons why it is necessary to continue with the intrusive surveillance;
- the content and value to the investigation or operation of the product so far obtained by the surveillance;
- the results of any reviews of the investigation or operation (see below).

6.31 *Authorisations* may be renewed more than once, if necessary, and details of the renewal should be centrally recorded (see Chapter 8).

Cancelleds of intrusive surveillance activity

6.32 The *senior authorising officer* who granted or last renewed the *authorisation* must cancel it, or the person who made the *application* to the *Secretary of State* must apply for its cancellation, if he or she is satisfied that the surveillance no longer meets the criteria upon which it was authorised. Where the *senior authorising officer* or person who made the *application* to the *Secretary of State* is no longer available, this duty will fall on the person who has taken over the role of *senior authorising officer* or taken over from the person who made the *application* to the *Secretary of State* or the person who is acting as the *senior authorising officer*.⁴³

6.33 As soon as the decision is taken that intrusive surveillance should be discontinued, the instruction must be given to those involved to stop the intrusive surveillance. The date the *authorisation* was cancelled should be centrally recorded and documentation of any instruction to cease surveillance should be retained (see Chapter 8). There is no requirement to record any further details. However, effective practice suggests that a record should be retained detailing the product obtained from the surveillance and whether or not objectives were achieved.

6.34 Following the cancellation of any intrusive surveillance *authorisation*, other than one granted by the *Secretary of State*, the Surveillance Commissioners must be notified of the cancellation.⁴⁴

Authorisations quashed by a Surveillance Commissioner

6.35 In cases where a police, NCA, HMRC or CMA *authorisation* is quashed or cancelled by a Surveillance Commissioner, the *senior authorising officer* must immediately instruct those involved to stop

⁴³ See the Regulation of Investigatory Powers (Cancellation of *Authorisations*) Order 2000; SI No. 2794.

⁴⁴ This notification shall include the information specified in the Regulation of Investigatory Powers (Notification of *Authorisations* etc.) Order 2000; SI No. 2563.

carrying out the intrusive surveillance. Documentation of the date and time when such an instruction was given should be retained for at least three years (see Chapter 8).

Chapter 7

AUTHORISATION PROCEDURES FOR PROPERTY INTERFERENCE

General basis for lawful activity

7.1 *Authorisations* under section 5 of the 1994 Act or Part III of the 1997 Act should be sought wherever *members* of the intelligence services, the police, the *services police*, NCA, HMRC or CMA, or persons acting on their behalf, conduct entry on, or interference with, property or with wireless telegraphy that would be otherwise unlawful.

7.2 For the purposes of this chapter, ‘property interference’ shall be taken to include entry on, or interference with, property or with wireless telegraphy.

7.3 In many cases an operation using covert techniques may involve both directed or intrusive surveillance and property interference. This can be authorised as a combined *authorisation*, although the criteria for *authorisation* of each activity must be considered separately (see above, on combined *authorisations*).

Example: The use of a surveillance device for providing information about the location of a vehicle may involve some physical interference with that vehicle as well as subsequent directed surveillance activity. Such an operation could be authorised by a combined authorisation for property interference (under Part III of the 1997 Act) and, where appropriate, directed surveillance (under the 2000 Act). In this case, the necessity and proportionality of the property interference element of the authorisation would need to be considered by the appropriate authorising officer separately to the necessity and proportionality of obtaining private information by means of the directed surveillance.

7.4 A property interference *authorisation* is not required for entry (whether for the purpose of covert recording or for any other legitimate purpose) into areas open to the public in shops, bars, restaurants, hotel foyers, blocks of flats or any other premises to which, with the implied consent of the occupier, members of the public are afforded unqualified access. Nor is *authorisation* required for entry on any other land or premises at the invitation of the occupier. This is so whatever the purposes for which the premises are used. If consent for entry has been obtained by deception (e.g. requesting entry for a false purpose), however, an *authorisation* for property interference should be obtained.

Informed consent

7.5 *Authorisations* under the 1994 Act and 1997 Act are not necessary where the *public authority* is acting with the informed consent of a person able to give permission in respect of the relevant property and actions. However, consideration should still be given to the need to obtain a directed or intrusive surveillance *authorisation* under Part II of the 2000 Act depending on the operation.

Example: A vehicle is fitted with a security alarm to ensure the safety of an undercover officer. If the consent of the vehicle's owner is obtained to install this alarm, no authorisation under the 1997 Act is required. However, if the owner has not provided consent, an authorisation will be required to render lawful the property interference. The fact that the undercover officer is aware of the alarm installation is not relevant to the lawfulness of the property interference.

Incidental property interference

7.6 The 2000 Act provides that no person shall be subject to any civil liability in respect of any conduct which is incidental to correctly authorised directed or intrusive surveillance activity and for which an *authorisation* or *warrant* is not capable of being granted or might not reasonably have been expected to have been sought under any existing legislation.⁴⁵ Thus a person shall not, for example, be subject to civil liability for trespass where that trespass is incidental to properly authorised directed or intrusive surveillance activity and where an *authorisation* under the 1994 Act or 1997 Act is available but might not reasonably have been expected to be sought (perhaps due to the unforeseeable nature or location of the activity).

7.7 Where an *authorisation* for the incidental conduct is not available (for example because the 1994 Act or 1997 Act do not apply to the *public authority* in question), the *public authority* shall not be subject to civil liability in relation to any incidental conduct, by virtue of section 27(2) of the 2000 Act. Where, however, a *public authority* is capable of obtaining an *authorisation* for the activity, it should seek one wherever it could be reasonably expected to do so.

⁴⁵ See section 27(2) of the Act.

Example: Surveillance officers crossing an area of land covered by an authorisation under the 1997 Act are forced to temporarily and momentarily cross into neighbouring land to bypass an unforeseen obstruction, before returning to their authorised route.

Samples

7.8 The acquisition of samples, such as DNA samples, fingerprints and footwear impressions, where there is no consequent loss of or damage to property does not of itself constitute unlawful property interference. However, wherever it is necessary to conduct otherwise unlawful property interference to access and obtain these samples, an *authorisation* under the 1994 or 1997 Act would be appropriate. An *authorisation* for directed or intrusive surveillance would not normally be relevant to any subsequent information, whether private or not, obtained as a result of the covert technique. Once a DNA sample, fingerprint or footwear impression has been obtained, any subsequent analysis of this information will not be surveillance as defined at section 48(2) of the 2000 Act. The appropriate lawful authority in these cases is likely to be the Data Protection Act.

Example 1: Police wish to take fingerprints from a public telephone to identify a suspected criminal who is known recently to have used the telephone. The act of taking the fingerprints would not involve any unlawful property interference so no authorisation under the 1994 or 1997 Act is required. The subsequent recording and analysis of the information obtained to establish the individual's identity would not amount to surveillance and therefore would not require authorisation under the 2000 Act.

Example 2: Police intend to acquire covertly a mobile telephone used by a suspected criminal, in order to take fingerprints. In this case, the acquisition of the telephone for the purposes of obtaining fingerprints could be authorised under the 1994 or 1997 Act where it would otherwise be unlawful.

Authorisations for property interference by the police, the services police, NCA, HMRC and CMA

7.9 Responsibility for these *authorisations* rests with the *authorising officer* as defined in section 93(5) of the 1997 Act, i.e. the chief constable or equivalent. *Authorisations* require the personal authority of the *authorising officer* (or their designated deputy) except in urgent situations, where it is not reasonably practicable for the *application* to be considered by such person. The person entitled to act in such cases is set out in section 94 of the 1997 Act.

7.10 Any person giving an *authorisation* for entry on or interference with property or with wireless telegraphy under section 93(2) of the 1997 Act must believe that:

- it is necessary for the action specified to be taken for the purpose of preventing or detecting serious crime;⁴⁶ and
- that the taking of the action is proportionate to what the action seeks to achieve.

7.11 The *authorising officer* must take into account whether what it is thought necessary to achieve by the authorised conduct could reasonably be achieved by other means.

⁴⁶ An *authorising officer* in a *public authority* other than the Security Service shall not issue an *authorisation* under Part III of the 1997 Act where the investigation or operation falls within the responsibilities of the Security Service. Where any doubt exists a *public authority* should confirm with the Security Service whether or not the investigation is judged to fall within Security Service responsibilities before seeking an *authorisation* under Part III of the 1997 Act. Where the *authorising officer* is the Chair of the CMA, the only purpose falling within this definition is the purpose of preventing or detecting an offence under section 188 of the Enterprise Act 2002 (see section 93(2AA) of the 1997 Act.

Collaborative working and regional considerations

7.12 *Authorisations* for the police, the *services police*, NCA, HMRC and CMA may only be given by an *authorising officer* on *application* by a *member* or *officer* of the same force or agency unless, in the case of the police, a relevant collaboration agreement has been made which permits this rule to be varied.

7.13 *Authorisations* for the police may only be given for property interference within the *authorising officer's* own area of operation unless, in the case of the police, a relevant collaboration agreement has been made which permits this rule to be varied. Unless a relevant collaboration agreement applies, an *authorising officer* may authorise property interference (excluding wireless telegraphy interference) outside the relevant area, solely for the purpose of maintaining (including replacing) or retrieving any device, apparatus or equipment the use of which within the relevant area has been authorised under the 1997 Act or 2000 Act. Unless a relevant collaboration agreement applies, an *authorisation* for maintenance or retrieval outside of the *authorising officer's* own area of operations can only be given for circumstances that do not require entry onto private land.

7.14 Any person granting or applying for an *authorisation* or *warrant* to enter on or interfere with property or with wireless telegraphy will also need to be aware of particular sensitivities in the local community where the entry or interference is taking place and of similar activities being undertaken by other *public authorities* which could impact on the deployment. In this regard, it is recommended that the *authorising officers* in the *services police*, NCA, HMRC and CMA should consult a senior *officer* within the police force in which the investigation or operation takes place where the *authorising officer* considers that conflicts might arise. The Chief Constable of the Police Service of Northern Ireland should be informed of any surveillance operation undertaken by another law enforcement agency which involves its *officers* maintaining (including replacing) or retrieving equipment in Northern Ireland.

Authorisation procedures

7.15 *Authorisations* will generally be given in writing by the *authorising officer*. However, in urgent cases, they may be given orally by the *authorising officer*. In such cases, a statement that the *authorising officer* has expressly authorised the action(s) should be recorded in writing by the applicant as soon as is reasonably practicable, together with that information detailed below.

7.16 If the *authorising officer* is absent then an *authorisation* can be given in writing or, in urgent cases, orally by the designated deputy as provided for in section 94(4) of the 1997 Act, section 12(A) of the Police Act 1996, section 18 of the Police and Fire Reform (Scotland) Act 2012, section 25 of the City of London Police Act 1839 or section 93(5) of the 1997 Act (for NCA).

7.17 Where, however, in an urgent case, it is not reasonably practicable for the *authorising officer* or designated deputy to consider an *application*, then written *authorisation* may be given by the following:

- in the case of the police, by an assistant chief constable (other than a designated deputy);⁴⁷
- in the case of the Metropolitan Police and City of London Police, by a commander;
- in the case of MOD police or British Transport Police, by a deputy or assistant chief constable;
- in the case of the *services police*, by an assistant Provost Marshal (in the Royal Naval Police) or deputy Provost Marshal (in the Royal Military Police or Royal Air Force Police);
- in the case of NCA a person designated by the Director General;
- in the case of HMRC, by a person designated by the Commissioners of Revenue and Customs;⁴⁸
- in the case of the CMA, by an *officer* of the CMA designated for this purpose.

⁴⁷ ACPO out-of-hours *officers* of assistant chief constable rank or above will be entitled to act for this purpose.

⁴⁸ This will be an *officer* of the rank of assistant chief investigation *officer*.

Information to be provided in applications

7.18 *Applications* to the *authorising officer* for the granting or renewal of an *authorisation* must be made in writing (unless urgent) by a police *officer*, Revenue and Customs *officer*, a *member* of NCA or an *officer* of the CMA and should specify:

- the identity or identities, where known, of those who possess the property that is to be subject to the interference;
- sufficient information to identify the property which the entry or interference with will affect;
- the nature and extent of the proposed interference;
- the details of any collateral intrusion, including the identity of individuals and/or categories of people, where known, who are likely to be affected, and why the intrusion is justified;
- details of the offence suspected or committed;
- how the *authorisation* criteria (as set out above) have been met;
- any action which may be necessary to maintain any equipment, including replacing it;
- any action which may be necessary to retrieve any equipment;
- in case of a renewal, the results obtained so far, or a full explanation of the failure to obtain any results; and
- whether an *authorisation* was given or refused, by whom and the time and date on which this happened.

7.19 In urgent cases, the above information may be supplied orally. In such cases the *authorising officer* and the applicant should also record the following information in writing, as soon as is reasonably practicable (it is not necessary to record further detail):

- the identity or identities of those owning or using the property (where known);
- sufficient information to identify the property which will be affected;
- details of the offence suspected or committed;
- the reasons why the *authorising officer* or designated deputy considered the case so urgent that an oral instead of a written *authorisation* was given; and/or

- the reasons why (if relevant) it was not reasonably practicable for the *application* to be considered by the *authorising officer* or the designated deputy.

Notifications to Surveillance Commissioners

7.20 Where a person gives, renews or cancels an *authorisation* in respect of entry on or interference with property or with wireless telegraphy, he or she must, as soon as is reasonably practicable, give notice of it in writing to a Surveillance Commissioner, where relevant, in accordance with arrangements made by the Chief Surveillance Commissioner. In urgent cases which would otherwise have required the approval of a Surveillance Commissioner, the notification must specify the grounds on which the case is believed to be one of urgency.

7.21 There may be cases which become urgent after approval has been sought but before a response has been received from a Surveillance Commissioner. In such a case, the *authorising officer* should notify the Surveillance Commissioner that the case is urgent (pointing out that it has become urgent since the previous notification). In these cases, the *authorisation* will take effect immediately.

7.22 Notifications to Surveillance Commissioners in relation to the granting, renewal and cancellation of *authorisations* in respect of entry on or interference with property should be in accordance with the requirements of the Police Act 1997 (Notifications of *Authorisations* etc.) Order 1998; SI No. 3241.

Cases requiring prior approval of a Surveillance Commissioner

7.23 In certain cases, an *authorisation* for entry on or interference with property will not take effect until a Surveillance Commissioner has approved it and the notice of approval has been received in the office of the person who granted the *authorisation* within the relevant force or organisation (unless the urgency procedures are used). These are cases where the person giving the *authorisation* believes that:

- any of the property specified in the *authorisation*:
 - is used wholly or mainly as a dwelling or as a bedroom in a hotel; or
 - constitutes office premises;⁴⁹ or
- the action authorised is likely to result in any person acquiring knowledge of:
 - matters subject to *legal privilege*;
 - confidential personal information; or
 - confidential journalistic material.

Duration of authorisations

7.24 Written *authorisations* in respect of entry on or interference with property or with wireless telegraphy given by *authorising officers* will cease to have effect at the end of a period of three months beginning with the day on which they took effect. So an *authorisation* given at 09.00 on 12 February will expire on 11 May. (*Authorisations* (except those lasting for 72 hours) will cease at 23.59 on the last day).

7.25 In cases requiring prior approval by a Surveillance Commissioner, the duration of an *authorisation* is calculated from the time at which the person who gave the *authorisation* was notified that the Surveillance Commissioner had approved it. This can be done by presenting the *authorising officer* with the approval decision page to note in person or if the *authorising officer* is unavailable, sending the written notice by auditable electronic means. In cases not requiring prior approval, this means from the time the *authorisation* was granted.

7.26 Written *authorisations* given by the persons specified in 7.16 (section 94 of the 1997 Act) and oral *authorisations* given in urgent cases by:

- *authorising officers*; or
- designated deputies

⁴⁹ Office premises are defined as any building or part of a building whose sole or principal use is as an office or for office purposes (which means purposes of administration, clerical work, handling money and telephone or telegraph operation).

will cease at the end of the period of 72 hours beginning with the time when they took effect.

Renewals

7.27 If at any time before the time and day on which an *authorisation* expires the *authorising officer* or, in their absence, the designated deputy considers the *authorisation* should continue to have effect for the purpose for which it was issued, he or she may renew it in writing for a period of three months beginning with the day on which the *authorisation* would otherwise have ceased to have effect. *Authorisations* may be renewed more than once, if necessary, and details of the renewal should be centrally recorded (see Chapter 8).

7.28 Where relevant, the Commissioners must be notified of renewals of *authorisations*. The information to be included in the notification is set out in the Police Act 1997 (Notifications of *Authorisations* etc.) Order 1998; SI No. 3241.

7.29 If, at the time of renewal, criteria exist which would cause an *authorisation* to require prior approval by a Surveillance Commissioner, then the approval of a Surveillance Commissioner must be sought before the renewal can take effect. The fact that the initial *authorisation* required the approval of a Commissioner before taking effect does not mean that its renewal will automatically require such approval. It will only do so if, at the time of the renewal, it falls into one of the categories requiring approval (and is not an urgent case).

Cancellations

7.30 The *senior authorising officer* who granted or last renewed the *authorisation* must cancel it if he or she is satisfied that the *authorisation* no longer meets the criteria upon which it was authorised. Where the *senior authorising officer* is no longer available, this duty will fall on the person who has taken over the role of *senior authorising officer* or the person who is acting as the *senior authorising officer* (see the Regulation of Investigatory Powers (Cancellation of *Authorisations*) Order 2000; SI No. 2794).

7.31 Following the cancellation of the *authorisation*, the Surveillance Commissioners must be notified of the cancellation. The information to be included in the notification is set out in the Police Act 1997 (Notifications of *Authorisations* etc.) Order 1998; SI No. 3421.

7.32 The Surveillance Commissioners have the power to cancel an *authorisation* if they are satisfied that, at any time after an *authorisation* was given or renewed, there were no reasonable grounds for believing that it should subsist. In such circumstances, a Surveillance Commissioner may order the destruction of records, in whole or in part, other than any that are required for pending criminal or civil proceedings.

Retrieval of equipment

7.33 Because of the time it can take to remove equipment from a person's property it may also be necessary for an *authorisation* to make clear that it also permits the retrieval of anything left on property following completion of the intended action. The notification to Commissioners of the authorisation should include reference to the need to remove the equipment and, where possible, a timescale for removal.

7.34 Where a Surveillance Commissioner quashes or cancels an *authorisation* or renewal, he or she will, if there are reasonable grounds for doing so, order that the *authorisation* remain effective for a specified period, to enable *officers* to retrieve anything left on the property by virtue of the *authorisation*. He or she can only do so if the *authorisation* or renewal makes provision for this. A decision by the Surveillance Commissioner not to give such an order can be the subject of an appeal to the Chief Surveillance Commissioner.

Ceasing of entry on or interference with property or with wireless telegraphy

7.35 Once an *authorisation* or renewal expires or is cancelled or quashed, the *authorising officer* must immediately give an instruction to cease all the actions authorised for the entry on or interference with

property or with wireless telegraphy. The time and date when such an instruction was given should be centrally retrievable for at least three years (see Chapter 8).

Authorisations for property interference by the intelligence services

7.36 An *application* for a *warrant* must be made by a *member* of the intelligence services for the taking of action in relation to that agency. In addition, the Security Service may make an *application* for a *warrant* to act on behalf of the Secret Intelligence Service (SIS) and the Government Communications Headquarters (GCHQ). SIS and GCHQ may not be granted a *warrant* for action in support of the prevention or detection of serious crime which relates to property in the British Islands.

7.37 The intelligence services should provide the same information as other agencies, as and where appropriate, when making *applications* for the grant or renewal of property *warrants*.

7.38 Before granting a *warrant*, the *Secretary of State* must:

- think it necessary for the action to be taken for the purpose of assisting the relevant agency in carrying out its functions;
- be satisfied that the taking of the action is proportionate to what the action seeks to achieve;
- take into account in deciding whether an *authorisation* is necessary and proportionate whether the information which it is thought necessary to obtain by the conduct authorised by the *warrant* could reasonably be obtained by other means; and
- be satisfied that there are satisfactory arrangements in force under the 1994 Act or the 1989 Act in respect of disclosure of any material obtained by means of the *warrant*, and that material obtained will be subject to those arrangements.

Renewals of intelligence services warrants

7.39 A *warrant* shall, unless renewed, cease to have effect at the end of the period of six months beginning with the day on which it was issued (if the *warrant* was issued under the hand of the *Secretary of State*) or at the end of the period ending with the fifth working day following the day on which it was issued (in any other case).

7.40 If at any time before the day on which a *warrant* would cease to have effect the *Secretary of State* considers it necessary for the *warrant* to continue to have effect for the purpose for which it was issued, he or she may by an instrument under his or her hand renew it for a period of six months beginning with the day it would otherwise cease to have effect.

Cancellations of intelligence services warrants

7.41 The *Secretary of State* shall cancel a *warrant* if he or she is satisfied that the action authorised by it is no longer necessary.

7.42 The person who made the *application* to the *Secretary of State* must apply for its cancellation, if he or she is satisfied that the *warrant* no longer meets the criteria upon which it was authorised. Where the person who made the *application* to the *Secretary of State* is no longer available, this duty will fall on the person who has taken over from the person who made the *application* to the *Secretary of State* (see the Regulation of Investigatory Powers (Cancellation of *Authorisations*) Order 2000; SI No. 2794).

Retrieval of equipment by the intelligence services

7.43 Because of the time it can take to remove equipment from a person's property it may also be necessary to renew a property *warrant* in order to complete the retrieval. *Applications* to the *Secretary of State* for renewal should state why it is being or has been closed down, why it has not been possible to remove the equipment and any timescales for removal, where known.

Chapter 8

KEEPING OF RECORDS

Centrally retrievable records of authorisations

Directed and intrusive surveillance authorisations

8.1 A record of the following information pertaining to all *authorisations* shall be centrally retrievable within each *public authority* for a period of at least three years from the ending of each *authorisation*.⁵⁰ This information should be regularly updated whenever an *authorisation* is granted, renewed or cancelled and should be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners upon request. More guidance for local authorities on the recording of magistrates' decisions is available in Home Office-issued guidance available on the gov.uk website.

- the type of *authorisation*;
- the date the *authorisation* was given;
- name and rank/grade of the *authorising officer*;
- the unique reference number (URN) of the investigation or operation;
- the title of the investigation or operation, including a brief description and names of subjects, if known;
- whether the urgency provisions were used, and if so why;
- for local authorities, details of attendances at the magistrates' court to include the date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
- the dates of any reviews;

⁵⁰ See also paragraph 8.4.

- if the *authorisation* has been renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the *authorising officer*;
- whether the investigation or operation is likely to result in obtaining *confidential information* as defined in this code of practice;⁵¹
- whether the *authorisation* was granted by an individual directly involved in the investigation;⁵²
- the date the *authorisation* was cancelled.

8.2 The following documentation should also be centrally retrievable for at least three years from the ending of each *authorisation*:

- a copy of the *application* and a copy of the *authorisation* together with any supplementary documentation and notification of the approval given by the *authorising officer*;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the *authorising officer*;
- a record of the result of each review of the *authorisation*;
- a copy of any renewal of an *authorisation*, together with the supporting documentation submitted when the renewal was requested;
- the date and time when any instruction to cease surveillance was given;
- the date and time when any other instruction was given by the *authorising officer*;
- for local authorities a copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace (JP).

⁵¹ See Chapter 4.

⁵² See paragraph 5.7.

Property interference authorisations

8.3 The following information relating to all *authorisations* for property interference should be centrally retrievable for at least three years:⁵³

- the time and date when an *authorisation* is given;
- whether an *authorisation* is in written or oral form;
- the time and date when it was notified to a Surveillance Commissioner, if applicable;
- the time and date when the Surveillance Commissioner notified his or her approval (where appropriate);
- every occasion when entry on or interference with property or with wireless telegraphy has occurred;
- the result of periodic reviews of the *authorisation*;
- the date of every renewal; and
- the time and date when any instruction was given by the *authorising officer* to cease the interference with property or with wireless telegraphy.

8.4 RIPA records must be available for inspection by the Commissioner and retained to allow the Investigatory Powers Tribunal, established under Part IV of the Act, to carry out its functions. The Tribunal will consider complaints made up to one year after the conduct to which the complaint relates and, where it is equitable to do so, may consider complaints made more than one year after the conduct to which the complaint relates (see section 67(5) of the Act), particularly where continuing conduct is alleged. Although records are only required to be retained for at least three years, it is therefore desirable, if possible, to retain records for up to five years.

⁵³ See also paragraph 8.4.

Chapter 9

HANDLING OF MATERIAL AND USE OF MATERIAL AS EVIDENCE

Use of material as evidence

9.1 Subject to the provisions in Chapter 4 of this code, material obtained through directed or intrusive surveillance, or entry on, or interference with, property or wireless telegraphy, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the common law, the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1984⁵⁴ and the Human Rights Act 1998.

9.2 Any decisions by a Surveillance Commissioner in respect of granting prior approval for intrusive surveillance activity or entry on, or interference with, property or with wireless telegraphy, shall not be subject to appeal or be liable to be questioned in any court.⁵⁵

Retention and destruction of material

9.3 Each *public authority* must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed or intrusive surveillance or property interference. *Authorising officers*, through their relevant data controller, must ensure compliance with the appropriate data protection requirements under the Data Protection Act 1998 and any relevant codes of practice produced by individual authorities relating to the handling and storage of material.

⁵⁴ And section 76 of the Police & Criminal Evidence (Northern Ireland) Order 1989.

⁵⁵ See section 91(10) of the 1997 Act.

9.4 Where the product of surveillance or interference with property or wireless telegraphy could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements⁵⁶ for a suitable further period, commensurate to any subsequent review.

9.5 There is nothing in the 2000 Act, 1994 Act or 1997 Act which prevents material obtained under directed or intrusive surveillance or property interference *authorisations* from being used to further other investigations.

Law enforcement agencies

9.6 In the cases of the law enforcement agencies, particular attention is drawn to the requirements of the code of practice issued under the Criminal Procedure and Investigations Act 1996. This requires that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.

The intelligence services, MOD and HM Forces

9.7 The heads of these agencies are responsible for ensuring that arrangements exist for securing that no information is stored by the authorities, except as necessary for the proper discharge of their functions. They are also responsible for arrangements to control onward disclosure. For the intelligence services, this is a statutory duty under the 1989 Act and the 1994 Act.

9.8 With regard to the service police forces (the Royal Navy Police, the Royal Military Police and the Royal Air Force Police), particular attention is drawn to the Criminal Procedure and Investigations Act 1996 (Code of Practice) (Armed Forces) Order 2008, which requires that the investigator retain all material obtained in a service investigation which may be relevant to the investigation.

⁵⁶ For example, under the Criminal Procedure and Investigations Act 1996.

Chapter 10

OVERSIGHT BY COMMISSIONERS

10.1 The 1997 and 2000 Acts require the Chief Surveillance Commissioner to keep under review (with the assistance of the Surveillance Commissioners and Assistant Surveillance Commissioners) the performance of functions under Part III of the 1997 Act and Part II of the 2000 Act by the police (including the service police forces, the Ministry of Defence Police and the British Transport Police), NCA, HMRC and the other *public authorities* listed in Schedule 1 of the 2000 Act and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 and, in Northern Ireland, officials of the Ministry of Defence and HM Forces.

10.2 The Intelligence Services Commissioner's remit is to provide independent oversight of the use of the powers contained within Part II of the 2000 Act and the 1994 Act by the Security Service, Secret Intelligence Service, GCHQ and the Ministry of Defence and HM Forces (excluding the service police forces, and in Northern Ireland officials of the Ministry of Defence and HM Forces).

10.3 This code does not cover the exercise of any of the Commissioners' functions. It is the duty of any person who uses these powers to comply with any request made by a Commissioner to disclose or provide any information he or she requires for the purpose of enabling the Commissioner to carry out their functions.

10.4 References in this code to the performance of review functions by the Chief Surveillance Commissioner and other Commissioners apply also to Inspectors and other *members* of staff to whom such functions have been delegated.

Chapter 11

COMPLAINTS

11.1 The 2000 Act establishes an independent Tribunal. This Tribunal will be made up of senior *members* of the judiciary and the legal profession and is independent of the Government. The Tribunal has full powers to investigate and decide any case within its jurisdiction. This code does not cover the exercise of the Tribunal's functions. Details of the relevant complaints procedure can be obtained from the following address:

Investigatory Powers Tribunal

PO Box 33220

London

SW1H 9ZQ

 020 7035 3711

Chapter 12

GLOSSARY

Application	A request made to an <i>authorising officer</i> to consider granting (or renewing) an <i>authorisation</i> for directed or intrusive surveillance (under the 2000 Act), or interference with property or wireless telegraphy (under the 1994 or 1997 Act). An <i>application</i> will be made by a <i>member</i> of a relevant <i>public authority</i> .
Authorisation	An <i>application</i> which has received the approval of an <i>authorising officer</i> . Depending on the circumstances, an <i>authorisation</i> may comprise a written <i>application</i> that has been signed by the <i>authorising officer</i> , or an oral <i>application</i> that has been verbally approved by the <i>authorising officer</i> .
Authorising officer	A person within a <i>public authority</i> who is entitled to grant <i>authorisations</i> under the 2000 or 1997 Acts or to apply to the <i>Secretary of State</i> for such <i>warrants</i> . Should be taken to include <i>senior authorising officers</i> .
Confidential information	Confidential personal information (such as medical records or spiritual counselling), confidential journalistic material, confidential discussions between <i>Members of</i>

	<p><i>Parliament</i> and their constituents, or matters subject to <i>legal privilege</i>. See Chapter 4 for a full explanation.</p>
Legal privilege	<p>Matters subject to <i>legal privilege</i> are defined in section 98 of the 1997 Act. This includes certain communications between professional legal advisers and their clients or persons representing the client.</p>
Member	<p>An employee of an organisation, or a person seconded to that organisation.</p>
Member of Parliament	<p>Is reference to a Member of both Houses of the UK Parliament, the European Parliament, the Scottish Parliament, the Welsh Assembly, and Northern Ireland Assembly.</p>
Officer	<p>An <i>officer</i> of a police force, HMRC, or the CMA, or a person seconded to one of these agencies as an <i>officer</i>.</p>
Private information	<p>Any information relating to a person in relation to which that person has or may have a reasonable expectation of privacy. This includes information relating to a person's private, family or professional affairs. <i>Private information</i> includes information about any person, not just the subject(s) of an investigation.</p>
Public authority	<p>Any public organisation, agency or police force (including the military police forces).</p>

Secretary of State	Any <i>Secretary of State</i> (in practice this will generally be the Home Secretary).
Senior authorising officer	A person within a <i>public authority</i> who is entitled to grant intrusive surveillance <i>authorisations</i> under the 2000 Act or to apply to the <i>Secretary of State</i> for such <i>warrants</i> . See also <i>Authorising officer</i> .
Services police	The Royal Naval Police, Royal Military Police or Royal Air Force Police.
Warrant	A type of <i>authorisation</i> granted by a <i>Secretary of State</i> following an <i>application</i> for intrusive surveillance or property interference under the 1994, 1997 or 2000 Acts.

Annex A

Authorisation levels when knowledge of confidential information is likely to be acquired

Relevant public authority	Authorisation level
Police Forces:	
Any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London)	Chief Constable
The Police Service of Scotland	Chief Constable
The Metropolitan police force	Assistant Commissioner
The City of London police force	Commissioner
The Police Service of Northern Ireland	Deputy Chief Constable
The Ministry of Defence Police	Chief Constable
The Royal Navy Police	Provost Marshal
The Royal Military Police	Provost Marshal
The Royal Air Force Police	Provost Marshal
The National Crime Agency	Deputy Director General
The Serious Fraud Office	A Member of the Senior Civil Service or Head of Domain
The Intelligence Services:	
The Security Service	Deputy Director General

Relevant public authority	Authorisation level
The Secret Intelligence Service	A Director of the Secret Intelligence Service
The Government Communications Headquarters	A Director of GCHQ
HM Forces:	
The Royal Navy	Rear Admiral
The Army	Major General
The Royal Air Force	Air-Vice Marshal
The Commissioners for HM Revenue and Customs	Director Investigation, or Regional Heads of Investigation
The Department for Environment, Food and Rural Affairs:	
DEFRA Investigation Services	Head of DEFRA Investigation Services
Marine and Fisheries Agency	Head of DEFRA Prosecution Service
Centre for Environment, Fisheries and Aquaculture Science	Head of DEFRA Prosecution Service
The Department of Health:	
The Medicines and Healthcare Products Regulatory Agency	Chief Executive of the Medicines and Healthcare Products Regulatory Agency

Relevant public authority	Authorisation level
The Home Office	Senior Civil Service pay band 1 with responsibility for criminal investigations in relation to immigration and border security
The Ministry of Justice	Chief Executive Officer of the National Offender Management Service
The Northern Ireland Office: The Northern Ireland Prison Service	Director or Deputy Director Operations in the Northern Ireland Prison Service
The Department of Business, Innovation and Skills	The Director of Legal Services A
The Welsh Assembly Government	Head of Department for Health and Social Services, Head of Department for Health and Social Services Finance, Head of Rural Payments Division, Regional Director or equivalent grade in the Care and Social Services Inspectorate for Wales
Any county council or district council in England, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, and any county council or borough council in Wales	The Head of Paid Service, or (in his/her absence) the person acting as the Head of Paid Service

Relevant public authority	Authorisation level
The Environment Agency	Chief Executive of the Environment Agency
The Prudential Regulation Authority	Chief Executive of the Prudential Regulation Authority
The Competition and Markets Authority	Chair of the Competition and Markets Authority
The Financial Conduct Authority	Chairman of the Financial Conduct Authority
The Food Standards Agency	Head of Group, or Deputy Chief Executive or Chief Executive of the Foods Standards Agency
The Health and Safety Executive	Director of Field Operations, or Director of Hazardous Installations Directorate
NHS bodies in England and Wales: A Special Health Authority established under section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006	Managing Director of the NHS Counter Fraud and Security Management Services Division of the NHS Business Services Authority
The Royal Pharmaceutical Society of Great Britain	Deputy Registrar and Director of Regulation
The Department of Work and Pensions: Jobcentre Plus	Chief Executive of Jobcentre Plus

Relevant public authority	Authorisation level
The Royal Mail Group Ltd, by virtue of being a Universal Service Provider within the meaning of the Postal Services Act 2000	Director of Security

This code of practice provides guidance and rules on authorisations for the carrying out of surveillance (directed surveillance and intrusive surveillance) under Part 2 of the Regulation of Investigatory Powers Act 2000 and for interference with property or with wireless telegraphy under Part 3 of the Police Act 1997. It sets out the various authorisation procedures to be followed for the grant, review, renewal and cancellation of authorisations, as well as special rules for authorisations in respect of confidential and legally privileged information.

The code is aimed primarily at members of public authorities involved in making applications for the grant of authorisations and those persons designated to grant authorisations.



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Home Office

Covert Human Intelligence Sources

Code of Practice

Pursuant to Section 71 of the Regulation of
Investigatory Powers Act 2000

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Pursuant to section 71(4) of the Regulation of
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Chapter 1

INTRODUCTION

Definitions

1.1 In this code the:

- ‘1989 Act’ means the Security Service Act 1989;
- ‘1994 Act’ means the Intelligence Services Act 1994;
- ‘1997 Act’ means the Police Act 1997;
- ‘2000 Act’ means the Regulation of Investigatory Powers Act 2000 (RIPA);
- ‘RIP(S)A’ means the Regulation of Investigatory Powers (Scotland) Act 2000;
- ‘2010 Order’ means the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters Subject to Legal Privilege) Order 2010;
- ‘2013 Order’ means the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013.

Background

1.2 This code of practice provides guidance on the authorisation of the use or conduct of covert human intelligence sources (CHIS) by public authorities under Part II of the 2000 Act.

1.3 This code is issued pursuant to section 71 of the 2000 Act, which stipulates that the Secretary of State shall issue one or more codes of practice in relation to the powers and duties in Parts I to III of the 2000 Act, section 5 of the 1994 Act and Part III of the 1997 Act. This code replaces the previous code of practice issued in 2010.

1.4 This code is publicly available and should be readily accessible by members of any relevant public authority seeking to use the 2000 Act to authorise the use or conduct of CHIS.¹

Effect of code

1.5 The 2000 Act provides that all codes of practice relating to the 2000 Act are admissible as evidence in criminal and civil proceedings. If any provision of this code appears relevant to any court or tribunal considering any such proceedings, or to the Investigatory Powers Tribunal established under the 2000 Act, or to one of the Commissioners responsible for overseeing the powers conferred by the 2000 Act, it must be taken into account. Public authorities may also be required to justify, with regard to this code, the use or granting of authorisations in general or the failure to use or grant authorisations where appropriate.

1.6 Examples are included in this code to assist with the illustration and interpretation of certain provisions. Examples are not provisions of the code, but are included for guidance only. It is not possible for theoretical examples to replicate the level of detail to be found in real cases. Consequently, authorising officers should avoid allowing superficial similarities with the examples to determine their decisions and should not seek to justify their decisions solely by reference to the examples rather than to the law, including the provisions of this code.

Scope of covert human intelligence source activity to which this code applies

1.7 Part II of the 2000 Act provides for the authorisation of the use or conduct of CHIS. The definitions of these terms are laid out in section 26 of the 2000 Act and Chapter 2 of this code.

1.8 Not all human sources of information will fall within these definitions and an authorisation under the 2000 Act will therefore not always be appropriate.

¹ Being those listed in or added to Part I of schedule 1 of the 2000 Act.

1.9 Neither Part II of the 2000 Act nor this code of practice is intended to affect the existing practices and procedures surrounding criminal participation of CHIS.

Chapter 2

COVERT HUMAN INTELLIGENCE SOURCES: DEFINITIONS AND EXAMPLES

Definition of a covert human intelligence source

2.1 Under the 2000 Act, a person is a CHIS if:

- (a) they establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c);
- (b) they covertly use such a relationship to obtain information or to provide access to any information to another person; or
- (c) they covertly disclose information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.²

2.2 A relationship is established or maintained for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.³

2.3 A relationship is used covertly, and information obtained is disclosed covertly, if and only if the relationship is used or the information is disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.⁴

2.4 The 2013 Order further defines a particular type of CHIS as a 'relevant source'. This is a source holding an office, rank or position with the public authorities listed in the Order and Annex B to this code. Enhanced authorisation arrangements are in place for this type of source as detailed in this code. Such sources will be referred to as 'relevant source' throughout this code.

2 See section 26(8) of the 2000 Act.

3 See section 26(9)(b) of the 2000 Act for full definition.

4 See section 26(9)(c) of the 2000 Act for full definition.

Scope of 'use' or 'conduct' authorisations

2.5 Subject to the procedures outlined in Chapter 3 of this code, an authorisation may be obtained under Part II of the 2000 Act for the use or conduct of CHIS.

2.6 The use of a CHIS involves any action on behalf of a public authority to induce, ask or assist a person to engage in the conduct of a CHIS, or to obtain information by means of the conduct of a CHIS.⁵ In general, therefore, an authorisation for use of a CHIS will be necessary to authorise steps taken by a public authority in relation to a CHIS.

2.7 The conduct of a CHIS is any conduct of a CHIS which falls within paragraph 2.1 above or is incidental to anything falling within that paragraph. In other words, an authorisation for conduct will authorise steps taken by the CHIS on behalf, or at the request, of a public authority.⁶

2.8 Most CHIS authorisations will be for both use and conduct. This is because public authorities usually take action in connection with the CHIS, such as tasking the CHIS to undertake covert action, and because the CHIS will be expected to take action in relation to the public authority, such as responding to particular tasking.

2.9 Care should be taken to ensure that the CHIS is clear on what is/is not authorised at any given time and that all the CHIS's activities are properly risk assessed. Care should also be taken to ensure that relevant applications, reviews, renewals and cancellations are correctly performed. A CHIS may in certain circumstances be the subject of different use or conduct authorisations obtained by one or more public authorities. Such authorisations should not conflict.

⁵ See section 26(7)(b) of the 2000 Act.

⁶ See section 26(7)(a) of the 2000 Act.

Circumstances in which it would be appropriate to authorise the use or conduct of a CHIS

2.10 Public authorities are not required by the 2000 Act to seek or obtain an authorisation just because one is available (see section 80 of the 2000 Act). The use or conduct of a CHIS, however, can be a particularly intrusive and high-risk covert technique, requiring dedicated and sufficient resources, oversight and management. This will include ensuring that all use or conduct is:

- necessary and proportionate to the intelligence dividend that it seeks to achieve;
- in compliance with relevant Articles of the European Convention on Human Rights (ECHR), particularly Articles 6 and 8.

2.11 Unlike directed surveillance, which relates specifically to private information, authorisations for the use or conduct of a CHIS do not relate specifically to private information, but to the covert manipulation of a relationship to gain any information. ECHR case law makes it clear that Article 8 includes the right to establish and develop relationships. Accordingly, any manipulation of a relationship by a public authority (e.g. one party having a covert purpose on behalf of a public authority) is likely to engage Article 8, regardless of whether or not the public authority intends to acquire private information.

2.12 It is therefore strongly recommended that a public authority consider an authorisation whenever the use or conduct of a CHIS is likely to engage an individual's rights under Article 8, whether this is through obtaining information, particularly private information, or simply through the covert manipulation of a relationship. An authorisation will be required if a relationship exists between the subject and the CHIS, even if specific information has not been sought by the public authority.

Establishing, maintaining and using a relationship

2.13 The word 'establishes' when applied to a relationship means 'set up'. It does not require, as 'maintains' does, endurance over any particular period. Consequently, a relationship of seller and buyer

may be deemed to exist between a shopkeeper and a customer even if only a single transaction takes place. Repetition is not always necessary to give rise to a relationship, but whether or not a relationship exists depends on all the circumstances including the length of time of the contact between seller and buyer and the nature of any covert activity.

Example 1: Intelligence suggests that a local shopkeeper is openly selling alcohol to underage customers, without any questions being asked. A juvenile is engaged and trained by a public authority and then deployed in order to make a purchase of alcohol. In these circumstances any relationship, if established at all, is likely to be so limited in regards to the requirements of the 2000 Act that a public authority may conclude that a CHIS authorisation is unnecessary. However, if the test purchaser is wearing recording equipment but is not authorised as a CHIS, consideration should be given to granting a directed surveillance authorisation.

Example 2: In similar circumstances, intelligence suggests that a shopkeeper will sell alcohol to juveniles from a room at the back of the shop, providing they have first got to know and trust them. As a consequence the public authority decides to deploy its operative on a number of occasions, to befriend the shopkeeper and gain their trust, in order to purchase alcohol. In these circumstances a relationship has been established and maintained for a covert purpose and therefore a CHIS authorisation should be obtained.

2.14 Any police officer deployed as a ‘relevant source’ in England and Wales will be required to comply with and uphold the principles and standards of professional behaviour set out in the College of Policing Code of Ethics.

Legend building

2.15 When a relevant source is deployed to establish their ‘legend’/ build up their cover profile, an authorisation must be sought under the 2000 Act if the activity will interfere with an individual’s Article 8

rights. The individual does not have to be the subject of a future investigation. Interference with any individual's Article 8 rights requires authorisation under the 2000 Act.

Human source activity falling outside CHIS definition

2.16 Not all human source activity will meet the definition of a CHIS. For example, a source may be a public volunteer who discloses information out of professional or statutory duty, or has been tasked to obtain information other than by way of a relationship.

Public volunteers

2.17 In many cases involving human sources, a relationship will not have been established or maintained for a covert purpose. Many sources merely volunteer or provide information that is within their personal knowledge, without being induced, asked, or tasked by a public authority. This means that the source is not a CHIS for the purposes of the 2000 Act and no authorisation under the 2000 Act is required.⁷

Example 1: A member of the public volunteers a piece of information to a member of a public authority regarding something they have witnessed in their neighbourhood. The member of the public would not be regarded as a CHIS. They are not passing information as a result of a relationship which has been established or maintained for a covert purpose.

⁷ See Chapter 2 of this code for further guidance on types of source activity to which authorisations under Part II of the 2000 Act may or may not apply.

Example 2: A caller to a confidential hotline (such as Crimestoppers, the Customs Hotline, the Anti-Terrorist Hotline, or the Security Service Public Telephone Number) reveals that they know of criminal or terrorist activity. Even if the caller is involved in the activities on which they are reporting, the caller would not be considered a CHIS as the information is not being disclosed on the basis of a relationship which was established or maintained for that covert purpose. However, should the caller be asked to maintain their relationship with those involved and to continue to supply information, an authorisation for the use or conduct of a CHIS may be appropriate.

Professional or statutory duty

2.18 Certain individuals will be required to provide information to public authorities or designated bodies out of professional or statutory duty. For example, employees within organisations regulated by the money laundering provisions of the Proceeds of Crime Act 2002 will be required to comply with the Money Laundering Regulations 2003 and report suspicious transactions. Similarly, financial officials, accountants or company administrators may have a duty to provide information that they have obtained by virtue of their position to the Serious Fraud Office.

2.19 Any such regulatory or professional disclosures should not result in these individuals meeting the definition of a CHIS, as the business or professional relationships from which the information derives will not have been established or maintained for the covert purpose of disclosing such information.

2.20 Furthermore, this reporting is undertaken 'in accordance with the law' and therefore any interference with an individual's privacy (Article 8 rights) will be in accordance with Article 8(2) ECHR.

2.21 This statutory or professional duty, however, would not extend to the situation where a person is asked to provide information which they acquire as a result of an existing professional or business relationship with the subject but that person is under no obligation to pass it on. For example, a travel agent who is asked by the police to

find out when a regular client next intends to fly to a particular destination is not under an obligation to pass this information on. In these circumstances a CHIS authorisation may be appropriate.

Tasking not involving relationships

2.22 Tasking a person to obtain information covertly may result in authorisation under Part II of the 2000 Act being appropriate. However, this will not be true in all circumstances. For example, where the tasking given to a person does not require that person to establish or maintain a relationship for the purpose of obtaining, providing access to or disclosing the information sought or where the information is already within the personal knowledge of the individual, that person will not be a CHIS.

Example: A member of the public is asked by a member of a public authority to maintain a record of all vehicles arriving and leaving a specific location or to record the details of visitors to a neighbouring house. A relationship has not been established or maintained in order to gather the information and a CHIS authorisation is therefore not available. Other authorisations under the Act (for example, directed surveillance) may need to be considered where there is an interference with the Article 8 rights of an individual.

Identifying when a human source becomes a CHIS

2.23 Individuals or members of organisations (e.g. travel agents, housing associations and taxi companies) who, because of their work or role have access to personal information, may voluntarily provide information to the police on a repeated basis and need to be managed appropriately. Public authorities must keep such human sources under constant review to ensure that they are managed with an appropriate level of sensitivity and confidentiality, and to establish whether, at any given stage, they should be authorised as a CHIS.

2.24 Determining the status of an individual or organisation is a matter of judgement by the public authority. Public authorities should avoid inducing individuals to engage in the conduct of a CHIS either expressly or implicitly without obtaining a CHIS authorisation.

Example 2: Mr Y volunteers information to a member of a public authority about a work colleague out of civic duty. Mr Y is not a CHIS at this stage as he has not established or maintained (or been asked to establish or maintain) a relationship with his colleague for the covert purpose of obtaining and disclosing information. However, Mr Y is subsequently contacted by the public authority and is asked if he would ascertain certain specific information about his colleague. At this point, it is likely that Mr Y's relationship with his colleague is being maintained and used for the covert purpose of providing that information. A CHIS authorisation would therefore be appropriate to authorise interference with the Article 8 right to respect for private and family life of Mr Y's work colleague.

2.25 However, the tasking of a person should not be used as the sole benchmark in seeking a CHIS authorisation. It is the activity of the CHIS in exploiting a relationship for a covert purpose which is ultimately authorised by the 2000 Act, whether or not that CHIS is asked to do so by a public authority. It is possible therefore that a person will become engaged in the conduct of a CHIS without a public authority inducing, asking or assisting the person to engage in that conduct.

Chapter 3

GENERAL RULES ON AUTHORISATIONS

Authorising officer

3.1 Responsibility for giving the authorisation will depend on which public authority is responsible for the CHIS. For the purposes of this and future chapters, the person in a public authority responsible for granting an authorisation will be referred to as the ‘authorising officer’. The relevant public authorities and authorising officers are listed in the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 as amended by the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013.

Necessity and proportionality

3.2 The 2000 Act stipulates that the authorising officer must believe that an authorisation for the use or conduct of a CHIS is necessary in the circumstances of the particular case for one or more of the statutory grounds listed in section 29(3) of the 2000 Act.

3.3 If the use or conduct of the CHIS is deemed necessary, on one or more of the statutory grounds, the person granting the authorisation must also believe that it is proportionate to what is sought to be achieved by carrying it out. This involves balancing the seriousness of the intrusion into the private or family life of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

3.4 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence

may be serious will not alone render the use or conduct of a CHIS proportionate. Similarly, an offence may be so minor that any deployment of a CHIS would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.

3.5 The following elements of proportionality should therefore be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

Extent of authorisations

3.6 An authorisation under Part II of the 2000 Act for the use or conduct of a CHIS will provide lawful authority for any such activity that:

- involves the use or conduct of a CHIS as is specified or described in the authorisation;
- is carried out by or in relation to the person to whose actions as a CHIS the authorisation relates; and
- is carried out for the purposes of, or in connection with, the investigation or operation so described.⁸

3.7 In the above context, it is important that the CHIS is fully aware of the extent and limits of any conduct authorised and that those involved in the use of a CHIS are fully aware of the extent and limits of the authorisation in question.

⁸ See section 29(4) of the 2000 Act.

Collateral intrusion

3.8 Before authorising the use or conduct of a source, the authorising officer should take into account the risk of interference with the private and family life of persons who are not the intended subjects of the CHIS activity (collateral intrusion).

3.9 Measures should be taken, wherever practicable, to avoid or minimize interference with the private and family life of those who are not the intended subjects of the CHIS activity. Where such collateral intrusion is unavoidable, the activities may still be authorised providing this collateral intrusion is considered proportionate to the aims of the intended intrusion. Any collateral intrusion should be kept to the minimum necessary to achieve the objective of the operation.

3.10 All applications should therefore include an assessment of the risk of any collateral intrusion, and details of any measures taken to limit this, to enable the authorising officer fully to consider the proportionality of the proposed use or conduct of a CHIS.

3.11 Where CHIS activity is deliberately proposed against individuals who are not suspected of direct or culpable involvement in the matter being investigated, interference with the private and family life of such individuals should not be considered as collateral intrusion but rather as intended intrusion. Any such interference should be carefully considered against the necessity and proportionality criteria as described above.

Example 1: A relevant source is deployed to obtain information about the activities of a suspected criminal gang under CHIS authorisation. It is assessed that the relevant source will in the course of this deployment obtain private information about some individuals who are not involved in criminal activities and are of no interest to the investigation. The authorising officer should consider the proportionality of this collateral intrusion, and whether sufficient measures are to be taken to limit it, when granting the authorisation.

Example 2: The police seek to establish the whereabouts of Mr W in the interests of national security. In order to do so, a relevant source is deployed to seek to obtain this information from Mr P, an associate of Mr W who is not of direct security interest. An application for a CHIS authorisation is made to authorise the deployment. The authorising officer will need to consider the necessity and proportionality of the operation against Mr P and Mr W, who will be the direct subjects of the intrusion. The authorising officer will also need to consider the proportionality of any collateral intrusion that will arise if there is any additional interference with the private and family life of other individuals of no interest to the investigation.

Reviewing and renewing authorisations

3.12 Except where enhanced arrangements under the 2013 Order apply, the authorising officer who grants an authorisation should, where possible, be responsible for considering subsequent renewals of that authorisation and any related security and welfare issues.

3.13 The authorising officer will stipulate the frequency of formal reviews and the controller (see paragraph 6.9 below) should maintain an audit of case work sufficient to ensure that the use or conduct of the CHIS remains within the parameters of the extant authorisation. This will not prevent additional reviews being conducted by the authorising officer in response to changing circumstances such as described below.

3.14 Where the nature or extent of intrusion into the private or family life of any person becomes greater than that anticipated in the original authorisation, the authorising officer should immediately review the authorisation and reconsider the proportionality of the operation. This should be highlighted at the next renewal.

3.15 Where a CHIS authorisation provides for interference with the private and family life of initially unidentified individuals whose identity is later established, a new authorisation is not required provided the scope of the original authorisation envisaged interference with the private and family life of such individuals.

Example: An authorisation is obtained by the police to authorise a CHIS to use her relationship with ‘Mr X and his close associates’ for the covert purpose of providing information relating to their suspected involvement in a crime. Mr X introduces the CHIS to Mr A, a close associate of Mr X. It is assessed that obtaining more information on Mr A will assist the investigation. The CHIS may use her relationship with Mr A to obtain such information but the review of the authorisation should specify any interference with the private and family life of ‘Mr X and his associates, including Mr A’ and that such an interference is in accordance with the original authorisation.

3.16 Any proposed changes to the *nature* of the CHIS operation (i.e. the activities involved) should immediately be brought to the attention of the authorising officer. The authorising officer should consider whether the proposed changes are within the scope of the existing authorisation and whether they are proportionate (bearing in mind any extra interference with private or family life or collateral intrusion), before approving or rejecting them. Any such changes should be highlighted at the next renewal.

Local considerations and community impact assessments

3.17 Any person granting or applying for an authorisation will also need to be aware of any particular sensitivities in the local community where the CHIS is being used and of similar activities being undertaken by other public authorities which could have an impact on the deployment of the CHIS. Consideration should also be given to any adverse impact on community confidence or safety that may result from the use or conduct of a CHIS or use of information obtained from that CHIS.

3.18 It is therefore recommended that where an authorising officer from a public authority considers that conflicts might arise they should, where possible, consult a senior officer within the police force area in which the CHIS is deployed. All public authorities, where possible, should consider consulting with other relevant public authorities to gauge community impact.

Combined authorisations

3.19 A single authorisation may combine two or more different authorisations under Part II of the 2000 Act.⁹ For example, a single authorisation may combine authorisations for intrusive surveillance and the conduct of a CHIS. In such cases the provisions applicable to each of the authorisations must be considered separately by the appropriate authorising officer. Thus, a superintendent or an assistant chief constable (for relevant sources), can authorise the conduct of a CHIS but an authorisation for intrusive surveillance by the police needs the separate authorisation of a chief constable (and the prior approval of a Surveillance Commissioner, except in cases of urgency).

3.20 Where an authorisation for the use or conduct of a CHIS is combined with a Secretary of State authorisation for intrusive surveillance, the combined authorisation must be issued by the Secretary of State.

3.21 The above considerations do not preclude public authorities from obtaining separate authorisations.

Operations involving multiple CHIS

3.22 A single authorisation under Part II of the 2000 Act may be used to authorise more than one CHIS. However, this is only likely to be appropriate for operations involving the conduct of several undercover operatives acting as CHISs in situations where the activities to be authorised, the subjects of the operation, the interference with private and family life, the likely collateral intrusion and the environmental or operational risk assessments are the same for each officer. If an authorisation includes more than one relevant

⁹ See section 43(2) of the 2000 Act.

source, each relevant source must be clearly identifiable within the documentation sent to the OSC. In these circumstances adequate records must be kept of the length of deployment of a relevant source to ensure the enhanced authorisation process set out in the 2013 Order and Annex B of this code can be adhered to.

Covert surveillance of a potential CHIS

3.23 It may be necessary to deploy covert surveillance against a potential CHIS, other than those acting in the capacity of an undercover operative, as part of the process of assessing their suitability for recruitment, or in planning how best to make the approach to them. Covert surveillance in such circumstances may or may not be necessary on one of the statutory grounds on which directed surveillance authorisations can be granted, depending on the facts of the case. Whether or not a directed surveillance authorisation is available, any such surveillance must be justifiable under Article 8(2) of the ECHR.

Use of covert human intelligence sources with technical equipment

3.24 A CHIS wearing or carrying a surveillance device does not need a separate intrusive or directed surveillance authorisation, provided the device will only be used in the presence of the CHIS. However, if a surveillance device is to be used other than in the presence of the CHIS, an intrusive or directed surveillance authorisation should be obtained where appropriate, together with an authorisation for interference with property, if applicable. See the Covert Surveillance and Property Interference Code of Practice.

3.25 A CHIS, whether or not wearing or carrying a surveillance device, in residential premises or a private vehicle, does not require additional authorisation to record any activity taking place inside those premises or that vehicle which takes place in their presence. This also applies to the recording of telephone conversations or other forms of communication, other than by interception, which takes place in the source's presence. Authorisation for the use or conduct of that source may be obtained in the usual way.

Use of covert human intelligence sources by local authorities

3.26 The Protection of Freedoms Act 2012 amended the 2000 Act to make local authority authorisation of a CHIS subject to judicial approval. The change means that local authorities need to obtain an order approving the grant or renewal of an authorisation from a Justice of the Peace before it can take effect. If the JP is satisfied that the statutory tests have been met and that the use of the technique is necessary and proportionate they will issue an order approving the grant or renewal for the use of the technique as described in the application. The amendment means that local authorities are no longer able to orally authorise the use of RIPA techniques. The detail of these changes is set out in detail in separate guidance for local authorities and the judiciary. This guidance is available on the .gov.uk website. In Scotland this requirement only applies to authorisations for communications data as the use of the other techniques is governed by RIP(S)A. In Northern Ireland this requirement only applies to authorisations where the grant or renewal relates to a Northern Ireland excepted or reserved matter. Where such an authorisation is required by a local authority in Northern Ireland, an application for a grant or renewal should be made to a district judge. For other authorisations, local authorities in Northern Ireland should refer to the general requirements for authorisation set out in this code.

3.27 Elected members of a local authority should review the authority's use of the 2000 Act and set the policy at least once a year. They should also consider internal reports on use of the 2000 Act on a regular basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose.

Chapter 4

SPECIAL CONSIDERATIONS FOR AUTHORISATIONS

Legally privileged material and other confidential information

4.1 The 2000 Act does not provide any special protection for ‘confidential information’. Nevertheless, particular care should be taken in cases where the subject of the intrusion might reasonably expect a high degree of privacy, or where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information, confidential constituent information or confidential journalistic material. So, for example, extra care should be taken where, through the use or conduct of a CHIS, it would be possible to acquire knowledge of discussions between a minister of religion and an individual relating to the latter’s spiritual welfare, or between a Member of Parliament and the individual or group where they are constituents relating to private constituency matters, or wherever matters of medical or journalistic confidentiality or legal privilege may be involved. References to a Member of Parliament include references to Members of both Houses of the UK Parliament, the European Parliament, the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly.

4.2 In cases where through the use or conduct of a CHIS it is likely that knowledge of legally privileged material or other confidential information will be acquired, the deployment of the CHIS is subject to a higher level of authorisation. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 lists the authorising officer for each public authority permitted to authorise such use or conduct of a CHIS.

4.3 There may be circumstances when a ‘relevant source’ as described in the 2013 Order will have access to legally privileged or confidential information. In such circumstances, the authorisation processes set out in the 2010 Order and the 2013 Order should be adhered to. The authorisation levels for access to confidential material are set out at Annex A.

Matters subject to legal privilege – introduction

4.4 Section 98 of the 1997 Act defines those matters that are subject to legal privilege. Under this definition, legal privilege does not apply to communications or items held, or oral communications made, with the intention of furthering a criminal purpose (whether the lawyer is acting unwittingly or culpably). Legally privileged communications will lose their protection if the professional legal adviser is intending to hold or use them for a criminal purpose. But privilege is not lost if a professional legal adviser is properly advising a person who is suspected of having committed a criminal offence.

4.5 Public authorities may obtain knowledge of matters subject to legal privilege via CHIS in three scenarios: first, where the public authority responsible for the CHIS deliberately authorised the use or conduct of the CHIS in order to obtain knowledge of matters subject to legal privilege; second, where the CHIS obtains knowledge of matters subject to legal privilege through conduct incidental (within the meaning of section 26(7)(a)) to their conduct as a CHIS; and, third, where a CHIS obtains knowledge of matters subject to legal privilege where their conduct cannot properly be regarded as incidental to their conduct as a CHIS. Separate guidance is relevant to each scenario.

Authorisations for the use or conduct of a CHIS to obtain, provide access to or disclose knowledge of matters subject to legal privilege

4.6 If a public authority seeks to grant or renew an authorisation for the use or conduct of a CHIS in order to obtain, provide access to or disclose knowledge of matters subject to legal privilege, the 2010

Order will apply. The 2010 Order creates an enhanced regime of prior approval for such authorisations. The 2010 Order provides that before an authorising officer grants or renews an authorisation to which the Order applies, they must give notice to the relevant approving officer. The relevant approving officer will be the Secretary of State in the case of a member of the intelligence services, an official of the Ministry of Defence, an individual holding an office, rank or position in Her Majesty's Prison Service or the Northern Ireland Prison Service. In all other cases, the relevant approving officer will be an ordinary Surveillance Commissioner. The authorising officer is prohibited from granting or renewing an authorisation to which the 2010 Order applies until they have received confirmation in writing that the approving officer has approved the application. If the approving officer does not approve the application, the authorising officer may still grant an authorisation in respect of the use or conduct of the CHIS in question, but may not authorise the use or conduct of the CHIS to obtain, provide access to or disclose knowledge of matters subject to legal privilege.

4.7 Approving officers may only approve, and authorising officers may only authorise, the use or conduct of CHIS to acquire knowledge of matters subject to legal privilege if they are satisfied that there are exceptional and compelling circumstances that make the authorisation necessary. Such circumstances will arise only in a very restricted range of cases, such as where there is a threat to life or limb, or to national security, and the use or conduct of a CHIS to acquire knowledge of matters subject to legal privilege is reasonably regarded as likely to yield intelligence necessary to counter the threat.

Circumstances in which the obtaining of knowledge of matters subject to legal privilege by a CHIS or public authority is incidental to the conduct authorised in the authorisation

4.8 The reactive nature of the work of a CHIS, and the need for a CHIS to maintain cover, may make it necessary for a CHIS to engage in conduct which was not envisaged at the time the authorisation was granted, but which is incidental to that conduct.

Such incidental conduct is regarded as properly authorised by virtue of sections 26(7)(a), 27 and 29(4) of the 2000 Act, even though it was not specified in the initial authorisation.

4.9 This is likely to occur only in exceptional circumstances, such as where the obtaining of such knowledge is necessary to protect life and limb, including in relation to the CHIS, or national security, in circumstances that were not envisaged at the time the authorisation was granted.

4.10 If any of these situations arise, the public authority should draw it to the attention of the relevant Commissioner or Inspector during the next inspection (at which the material should be made available if requested). In addition, the public authority in question should ensure that any knowledge of matters subject to legal privilege obtained through conduct incidental to the use or conduct of a CHIS specified in the authorisation is not used in law enforcement investigations or criminal prosecutions.

4.11 If it becomes apparent that it will be necessary for the CHIS to continue to obtain, provide access to or disclose knowledge of matters subject to legal privilege, the initial authorisation should be replaced by an authorisation that has been subject to the prior approval procedure set out in the 2010 Order at the earliest reasonable opportunity.

Unintentional obtaining of knowledge of matters subject to legal privilege by a CHIS

4.12 Public authorities should make every effort to avoid their CHIS unintentionally obtaining, providing access to or disclosing knowledge of matters subject to legal privilege. If a public authority assesses that a CHIS may be exposed to such knowledge unintentionally, the public authority should task the CHIS in such a way that this possibility is reduced as far as possible. When debriefing the CHIS, the public authority should make every effort to ensure that any knowledge of matters subject to legal privilege which the CHIS may have obtained is not disclosed to the public authority, unless there are exceptional and compelling circumstances that make such disclosure necessary. If, despite these steps, knowledge of

matters subject to legal privilege is unintentionally disclosed to the public authority, the public authority in question should ensure that it is not used in law enforcement investigations or criminal prosecutions. Any unintentional obtaining of knowledge of matters subject to legal privilege by a public authority, together with a description of all steps taken in relation to that material, should be drawn to the attention of the relevant Commissioner or Inspector during the next inspection (at which the material should be made available if requested).

The use and handling of material subject to legal privilege

4.13 Legally privileged information is particularly sensitive and any use or conduct of CHIS which obtains, provides access to or discloses such material may give rise to issues under Article 6 of the ECHR (right to a fair trial) as well as engaging Article 8.

4.14 Where public authorities deliberately obtain knowledge of matters subject to legal privilege via the conduct of a CHIS, they may use it to counter the threat which led them to obtain it; but not for other purposes. In particular, public authorities should ensure that knowledge of matters subject to legal privilege is kept separate from law enforcement investigations or criminal prosecutions.

4.15 In cases likely to result in the obtaining by a public authority of knowledge of matters subject to legal privilege, the authorising officer or Surveillance Commissioner may require regular reporting so as to be able to decide whether the authorisation should continue. In those cases where knowledge of matters subject to legal privilege has been obtained and retained, the matter should be reported to the authorising officer by means of a review and to the relevant Commissioner or Inspector during the next inspection (at which the material should be made available if requested).

4.16 A substantial proportion of the communications between a lawyer and their client(s) may be subject to legal privilege. Therefore, in any case where a lawyer is the subject of an investigation or operation, authorising officers should consider whether the special

safeguards outlined in this chapter apply. Any material which has been retained from any such investigation or operation should be notified to the relevant Commissioner or Inspector during their next inspection and made available on request.

4.17 Where there is any doubt as to the handling and dissemination of information which may be subject to legal privilege, advice should be sought from a legal adviser within the relevant public authority before any further dissemination of the material takes place. Similar advice should also be sought where there is doubt over whether information is not subject to legal privilege due to the ‘in furtherance of a criminal purpose’ exception. The retention of legally privileged information, or its dissemination to an outside body, should be accompanied by a clear warning that it is subject to legal privilege. It should be safeguarded by taking reasonable steps to ensure there is no possibility of it becoming available, or its contents becoming known, to any person whose possession of it might prejudice any criminal or civil proceedings to which the information relates. Any dissemination of legally privileged material to an outside body should be notified to the relevant Commissioner or Inspector during their next inspection.

Confidential information

4.18 Similar consideration must also be given to authorisations for use or conduct that are likely to result in the obtaining of confidential personal information, confidential constituent information and confidential journalistic material. Where such material has been acquired and retained, the matter should be reported to the relevant Commissioner or Inspector during their next inspection and the material be made available to him if requested.

4.19 Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling of a person (whether living or dead) who can be identified from it.¹⁰ Such information, which can include both oral

¹⁰ **Spiritual counselling** means conversations between a person and a religious authority acting in an official capacity, where the individual being counselled is seeking or the religious authority is imparting forgiveness, absolution or the resolution of conscience in accordance with their faith.

and written communications, is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, or information from a patient's medical records.

4.20 Confidential constituent information is information held in confidence in relation to communications between a Member of Parliament and a constituent in respect of constituency matters. Again, such information is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation.

4.21 Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.

4.22 Where there is any doubt as to the handling and dissemination of confidential information, advice should be sought from a legal adviser, who is independent from the investigation, within the relevant public authority before any further dissemination of the material takes place. Any dissemination of confidential material to an outside body should be notified to the relevant Commissioner or Inspector during their next inspection.

Vulnerable individuals

4.23 A vulnerable individual is a person who by reason of mental disorder or vulnerability, other disability, age or illness, is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. Where it is known or suspected that an individual may be vulnerable, they should only be authorised to act as a CHIS in the most exceptional circumstances. In these cases, Annex A lists the authorising officer for each public authority permitted to authorise the use of a vulnerable individual as a CHIS.

Juvenile sources

4.24 Special safeguards also apply to the use or conduct of juveniles, that is, those under 18 years old, as sources. On no occasion should the use or conduct of a CHIS under 16 years of age be authorised to give information against their parents or any person who has parental responsibility for them. In other cases, authorisations should not be granted unless the special provisions contained within The Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied. Authorisations for juvenile sources should be granted by those listed in the attached table at Annex A. The duration of such an authorisation is one month from the time of grant or renewal (instead of 12 months). For the purpose of these rules, the age test is applied at the time of the grant or renewal of the authorisation.

Scotland

4.25 Where all the conduct authorised is likely to take place in Scotland, authorisations should be granted under RIP(S)A, unless:

- the authorisation is being obtained by those public authorities listed in section 46(3) of the 2000 Act and the Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2000; SI No. 2418;
- the authorisation is to be granted or renewed (by any relevant public authority) for the purposes of national security or the economic well-being of the UK; or
- the authorisation authorises conduct that is surveillance by virtue of section 48(4) of the 2000 Act.

4.26 This code of practice is extended to Scotland in relation to authorisations granted under Part II of the 2000 Act which apply to Scotland. A separate code of practice applies in relation to authorisations granted under RIP(S)A.

International

4.27 Authorisations under the 2000 Act can be given for the use or conduct of CHIS both inside and outside the UK. However, authorisations for actions outside the UK can usually only validate them for the purposes of UK law.

4.28 Public authorities are therefore advised to seek authorisations where available under the 2000 Act for any overseas operations where the subject of investigation is a UK national or is likely to become the subject of criminal or civil proceedings in the UK, or if the operation is likely to affect a UK national or give rise to material likely to be used in evidence before a UK court.

4.29 Public authorities must have in place internal systems to manage any overseas CHIS deployments and it is recognised practice for UK law enforcement agencies to follow the authorisation and management regime under the 2000 Act, even where such deployments are only intended to impact locally and are therefore authorised under domestic law. However, public authorities should take care to monitor such deployments to identify where civil or criminal proceedings may become a prospect in the UK and ensure that, where appropriate, an authorisation under Part II of the 2000 Act is sought if this becomes the case.

4.30 The Human Rights Act 1998 applies to all activity taking place within the UK. This should be taken to include overseas territories and facilities which are within the jurisdiction of the UK. Authorisations under the 2000 Act may therefore be appropriate for overseas covert operations occurring in UK Embassies, military bases, detention facilities, etc., in order to comply with rights to privacy under Article 8 of the ECHR.¹¹

4.31 Members of foreign law enforcement or other agencies or CHIS of those agencies may be authorised under the 2000 Act in the UK in support of domestic and international investigations. When a member of a foreign law enforcement agency is authorised in support of a domestic or international investigation or operation consideration

¹¹ See *R v Al Skeini* June 2007. If conduct is to take place overseas the ACPO Covert Investigation (Legislation and Guidance) Steering Group may be able to offer additional advice.

should be given to authorising the individual at the level prescribed by the 2013 Order as if the individual holds an ‘office, rank or position’ with an organisation listed in the same order.

Online covert activity

4.32 The use of the internet may be required to gather information prior to and/or during a CHIS operation, which may amount to directed surveillance. Alternatively the CHIS may need to communicate online, for example this may involve contacting individuals using social media websites. Whenever a public authority intends to use the internet as part of an investigation, they must first consider whether the proposed activity is likely to interfere with a person’s Article 8 rights, including the effect of any collateral intrusion. Any activity likely to interfere with an individual’s Article 8 rights should only be used when necessary and proportionate to meet the objectives of a specific case. Where it is considered that private information is likely to be obtained, an authorisation (combined or separate) must be sought as set out elsewhere in this code.

Chapter 5

AUTHORISATION PROCEDURES FOR COVERT HUMAN INTELLIGENCE SOURCES

Authorisation criteria

5.1 Under section 29(3) of the 2000 Act an authorisation for the use or conduct of a CHIS may be granted by the authorising officer where they believe that the authorisation is necessary:

- in the interests of national security;¹²
- for the purpose of preventing or detecting¹³ crime or of preventing disorder;
- in the interests of the economic well-being of the UK;
- in the interests of public safety;
- for the purpose of protecting public health;¹⁴
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or for any other purpose prescribed in an order made by the Secretary of State.¹⁵

12 One of the functions of the Security Service is the protection of national security and in particular the protection against threats from terrorism. These functions extend throughout the UK. An authorising officer in another public authority should not issue an authorisation under Part II of the 2000 Act where the operation or investigation falls within the responsibilities of the Security Service, as set out above, except where it is to be carried out by a Special Branch, Counter Terrorism Unit or Counter Terrorism Intelligence Unit or where the Security Service has agreed that another public authority can authorise the use or conduct of a CHIS which would normally fall within the responsibilities of the Security Service. HM Forces may also undertake operations in connection with national security in support of the Security Service or other Civil Powers.

13 Detecting crime is defined in section 81(5) of the 2000 Act. Preventing and detecting crime goes beyond the prosecution of offenders and includes actions taken to avert, end or disrupt the commission of criminal offences.

14 This could include investigations into infectious diseases, contaminated products or the illicit sale of pharmaceuticals.

15 This could only be for a purpose which satisfies the criteria set out in Article 8(2) of the ECHR.

5.2 The authorising officer must also believe that the authorised use or conduct of CHIS is proportionate to what is sought to be achieved by that use or conduct.

Relevant public authorities

5.3 The public authorities entitled to authorise the use or conduct of a CHIS, together with the specific purposes for which each public authority may authorise the use or conduct of a CHIS, are laid out in Schedule 1 of the 2000 Act and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 as amended by the 2013 Order.

Authorisation procedures

5.4 Responsibility for authorising the use or conduct of a CHIS rests with the authorising officer and all authorisations require the personal authority of the authorising officer. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 as amended by the 2013 Order designate the authorising officer for each different public authority and the officers entitled to act only in urgent cases. In certain circumstances the Secretary of State will be the authorising officer (see section 30(2) of the 2000 Act).

5.5 The authorising officer must give authorisations in writing, except in urgent cases, where they may be given orally. In such cases, a statement that the authorising officer has expressly authorised the action should be recorded in writing by the applicant (or the person with whom the authorising officer spoke) as a priority. This statement need not contain the full detail of the application, which should however subsequently be recorded in writing when reasonably practicable (generally the next working day).

5.6 Other officers entitled to act in urgent cases may only give authorisation in writing e.g. written authorisation for directed surveillance given by an Inspector.

5.7 A case is not normally to be regarded as urgent unless the time that would elapse before the authorising officer was available to grant the authorisation would, in the judgement of the person giving the authorisation, be likely to endanger life or jeopardise the operation or investigation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need for an authorisation has been neglected or the urgency is of the applicant's or authorising officer's own making.

5.8 Authorising officers should not be responsible for authorising their own activities, e.g. those in which they, themselves, are to act as the CHIS or as the handler of the CHIS. Furthermore, authorising officers should, where possible, be independent of the investigation. However, it is recognised that this is not always possible, especially in the cases of small organisations, or where it is necessary to act urgently or for security reasons. Where an authorising officer authorises their own activity the central record of authorisations should highlight this and the attention of a Commissioner or Inspector should be invited to it during the next inspection.

5.9 Authorising officers within the Police Service of Scotland and the National Crime Agency (NCA) may only grant authorisations on application by a member of (including those formally seconded to) their own service or agency. The same rule applies to authorising officers within police forces, unless relevant Chief Officers have made collaboration agreements under the Police Act 1996. Authorising officers within Her Majesty's Revenue and Customs (HMRC) may only grant authorisations on application by an officer of Revenue and Customs.

5.10 All authorisations of relevant sources by public authorities named in the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013 should be notified to the Office for the Surveillance Commissioners (OSC) when granted by the authorising officer, save where there is a requirement to seek prior approval. The authorisation should be notified to the OSC within seven days. A Commissioner may provide comments to the authorising officer. The Authorising Officer will be advised promptly of any comments made by a Commissioner. The

Authorising Officer will wish to consider all comments made by the Commissioners. Public Authorities listed in the 2013 Order should provide the OSC with the authorisation and associated risk assessment for each relevant source.

Information to be provided in applications for authorisation

5.11 An application for authorisation for the use or conduct of a CHIS should be in writing and record:

- the reasons why the authorisation is necessary in the particular case and on the grounds listed in section 29(3) of the 2000 Act (e.g. for the purpose of preventing or detecting crime);
- the purpose for which the CHIS will be tasked or deployed (e.g. in relation to drug supply, stolen property, a series of racially motivated crimes etc.);
- where a specific investigation or operation is involved, the nature of that investigation or operation;
- the nature of what the CHIS conduct will be;
- the details of any potential collateral intrusion and why the intrusion is justified;
- the details of any confidential information that is likely to be obtained as a consequence of the authorisation;
- the reasons why the authorisation is considered proportionate to what it seeks to achieve;
- the level of authorisation required (or recommended, where that is different); and
- a subsequent record of whether authorisation was given or refused, by whom and the time and date.

5.12 Additionally, in urgent cases, the authorisation should record (as the case may be):

- the reasons why the authorising officer considered the case so urgent that an oral instead of a written authorisation was given; or
- the reasons why the officer entitled to act in urgent cases considered the case so urgent and why it was not reasonably practicable for the application to be considered by the authorising officer.

5.13 Where the authorisation is oral, the detail referred to above should be recorded in writing by the applicant when reasonably practicable (generally the next working day).

Duration of authorisations

5.14 A written authorisation will, unless renewed, cease to have effect at the end of a period of 12 months beginning with the day on which it took effect, except in the case of juvenile CHIS.

5.15 Urgent oral authorisations or authorisations granted or renewed by a person who is entitled to act only in urgent cases will, unless renewed, cease to have effect after 72 hours, beginning with the time when the authorisation was granted. Local authorities are no longer able to orally authorise the use of RIPA techniques. Out-of-hours arrangements should be in place with HMCS to deal with out-of-hours applications.

Reviews

5.16 Regular reviews of authorisations should be undertaken by the authorising officer to assess whether it remains necessary and proportionate to use a CHIS and whether the authorisation remains justified. The review should include the use made of the CHIS during the period authorised; the tasks given to the CHIS; the information obtained from the CHIS; and the reasons why executive action is not possible at this stage. The results of a review should be retained for at least three years (see chapter 7). Particular attention is drawn to the need to review authorisations frequently where the use of a CHIS provides access to confidential information or involves significant collateral intrusion.

5.17 In each case the authorising officer within each public authority should determine how often a review should take place. This should be as frequently as is considered necessary and practicable, but should not prevent reviews being conducted in response to changing circumstances.

Renewals

5.18 Before an authorising officer renews an authorisation, they must be satisfied that a review has been carried out of the use of a CHIS, as outlined above, and that the results of the review have been considered.

5.19 If, before an authorisation would cease to have effect, the authorising officer considers it necessary for the authorisation to continue for the purpose for which it was given, they may renew it in writing for a further period of 12 months. Renewals may also be granted orally in urgent cases and last for a period of 72 hours.

5.20 A renewal takes effect at the time at which the authorisation would have ceased to have effect but for the renewal. An application for renewal should therefore not be made until shortly before the authorisation period is drawing to an end.

5.21 Except where enhanced arrangements exist, the authorising officer who granted the authorisation, or the officer undertaking that function, should renew the authorisation. In the case of a relevant source, renewals for deployment beyond 12 months should be carried out by a Chief Constable or equivalent and pre-approved at a Surveillance Commissioner.

5.22 Authorisations may be renewed more than once, if necessary, provided they continue to meet the criteria for authorisation. Documentation of the renewal should be retained for at least three years (see Chapter 7).

5.23 All applications by public authorities named in the 2013 Order for an authorisation of a relevant source beyond 12 months (i.e. long-term authorisation) must be approved by an ordinary Surveillance Commissioner before authorisation by the appropriate authorising officer. The 2013 Order creates an enhanced regime of prior approval for such authorisations.

5.24 The 2013 Order defines long-term authorisation by reference to the cumulative periods for which the relevant source will be/has been authorised on the same investigation or operation. These must exceed 12 months (or where the 2010 Order applies, three months). If a

relevant source has not been authorised on the same investigation or operation for at least three years, any previous authorisations will be disregarded for the purposes of calculating the 12 months.

5.25 When deciding if the relevant source is authorised as part of the ‘same investigation or operation’ in calculating the period of total or accrued deployment or cumulative authorisation periods, the following should be considered:

- common subject or subjects of the investigation or operation;
- the nature and details of relationships established in previous or corresponding relevant investigations or operations;
- whether or not the current investigation is a development of or recommencement to previous periods of authorisation, which may include a focus on the same crime group or individuals;
- previous legend building activity by the relevant source that has a bearing by way of subject, locality, environment or other consistent factors should be considered in calculating the period; and
- the career history of the ‘relevant source’.

5.26 Public authorities named in the 2013 Order should notify the OSC at the nine-month point of any authorisation that may require renewal beyond 12 months (as calculated in the paragraph above).

Example 1: A 12-month authorisation has been granted by the Assistant Chief Constable of a police force for a relevant source against a subject for the purposes of collecting intelligence about drug supply. The authority is cancelled after six months because the subject disappears and there is insufficient evidence obtained at that time to prosecute. A year later the subject then returns to deal drugs in the area again and the police force wishes to authorise another relevant source against the subject. If the same relevant source is used, authorisation by an Assistant Chief Constable will be for maximum of six months. If the police force decides to use different relevant sources against the subject an Assistant Chief Constable can grant the authority for 12 months and it is treated as a new authority, provided the relevant sources have not been previously authorised in respect of the same investigation or operation.

Example 2: An authorisation for use of a relevant source is initially granted by an Assistant Chief Constable. After three months, it is apparent that legally privileged material may be accessed. Prior approval by the OSC was granted and a new authorisation granted by the Chief Constable for an additional three months. At the end of this period it was agreed the relevant source would no longer be likely to access any legally privileged material. A new authorisation for a maximum of six months could then be granted by the Assistant Chief Constable. The entire period of deployment, including the three months at the higher level for access to legally privileged material, would count toward the 12-month period. Who granted the authorisation for the relevant source and what type of material they had access to is not relevant for the purposes of calculating the 12-month period. If the authorisation is renewed at the end of the six-month period, it becomes a long-term authorisation and approval of the OSC and authorisation by the Chief Constable is required.

5.27 All applications for the renewal of an authorisation should record:

- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- any significant changes to the information in the initial application;
- the reasons why it is necessary for the authorisation to continue;
- the use made of the CHIS in the period since the grant or, as the case may be, latest renewal of the authorisation;
- the tasks given to the CHIS during that period and the information obtained from the use or conduct of the CHIS; and
- the results of regular reviews of the use of the CHIS.

Cancellations

5.28 The authorising officer who granted or renewed the authorisation must cancel it if they are satisfied that the use or conduct of the CHIS no longer satisfies the criteria for authorisation or that arrangements for the CHIS's case no longer satisfy the requirements described in section 29 of the 2000 Act. Where the

authorising officer is no longer available, this duty will fall on the person who has taken over the role of authorising officer or the person who is acting as authorising officer.

5.29 Where necessary, the safety and welfare of the CHIS should continue to be taken into account after the authorisation has been cancelled. The AO will wish to satisfy themselves that all welfare matters are addressed.

Refusal of approval of long-term authorisation

5.30 If an Ordinary Surveillance Commissioner does not conclude a long-term authorisation should be granted by the Chief Constable (or equivalent), the relevant public authority may appeal against the decision to the Chief Surveillance Commissioner within seven days.

5.31 Any risk assessment produced for a relevant source should include details of how the relevant source can be safely extracted should approval by a Surveillance Commissioner be refused.

Chapter 6

MANAGEMENT OF COVERT HUMAN INTELLIGENCE SOURCES

Tasking

6.1 Tasking is the assignment given to the CHIS by the persons defined at sections 29(5)(a) and (b) of the 2000 Act, asking him to obtain, provide access to or disclose information. Authorisation for the use or conduct of a CHIS will be appropriate prior to any tasking where such tasking involves the CHIS establishing or maintaining a personal or other relationship for a covert purpose.

6.2 Authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task. If the nature of the task changes significantly, then a new authorisation may need to be sought.

6.3 It is difficult to predict exactly what might occur each time a meeting with a CHIS takes place, or the CHIS meets the subject of an investigation. There may be occasions when unforeseen action or undertakings occur. When this happens, the occurrence must be recorded as soon as practicable after the event and if the existing authorisation is insufficient it should either be updated at a review (for minor amendments only) or it should be cancelled and a new authorisation should be obtained before any further such action is carried out.

6.4 Similarly, where it is intended to task a CHIS in a significantly greater or different way than previously identified, the persons defined at section 29(5)(a) or (b) of the 2000 Act must refer the proposed tasking to the authorising officer, who should consider whether the existing authorisation is sufficient or needs to be replaced. This should be done in advance of any tasking and the

details of such referrals must be recorded. Efforts should be made to minimise the number of authorisations per CHIS to the minimum necessary in order to avoid generating excessive paperwork.

Handlers and controllers

6.5 Public authorities should ensure that arrangements are in place for the proper oversight and management of CHIS, including appointing individual officers as defined in sections 29(4A) and (4B) and 29(5)(a) and (b) of the 2000 Act for each CHIS.

6.6 Oversight and management arrangements for undercover operatives, while following the principles of the Act, will differ, in order to reflect the specific role of such individuals as members of public authorities. The role of the handler will be undertaken by a person referred to as a ‘cover officer’ and the role of controller will be undertaken by a ‘covert operations manager’.

6.7 The person referred to in section 29(5)(a) of the 2000 Act (the ‘handler’) will have day-to-day responsibility for:

- dealing with the CHIS on behalf of the authority concerned;
- directing the day-to-day activities of the CHIS;
- recording the information supplied by the CHIS; and
- monitoring the CHIS’s security and welfare.

6.8 The handler of a CHIS will usually be of a rank or position below that of the authorising officer.

6.9 The person referred to in section 29(5)(b) of the 2000 Act (the ‘controller’) will normally be responsible for the management and supervision of the ‘handler’ and general oversight of the use of the CHIS.

Joint working

6.10 In cases where the authorisation is for the use or conduct of a CHIS whose activities benefit more than a single public authority, responsibilities for the management and oversight of that CHIS may be taken up by one authority or can be split between the authorities. The controller and handler of a CHIS need not be from the same public authority.

6.11 There are many cases where the activities of a CHIS may provide benefit to more than a single public authority. Such cases may include:

- the prevention or detection of criminal matters affecting a national or regional area, for example where the CHIS provides information relating to cross-boundary or international drug trafficking;
- the prevention or detection of criminal matters affecting crime and disorder, requiring joint agency operational activity, for example where a CHIS provides information relating to environmental health issues and offences of criminal damage, in a joint police/local authority anti-social behaviour operation on a housing estate; or
- matters of national security, for example where the CHIS provides information relating to terrorist activity and associated criminal offences for the benefit of the police and the Security Service.

6.12 In such situations, however, the public authorities involved must lay out in writing their agreed oversight arrangements.

6.13 Management responsibility for CHIS, and relevant roles, may also be divided between different police forces where the Chief Officers of the forces concerned have made a collaboration agreement under the Police Act 1996 and the collaboration agreement provides for this to happen.

Security and welfare

6.14 Any public authority deploying a CHIS should take into account the safety and welfare of that CHIS when carrying out actions in relation to an authorisation or tasking, and the foreseeable consequences to others of that tasking. Before authorising the use or conduct of a CHIS, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS, after the cancellation of the authorisation, should also be considered at the outset. Also, consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to, or in, Court.

6.15 The CHIS handler is responsible for bringing to the attention of the CHIS controller any concerns about the personal circumstances of the CHIS, insofar as they might affect:

- the validity of the risk assessment;
- the conduct of the CHIS; and
- the safety and welfare of the CHIS.

6.16 Where appropriate, concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

Chapter 7

KEEPING OF RECORDS

Centrally retrievable record of authorisations

7.1 A centrally retrievable record of all authorisations should be held by each public authority. These records need only contain the name, code name, or unique identifying reference of the CHIS, the date the authorisation was granted, renewed or cancelled and an indication as to whether the activities were self-authorised. These records should be updated whenever an authorisation is granted, renewed or cancelled and should be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners upon request. These records should be used when calculating the period of deployment for the purposes of the 2013 Order. These records should be retained for a period of at least five years from the ending of the authorisations to which they relate.

7.2 While retaining such records for the time stipulated, public authorities must take into consideration the duty of care to the CHIS, the likelihood of future criminal or civil proceedings relating to information supplied by the CHIS or activities undertaken, and specific rules relating to data retention, review and deletion under the Data Protection Act and, where applicable, the Code of Practice on the Management of Police Information.

7.3 Records must be retained to allow the Investigatory Powers Tribunal, established under Part IV of the Act, to carry out its functions. The Tribunal will consider complaints made up to one year after the conduct to which the complaint relates and, where it is equitable to do so, may consider complaints made more than one year after the conduct to which the complaint relates (see section 67(5) of the Act), particularly where continuing conduct is alleged. It is thus desirable if possible to retain records for up to five years.

Individual records of authorisation and use of CHIS

7.4 Detailed records must be kept of the authorisation and use made of a CHIS. Section 29(5) of the 2000 Act provides that an authorising officer must not grant an authorisation for the use or conduct of a CHIS unless they believe that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the CHIS. The Regulation of Investigatory Powers (Source Records) Regulations 2000; SI No. 2725 details the particulars that must be included in these records.

7.5 Public authorities are encouraged to consider maintaining such records also for human sources who do not meet the definition of a CHIS. This may assist authorities to monitor the status of a human source and identify whether that source becomes a CHIS.

Further documentation

7.6 In addition, records or copies of the following, as appropriate, should be kept by the relevant authority for at least five years:

- a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- the reason why the person renewing an authorisation considered it necessary to do so;
- any authorisation which was granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
- any risk assessment made in relation to the CHIS;
- the circumstances in which tasks were given to the CHIS;
- the value of the CHIS to the investigating authority;
- a record of the results of any reviews of the authorisation;
- the reasons, if any, for not renewing an authorisation;
- the reasons for cancelling an authorisation;
- the date and time when any instruction was given by the authorising officer that the conduct or use of a CHIS must cease; and

- a copy of the decision by an Ordinary Commissioner on the renewal of an authorisation beyond 12 months.

7.7 The records kept by public authorities should be maintained in such a way as to preserve the confidentiality, or prevent disclosure of the identity of the CHIS, and the information provided by that CHIS.

Chapter 8

HANDLING OF MATERIAL

Retention and destruction of material

8.1 Each public authority must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use or conduct of a CHIS. Authorising officers must ensure compliance with the appropriate data protection requirements under the Data Protection Act 1998 and any relevant codes of practice produced by individual authorities relating to the handling and storage of material.

8.2 Where the product of the use or conduct of a CHIS could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with applicable disclosure requirements.

8.3 Subject to the provisions in Chapter 4 above, there is nothing in the 2000 Act or this code of practice which prevents material obtained from authorisations for the use or conduct of a CHIS for a particular purpose from being used to further other purposes.

Law enforcement agencies

8.4 In the case of the law enforcement agencies, particular attention is drawn to the requirements of the code of practice issued under the Criminal Procedure and Investigations Act 1996. This requires that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.

The intelligence services, MOD and HM forces

8.5 The heads of these agencies are responsible for ensuring that arrangements exist to make sure that no information is stored by the authorities, except as necessary for the proper discharge of their functions. They are also responsible for arrangements to control onward disclosure. For the intelligence services, this is a statutory duty under the 1989 Act and the 1994 Act.

8.6 With regard to the service police forces (the Royal Navy Police, the Royal Military Police and the Royal Air Force Police), particular attention is drawn to the Criminal Procedure and Investigations Act 1996 (Code of Practice) (Armed Forces) Order 2008, which requires that the investigator retain all material obtained in a service investigation which may be relevant to the investigation.

Use of material as evidence

8.7 Subject to the provisions in Chapter 4 above, material obtained from a CHIS may be used as evidence in criminal proceedings.¹⁶ The admissibility of evidence is governed by the common law, the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1984¹⁷ and the Human Rights Act 1998. Whilst this code does not affect the application of those rules, obtaining appropriate authorisations should help ensure the admissibility of evidence derived from CHIS.

8.8 Product obtained by a CHIS is subject to the ordinary rules for retention and disclosure of material under the Criminal Procedure and Investigations Act 1996, where those rules apply to the law enforcement body in question.

8.9 There are also well-established legal procedures under public interest immunity provisions that can be applied when seeking to protect the identity of a source from disclosure in such circumstances.

¹⁶ Whether these proceedings are brought by the public authority that obtained the authorisation or by another public authority (subject to handling arrangements agreed between the authorities).

¹⁷ And section 76 of the Police & Criminal Evidence (Northern Ireland) Order 1989.

Chapter 9

SENIOR RESPONSIBLE OFFICERS AND OVERSIGHT BY COMMISSIONERS

The senior responsible officer

9.1 Within every relevant public authority a senior responsible officer must be responsible for:

- the integrity of the process in place within the public authority for the management of CHIS;
- compliance with Part II of the Act and with this code;
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the OSC inspectors when they conduct their inspections, where applicable; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

9.2 Within local authorities, the senior responsible officer should be a member of the corporate leadership team and should be responsible for ensuring that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of the Surveillance Commissioner. Where an inspection report highlights concerns about the standards of authorising officers, this individual will be responsible for ensuring the concerns are addressed.

Oversight by Commissioners

9.3 The 2000 Act requires the Chief Surveillance Commissioner to keep under review (with the assistance of the Surveillance Commissioners and Assistant Surveillance Commissioners) the

performance of functions under Part III of the 1997 Act and Part II of the 2000 Act by the police (including the service police forces, the Ministry of Defence Police and the British Transport Police), NCA, HMRC and the other public authorities listed in Schedule 1 of the 2000 Act and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010, and in Northern Ireland officials of the Ministry of Defence and HM Forces.

9.4 The Intelligence Services Commissioner's remit is to provide independent oversight of the use of Part II of the 2000 Act and the 1994 Act by the Security Service, Secret Intelligence Service, GCHQ and the Ministry of Defence and HM Forces (excluding the service police forces, and in Northern Ireland officials of the Ministry of Defence and HM Forces).

9.5 This code does not cover the exercise of any of the Commissioners' functions. It is the duty of any person who uses Part II of RIPA to comply with any request made by a Commissioner to disclose or provide any information requested for the purpose of enabling the Commissioner to carry out their functions.

9.6 References in this code to the performance of review functions by the Chief Surveillance Commissioner and other Commissioners apply also to Inspectors and other members of staff to whom such functions have been delegated.

9.7 Reports made by the Commissioners concerning the inspection of public authorities and their exercise and performance of powers under Part II may be made available by the Commissioners to the Home Office to promulgate good practice and help identify training requirements within public authorities.

9.8 Subject to the approval of the relevant Commissioner public authorities may publish their inspection reports, in full or in summary, to demonstrate both the oversight to which they are subject and their compliance with Part II of the Act and this code. Approval should be sought on a case by case basis at least 10 working days prior to intended publication, stating whether the report is to be published in full, and if not stating which parts are to be published or how it is to be summarised.

Chapter 10

COMPLAINTS

10.1 The 2000 Act establishes an independent Tribunal. This Tribunal will be made up of senior members of the judiciary and the legal profession and is independent of the Government. The Tribunal has full powers to investigate and decide any case within its jurisdiction. This code does not cover the exercise of the Tribunal's functions. Details of the relevant complaints procedure can be obtained from the following address:

Investigatory Powers Tribunal

PO Box 33220

London

SW1H 9ZQ

 020 7035 3711

Annex A

Authorisation levels when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source

Relevant public authority	Authorisation level when knowledge of confidential information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
Police Forces:		
Any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London)	Chief Constable	Asst Chief Constable
The Police Service of Scotland	Chief Constable	Asst Chief Constable
The Metropolitan police force	Asst Commissioner	Commander
The City of London police force	Commissioner	Commander
The Police Service of Northern Ireland	Dept Chief Constable	Asst Chief Constable
The Ministry of Defence Police	Chief Constable	Asst Chief Constable

Relevant public authority	Authorisation level when knowledge of confidential information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
The Royal Navy Police	Provost Marshal	Provost Marshal
The Royal Military Police	Provost Marshal	Provost Marshal
The Royal Air Force Police	Provost Marshal	Provost Marshal
The National Crime Agency	Deputy Director General	Deputy Director
The Serious Fraud Office	A Member of the Senior Civil Service or Head of Domain	A Member of the Senior Civil Service or Head of Domain
The Intelligence Services:		
The Security Service	Deputy Director General	Deputy Director General
The Secret Intelligence Service	A Director of the Secret Intelligence Service	A member of the Secret Intelligence Service not below the equivalent rank to that of a Grade 5 in the Home Civil Service
The Government Communications Headquarters	A Director of GCHQ	A Director of GCHQ

Relevant public authority	Authorisation level when knowledge of confidential information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
HM Forces:		
The Royal Navy	Rear Admiral	Rear Admiral
The Army	Major General	Major General
The Royal Air Force	Air-Vice Marshal	Air-Vice Marshal
The Commissioners for HM Revenue and Customs	Director Investigation, or Regional Heads of Investigation	Grade 7 (Intel)
The Department for the Environment, Food and Rural Affairs:		
DEFRA Investigation Services	Head of DEFRA Investigation Service	Head of DEFRA Investigation Service
Marine and Fisheries Agency	Head of Better Regulation	—
Centre for Environment, Fisheries & Aquaculture Science	Head of Better Regulation	Head of Better Regulation
The Department of Health:		
The Medicines & Healthcare Products Regulatory Agency	Chief Executive	Head of Division for Inspection and Enforcement

Relevant public authority	Authorisation level when knowledge of confidential information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
The Home Office	Senior Civil Servant pay band 1 with responsibility for criminal investigations in relation to immigration and border security	Grade 6 with responsibility for criminal investigations in relation to immigration and border security
The Ministry of Justice	Chief Executive Officer of the National Offender Management Service	A member of the Senior Civil Service in the National Offender Management Service not below the equivalent rank of a Grade 5 in the Home Civil Service
The Northern Ireland Office:		
The Northern Ireland Prison Service	Director or Deputy Director Operations in the Northern Ireland Prison Service	Director or Deputy Director Operations in the Northern Ireland Prison Service

Relevant public authority	Authorisation level when knowledge of confidential information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
The Department of Business, Innovation and Skills	The Director of Legal Services A	The Director of Legal Services A
The Welsh Assembly Government	Head of Department for Health & Social Services, Head of Department for Health & Social Services Finance, Head of Rural Payments Division, Regional Director or equivalent grade in the Care & Social Services Inspectorate for Wales	Head of Department for Health & Social Services, Head of Department for Health & Social Services Finance, Head of Rural Payments Division, Regional Director or equivalent grade in the Care & Social Services Inspectorate for Wales

Relevant public authority	Authorisation level when knowledge of confidential information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
Any county council or district council in England, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, and any county council or borough council in Wales	Head of Paid Service, or (in his absence) the person acting as the Head of Paid Service	Head of Paid Service, or (in his absence) the person acting as the Head of paid Service
The Environment Agency	Chief Executive of the Environment Agency	Executive Manager in the Environment Agency
The Prudential Regulation Authority	Chief Executive of the Prudential Regulation Authority	Chief Executive of the Prudential Regulation Authority
The Competition and Markets Authority	Chair of the Competition and Markets Authority	Chair of the Competition and Markets Authority
The Financial Conduct Authority	Chairman of the Financial Conduct Authority	Chairman of the Financial Conduct Authority

Relevant public authority	Authorisation level when knowledge of confidential information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
The Food Standards Agency	Head of Group, or Deputy Chief Executive or Chief Executive of the Food Standards Agency	Head of Group, or Deputy Chief Executive or Chief Executive of the Food Standards Agency
The Gambling Commission	—	Chief Executive
The Health and Safety Executive	Director of Field Operations, or Director of Hazardous Installations Directorate	Director of Field Operations, or Director of Hazardous Installations Directorate

Annex B

Authorisation levels for the enhanced arrangements set out in the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013

(1) Relevant public authorities	(2) Prescribed offices etc.	(3) Urgent cases	(4) Grounds set out in section 29(3) of the Act
A police force maintained under section 2 of the Police Act 1996	Relevant Source Authorisation Assistant Chief Constable Long-Term Authorisation Chief Constable	Superintendent	Paragraphs (a), (b), (c), (d) and (e)
The City of London Police Force	Relevant Source Authorisation Commander Long-Term Authorisation Commissioner	Superintendent	Paragraphs (a), (b), (c), (d) and (e)

(1) Relevant public authorities	(2) Prescribed offices etc.	(3) Urgent cases	(4) Grounds set out in section 29(3) of the Act
The Metropolitan Police Force	Relevant Source Authorisation Commander Long-Term Authorisation Assistant Commissioner	Superintendent	Paragraphs (a), (b), (c), (d) and (e)
The Police Service of Northern Ireland	Relevant Source Authorisation Assistant Chief Constable Long-Term Authorisation Chief Constable	Superintendent	Paragraphs (a), (b), (c), (d) and (e)
The Police Service of Scotland	Relevant Source Authorisation Assistant Chief Constable Long-Term Authorisation Chief Constable	Superintendent	Paragraphs (a), (b), (c), (d) and (e)

(1) Relevant public authorities	(2) Prescribed offices etc.	(3) Urgent cases	(4) Grounds set out in section 29(3) of the Act
The Ministry of Defence Police	Relevant Source Authorisation Assistant Chief Constable Long-Term Authorisation Chief Constable	Superintendent	Paragraphs (a), (b) and (c)
The Royal Navy Police	Relevant Source Authorisation Commander Long-Term Authorisation Provost Marshal (Navy)	Lieutenant Commander	Paragraphs (a), (b) and (c)
The Royal Military Police	Relevant Source Authorisation Colonel Long-Term Authorisation Provost Marshal (Army)	Major	Paragraphs (a), (b) and (c)

(1) Relevant public authorities	(2) Prescribed offices etc.	(3) Urgent cases	(4) Grounds set out in section 29(3) of the Act
The Royal Air Force Police	Relevant Source Authorisation Wing Commander Long-Term Authorisation Provost Marshal (Royal Air Force)	Squadron Leader	Paragraphs (a), (b) and (c)
The British Transport Police	Relevant Source Authorisation Assistant Chief Constable Long-Term Authorisation Chief Constable	Superintendent	Paragraphs (a), (b), (c), (d) and (e)
The National Crime Agency	Relevant Source Authorisation Deputy Director Long-Term Authorisation Deputy Director General	Grade 2 Senior Manager	Paragraph (b)

(1) Relevant public authorities	(2) Prescribed offices etc.	(3) Urgent cases	(4) Grounds set out in section 29(3) of the Act
Her Majesty's Revenue and Customs	Relevant Source Authorisation Assistant Director Long-Term Authorisation Director Criminal Investigation	Senior Officer	Paragraphs (a), (b), (d), (e) and (f)

(1) Relevant public authorities	(2) Prescribed offices etc.	(3) Urgent cases	(4) Grounds set out in section 29(3) of the Act
The Home Office	<p>Relevant Source Authorisation Senior Civil Service pay band 1 with responsibility for criminal investigations in relation to immigration and border security</p> <p>Long-Term Authorisation Director General with responsibility for criminal investigations in relation to immigration and border security</p>	Grade 6 with responsibility for criminal investigations in relation to immigration and border security	Paragraphs (b), (c) and (d)

This code of practice provides guidance and rules on authorisations for the use or the conduct of covert human intelligence sources under Part 2 of the Regulation of Investigatory Powers Act 2000. It sets out the authorisation procedures to be followed for the grant, review, renewal and cancellation of authorisations, and for the management of sources, as well as special rules for authorisations in respect of confidential and legally privileged information or juvenile sources.

The code is aimed primarily at members of public authorities involved in making applications for the grant of authorisations and those persons designated to grant authorisations.



Protection of Freedoms Act 2012 – changes to provisions under the Regulation of Investigatory Powers Act 2000 (RIPA)



Home Office

Home Office guidance to local
authorities in England and Wales
on the judicial approval process for
RIPA and the crime threshold for
directed surveillance

October 2012

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1. INTRODUCTION: HOW THE LAW HAS CHANGED

1. On 1 November 2012 two significant changes will take effect governing how local authorities use RIPA.
 - **Approval of Local Authority Authorisations under RIPA by a Justice of the Peace:** The amendments in the Protection of Freedoms Act 2012¹ will mean that local authority authorisations and notices under RIPA for the use of particular covert techniques can only be given effect once an order approving the authorisation or notice has been granted by a Justice of the Peace (JP).
 - **Directed surveillance crime threshold:** Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”)² mean that a local authority can now only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.
2. This guidance is non-statutory but provides advice on how local authorities can best approach these changes in law and the new arrangements that need to be put in place to implement them effectively. It is supplementary to the legislation and to the statutory Codes of Practice. If a local authority has any doubts about the new regime they should consult their legal advisers. This guidance is intended for local authority investigation teams that may use covert techniques, including Trading Standards, Environmental Health and Benefit Fraud Officers. However, it will also be of use to authorising officers and designated persons and to those who oversee the use of investigatory techniques in local authorities including elected members.
3. Separate guidance is available for Magistrates’ Courts in England and Wales and local authorities in Scotland.

¹ Sections 37 and 38 of the Protection of Freedoms Act 2012 amend RIPA and will come into force on 1 November 2012.

² The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 [SI 2010/521] will be amended by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 [SI 2012/1500] on 1 November 2012. See Section 5 for links.

2. LOCAL AUTHORITY USE OF RIPA

THE EXISTING REGULATORY FRAMEWORK

4. RIPA sets out a regulatory framework for the use of covert investigatory techniques by public authorities. RIPA does not provide any powers to carry out covert activities. If such activities are conducted by council officers, then RIPA regulates them in a manner that is compatible with the European Convention on Human Rights (ECHR), particularly Article 8, the right to respect for private and family life.
5. RIPA limits local authorities to using three covert techniques (details set out below) for the purpose of preventing or detecting crime or preventing disorder.
6. Use of these techniques has to be authorised internally by an authorising officer or a designated person. They can only be used where it is considered necessary (e.g. to investigate a suspected crime or disorder) and proportionate (e.g. balancing the seriousness of the intrusion into privacy against the seriousness of the offence and whether the information can be obtained by other means). The relevant Codes of Practice should be referred to for further information on the scope of powers, necessity and proportionality.³

THE TECHNIQUES WHICH LOCAL AUTHORITIES MAY USE

7. **Directed surveillance** is essentially covert surveillance in places other than residential premises or private vehicles⁴.
8. Local authorities cannot conduct 'intrusive' surveillance (i.e. covert surveillance carried out in residential premises or private vehicles⁵) under the RIPA framework.
9. A **covert human intelligence source (CHIS) includes** undercover officers, public informants and people who make test purchases.
10. **Communications data (CD)** is the 'who', 'when' and 'where' of a communication, but not the 'what' (i.e. the content of what was said or written). RIPA groups CD into three types:
 - 'traffic data' (which includes information about where the communications are made or received);
 - 'service use information' (such as the type of communication, time sent and its duration); and
 - 'subscriber information' (which includes billing information such as the name, address and bank details of the subscriber of telephone or internet services).
11. Under RIPA a local authority can only authorise the acquisition of the less intrusive types of CD: service use and subscriber information. Under **no circumstances** can local authorities be authorised to obtain traffic data under RIPA.
12. Local authorities are **not** permitted to intercept the content of any person's communications and it is an offence to do so without lawful authority.

3 See section 5 for links to the relevant legislation and codes of practice.

4 Further information on directed surveillance can be found in the Covert Surveillance and Property Interference Code of Practice.

5 Places where legal consultations are likely to take place will also be treated as intrusive surveillance.

RANK OF LOCAL AUTHORITY AUTHORISING OFFICERS/DESIGNATED PERSONS

13. Local authority authorising officers/designated persons will remain as designated by RIPA consolidating orders SI 2010 Nos.480 and 521:
 - Director, Head of Service, Service Manager⁶ or equivalent.
14. The authorisation of directed surveillance or use of a CHIS likely to obtain confidential information or the deployment of a juvenile or vulnerable person (by virtue of mental or other condition) as a CHIS requires authorisation by the most senior local authority officer – Head of Paid Service or, in his/her absence, the acting Head of Paid Service.
15. If there is any doubt regarding sufficiency of rank you should contact your Local Authority Monitoring Officer who will be able to advise you.

TIME LIMITS

16. The current time limits for an authorisation or notice will continue⁷. That is: 3 months for directed surveillance and 12 months for a CHIS (1 month if the CHIS is 18). Authorisations and notices for CD will be valid for a maximum of one month from the date the JP has approved the grant. This means that the conduct authorised should have been commenced or the notice served within that month.
17. A renewal must be authorised prior to the expiry of the original authorisation, but it runs from the expiry date and time of that original authorisation. Authorisations may be renewed more than once if still considered necessary and proportionate and approved by the JP.
18. Applications for renewals should not be made until shortly before the original authorisation period is due to expire but local authorities must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant local authority authorising officer and a JP to consider the application).

⁶ For CD RIPA applications, the Local Government Group and the Interception of Communications Commissioner's Office have advised that a Principal Trading Standards Officer is not considered to be of sufficient seniority to act as the Designated Person.

⁷ See section 43 RIPA.

3. DIRECTED SURVEILLANCE CRIME THRESHOLD

19. The crime threshold applies only to the authorisation of **directed surveillance** by local authorities under RIPA, not to the authorisation of local authority use of CHIS or their acquisition of CD. The threshold will come into effect on 1 November 2012.
20. The amendments to the 2010 Order have the following effect:
 - Local authorities can only authorise use of directed surveillance under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment **or** are related to the underage sale of alcohol and tobacco. The offences relating to the latter are in article 7A of the 2010 Order⁸.
 - Local authorities **cannot** authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment.
 - Local authorities may therefore continue to authorise use of directed surveillance in more serious cases as long as the other tests are met – i.e. that it is necessary and proportionate and where prior approval from a JP has been granted. Examples of cases where the offence being investigated attracts a maximum custodial sentence of six months or more could include more serious criminal damage, dangerous waste dumping and serious or serial benefit fraud.
 - Local authorities may also continue to authorise the use of directed surveillance for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco where the necessity and proportionality test is met and prior approval from a JP has been granted.
 - A local authority **may not authorise** the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which may include, for example, littering, dog control and fly-posting.
21. The change will affect authorisations or renewals which are granted on or after 1 November. It will not affect authorisations or renewals granted before that date.

IMPACT ON INVESTIGATIONS

22. At the start of an investigation, council officers will need to satisfy themselves that what they are investigating is a criminal offence. Directed surveillance is an invasive technique and at the point it is decided whether or not to authorise its use it must be clear that the threshold is met and that it is necessary and proportionate to use it.
23. During the course of an investigation the type and seriousness of offences may change. The option of authorising directed surveillance is dependent on the offence under investigation attracting a sentence of a maximum six months imprisonment or more or being related to the underage sale of alcohol and tobacco. Providing the offence under investigation is one which appears on the statute book with at least a maximum six months term of imprisonment or is related to the specific offences listed in the order concerning the underage sale of alcohol and tobacco an application can be made. However, if during the investigation it becomes clear that the activity being investigated does not amount to a criminal offence or that it would be a less serious offence that does not meet the threshold the use of directed surveillance should cease. If a directed surveillance authorisation is already in force it should be cancelled.

⁸ See section 5 for links to the relevant legislation

24. Directed surveillance will be authorised against a specific offence which meets the threshold, and the type and the timing of the deployment of the surveillance will always reflect this. There may be cases where it is possible, with the same evidence obtained by the same deployment, to substantiate a variety of different charges, some of which fall below the threshold, it will be for the courts to decide whether to admit – and what weight to attach to – the evidence obtained in the lesser charges.
25. Local authorities will no longer be able to use directed surveillance in some cases where it was previously authorised. But this does not mean that it will not be possible to investigate these areas with a view to stopping offending behaviour. The statutory RIPA Code of Practice on covert surveillance makes it clear that routine patrols, observation at trouble ‘hotspots’, immediate response to events and overt use of CCTV are all techniques which do not require RIPA authorisation.⁹

⁹ See paragraphs 2.21-2.29 of the Covert Surveillance and Property Interference Code of Practice.

4. JUDICIAL APPROVAL

WHAT THE CHANGES MEAN FOR LOCAL AUTHORITIES

26. From 1 November 2012, sections 37 and 38 of the Protection of Freedoms Act 2012 will commence. This will mean that a local authority who wishes to authorise the use of directed surveillance, acquisition of CD and use of a CHIS under RIPA will need to obtain an order approving the grant or renewal of an authorisation or notice from a JP (a District Judge or lay magistrate) before it can take effect. If the JP is satisfied that the statutory tests have been met and that the use of the technique is necessary and proportionate he/she will issue an order approving the grant or renewal for the use of the technique as described in the application.
27. The new judicial approval mechanism is in addition to the existing authorisation process under the relevant parts of RIPA as outlined in the Codes of Practice. The current local authority process of assessing necessity and proportionality, completing the RIPA authorisation/application form and seeking approval from an authorising officer/designated person will remain the same.
28. The inspection regimes of the independent RIPA oversight Commissioners will continue to apply to local authorities and the frequency and nature of their independent inspections of local authorities is not expected to change.
29. The judiciary is independent and it is not the role of the Commissioners to inspect the decision of the JP.¹⁰ However the Commissioners will continue to have an important oversight role and will continue to inspect local authority use of RIPA. If the Commissioners identify an error in the authorisation process they will, as now, need to consider the best course of action. This may include asking the local authority to cancel the authorisation in question and, if appropriate, complete a new authorisation addressing their concerns which will need to be approved by the JP in the usual way. When an error is brought to the attention of a local authority they should cease the activity authorised.
30. The Commissioners will continue to advise local authorities of the procedures and training to adopt, on what is best practice and will continue to report to Parliament on relevant trends and findings.

PROCEDURE FOR APPLYING FOR JUDICIAL APPROVAL

Making the Application

31. The flowchart at Annex A outlines the procedure for applying for judicial approval. The application must be made by the public authority that has granted the authorisation¹¹. Following approval by the authorising officer/designated person the first stage of the process is for the local authority to contact Her Majesty's Courts and Tribunals Service (HMCTS) administration team at the magistrates' court to arrange a hearing.

¹⁰ See section 62(2A) RIPA.

¹¹ Some local authorities may enter into arrangements to form a regional group with other local authorities but the group cannot itself make the application. Only local authority officers in local authorities described in Ss 2010 Nos.480 and 521 are able to authorise under RIPA.

32. The local authority will provide the JP with a copy of the original RIPA authorisation or notice and the supporting documents setting out the case. This forms the basis of the application to the JP and **should contain all information that is relied upon**. For communications data requests the RIPA authorisation or notice may seek to acquire consequential acquisition of specific subscriber information. The necessity and proportionality of acquiring consequential acquisition will be assessed by the JP as part of his consideration (see Annex C for considerations relating to CD authorisations and notices).
33. The original RIPA authorisation or notice should be shown to the JP but will be retained by the local authority so that it is available for inspection by the Commissioners' offices and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT). The court may wish to take a copy.
34. In addition, the local authority will provide the JP with a partially completed judicial application/order form (at Annex B).
35. Although the local authority is required to provide a brief summary of the circumstances of the case on the judicial application form, this is supplementary to and does not replace the need to supply the original RIPA authorisation as well.
36. The order section of this form will be completed by the JP and will be the official record of the JP's decision. The local authority will need to obtain judicial approval for all initial RIPA authorisations/ applications **and renewals** and the local authority will need to retain a copy of the judicial application/ order form after it has been signed by the JP. There is no requirement for the JP to consider either cancellations or internal reviews.

Arranging a Hearing

37. It will be important for each local authority to establish contact with HMCTS administration at the magistrates' court. HMCTS administration will be the first point of contact for the local authority when seeking a JP approval. The local authority will inform HMCTS administration as soon as possible to request a hearing.
38. On the rare occasions where out of hours access to a JP is required then it will be for the local authority to make local arrangements with the relevant HMCTS legal staff. In these cases the local authority will need to provide two partially completed judicial application/order forms so that one can be retained by the JP. The local authority should provide the court with a copy of the signed judicial application/order form the next working day.
39. In most emergency situations where the police have power to act, then they are able to authorise activity under RIPA without prior JP approval. No RIPA authority is required in immediate response to events or situations where it is not reasonably practicable to obtain it (for instance when criminal activity is observed during routine duties and officers conceal themselves to observe what is happening).
40. Where renewals are timetabled to fall outside of court hours, for example during a holiday period, it is the local authority's responsibility to ensure that the renewal is completed ahead of the deadline. Out of hours procedures are for emergencies and should not be used because a renewal has not been processed in time.

Attending a Hearing

41. The hearing is a 'legal proceeding' and therefore local authority officers need to be formally designated to appear, be sworn in and present evidence or provide information as required by the JP.
42. The hearing will be in private and heard by a single JP who will read and consider the RIPA authorisation or notice and the judicial application/order form. He/she may have questions to clarify points or require additional reassurance on particular matters.
43. Local authorities will want to consider who is best able to answer the JP's questions on the policy and practice of conducting covert operations and detail of the case itself. It is envisaged that the case investigator will be able to fulfil this role. The investigator will know the most about the investigation and will have determined that use of a covert technique is required in order to progress a particular case. The local authority may consider it appropriate for the SPoC (single point of contact) to attend for applications for CD RIPA authorisations or notices (see Annex C for considerations relating to CD authorisations and notices). This does not, however, remove or reduce in any way the duty of the authorising officer to determine whether the tests of necessity and proportionality have been met. Similarly, it does not remove or reduce the need for the forms and supporting papers that the authorising officer has considered and which are provided to the JP to make the case (see paragraphs 47-48).
44. The usual procedure would be for local authority Standing Orders to designate certain officers, including SPoCs, for the purpose of presenting RIPA cases to JPs under section 223 of the Local Government Act 1972. A pool of suitable officers could be designated at the start of the year when the Orders are examined and adjusted as appropriate throughout the year.
45. It is not envisaged that the skills of legally trained personnel will be required to make the case to the JP and this would be likely to, unnecessarily, increase the costs of local authority applications.

Decision

46. The JP will consider whether he or she is satisfied that at the time the authorisation was granted or renewed or the notice was given or renewed, there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate. They will also consider whether there continues to be reasonable grounds. In addition they must be satisfied that the person who granted the authorisation or gave the notice was an appropriate designated person within the local authority and the authorisation was made in accordance with any applicable legal restrictions, for example that the crime threshold for directed surveillance has been met.¹²

¹² Further information on these restrictions can be found in the Regulation of Investigatory Powers Act 2000: Consolidating Orders and Codes of Practice, SI 2012 No.1500 (The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment), SI 2000 No.2793 (The Regulation of Investigatory Powers (Juveniles) Order 2000) and the OSC Procedures and guidance manual, available to public authorities on request from the Office of Surveillance Commissioners.

47. **The forms and supporting papers must by themselves make the case. It is not sufficient for the local authority to provide oral evidence where this is not reflected or supported in the papers provided.** The JP may note on the form any additional information he or she has received during the course of the hearing but information fundamental to the case should not be submitted in this manner.
48. If more information is required to determine whether the authorisation or notice has met the tests then the JP will refuse the authorisation. If an application is refused the local authority should consider whether they can reapply, for example, if there was information to support the application which was available to the local authority, but not included in the papers provided at the hearing.
49. The JP will record his/her decision on the order section of the judicial application/order form. HMCTS administration will retain a copy of the local authority RIPA authorisation or notice and the judicial application/order form. This information will be retained securely. Magistrates' courts are not public authorities for the purposes of the Freedom of Information Act 2000.
50. The local authority will need to provide a copy of the order to the communications the SPoC (Single Point of Contact) for all CD requests. SPoCs must not acquire the CD requested, either via the CSP or automated systems until the JP has signed the order approving the grant.

Outcomes

51. Following their consideration of the case the JP will complete the order section of the judicial application/order form (see form at Annex B) recording their decision. The various outcomes are detailed below and reflected on the flowchart at Annex A.
52. The JP may decide to¹³ –

- **Approve the Grant or renewal of an authorisation or notice**

The grant or renewal of the RIPA authorisation or notice will then take effect and the local authority may proceed to use the technique in that particular case.

In relation to CD, the local authority will be responsible for providing a copy of the order to the SPoC.

- **Refuse to approve the grant or renewal of an authorisation or notice**

The RIPA authorisation or notice will not take effect and the local authority may **not** use the technique in that case.

Where an application has been refused the local authority may wish to consider the reasons for that refusal. For example, a technical error in the form may be remedied without the local authority going through the internal authorisation process again. The local authority may then wish to reapply for judicial approval once those steps have been taken.

13 See sections 23B(3) and 32B(3) of the Regulation of Investigatory Powers Act 2000.

- **Refuse to approve the grant or renewal and quash the authorisation or notice**

This applies where a magistrates' court refuses to approve the grant, giving or renewal of an authorisation or notice and decides to quash the original authorisation or notice.

The court must not exercise its power to quash that authorisation or notice unless the applicant has had at least 2 business days from the date of the refusal in which to make representations.

Complaints/Judicial Review

53. There is no complaint route for a judicial decision unless it was made in bad faith. Any complaints should be addressed to the Magistrates' Advisory Committee.
54. A local authority may only appeal a JP decision on a point of law by judicial review. If such a concern arises, the local authority should consult their legal advisers.
55. The IPT will continue to investigate complaints by individuals about the use of RIPA techniques by public bodies, including local authorities. If, following a complaint to them, the IPT does find fault with a RIPA authorisation or notice it has the power to quash the JP's order which approved the grant or renewal of the authorisation or notice.

5. OTHER SOURCES OF REFERENCE

- The Regulation of Investigatory Powers Act 2000
<http://www.legislation.gov.uk/ukpga/2000/23/contents>
- RIPA Explanatory Notes
<http://www.legislation.gov.uk/ukpga/2000/23/notes/contents>
- RIPA statutory codes of practice
 - Covert Surveillance and Property Interference
<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa/forms/code-of-practice-covert>
 - Covert Human Intelligence Sources
<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa/forms/code-of-practice-human-intel>
 - Acquisition & Disclosure of Communications Data
<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa/forms/code-of-practice-acquisition>
- SI 2000 No.2793 (The Regulation of Investigatory Powers (Juveniles) Order 2000)
<http://www.legislation.gov.uk/uksi/2000/2793/made>
- SI 2010 No.480 – Regulation of Investigatory Powers (Communications Data) Order 2010
<http://www.legislation.gov.uk/uksi/2010/480/contents/made>
- SI 2010 N0.521 – Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010
<http://www.legislation.gov.uk/uksi/2010/9780111490365/contents>
- SI 2010 No.461 (The Regulation of Investigatory Powers (Extension of Authorisation Provisions: Legal Consultations) Order 2010)
<http://www.legislation.gov.uk/uksi/2010/461/contents/made>
- SI 2012 No.1500 (The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012)
<http://www.legislation.gov.uk/uksi/1500/contents>

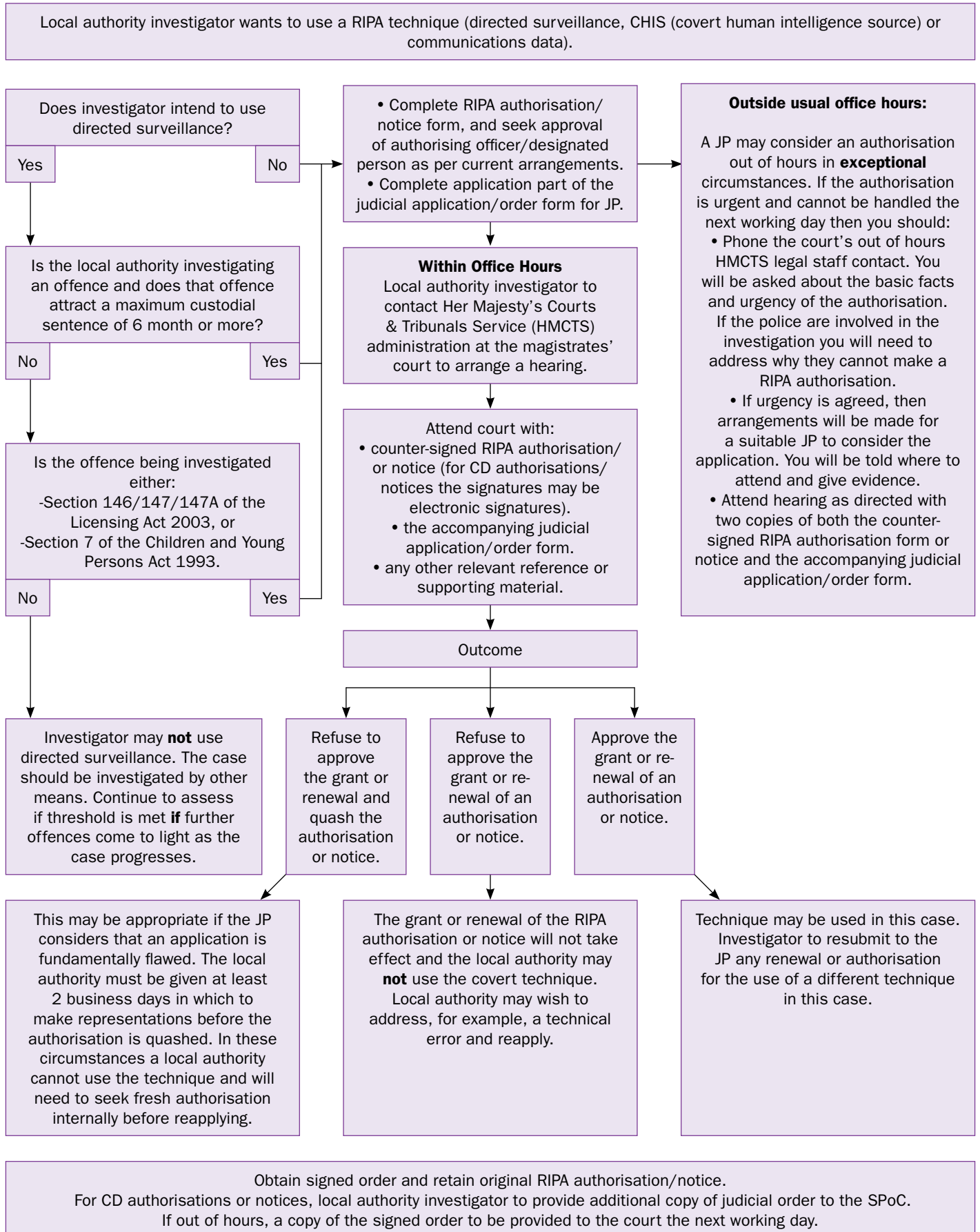
6. HOME OFFICE POINT OF CONTACT

Further information is available on request from:

RIPA Team
Home Office
5th Floor Peel Building
2 Marsham Street
London SW1P 4DF
Email: commsdata@homeoffice.x.gsi.gov.uk

ANNEX A

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



ANNEX B

Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local authority:.....

Local authority department:

Offence under investigation:.....

Address of premises or identity of subject:

.....

.....

Covert technique requested: (tick one and specify details)

Communications Data

Covert Human Intelligence Source

Directed Surveillance

Summary of details

.....

.....

.....

.....

.....

.....

Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....

Authorising Officer/Designated Person:

Officer(s) appearing before JP:

Address of applicant department:.....

.....

Contact telephone number:.....

Contact email address (optional):

Local authority reference:

Number of pages:.....

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Magistrates' court:.....

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

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.....
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.....
.....

Reasons

.....
.....
.....
.....
.....
.....

Signed:

Date:

Time:

Full name:

Address of magistrates' court:

ANNEX C

COMMUNICATIONS DATA (CD) RIPA AUTHORISATIONS OR NOTICES

Single Point of Contact (SPoC)

1. For CD requests, a Single Point of Contact (SPoC) undertakes the practical facilitation with the communications service provider (CSP) in order to obtain the CD requested. They will have received training specifically to facilitate lawful acquisition of CD and effective co-operation between the local authority and communications service providers.
2. Local authorities unable to call upon the services of an accredited SPoC should not undertake the acquisition of CD.
3. For CD requests the Home Office envisages that the local authority may also choose to authorise, under section 223 of the Local Government Act, their SPoC in order that they may appear in front of the JP. In cases where the type of CD or its retrieval is technically complex and the JP wants to satisfy him/herself that the CD sought meets the test, then the SPoC may be best placed to explain the technical aspects.
4. Following the hearing the SPoC may acquire the data. SPoCs must not acquire the data via a CSP or using automated systems until after the JP has signed the order approving the grant. The one month time limit will commence from the date of the JPs signature giving approval.

The National Anti Fraud Network (NAFN)

5. The National Anti-Fraud Network provides a SPoC service to local authorities, precluding each authority from the requirement to maintain their own trained staff and allowing NAFN to act as a source of expertise. Local authorities using the NAFN SPoC service will still be responsible for submitting any applications to the JP and a designated person in the local authority is still required to scrutinise and approve any applications. The accredited SPoCs at NAFN will examine the applications independently and provide advice to applicants and designated persons to ensure the local authority acts in an informed and lawful manner.
6. The local authority investigator (i.e. the applicant) will then submit the relevant judicial application/order form, the RIPA application (authorisation or notice) and any supporting material to the JP. As above, following a private hearing, the JP will complete the order section of the judicial application/order form, reflecting their decision. The local authority investigator will then upload a copy of this order to the NAFN SPOC.
7. The NAFN SPoC will then acquire the CD on behalf of the local authority in an efficient and effective manner.

Consequential Acquisition

8. Section 3.31 of the Code of Practice for the Acquisition and Disclosure of CD outlines that a designated person may, at the time of granting an authorisation or notice for service usage data, also authorise the consequential acquisition of specific subscriber information. The designated person may only do so to the extent where it is necessary and proportionate. The consequential acquisition may only be for subscriber data, not traffic data, which local authorities may not acquire nor service usage data. Where a SPoC has been authorised to engage in conduct to obtain details of a person to whom a service has been provided and concludes that data is held by a CSP from which it cannot be acquired directly, the SPoC may provide the CSP with details of the authorisation granted by the designated person in order to seek disclosure of the required data¹⁴.
9. In cases where an authorisation or notice seeks to acquire consequential acquisition of specific subscriber information the JP will assess this as part of his/her consideration. The local authority investigator should be prepared to explain to the JP the reasoning behind the request for consequential acquisition and be able to show how it meets the necessity and proportionality tests.
10. In cases where consequential acquisition is approved, but where a notice is required (which must specify the name of the CSP to whom it is given, and be signed by the designated person), a further grant of a notice will be required. This is a new legal instrument and therefore will require further approval to the designated person and the JP, despite authority for the human rights interference having already been given.

¹⁴ Acquisition and Disclosure of Communications Data Code of Practice, Paragraph 3.30.



Home Office

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Internet Research Form

Ref no:	Department:	Date:
Subject of the research (if known) Name DOB or age Address		
Offence/incident or reason for the research:		
Why it is necessary to undertake the internet research and how will it benefit the enquiry?:		
Is this action proportionate? Can this information be sourced in less intrusive way?		
Privacy issues: <i>Detail any privacy issues identified to date. Are you capturing collateral intrusion data about other people? Is the search going beyond its ongoing purpose? Once search completed and information received or not available consider storage, use and/or destruction.</i>		

This log is to record the research undertaken and must include all sites visited, and contain rationale for continuing the research taking into account necessity, privacy issues identifies and proportionality.

Internet Research Activity Log		
Date	Activity undertaken including sites visited	By whom

HASTINGS BOROUGH COUNCIL

NON-RIPA SURVEILLANCE PROCEDURE

CORPORATE POLICY AND PROCEDURE

This policy was adopted by Hastings Borough Council at it Cabinet Meeting on 3rd
December 2012
Reviewed (June 2018)

Hastings Borough Council Non Ripa Surveillance Corporate Policy and Procedure
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A. Introduction

1. This Corporate Policy and procedure document has resulted from the change in the law in respect of Directed Surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2012
2. From the 1st November 2012 Directed Surveillance under RIPA will only apply to the detection and prevention of a criminal offence that attracts a penalty of 6 months imprisonment or more. This essentially takes out surveillance of disorder (unless it has 6 months custodial sentence) and most summary offences such as littering, dog fouling, lower level benefit fraud and anti-social behaviour from regulation.
3. This change does not mean that our enforcement officers cannot undertake such surveillance but because it is not now regulated by the Office of Surveillance Commissioners we need procedures in place to ensure that we can prove that we have given due consideration to necessity and proportionality, central tenets of European Law and the likely grounds of any challenge that we may receive.

B. General information on Human Rights

4. This Corporate Policy, Procedures and the Forms provided in this policy document are operative with immediate effect. It is essential therefore, that Chief Officers and Authorising Officers in their Departments take personal responsibility for the effective and efficient operation of this document in their Departments. The forms to be completed are an amended version of RIPA forms as used by the Home Office.
5. It will be the responsibility of Authorising Officers to ensure that their relevant members of staff are suitably trained so as to afford common mistakes appearing on forms for Directed Surveillance authorisations. List of authorised officers Appendix 1
6. Authorising officers will also ensure that staff who report to them follow this Corporate Policy and Procedure document and do not undertake or carry out any form of surveillance without first obtaining the relevant authorisations in compliance with this document.
7. Authorising Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances should an Authorising Officer approve any form unless, and until s/he is satisfied that the health and safety of Council employees/agents are suitably addressed and/or risks minimised, so far as is possible and proportionate to/with the surveillance being proposed. A risk assessment should be undertaken. If an Authorising Officer is in any doubt he should obtain prior guidance on the same from Legal Services.
8. Coming across private and confidential information during surveillance must be given prior thought before any applications are authorised, as failure to do so may invalidate the admissibility of any evidence obtained. Furthermore, thought must be given before any forms are signed to the retention and disposal of any material obtained under a surveillance authorisation. Where there is any possibility of private and confidential information being obtained through covert surveillance, the application must be authorised by an Authorised Officer.
9. The Authorising Officer must ensure proper regard is had to necessity and proportionality before any applications are authorised. Stock phrases or cut and paste narrative must be avoided at all times as the use of the same may suggest that insufficient detail and consideration had been given to the particular circumstances of any person likely to be the subject of the claim. Any equipment to be used in any approved surveillance must also be properly controlled, recorded and maintained for audit purposes.
10. The Human Rights Act requires the Council and organisations working on its behalf, pursuant to Article 8 of the European Convention to respect the private and family life of citizens, his home and his correspondence. The European Convention did not however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances the Council may interfere in the citizen's right mentioned above, if such interference is:-
 - (a) in accordance with the law;
 - (b) necessary; and

(c) proportionate

11. If the correct procedures are not followed, evidence may be disallowed by the Courts, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. Such action would not of course promote the good reputation of the Council and will undoubtedly be the subject of adverse press and media interest. It is essential that that all involved with surveillance comply with this document and any further guidance that may be issued from time to time by Legal Services.
12. A flowchart of the procedure to be followed for Non Ripa Directed Surveillance, appears at Appendix 2.

C. Types of Surveillance

13. Surveillance includes

- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications
- Recording anything mentioned above in the course of authorised surveillance
- Surveillance, by or with, the assistance of appropriate surveillance device(s).

Surveillance can be overt or covert.

Overt Surveillance

14. Most of the surveillance carried out by Hastings Borough Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases, officers will be going about Council business openly.

15. Similarly, surveillance will be overt if the subject has been told it will happen (e.g. where a noise maker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice of identifying themselves to the owner/proprietor to check that the conditions are being met).

Covert Surveillance

16. Covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. It cannot however be necessary if there is reasonably available an overt means of finding out the information desired.

Directed Surveillance

17. Directed Surveillance is surveillance which:-

- Is covert; and
- Is not intrusive surveillance (see definition below – the Council **must not** carry out any intrusive surveillance or any interference with private property)
- Is not carried out in an immediate response to events which would otherwise make seeking authorisation under the act unreasonable, e.g. spotting something suspicious and continuing to observe it; and
- It is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation)

18. Private Information in relation to a person includes any information relating to his private and family life, his home and his correspondence. The fact that Covert Surveillance occurs in a public place or on a business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged Surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that he/she comes into contact, or associates with.
19. Similarly, although overt town centre CCTV cameras do not formally require authorisation, if the cameras are to be directed for a specific purpose to observe particular individuals, authorisation will be required. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others.
20. For the avoidance of doubt, only those Officers designated and certified to be Authorised Officers for the purpose of surveillance can authorise an application for Directed Surveillance **if and only if** the authorisation procedures detailed in this document are followed. If an Authorising Officer had not yet been certified for the purposes of surveillance s/he cannot carry out or approve/reject any action set out in this Corporate Policy and Procedures Document.
21. Intrusive Surveillance cannot be carried out by the Council

Tracking Devices – Tracking Rubbish

22. Tracking devices to be used in or on skips can be authorised by Authorising Officers provided that the tracking device is disguised as refuse and is not physically attached/affixed to the skip. In the event of there being a requirement that a vehicle tracking device be used and that to install such a device interfered with property not owned by the Council, authorisation will need to be obtained from the police under the Police Act 1997. In either case officers are required to contact Legal Services before authorisation is given.

Necessity and Proportionality

23. Obtaining an authorisation under the non Ripa surveillance policy and procedure will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place. The 2000 Act first requires that the person granting an authorisation believe that the authorisation is necessary in the circumstances of the particular case for directed surveillance. Once necessity is established then proportionality must be considered.
24. The following elements of proportionality should be considered:
 - balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
 - explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;

- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
 - evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented
25. In other words this involves the balancing the intrusiveness of the activity on the target subject and others who might be affected by it or against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances – each case will be judged on and be unique on its merits – or if the information which is sought could be reasonably be obtained by other less intrusive means. All such activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair. Extra care should also be taken over any publication of the product of the surveillance.
26. It is important that when setting out the proportionality of the surveillance, that the applications include clear statements of the other reasonably possible methods of obtaining the desired information and the reasons why they have been rejected. This approach will apply, equally, to arguments for the necessity of surveillance. It is therefore crucial that the Authorising Officer give particular attention to necessity and proportionality and expresses his own view rather than those explanations given by the applicant.

Collateral Intrusion

27. Before authorising surveillance the Authorising Officer should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.
28. Those carrying out the surveillance should inform the Authorising Officer if the investigation or operation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. When the original authorisation may not be sufficient, consideration should be given to whether the authorisation needs to be amended and re-authorised or a new authorisation is required.

Retention and destruction of product surveillance

29. Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable period and subject to review.
30. There is nothing which prevents material obtained from properly authorised surveillance from being used in other investigations. Authorising Officers must ensure therefore, that they follow the procedures for handling, storage and destruction of material obtained through the use of covert surveillance. Authorising Officers must also ensure compliance with the appropriate data protection requirements.

D. Authorisation Procedures

31. Directed Surveillance can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation. Appendix 2 provides a flow chart of processes from application/consideration to recording of information and the storage/retention of data obtained.

Authorising Officers

32. Forms can only be signed by Authorising Officers see Appendix 1. The Chief Legal Officer will keep this list up to-date and add, delete or substitute names on request as the service demands.
33. Authorisations are separate from delegated authority to act under the Council's scheme of delegation and internal departmental schemes of delegation. All authorisations for Directed surveillance are for specific investigations only, and must be reviewed, renewed or cancelled once the specific surveillance is complete or about to expire. The authorisations do not lapse with time.

Training Records

34. Appropriate training has been given to Authorising Officers and Enforcement personnel. The training is an ongoing programme as and when the service requires. The list of Authorised Officers is kept on the central register at Legal Services. See Appendix 1.

Application Forms

35. Only the surveillance forms set out in this document and available on the Councils website are permitted to be used. Any other forms used will be rejected by the Authorising Officer and/or Legal Services.

Forms Directed Surveillance

36. See Appendix 2:-

Non RIPA DS 1	Application for Authorisation to carry out Directed Surveillance
DS2	Review of a Directed Surveillance Authorisation
DS3	Renewal of a Directed Surveillance Authorisation
DS4	Cancellation of Directed Surveillance Authorisation

Grounds for Authorisation

37. Now that Directed Surveillance which does not meet the crime threshold under RIPA there are no statutory grounds. However, it is proposed that

surveillance forms are authorised by Hastings Borough Council only on the grounds of preventing or detecting crime or disorder.

Assessing the Application Form

38. Before an Authorising Officer signs a form, s/he must:-

(a) Follow the procedures as laid down in this . If you are in any doubt please contact Legal Services

(b) Satisfy his/herself that an authorisation is:-

(i) **In accordance with the law**

(ii) **Necessary** in the circumstances of the particular case on the grounds mentioned in paragraph (enter) above; **and**

(iii) **Proportionate** to what it seeks to achieve.

(c) In assessing whether or not the proposed surveillance is proportionate consider whether there are any other non-intrusive means to meet the required aim, if there are none, whether the proposed surveillance is no more than necessary to achieve the objective, as **the least intrusive method will be considered proportionate by the Courts.**

(d) Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (Collateral Intrusion). Measures must be taken wherever practicable to avoid or minimise (so far as is possible) collateral intrusion as the matter may be an aspect of determining proportionality.

Completing the Application Form

39. All forms must be given a unique reference number. Legal Services will issue the unique reference number.. A date for review of the authorisation should be set. The review should take place on that date using the relevant form. A copy of every form/notice and documents in support must be sent to Legal Services for the Central Register within one week of the relevant authorisation, review, renewal, cancellation or rejection.

Duration

40. Again there is now no specified time for duration but it is proposed to keep to the times provided for under RIPA for consistency. Forms must be reviewed in the time stated, renewed and/or cancelled once it is no longer needed. The authorisation to carry out/conduct the surveillance lasts for a maximum of three months (from authorisation) for Directed Surveillance. **In other words the Forms do not expire, they have to be reviewed, renewed and/or cancelled once they are no longer required.**

41. Authorisations should be renewed before the maximum period in the authorisation has expired. The Authorising Officer must consider the matter afresh including taking into account the benefits of the surveillance to date, and any collateral intrusion that has occurred. An authorisation cannot be

renewed after it has expired. In such event a fresh authorisation will be necessary.

E. Record Management

42. A Central Register of all Authorisations, Reviews, Renewals and Cancellations and Rejections will be maintained and monitored by the Chief Legal Officer in regard to Non RIPA Directed Surveillance. Authorised Officers will be required to send the Chief Legal Officer a copy of all forms with immediate effect – within one week of authorisation.
43. The Council will retain records for a period of at least three years from the ending of the authorisation. The documents to be stored will include:-
- A copy of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer
 - A record of the period over which the surveillance has taken place
 - The frequency of reviews prescribed by the Authorising Officer
 - A record of the result of each review of the authorisation
 - A copy of any renewal of any authorisation, together with the supporting documentation submitted when the renewal was requested
 - The date and time when any instruction was given by the Authorising Officer
 - The Unique Reference Number (URN) for the authorisation

F. Internet Searches

44. Any investigative search on the Internet must be carried out by searching on the Councils (ask Mark Bourne) Whilst this exercise falls in a non-Ripa category investigations of this type do require the application of the principles of necessity and proportionality and the recognition that collateral intrusion is likely. It may be necessary to conduct a privacy impact assessment. To assist officers in carrying out this kind of surveillance it is required that the form at Appendix 10 is completed. This form should be kept with the working papers of the investigation.

45. Officers are required to comply with the Document Retention policy when destroying data collated in this way. If officers have any questions regarding the use of the intranet and social media please contact the Chief Legal Officer.

G. Concluding Remarks of the Chief Legal Officer

46. Where there is an interference with the right to respect for private life and family guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority for the interference, or if it is held not to be necessary or proportionate to the circumstances, the consequences of not obtaining or following the correct authorisation procedure set out in this document, may be that the action (and the evidence obtained) will be held to be unlawful by the Courts pursuant to Section 6 of the Human Rights Act 1998. Challenges could also occur under Article 8 of the European Convention on Human Rights
 47. Obtaining an authorisation and following this document, will ensure, therefore, that the action is carried out in accordance with the law and subject to stringent safeguards against abuse of anyone's human rights.
 48. Authorising Officers will be suitably trained and they must exercise their minds every time they are asked to consider a form. They must never sign or rubber stamp form(s) without thinking about their own personal and the Council's responsibilities.
 49. Any boxes not needed on the form(s) must be clearly marked as being 'Not Applicable' N/A or a line put through the same. Great care must also be taken to ensure accurate information is used and is inserted in the correct boxes. Reasons for any refusal of an application must be kept on the form and the form retained for future audits.
1. For further advice and assistance on Non Ripa surveillance please contact the Council's Chief Legal Officer

List of Appendices

- | | |
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| 3b | DS2 Review of a Directed Surveillance Authorisation |
| 3c | DS3 Renewal of a Directed Surveillance Authorisation |
| 3d | DS4 Cancellation of Directed Surveillance Authorisation |

Hastings Borough Council

Strictly Private and Confidential

Application for Authorisation to Carry Out Non RIPA Directed Surveillance

Public Authority (including full address)			
Name of Applicant		Unit/Branch/Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Investigating Officer (if a person other than the applicant)			
Details of application:			
1. Give rank or position of authorising officer			

2. Describe the intelligence of the specific operation or investigation to date and relevant legislation

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

4. The identities, where known, of those to be subject of the directed surveillance:

Name:
Address:
DOB:

Other information as appropriate:

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

6. Identify on which grounds the directed surveillance is necessary

For the purpose of preventing or detecting crime or of preventing disorder

7. Explain why this directed surveillance is necessary on the grounds you have identified

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. Describe precautions you will take to minimise collateral intrusion.

9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? Any why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means?

10. Confidential information
Indicate the likelihood of acquiring any confidential information NB this is not private information

11. Applicant's Details

Name (print)		Tel No:	
Grade/Rank		Date	
Signature			

12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW - in this and the following box].

I hereby authorise directed surveillance defined as follows: [Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?]

**13. Explain why you believe the directed surveillance is necessary.
Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out.**

14. (Confidential Information Authorisation.)

[Empty space for Confidential Information Authorisation details]

Date of first review	
-----------------------------	--

Programme for subsequent reviews of this authorisation. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.

[Empty space for Programme for subsequent reviews]

Name (Print)		Grade/ Rank	
---------------------	--	--------------------	--

Signature		Date and time	
------------------	--	----------------------	--

Expiry date and time [e.g.: authorisation granted on 1 April 2005 – expires on 30 June 2005, 23.59]	
--	--

15. Urgent Authorisation [Code paragraph 5.9]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

--

16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer

--

Name (Print)		Grade/ Rank	
Signature		Date and time	
Urgent authorisation Expiry date::		Expiry time:	
Remember the 72 hour rule for urgent authorities – check Code of Practice	e.g. authorisation granted at 5pm on June 1 expires 4.59pm on 4 June		

17. I understand the extent of the Non-RIPA authorisation.

Name (Print)		Date	
Signature			
Investigating Officer			

NB A copy of this form, once it has been authorised, must be kept on the Investigation Officer’s file. The original must be sent to the Chief Legal Officer for placing on Hastings Borough Council’s Central Register.

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Hastings Borough Council
Strictly Private and Confidential

Cancellation of Directed Surveillance Authorisation Non-RIPA

Public Authority (including full address)	
---	--

Name of Applicant	Unit/Branch/Division
Full Address	
Contact Details	
Investigation/Operation Name (if applicable)	

Details of cancellation:

1. Explain the reason(s) for the cancellation of the authorisation:

2. Explain the value of surveillance in the operation:

--

3. Authorising Officer's Statement.

I, hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.

Name (Print)		Grade/Rank	
Signature		Date	

4. Time and Date of when the authorising officer instructed the surveillance to cease.

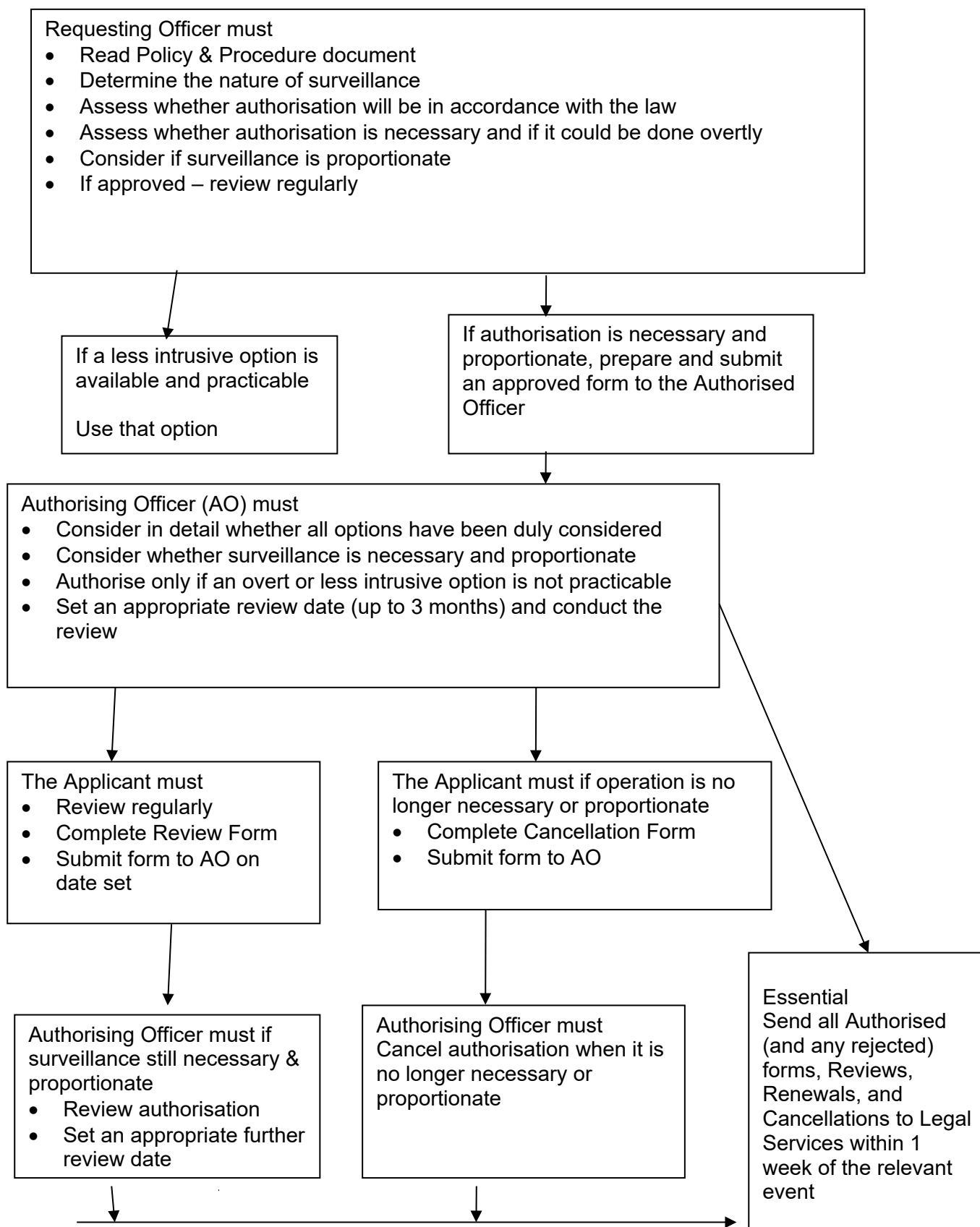
Date:		Time:	
--------------	--	--------------	--

5. Authorisation cancelled**Date:****Time:**

6. I understand that the Non-RIPA Authorisation has been cancelled with effect from:			Date:
Name (Print)		Date:	
Signature			
Investigating Officer			

NB A copy of this form, once it has been authorised must be kept on the Investigation Officer's file. The original must be sent to the Chief Legal Officer, for placing on Hastings Borough Council's Central Register.

NON-RIPA Flow Chart



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NON-RIPA List of Authorising Officers – Directed Surveillance

Designation: Head of Paid Service & Director of Corporate Services and Governance

Name: Jane Hartnell

Dept Identifier: CR

Designation: Assistant Director Financial Services & Revenues

Name: Peter Grace

Dept Identifier: FS

Designation: Assistant Director Environment & Place

Name: Mike Hepworth

Dept Identifier: ES

Designation: Director of Regeneration

Name: Simon Hubbard

Dept Identifier: RP

Designation: Head of Housing and Planning Services

Name: Andrew Palmer

Dept Identifier: HS

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Hastings Borough Council**Strictly Private and Confidential****Renewal of a Directed Surveillance Authorisation Non-RIPA**

(Please attach the original authorisation)

Public Authority (including full address)	
--	--

Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

3. Detail the reasons why it is necessary to continue with the directed surveillance.

4. Detail why the directed surveillance is still proportionate to what it seeks to achieve.

5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.

6. Give details of the results of the regular reviews of the investigation or operation.

7. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

8. Authorising Officer's Comments. <u>This box must be completed.</u>

9. Authorising Officer's Statement.				
I, hereby authorise the renewal of the directed surveillance operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing.				
This authorisation will be reviewed frequently to assess the need for the authorisation to continue.				
Name (Print)		Grade/Rank		
Signature		Date		
Renewal From:		Time:		Date:
Date of first review.				
Date of subsequent reviews of this authorisation.				

10. I understand the extent of the Non-RIPA Renewal Authorisation			
Name (Print)		Date:	
Signature			
Investigating Officer			

NB A copy of this form, once it has been authorised must be kept on the Investigation Officer's file. The original must be sent to the Chief Legal Officer, for placing on Hastings Borough Council's Central Register.

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Hastings Borough Council**Strictly Private and Confidential****Renewal of a Directed Surveillance Authorisation Non-RIPA**

(Please attach the original authorisation)

Public Authority (including full address)	
--	--

Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

3. Detail the reasons why it is necessary to continue with the directed surveillance.

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5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.

6. Give details of the results of the regular reviews of the investigation or operation.

7. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

8. Authorising Officer's Comments. <u>This box must be completed.</u>

9. Authorising Officer's Statement.				
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This authorisation will be reviewed frequently to assess the need for the authorisation to continue.				
Name (Print)		Grade/Rank		
Signature		Date		
Renewal From:		Time:		Date:
Date of first review.				
Date of subsequent reviews of this authorisation.				

10. I understand the extent of the Non-RIPA Renewal Authorisation			
Name (Print)		Date:	
Signature			
Investigating Officer			

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Report to: Cabinet

Date of Meeting: 4th June 2018

Report Title: Regulation of Investigatory Powers Act 1996 (RIPA)

Report By: Chris Barkshire-Jones Chief Legal Officer, Monitoring Officer
and Senior Responsible Officer (RIPA)

Purpose of Report

To up-date the Council's RIPA policies and procedures.

Recommendation(s)

1. Cabinet approve the refreshed RIPA policy and procedures.
2. Delegated Authority be given to the Chief Legal Officer in consultation with the Lead Member to make any necessary changes to the documentation.

Reasons for Recommendations

Every three years Councils are visited by the Officer of Surveillance Commissioners to ensure that RIPA policies and procedures comply with the law. It is necessary for council staff to be aware of the policies and procedures and to receive necessary training.

Introduction

1. Hastings Borough Council was visited by an Assistant Surveillance Commissioner, Sir David Clarke on the 2nd June 2015. He interviewed various staff and checked the Council's Central Register for RIPA applications. He also checked and commented on the Council's RIPA policies and procedures.
2. The Council received his inspection report on the 17th June 2015. The recommendation in the report which was largely complimentary was for the Council to amend its Corporate RIPA policy and procedures to reflect suggestions made at paragraphs 13 and 14 of the report.
3. These were to make the definition of Covert Human Intelligence Source (CHIS) more complete and to include some information within the policy on how the Council deals with the use of the internet and social media sites in investigatory work.

Post- Inspection

4. The Council instructed an external consultant to undertake an audit in October 2015 of various departments within the Council. This was with the view of ensuring that services were using the intranet with consideration of justification and intrusion issues. Services were encouraged to speak openly about how they used the Intranet.
5. On the spot training was given on what needs to be considered when using social media to gain information. The consultant also provided the Council with other areas of concern, these were;
 - Data Protection issues re the verbal exchange of information to the police
 - The need for a procedural document for those wearing body worn cameras and clear instructions to staff
 - Deployment of Noise Equipment – A short procedure note should be available for staff what the requirements are and that they complete a privacy impact assessment and record their findings.
 - Wardens using mobile phones to obtain evidence e- either restrict or amend policies to accommodate
 - Waste – the Council's mobile CCTV cameras need to be brought into current policies and procedures
 - CCTV outside of the control room (like customer services)
 - Generally, the maintaining of digital images
 - Internet and social media enquiries – Record the life of the search, consider carrying out a privacy impact assessment.
 - Internet Training – consider training staff
6. Our response to the above has been as follows;

- Sharing Data with the police is carried out in compliance with Data Sharing Agreements between the two parties.
 - The Council are not yet using body worn cameras although they intend to do so in the near future. Before implementation a written policy needs to be approved by the Assistant Director Environment & Place and the Senior Responsible Officer for RIPA.
 - Since the Audit the Noise Nuisance Recorder Deployment procedure has been put in place and the Noise Nuisance Recorder Privacy Impact Assessment.
 - Enforcement officers are not to use mobile phones to gather evidence but use cameras provided for that purpose.
 - Mobile CCTV cameras are no longer used by waste enforcement officers.
 - CCTV cameras outside of the control room has correct signage.
 - A policy has been written for the maintaining of digital images. An external consultant has approved it. Both Environmental Health and Wardens are using it. It will be rolled out corporately.
 - The Audit and training that was carried out in 2015 investigated how staff were using the internet and what for. A new form has been appended on the NON-RIPA policy for staff to record any search. This is to be kept on their file. It may be necessary for staff to conduct a privacy impact assessment when considering a social media search. Guidance on privacy impact assessments is provided within the ICO's Guidance on GDPR at Page 85. Staff are only to use HBC addresses when conducting a search. The Social Media policy was refreshed and approved by Cabinet in 2017.
 - We are currently looking to see if there is any e-training for all staff regarding internet searches. This is one area of training that will be carried out
7. Furthermore, we have devised the following audit sheet for those officers using social media for investigative purposes. This should be completed and kept on file to record issues of necessity, proportionality and collateral intrusion. Training will be given to all staff on RIPA policies and procedures and the including social media. The Council's social media policy was refreshed in 2017 and has been approved by Cabinet.
 8. RIPA training was attended by 26 officers over 3 days in November 2015 and most services attended an audit/training seminar over two days in September 2016
 9. The RIPA policy and procedures has been refreshed discharging the recommendation given to the Council by the Office of Surveillance Commissioners

Wards Affected

Insert the list of wards affected None

Policy Implications

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

Equalities and Community Cohesiveness

Crime and Fear of Crime (Section 17)

Risk Management

Environmental Issues

Economic/Financial Implications

Human Rights Act

Organisational Consequences

Local People's Views

Anti-Poverty

Additional Information

RIPA Policy Procedure (2018)

Appendix 1 - RIPA List of Authorising Officers (2018)

Appendix 2 - Flow Chart for Directed Surveillance (2018)

Appendix 3a - Application for authorisation to carry out directed surveillance (2018)

Appendix 3b - Review of a directed surveillance authorisation (2018)

Appendix 3c - Renewal of a directed surveillance authorisation (2018)

Appendix 3d - Cancellation of a directed surveillance authorisation (2018)

Appendix 4 - RIPA flow Chart for CHIS (2018)

Appendix 5a - Application for authorisation of the conduct use of a covert human intelligence source (2018)

Appendix 5b - Review of a covert human intelligence source authorisation (2018)

Appendix 5c - Renewal of a covert human intelligence source authorisation (2018)

Appendix 5d - Cancellation of an authorisation for the use or conduct of a covert human intelligence source (2018)

Appendix 6 - RIPA Flow Chart (2018)

Appendix 7 - RIPA Home Office code of practice (2014)

Appendix 8 - CHIS Home Office code of practice (2014)

Appendix 9 - Protection of Freedoms Act 2012 - changes to the provisions under the RIPA Act 2000 (2012)

Appendix 10 - RIPA Internet Research Form (2018)

Non RIPA Surveillance Procedure 2018

Non-RIPA Application for a Directed Surveillance (2018)

Non-RIPA Cancellation of a Directed Surveillance (2018)

Non-RIPA Flow Chart (2018)

Non-RIPA List of Authorising Officers - Directed Surveillance (2018)

Non-RIPA Renewal of a Directed Surveillance (2018)

Non-RIPA Review of a Directed Surveillance (2018)

Officer to Contact

Officer Name Chris Barkshire-Jones

Officer Email Address cbarkshire-jones@hastings.gov.uk

Officer Telephone Number 01424 451731

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Hastings Borough Council
Strictly Private and Confidential
Part II of the Regulation of Investigatory Powers
Act (RIPA) 2000

**Cancellation of an Authorisation for the Use or Conduct of a
Covert Human Intelligence Source**

Public Authority (including full address)	
--	--

Name of Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			

Details of cancellation:

1.	Explain the reason(s) for the cancellation of the authorisation:

Appendix 5d

Directed Surveillance Unique Reference Number (URN) (to be supplied by the central monitoring officer).

2. Explain the value of the source in the operation:

3. Authorising Officer's statement. This should identify the pseudonym or reference number of the source not the true identity.								
<table border="1"> <tr> <td>Name (Print)</td> <td> </td> <td>Grade</td> <td> </td> </tr> <tr> <td>Signature</td> <td> </td> <td>Date</td> <td> </td> </tr> </table>	Name (Print)		Grade		Signature		Date	
Name (Print)		Grade						
Signature		Date						

4. Time and Date of when the Authorising Officer instructed the use of the source to cease.				
<table border="1"> <tr> <td>Date:</td> <td> </td> <td>Time:</td> <td> </td> </tr> </table>	Date:		Time:	
Date:		Time:		

Understand that the cancellation of the CHIS Authorisation takes effect from		Date:	
		Date:	
Officer			

NB A copy of this form, once it has been authorised by the authorising officer and a JP must be kept on the Investigation Officer's file. The original must be sent to the Chief Legal Officer, for placing on Hastings Borough Council's Central Register.

Hastings Borough Council
Strictly Private and Confidential

**Part II of the Regulation of Investigatory Powers Act
(RIPA) 2000**

**Application for Authorisation of the Conduct Use of a
Covert Human Intelligence Source (CHIS)**

Public Authority (including full address)			
Name of Applicant		Service/Department/ Branch	
How will the source be referred to? i.e. what will be his/her pseudonym or reference number			
The name, rank or position of the person within the relevant investigating authority who will have day to day responsibility for dealing with the source, including the source's security and welfare. (Often referred to as the Handler)			
The name, rank or position of another person within the relevant investigating authority who will have general oversight of the use made of the source. (Often referred to as the Controller)			
Who will be responsible for retaining (in secure, strictly controlled conditions, with need-to-know access) the source's true identity, a record of the use made of the source and the particulars required under RIP (Source Records) Regulations 2000 (SI 2000/2725)?			
Investigation/Operation Name (if applicable)			

Details of Application

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010; No. 521.¹ Where appropriate throughout amend references to the Order relevant to your authority.

2. Describe the purpose of the specific operation or investigation.

3. Describe in detail the purpose for which the source will be tasked or used.

4. Describe in detail the proposed covert conduct of the source or how the source is to be used.

¹ For local authorities: The formal position of the authorising officer should be given. For example, Head of Trading Standards.
Form LA19(December 2012)
Page 2

5. Identify on which grounds the conduct or the use of the source is necessary under Section 29(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on. (eg. SI 2010 No. 521)

For the purpose of preventing or detecting crime or of preventing disorder;

6. Explain why this conduct or use of the source is necessary on the grounds you have identified [Code paragraph 3.2]

7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.] Describe precautions you will take to minimise collateral intrusion and how any will be managed.

8. Are there any particular sensitivities in the local community where the source is to be used? Are similar activities being undertaken by other public authorities that could impact on the deployment of the source? (see Code paragraphs 3.17 and 3.18)

9. Provide an assessment of the risk to the source in carrying out the proposed conduct. (see Code paragraph 6.14)

10. Explain why this conduct or use of the source is proportionate to what it seeks to achieve. How intrusive might it be on the subject(s) of surveillance or on others? How is this intrusion outweighed by the need for a source in operational terms, and could the evidence be obtained by any other means? [Code paragraphs 3.3 to 3.5]

**11. Confidential information. [Code paragraphs 4.1 to 4.21]
Indicate the likelihood of acquiring any confidential information.**

References for any other linked authorisations:

12. Applicant's Details.

Name (print)		Grade/Rank/Position	
Signature		Tel No:	
Date			

13. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW – in this and the following box.] The authorisation should identify the pseudonym or reference number of the source, not the true identity.

**14. Explain why you believe the conduct or use of the source is necessary. [Code paragraph 3.2]
Explain why you believe the conduct or use of the source to be proportionate to what is sought to be achieved by their engagement. [Code paragraphs 3.3 to 3.5]**

--

15. (Confidential Information Authorisation.) Supply details demonstrating compliance with Code paragraphs 4.1 to 4.21

--

16. Date of first review:

--	--

17. Programme for subsequent reviews of this authorisation: [Code paragraphs 5.15 and 5.16]. Only complete this box if review dates after first review are known. If not, or inappropriate to set additional review dates, then leave blank.

--

18. Authorising Officer's Details

Name (Print)		Grade/Rank/Position	
Signature		Time and date granted* Time and date authorisation ends	

* Remember, an authorisation must be granted for a 12 month period, i.e. 1700 hrs 4 June 2006 to 2359hrs 3 June 2007

19. Urgent Authorisation [Code paragraphs 5.13 and 5.14]: Authorising Officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

20. If you are entitled to act only in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully designated Authorising Officer

21. Authorising Officer of urgent authorisation

Name (Print)		Grade/Rank/Position	
Signature		Date and Time	
Urgent authorisation expiry date:		Expiry time:	

Remember the 72 hour rule for urgent authorisations – check Code of Practice [Code Paragraph 4.18]. e.g. authorisation granted at 1700 on 1 June 2006 expires 1659 on 4 June 2006

22. I understand the extent of the renewal of the CHIS Authorisation.

Name (Print)		Date:	
Signature			
Investigating Officer			

NB A copy of this form, once it has been authorised, must be kept on the Investigation Officer's file. The original must be sent to the Senior Lawyer, Enforcement and Litigation, for placing on Hastings Borough Council's Central Register.

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Hastings Borough Council**Strictly Private and Confidential****Part II of The Regulation of Investigatory Powers Act (RIPA) 2000
Renewal of a Directed Surveillance Authorisation**

(Please attach the original authorisation)

Public Authority (including full address)	
--	--

Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

3. Detail the reasons why it is necessary to continue with the directed surveillance.

4. Detail why the directed surveillance is still proportionate to what it seeks to achieve.

5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.

6. Give details of the results of the regular reviews of the investigation or operation.

7. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

8. Authorising Officer's Comments. <u>This box must be completed.</u>

9. Authorising Officer's Statement.				
I, hereby authorise the renewal of the directed surveillance operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing.				
This authorisation will be reviewed frequently to assess the need for the authorisation to continue.				
Name (Print)		Grade/Rank		
Signature		Date		
Renewal From:		Time:		Date:
Date of first review.				
Date of subsequent reviews of this authorisation.				

10. I understand the extent of the RIPA Renewal Authorisation			
Name (Print)		Date:	
Signature			
Investigating Officer			

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Agenda Item 5

Hastings Borough Council

Data Retention Guidelines

Updated April 2018

Hastings Borough Council Retention Guidelines

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Part 1 Establishment of the Guidelines

1. Scope of the Guideline

- 1.1. These Retention Guidelines are intended to support the Council in the areas of Data Protection, Freedom of Information and the Local Government Act.
- 1.2. The Guidelines were developed to reflect an understanding of the administrative processes that give rise to record creation. This is intended to make the Guidelines independent of any particular format of record that might be historically created (e.g. card, register) or media (e.g. paper, electronic) and prolong the Guidelines' period of application.
- 1.3. The Guidelines are intended to cover the continuum of records and information from creation through to destruction or for retention for historical or research purposes.
- 1.4. Records sentenced for destruction under the Guidelines may be destroyed in accordance with the provisions of the Guidelines. Backup copies stored on alternative media (server/microfilm/paper) should also be destroyed. This is vital to ensure compliance with the requirements of Data Protection and Freedom of Information legislation.
- 1.5. Records for permanent preservation may be passed to Business Support to store in the Council's Archive.

2. Limitation of Scope

- 2.1. It is up to the Corporate Management Team, Assistant Directors and Professional leads to interpret and apply the guidelines should any further assistance be required.

3. Objectives of the Retention Guidelines

- 3.1. The aims of the Guidelines are to:
 - Assist in identifying records that may be worth preserving permanently as part of the Council's archives
 - Prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial and other requirements of public administration
 - Provide consistency for the destruction of those records not required permanently after specified periods
 - Promote improved Records Management practices within the authority so that optimum use is made of the limited office space available
 - Comply with Data Protection legislation.

4. Transfer of Records to Archival Storage

- 4.1. Officers wishing to transfer permanent records to the Council's archival custody should contact Business Support. The identification of classes of records here as suitable for archives are for guidance only.
- 4.2. It may well be that the Museum or County Archivist may be interested in keeping some historic documents. Enquiries should be made with the relevant organization.

- 4.3. The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely, provided specific requirements are met.
- 4.4. Records identified in this schedule as 'permanent' are marked as such.
- 4.5. Records no longer required for administrative use may still retain sensitive information. What do we do about that?

5. Enactment of Standard for a Local Authority

- 5.1. As there is no legal basis for the enforcement and support of these Guidelines, the Council needs to ensure that the actions shown in the Guidelines are ratified internally.
- 5.2. Ratification can be achieved by obtaining the signature of the Director of Corporate Services and Governance or her nominee and the Chief Legal Officer.
- 5.3. This Retention and Disposal Schedule has been authorised by Cabinet.
Signature of the Director of Corporate Services and Governance

..... Date of Issue.

Signature of the Chief Legal Officer

..... Date of Issue.

6. Destruction of Records

- 6.1. Whenever there is the possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.
- 6.2. When records identified for disposal in the Guidelines are destroyed, a register of such records needs to be kept. For records not covered by the Guidelines you should contact the Director of Corporate Services and Governance, who will consult with the Chief Legal Officer to provide specific advice. It is not sufficient to document that a quantity of records had been destroyed on a certain date. Enough details should be retained to identify which records have been destroyed.

7. Standard Operating Procedure (SOP)

- 7.1. There are some records that do not need to be kept at all; Standard Operating Procedure defines types of records which staff may routinely destroy in the normal course of business. However, the retention and disposal schedule must still contain reference and instructions referring to them.

7.2. SOP usually applies to information that is duplicated, unimportant or only of short-term facilitative value. Unimportant records or information include:

- 'with compliments' slips
- catalogues and trade journals
- telephone message slips
- non-acceptance of invitations (other than those which should be recorded in the Council's Hospitality Register)
- trivial electronic mail messages or notes that are not related to the Council's business
- requests for stock information such as maps, plans or advertising material
- out-of-date distribution lists
- working papers which lead to a final report

7.3. Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed under SOP. Electronic copies of documents where a hard copy has been printed and filed, and thermal paper facsimiles after making and filing a photocopy, are also covered.

7.4. SOP should not be applied to records or information that can be used as evidence – to prove that something happened. If you are in doubt about what information is required consult with the Chief Legal Officer

7.5. All of these may be destroyed by standard operating procedure that should be part of any ISO 9000 (Quality Management) system if applicable.

8. Reviewing the Schedule

8.1. This Guideline prescribes minimum and permanent retention periods. This guideline will also be reviewed at regular intervals. Next review due by 31/05/2019.

9. Further information

- Records Management Society of Great Britain <http://www.rms-gb.org.uk>
- Public Record Office <http://www.pro.gov.uk>
- Society of Archivists <http://www.archives.org.uk>
- Information Commissioner <http://www.dataprotection.gov.uk>

Part 2 Data Retention Index

Operational Services

1. Environment & Place

- 1.1. Cemetery & Crematorium
 - 1.1.1. Cemeteries and Crematoria
 - 1.1.2. Civil funerals
 - 1.1.3. Exhumations
 - 1.1.4. Funeral Payment
 - 1.1.5. Grave Purchasing
 - 1.1.6. Independent funerals
 - 1.1.7. Memorial Construction
 - 1.1.8. Mortuaries
 - 1.1.9. Municipal funerals
 - 1.1.10. Repatriation of bodies
- 1.2. Community Safety & Enforcement
 - 1.2.1. Anti-social civil injunction
 - 1.2.2. Community Protection notice
 - 1.2.3. Criminal Behaviour Order
 - 1.2.4. Dog fouling
 - 1.2.5. Flyposting
 - 1.2.6. Fly-tipping
 - 1.2.7. Housing and public health
 - 1.2.8. Litter
 - 1.2.9. Premises closure notice
 - 1.2.10. Public Spaces Protection Order
 - 1.2.11. Refuse disposal
 - 1.2.12. Smoking ban
- 1.3. Environmental Health
 - 1.3.1. Air handling units
 - 1.3.2. Air quality
 - 1.3.3. Animal inspection
 - 1.3.4. Asbestos management
 - 1.3.5. Contaminated land
 - 1.3.6. Cooling tower registration
 - 1.3.7. Corporate health and safety
 - 1.3.8. Dog registration
 - 1.3.9. Drainage
 - 1.3.10. Dry cleaning premises regulation
 - 1.3.11. Facilities – asbestos
 - 1.3.12. Facilities – hazardous substances
 - 1.3.13. Facilities – noise
 - 1.3.14. Food business registration
 - 1.3.15. Food poisoning and contamination
 - 1.3.16. Food premises approval
 - 1.3.17. Food safety
 - 1.3.18. Health and safety regulation
 - 1.3.19. Nuisances
 - 1.3.20. Out of hours emergencies
 - 1.3.21. Pest control
 - 1.3.22. Petrol vapour recovery regulation
 - 1.3.23. – 1.3.26 Pollution
 - 1.3.27. Safety of disused mines and tips
 - 1.3.28. Scientific services

- 1.3.29. Smoke control areas
- 1.3.30. Solvent emissions regulation
- 1.3.31. Tattooist, piercing, electrolysis & acupuncture registration
- 1.3.32. Water quality monitoring
- 1.3.33. Water supply
- 1.4. Environment & Natural Resources
 - 1.4.1. Allotments
 - 1.4.2. Archaeology
 - 1.4.3. Canals and waterways
 - 1.4.4. Community farms
 - 1.4.5. – 1.4.13 Countryside
 - 1.4.14. Ecology and geology
 - 1.4.15. Environmental policy
 - 1.4.16. Exhaust emission testing
 - 1.4.17. Farming advice
 - 1.4.18. Feed hygiene registration
 - 1.4.19. Field study centres
 - 1.4.20. Forest and woodland management
 - 1.4.21. Geotechnology
 - 1.4.22. Grass cutting
 - 1.4.23. Grazing land
 - 1.4.24. Hazardous substance control
 - 1.4.25. Historic sites
 - 1.4.26. Local access forums
 - 1.4.27. Marine weather data
 - 1.4.28. Memorial maintenance
 - 1.4.29. Nature reserves
 - 1.4.30. Open access land
 - 1.4.31. Pet burial
 - 1.4.32. Smallholdings
 - 1.4.33. Stray animals
 - 1.4.34. Surface water management plans
 - 1.4.35. Sustainable development
 - 1.4.36. Sustainable drainage systems
 - 1.4.37. Verges permitted use
 - 1.4.38. Wardens/rangers
 - 1.4.39. Waste reduction
- 1.5. Licensing
 - 1.5.1. Abnormal load notification
 - 1.5.2. Accommodation certificates
 - 1.5.3. –1.5.8 Animal
 - 1.5.9. Auction premises
 - 1.5.10. Boatsman
 - 1.5.11. Building materials
 - 1.5.12. Caravan site
 - 1.5.13. Club premises certificate
 - 1.5.14. Conservation area tree works notification
 - 1.5.15. Demonstrations and parades permission
 - 1.5.16. Early morning restrictions
 - 1.5.17. Explosives
 - 1.5.18. -1.5.19 Fireworks
 - 1.5.20. Fuel delivery
 - 1.5.21. –1.5.30 Gambling
 - 1.5.31. Gypsy and traveler sites
 - 1.5.32. Homes in multiple occupancy

- 1.5.33. House to house collection
- 1.5.34. Late night catering
- 1.5.35. -1.5.38 Market
- 1.5.39. Massage and special treatment
- 1.5.40. Motor salvage operator registration
- 1.5.41. Moveable dwelling site
- 1.5.42. Personal alcohol and entertainment
- 1.5.43. Pet shop
- 1.5.44. Petroleum storage
- 1.5.45. Pleasure boat
- 1.5.46. Poisons
- 1.5.47. Registering business premises
- 1.5.48. Reservoir management
- 1.5.49. Riding establishment
- 1.5.50. Scrap metal site registration
- 1.5.51. Second hands good
- 1.5.52. Selective area housing
- 1.5.53. Self-drive boats
- 1.5.54. Sex establishment
- 1.5.55. Skip operator
- 1.5.56. Skip permits
- 1.5.57. Sports ground safety
- 1.5.58. Stage hypnotism
- 1.5.59. Street café
- 1.5.60. Street collection
- 1.5.61. Street trading
- 1.5.62. Sunday trading notification
- 1.5.63. Tables and chairs
- 1.5.64. -1.5.68 Taxi
- 1.5.70. Temporary event notice
- 1.6. Waste, Parking and Streetscene
 - 1.6.1. Abandoned shopping trolleys
 - 1.6.2. Abandoned vehicles
 - 1.6.3. Area waste strategy
 - 1.6.4. Commercial waste collection
 - 1.6.5. Composters
 - 1.6.6. Council car parks
 - 1.6.7. Dead animal removal
 - 1.6.8. Dog waste bins
 - 1.6.9. Fly tipping
 - 1.6.10. Food waste recycling
 - 1.6.11. Graffiti removal
 - 1.6.12. Hazardous waste collection
 - 1.6.13. -1.6.21 Household waste
 - 1.6.22. Litter bins
 - 1.6.23. Litter removal
 - 1.6.24. Market cleaning
 - 1.6.25. Public toilets
 - 1.6.26. -1.6.30 Recycling
 - 1.6.31. Residential waste spillages
 - 1.6.32. Road spillages
 - 1.6.33. Septic tanks and cesspits
 - 1.6.34. Street cleaning
 - 1.6.35. Street parties permission
 - 1.6.36. Syringe disposal

2. Housing & Built Environment

2.1. Housing Renewal

- 2.1.1. Disabilities facilities grants
- 2.1.2. Discretionary Housing Payment
- 2.1.3. Fuel poverty
- 2.1.4. Home improvement loans
- 2.1.5. Home renovation grants
- 2.1.6. Houses in multiple occupation safety inspection
- 2.1.7. Housing and public health
- 2.1.8. Housing nuisance

2.2. Housing Needs and Policy

- 2.2.1. Affordable housing
- 2.2.2. Allocation
- 2.2.3. Applications
- 2.2.4. Change of housing tenancy
- 2.2.5. Communal housing repairs
- 2.2.6. Council tenant advice
- 2.2.7. Demolitions – alternative housing
- 2.2.8. Demoted tenancy
- 2.2.9. Emergency out of hours housing repairs
- 2.2.10. Empty residential properties
- 2.2.11. Ending housing tenancy
- 2.2.12. Fair rents inspection
- 2.2.13. Hard to let properties
- 2.2.14. Homelessness support
- 2.2.15. Hostels and emergency accommodation
- 2.2.16. House clearance and re-housing
- 2.2.17. – 2.2.23 Housing
- 2.2.24. – 2.2.25 Housing Association
- 2.2.26. Late tenancy arrears
- 2.2.27. Local authority mortgage scheme (LAMS)
- 2.2.28. Mortgage references
- 2.2.29. Mutual home exchange
- 2.2.30. -2.2.33 Private housing
- 2.2.34. Rechargeable home repairs
- 2.2.35. Social housing policy
- 2.2.36. Tenant support

2.3. Planning Policy

- 2.3.1. Assets of Community Value
- 2.3.2. Brownfield Registers
- 2.3.3. Community infrastructure levy (CIL)
- 2.3.4. Conservation areas
- 2.3.5. Local development order
- 2.3.6. Local Plan
- 2.3.7. Locally Listed Buildings
- 2.3.8. Nationally Listed Buildings
- 2.3.9. Neighbourhood development order
- 2.3.10. Neighbourhood development plan
- 2.3.11. Self-build and custom build register
- 2.3.12. Strategic Housing Land Availability Assessment (SHLAA)
- 2.3.13. Supplementary Planning Documents (SPDs)

3. Regeneration & Culture

3.1. Economic Development

- 3.1.1. Business Improvement Districts
- 3.1.2. Economic Information and analysis
- 3.1.3. Economic reports and forecasts
- 3.1.4. European and other funding
- 3.1.5. – 3.1.8 Grant
- 3.1.9. Local economic development
- 3.1.10. Support for tourism business
- 3.2. Leisure Development
 - 3.2.1. Coastal events
 - 3.2.2. Fishing
 - 3.2.3. Leisure and social activities inclusion
 - 3.2.4. Older People's activities
 - 3.2.5. Outdoor activities
 - 3.2.6. – 3.2.10 Sport
 - 3.2.11. Swimming Pools
 - 3.2.12. Young people's drop in activities
 - 3.2.13. Young people's organised activities
- 3.3. Marketing & Major Projects
 - 3.3.1. Census Information
 - 3.3.2. Civic events
 - 3.3.3. Community engagement
 - 3.3.4. Community noticeboards
 - 3.3.5. Corporate – development strategy
 - 3.3.6. Facilities – graphic design
 - 3.3.7. Feedback and suggestions
 - 3.3.8. Festive decorations
 - 3.3.9. ICT – Website
 - 3.3.10. Leaflet distribution
 - 3.3.11. Media and publicity protocols
 - 3.3.12. News and information releases
 - 3.3.13. Open data publication
 - 3.3.14. Outdoor events
 - 3.3.15. Permission to film and photograph
 - 3.3.16. Permission to host events
 - 3.3.17. Publications
 - 3.3.18. Regeneration Projects
 - 3.3.19. Sale of gifts and publications
 - 3.3.20. Surveys
 - 3.3.21. Tourist signs
 - 3.3.22. Town twinning
- 3.4. Planning Policy
 - 3.4.1. Building and landscape design
 - 3.4.2. Building control
 - 3.4.3. Business planning applications
 - 3.4.4. Consent for cellars, pavement lights and ventilators under street
 - 3.4.5. Conservation advice
 - 3.4.6. Conservation areas
 - 3.4.7. Dangerous structures
 - 3.4.8. Demolition
 - 3.4.9. Derelict properties
 - 3.4.10. Development control
 - 3.4.11. Discharge of planning conditions
 - 3.4.12. Dropped kerbs
 - 3.4.13. Environmental impact assessment screening
 - 3.4.14. High hedges

- 3.4.15. Land charges search
- 3.4.16. Lawful development certificate of existing use
- 3.4.17. Lawful development certificate proposed use
- 3.4.18. Outline planning consent
- 3.4.19. – 3.4.28 Planning
- 3.4.29. Prior notification of development
- 3.4.30. Property enquiries certificates
- 3.4.31. Property register
- 3.4.32. Register of land
- 3.4.33. Removal/ variation of planning conditions
- 3.4.34. Stopping up orders
- 3.4.35. Street names and numbering
- 3.4.36. Tree management
- 3.4.37. Tree preservation order
- 3.4.38. Zoning
- 3.5. Resort Services
 - 3.5.1. Coastal protection
 - 3.5.2. Beach patrol
- 3.6. Strategic Cultural Development
 - 3.6.1. Archive loans, donations, bequests and sales
 - 3.6.2. Art commissions
 - 3.6.3. Arts and Creative classes
 - 3.6.4. Arts development
 - 3.6.5. Arts organisations and events
 - 3.6.6. Exhibitions
 - 3.6.7. –3.6.10 Museum and gallery
 - 3.6.11. Music rooms and recording studios

Corporate Services & Governance

4. Continuous Improvement & Democratic Services

- 4.1. Civic & Royal events
- 4.2. Civic recognition & awards
- 4.3. Community Strategy
- 4.4. Complaints Procedure
- 4.5. - 4.7 Corporate Development strategy
- 4.8. - 4.11 Councillors
- 4.12. Freedom of Information & Environmental Information Regulations
- 4.13.–4.23 Members
- 4.25.Minutes, agendas & reports
- 4.26.Performance measurement & reporting
- 4.27.Petitions
- 4.28.Re-use of public sector information

5. Financial Services & Revenues

- 5.1. Accounting
 - 5.1.1. Accounts
 - 5.1.2. Approved suppliers
 - 5.1.3. Civic liability
 - 5.1.4. Corporate – assets
 - 5.1.5. Corporate – insurance
 - 5.1.6. Council expenditure
 - 5.1.7. Financial management
 - 5.1.8. Financial Planning
 - 5.1.9. Fund management

- 5.1.10. Inter-organisational charging
- 5.1.11. Management and control
- 5.1.12. Revenue and custom
- 5.1.13. Spending plans consultation
- 5.1.14. Transparency of accounts
- 5.1.15. Transparency of senior salaries
- 5.1.16. Value for money
- 5.2. Auditing
 - 5.2.1. Audit and inspection
 - 5.2.2. Council expenditure
- 5.3. Estates
 - 5.3.1. Commercial lettings
 - 5.3.2. Corporate – assets
 - 5.3.3. Corporate – purchasing
 - 5.3.4. Estates management
 - 5.3.5. – 5.3.8 Land and property
 - 5.3.9. Lettings
- 5.4. Revenue Services
 - 5.4.1. Benefit fraud
 - 5.4.2. – 5.4.5 Business rate
 - 5.4.6. – 5.4.17 Council tax – account enquiries
 - 5.4.14. – 5.4.23 Housing benefit
 - 5.4.24. Rent determination
- 5.5. Surveying
 - 5.5.1. Domestic heating oil tanks
 - 5.5.2. Facilities – Council occupied offices
 - 5.5.3. Facilities – energy and fuel
 - 5.5.4. Facilities – planned maintenance
 - 5.5.5. House surveying
 - 5.5.6. Street name plates

6. Legal and Electoral Services

- 6.1. Electoral Services
 - 6.1.1. Election expenses
 - 6.1.2. Elections results
 - 6.1.3. Electoral area
 - 6.1.4. Electoral cycle
 - 6.1.5. Electoral nominations
 - 6.1.6. Electoral register
 - 6.1.7. Polling stations
 - 6.1.8. Postal voting
 - 6.1.9. Proxy voting
 - 6.1.10. Referenda
 - 6.1.11. Voting
- 6.2. Legal Services
 - 6.2.1. Byelaws and regulations
 - 6.2.2. Case management
 - 6.2.3. Constitution
 - 6.2.4. Contracts
 - 6.2.5. Councillor Casual vacancies
 - 6.2.6. Councillor declaration of interest
 - 6.2.7. Judicial review
 - 6.2.8. Land and property
 - 6.2.9. Litigation support
 - 6.2.10. Members and officers code of conduct

- 6.2.11. – 6.2.14 Procurement
- 6.2.15. Property deeds
- 6.2.16. Records management
- 6.2.17. Retention Schedule
- 6.2.18. Road closures and diversions

7. People Customer & Business Support

- 7.1. Business Operations
 - 7.1.1. Accessibility
 - 7.1.2. Accident reporting
 - 7.1.3. Archive withdrawals
 - 7.1.4. Catering, sales and vending
 - 7.1.5. Conference, hall and meeting room hire
 - 7.1.6. -7.1.20 Facilities
- 7.1. Corporate Customer Services
 - 7.2.1. Civic buildings
 - 7.2.2. Customer satisfaction surveys
 - 7.2.3. Feedback and suggestions
 - 7.2.4. Local attractions
 - 7.2.5. Reception
 - 7.2.6. Tourist information centre
- 7.3. Human Resources
 - 7.3.1. Corporate - Organisation structure
 - 7.3.2. Corporate - Resource planning
 - 7.3.3. Corporate - Service policy
 - 7.3.4. Councillor allowances and expenses
 - 7.3.5. Current vacancies
 - 7.3.6. Employment and training initiatives
 - 7.3.7. Environmental health placements
 - 7.3.8. Equalities and diversity
 - 7.3.9. Finance – indemnification for members and officers
 - 7.3.10. Health & Safety training
 - 7.3.11. Industrial relations
 - 7.3.12. Occupational health services
 - 7.3.13. Service delivery consultation
 - 7.3.14. – 7.3.48 Staff
 - 7.3.49. Vetting of contract/supplier staff
 - 7.3.50. Work health & safety

8. Transformation

- 8.1. ICT
 - 8.1.1. Business continuity
 - 8.1.2. Data management
 - 8.1.3. Hardware
 - 8.1.4. Help desk
 - 8.1.5. Information management
 - 8.1.6. Legal advice
 - 8.1.7. Legal Information systems
 - 8.1.8. Maintenance
 - 8.1.9. Manuals
 - 8.1.10. Networks
 - 8.1.11. Peripherals
 - 8.1.12. Resource management
 - 8.1.13. Security
 - 8.1.14. Software

8.2. Transformation

8.2.1. Business Process Improvement

8.2.2. Data Protection

9. Hastings Housing Company

9.1. Minutes

9.2. Statutory documentation

Part 3 Data Retention Schedule

Operational Services

1. Environment & Place			Contact: Assistant Director Environment & Place	
Ref	Description	Types of Records	Retention Action	Legislation/ Guidance
1.1	Cemetery & Crematorium			
1.1.1	Cemeteries and crematoria	<ul style="list-style-type: none"> All records relating to the maintenance of burial grounds including faculties giving permission for work to be carried out All records relating to the management of and regulations relating to crematoria All records relating to the management of the burials and cremations process Applications for cremation and any certificates or other documents relating to a cremation Registers, indexes, plans relating to cemeteries and crematoria 	<ul style="list-style-type: none"> 6 years from date work carried out 6 years from date record created 6 years from date record created 15 years after date of cremation 50 years after date of closure of cemetery/crematorium. Where an electronic copy is kept the cremation authority must keep any document from which the electronic copy was made for a period of 2 years from the date of the cremation 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) The Cremation (England and Wales) Regulations 2008 section 34
1.1.2	Civil funerals	<ul style="list-style-type: none"> All records relating to the provision of civil funerals Records relating to all arrangements made for funerals including booking, orders of service and music 	<ul style="list-style-type: none"> 3 years from date record created 6 years from date record created 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2)
1.1.3	Exhumations	All records relating to the management of exhumations including faculty, home office licence and the authority to re-open a grave	15 years from date of exhumations	

1.1.4	Funeral Payment	All records relating to the payments to assist with the payment for a funeral	6 years from date of repayment	HMRC - Compliance Handbook Manual CH15400
1.1.5	Grave purchasing	All records relating to the purchase of grave plots including registers, deeds, statutory declarations and transfer of grants	75 year minimum requirement from date of cemetery closure	Disused Burial Grounds (Amendment) Act 1981
1.1.6	Independent funerals	All records relating to the provision of advice and information on how to organise a funeral without the use of a funeral director.	Retention starts from the provision of advice/information. This will be a dynamic document, constantly updating	
1.1.7	Memorial construction	<ul style="list-style-type: none"> All records relating to the construction, erection and removal of a memorial All records relating to the inspection of memorials All records relating to the maintenance of memorials 	<ul style="list-style-type: none"> 6 years minimum from date memorial removed 6 years from date of inspection 6 years from date of maintenance 	Limitation Act 1980 (Section 2)
1.1.8	Mortuaries	All records relating to the management of mortuary services	6 Years from date record created	Limitation Act 1980 (Section 2)
1.1.9	Municipal funerals	All records relating to the provision of municipal funerals	6 Years from date record created	HMRC - Compliance Handbook Manual CH15400
1.1.10	Repatriation of bodies	<ul style="list-style-type: none"> All records relating to the repatriation of bodies in England and Wales All records relating to the repatriation of bodies abroad 	6 Years from date record created	Limitation Act 1980 (Section 2)
1.2	Community Safety & Enforcement			
1.2.1	Anti-social civil injunction	All records relating to the creation and management of an Anti-social civil injunction	10 years from date order made	Management of Police Information MoPI
1.2.2	Community protection notice	All records relating to applications for and management of Community Protection Notices	6 years from date notice spent	Anti Social Behaviour Crime and Policing Act 2014
1.2.3	Criminal Behaviour Order	All records relating to the use of Criminal Behaviour Orders	6 years from date order spent	Anti Social Behaviour Crime and Policing Act 2014
1.2.4	Dog fouling	All records relating to the monitoring and enforcement of action against dog fouling	6 years from date of any enforcement action	Limitation Act 1980 (Section 2)

1.2.5	Flyposting	All records relating to monitoring and dealing with flyposting	6 years from date of any enforcement action	Limitation Act 1980 (Section 2)
1.2.6	Fly-tipping	All records relating to enforcement action taken against fly tippers	6 years from date of any enforcement action	Limitation Act 1980 (Section 2)
1.2.7	Housing and public health	All records relating to the enforcement of public health and housing regulations.	6 years from date of enforcement action	Limitation Act 1980 (Section 2)
1.2.8	Litter	All records relating to the enforcement of litter dropping schemes	6 years from date of any enforcement action	HMRC - Compliance Handbook Manual CH15400
1.2.9	Premises closure notice	All records relating to premises closure notices	6 years from date notice spent	Anti Social Behaviour Crime and Policing Act 2014
1.2.10	Public Spaces Protection Order	All records relating to applications for and management of Public Spaces Protection Orders	6 years from date order spent	Anti Social Behaviour Crime and Policing Act 2014
1.2.11	Refuse disposal	All records relating to the enforcement of the duty of care concerning the disposal of refuse	6 years from date of any enforcement action	Limitation Act 1980 (Section 2)
1.2.12	Smoking ban	All records relating to the enforcement of the smoking ban	6 years from date of any enforcement action	Limitation Act 1980 (Section 2)
Page 317	Environmental Health			
1.3.1	Air handling units	All records relating to the inspection and monitoring of air handling units	3 years from date of inspection	
1.3.2	Air quality	All records relating to the measuring the quality of ambient air to ensure that it meets required standards in relation to the concentration of a defined range of pollutants	Permanent	
1.3.3	Animal inspection	All records relating to animal inspection	6 years from date record created	Limitation Act 1980 (Section 2)
1.3.4	Asbestos management	All records relating to all aspects of asbestos management	60 years from date of building closure	
1.3.5	Contaminated land	<ul style="list-style-type: none"> All records relating to the maintenance of a register of contaminated land Files relating to individual contractors responsible for managing waste site Maintenance reports submitted by contractors relating to the kit and equipment on waste sites Records relating to local authority controlled household recyclable sites Records relating to the licencing and environmental control of closed landfill sites 	<ul style="list-style-type: none"> Permanent 12 years from last action on contract 1 year from date record created Record starts on date of opening site and retain 	<ul style="list-style-type: none"> Environmental Permitting Regulations (England and Wales) 2010 Environmental Permitting Regulations (England and Wales) 2010 Environmental Permitting Regulations (England and Wales) 2010

		<ul style="list-style-type: none"> • Reports made every 6 months during the life of the contract of waste management sites • Site files relating to individual waste sites which may be managed by a number of different contractors over its life span 	<ul style="list-style-type: none"> • until end of life of the site • Record starts on date of opening site and retain until end of life of the site • Record starts on date of contract awarded and retain until end of contract • 7 years from end of life of site 	<ul style="list-style-type: none"> • Wales) 2010 • Environmental Permitting Regulations (England and Wales) 2010 • Environmental Permitting Regulations (England and Wales) 2010 • Environmental Permitting Regulations (England and Wales) 2010
1.3.6	Cooling tower registration	All records relating to the registration of cooling towers	6 years from date registration expires	Limitation Act 1980 (Section 2)
1.3.7	Corporate - health and safety	<ul style="list-style-type: none"> • All records relating to accident reporting where the person is aged over 18 at the time of the accident • All records relating to accident reporting where the person is aged under 18 at the time of the accident • All records relating to health and safety campaigns carried out by local authorities • All records relating to Health and Safety strategy including policy documents • All records relating to the development and implementation of health and safety policies • Process of inspecting equipment • Risk Assessments relating to land and property in public ownership 	<ul style="list-style-type: none"> • 4 years from date of accident • 22 years from date of birth of individual • 3 years from date of end of campaign • 6 years from date policy superseded • 6 years from date policy superseded • 6 years from date of inspection • 6 years from date risk assessment superseded 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 11) • Limitation Act 1980 (Section 11) • • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2)
1.3.8	Dog registration	All records relating to the administration of dog registration schemes	6 years from date registration expires	Limitation Act 1980 (Section 2)
1.3.9	Drainage	All records relating to the provision of help and advice on, land drainage or private drainage and may arrange for clearance of a blocked drain	6 years from date record created	Limitation Act 1980 (Section 2)
1.3.10	Dry cleaning premises	All records relating to the regulation of dry cleaning premises where contamination of land is not involved	6 years after date of any enforcement	Limitation Act 1980 (Section 2)

1.3.11	Facilities - asbestos	Asbestos Register	40 years minimum	
1.3.12	Facilities - hazardous substances	Risk Assessments (relating to hazardous substances)	40 years after closure date	Control of Substances Hazardous to Health Regulations, 1997/2002 See also; 2) Control of Lead at Work Regulations, 1980; 3) Control of Asbestos at Work Regulations, 1987; 4) Health & Safety at Work Act, 1974
1.3.13	Facilities - noise	All records relating to the control of noise at work	6 years from date record created	Limitation Act 1980 (Section 2)
1.3.14	Food business registration	All records relating to the registration of food businesses	6 years after date registration expires	Limitation Act 1980 (Section 2)
1.3.15	Food poisoning and contamination	All records relating to the investigation of food poisoning and contamination incidents	6 years from date investigation concluded	Limitation Act 1980 (Section 2)
1.3.16	Food premises approval	All records relating to the approval of food premises	6 years after date of inspection	Limitation Act 1980 (Section 2)
1.3.17	Food safety	<ul style="list-style-type: none"> All records relating to food safety advice All records relating to food safety enforcement actions All records relating to the management of food safety inspections Risk Assessments relating to food safety Food Handling Questionnaires 	<ul style="list-style-type: none"> 3 years from date of inspection 6 year after date of enforcement / life of the ban 6 years from date record created 6 years from date record created 6 years from date of questionnaire 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2)
1.3.18	Health & safety regulation	All records relating to checks on local businesses and business premises to ensure that safe and healthy working conditions are provided for all employees and visitors	10 years after last check date	Limitation Act 1980 (Section 2)
1.3.19	Nuisances	All records relating to the monitoring and enforcement of justified complaint of non-statutory nuisance such as emissions of smoke, fumes or gases, dust, steam	6 years from date investigation ends	Limitation Act 1980 (Section 2)
1.3.20	out of hours emergencies	All records relating to environmental health out of hours emergencies	6 years from date record created	Limitation Act 1980 (Section 2)
1.3.21	Pest control	All records relating to the provision of pest control services	6 years from date record	Limitation Act 1980 (Section

			created	2)
1.3.22	Petrol vapour recovery regulation	All records relating to the regulation of petrol vapour recovery	Permanent	
1.3.23	Pollution - Construction site	All records relating to the monitoring of construction site pollution	6 years from date record created	Limitation Act 1980 (Section 2)
1.3.24	Pollution - Light	<ul style="list-style-type: none"> • All records dealing with reports of incidents of light pollution (non-statutory) • All records dealing with reports of incidents of light pollution (statutory) 	<ul style="list-style-type: none"> • 6 years from completion of enforcement action • 6 years from date building occupier vacates property 	Limitation Act 1980 (Section 2)
1.3.25	Pollution - Noise	<ul style="list-style-type: none"> • All records relating to the administration of complaints about noise pollution where a statutory investigation has taken place • All records relating to the administration of complaints about noise pollution where the investigation is non statutory 	<ul style="list-style-type: none"> • 6 years from date the occupier vacates the property • 6 years from date investigation ends 	Limitation Act 1980 (Section 2)
1.3.26	Pollution - Water	All records relating to the monitoring of water pollution	6 years from date record created	Limitation Act 1980 (Section 2)
1.3.27	Safety of Disused mines and tips	<ul style="list-style-type: none"> • All assessments relating to the safety of disused mines and tips • All financial records relating to the payment for work carried out in relation to the safety of disused mines and tip and the reclamation of the money. • All work orders relating to the work ordered to be carried out relating to the safety of disused mines and tips 	<ul style="list-style-type: none"> • 6 years from date of assessment • 6 years from payment made • 6 years from date of work carried out 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • HMRC - Compliance Handbook Manual CH15400 • Limitation Act 1980 (Section 2)
1.3.28	Scientific services	<ul style="list-style-type: none"> • All records involved in the monitoring, inspection, testing for Legionnaires Disease and checking of results, including details of the state of operation of the system • All records relating to the administration of scientific services 	<ul style="list-style-type: none"> • 5 years from date created • 6 years from date record created 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2)
1.3.29	Smoke control areas	All records relating to the monitoring of smoke control records	6 years from date of any enforcement action	Limitation Act 1980 (Section 2)
1.3.30	Solvent emissions regulation	<p>All records relating to the regulation of solvent emissions where contamination of land is involved</p> <p>All records relating to the regulation of solvent emissions where</p>	<ul style="list-style-type: none"> • Permanent • 6 years after date of an 	Limitation Act 1980 (Section

		contamination of land is not involved	enforcement action	2)
1.3.31	Tattooist, piercing, electrolysis & acupuncture registration	All records relating to the registration of tattooist, piercing, electrolysis acupuncturist	6 years after date registration expires	
1.3.32	Water quality monitoring	<ul style="list-style-type: none"> • All records relating to monitoring water quality • All records relating to the monitoring of the quality of water in public swimming pools and spa pools • Swimming pools monitoring and inspection records 	<ul style="list-style-type: none"> • 6 years from date record created • 7 years from date record created • 6 years from date record created 	Limitation Act 1980 (Section 2)
1.3.33	water supply (private)	All records relating to the analysis of private water supplies	6 years from date of analysis	Limitation Act 1980 (Section 2)
1.4	Environment & Natural Resources			
1.4.1	Allotments	All records relating to the allocation and management of allotments	6 years from date the rental of the allotment expires	Limitation Act 1980 (Section 2)
1.4.2	Archaeology - consultancy	<ul style="list-style-type: none"> • All records relating to the provision of archaeological services and consultancy to both commercial and public sector clients in the local area. • All records relating to the protection and conservation of historic sites which includes advising on planning proposals for new developments where the development may impact on archaeological sites and monuments 	<ul style="list-style-type: none"> • 6 years after date record created • Permanent 	
1.4.3	Canals and waterways	All records relating to the provision and maintenance of inland waterways. In the UK inland waterways are owned and managed by a variety of authorities.	6 years from date record created	Limitation Act 1980 (Section 2)
1.4.4	Community farms	All records relating to the management of community farms	6 years after date record created	Limitation Act 1980 (Section 2)
1.4.5	Countryside conservation	<ul style="list-style-type: none"> • All records relating to the provision of advice on the protection and enhancement both the local rural environment and wildlife • All records relating to the provision of grants for developing areas of the countryside for public use and education 	<ul style="list-style-type: none"> • 3 years after date record created • 6 years after date of last payment on grant 	<ul style="list-style-type: none"> • HMRC - Compliance Handbook Manual CH15400
1.4.6	Countryside education	All records relating to the provision of facilities for countryside education	6 years after date record	Limitation Act 1980 (Section

			created	2)
1.4.7	Countryside events	All records relating to the provision of information on countryside events that have or will take place in the local area. Events may be run by the local authority, local volunteer groups or other organisations	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
1.4.8	Countryside facilities	All records relating to the provision of information about the facilities available in the local countryside and how to enjoy them	6 years after date record created. It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	Limitation Act 1980 (Section 2)
1.4.9	Countryside management	All records relating to the management of the countryside including nature conservation, access and informal recreation issues	6 years from date last action on individual project. 6 years is a minimum recommendation	Limitation Act 1980 (Section 2)
1.4.10	Countryside rangers	All records relating to the management of countryside rangers	6 years from termination of employment	Limitation Act 1980 (Section 2)
1.4.11	Countryside surveys	All records relating to countryside surveys	Permanent	
1.4.12	Countryside visitor centres	All records relating to the management of countryside visitor centres	6 years after date record created	Limitation Act 1980 (Section 2)
1.4.13	Countryside volunteers	All records relating to the management of countryside volunteers	6 years from termination of volunteering	Limitation Act 1980 (Section 2)
1.4.14	Ecology and geology	All records relating to the support of ecology and geology of the local area	Permanent	
1.4.15	Environmental policy	All records relating to the development and implementation of environmental policy	40 years after date of policy superseded	
1.4.16	Exhaust emission testing	All records relating to exhaust emission testing	Permanent	
1.4.17	Farming advice	All records relating to farming advice	6 years after date record created. It is expected that this advice will be dynamic, changing as the legislation changes, if not year records created	Limitation Act 1980 (Section 2)
1.4.18	Feed hygiene registration	All records relating to the administration of feed hygiene registration	6 years after date registration expires	Limitation Act 1980 (Section 2)
1.4.19	Field study centres	All records relating to the management of Field Study Centres	6 years after date record	Limitation Act 1980 (Section

			created in the minimum recommendation	2)
1.4.20	Forest and woodland management	<ul style="list-style-type: none"> All records relating to the management of woodland/forest on council owned land All records relating to the provision of advice and information on trees, woodland and tree-related issues to local organisations and the public 	<ul style="list-style-type: none"> 6 years after date record created 3 years after date record created 	Limitation Act 1980 (Section 2)
1.4.21	Geotechnology	All records relating to the provision of geotechnology services	6 years from date record created	
1.4.22	Grass cutting	All records relating to the cutting of grass on public land	6 years from date record created	Limitation Act 1980 (Section 2)
1.4.23	Grazing land	All records relating to the administration of grazing land including permits to graze	Permanent	
1.4.24	Hazardous substance control	All records relating to the monitoring of hazardous substances	Minimum of 40 years from date of monitoring	
1.4.25	Historic sites maintenance	All records relating to the maintenance and preservation of sites of historical or cultural interest and ancient monuments within the local authority area	6 years from date record created - These records should be kept for a minimum of year records created + 6 years; some authorities may wish to keep this information permanently	
1.4.26	Local access forums	All records relating to the management of local access forums	4 years after date record created	
1.4.27	Marine weather data	All records relating to the provision of access to current tidal and weather information for shipping within the local area and in national (sometimes international) waters.	It is expected that this will be a dynamic process which is constantly updating	
1.4.28	Memorial maintenance	<ul style="list-style-type: none"> All records relating to the maintenance of memorials where the memorial is a listed building All records relating to the maintenance of memorials where the memorial is not a listed building 	<ul style="list-style-type: none"> Permanent 6 years from date record created – review after 6 years 	
1.4.29	Nature reserves	All information about the management of local nature reserves by the council	6 years after date record created	Limitation Act 1980 (Section 2)
1.4.30	Open access land	All records relating to the management of open access land	Permanent	
1.4.31	Pet burial	All records relating to the administration of pet burials	3 years from date of burial	

1.4.32	Smallholdings	All records relating to the provision of smallholdings by the local authority	Years from last action on tenancy	Limitation Act 1980 (Section 2)
1.4.33	Stray animals	All records relating to the collection and detention of stray animals	6 years after date record created	Limitation Act 1980 (Section 2)
1.4.34	Surface water management plans	All records relating to the creation, implementation and maintenance of Surface Water Management Plans (SWMP)	Permanent	
1.4.35	Sustainable development	All records relating to the provision and management of sustainable development	6 years after date record created	
1.4.36	Sustainable drainage systems	All records relating to the regulation and maintenance of Sustainable Drainages Systems (SUDS)	Permanent	
1.4.37	Verges – Permitted use	All records relating to the management of permitted use of verges	6 years from date record created	Limitation Act 1980 (Section 2)
1.4.38	Wardens/Rangers	All records relating to the administration of the wardens'/rangers' activities which may include enforcement action	6 years from date any enforcement action resolved	Limitation Act 1980 (Section 2)
1.4.39	Waste reduction	All records relating to the development, implementation and monitoring of waste reduction programmes	6 years after date record created	
	Licensing			
1.5.1	Abnormal load notification	All records relating to abnormal load notification	3 years from date record created	
1.5.2	Accommodation certificates	All records relating to accommodation certificates	6 years from date certificate expires	Limitation Act 1980 (Section 2)
1.5.3	Animal - Boarding animals licence	All records relating to the administration of boarding animals licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.4	Animal - Dangerous animals licence	All records relating to the administration of dangerous animals licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.5	Animal - Dog breeding licence	All records relating to the administration of dog breeding licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.6	Animal - Performing animals licence	All records relating to the administration of licences for performing animals	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.7	Animal - Sheep and goat movement licence	All records relating to the administration of sheep and goat movement licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.8	Animal - Zoo licence	All records relating to the administration of zoo licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.9	Auction premises licence	All records relating to the provision of auction premises licences	6 years after date licence expires	Limitation Act 1980 (Section 2)
1.5.10	Boatman's licence	All records relating to the administration of boatman's licence scheme	6 years from date licence	Limitation Act 1980 (Section

			expires	2)
1.5.11	Building materials licence	All records relating to the administration of building materials licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.12	Caravan site licence	All records relating to the administration of caravan licence schemes	6 years after date licence expires	Limitation Act 1980 (Section 2)
1.5.13	Club premises certificate	All records relating to the provision of club premises certificates	3 years from date licence expires	
1.5.14	Conservation area tree works notification	All records relating to conservation area tree works notification	Permanent	
1.5.15	Demonstrations and parades permission	All records relating to permission granted by local authorities for the closure of roads to allow sporting events or parades to take place	6 years from date of event	Limitation Act 1980 (Section 2)
1.5.16	Early morning restrictions	All records relating to the creation and management of Early morning restrictions orders	6 years after date order expires	Limitation Act 1980 (Section 2)
1.5.17	Explosives licence	All records relating to the administration of explosive licences schemes	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.18	Firework safety advice	All records relating to the provision of guidance leaflets and materials for organisers of firework displays for the public, retailers selling fireworks, schools and the media, including the firework safety code	It is expected that these will be dynamic documents constantly changing otherwise year records created + 3 years	
1.5.19	Fireworks sales licence	All records relating to the administration of fireworks licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.20	Fuel delivery and storage	All records relating to the delivery and storage of fuel	Permanent	
1.5.21	Gambling - Club gaming permit	All records relating to the administration of Club Gaming Permits	6 years from expiry of licence	Limitation Act 1980 (Section 2)
1.5.22	Gambling - Club machine permit	All records relating to the administration of Club Machine Permits	6 years from expiry of licence	Limitation Act 1980 (Section 2)
1.5.23	Gambling - Family entertainment centre gaming machine permits	All records relating to the administration of Family Entertainment Centre Gaming Machine Permits	6 years from expiry of licence	Limitation Act 1980 (Section 2)
1.5.24	Gambling - Licensed premises gaming machine permit	All records relating to the administration of Licensed Premises Gaming Machine Permits	6 years from expiry of licence	Limitation Act 1980 (Section 2)
1.5.25	Gambling - Lottery licence	All records relating to the administration of lottery licences	6 years from expiry of licence	Limitation Act 1980 (Section 2)
1.5.26	Gambling - premises	All records relating to the administration of licences for gambling premises	6 years from date licence	Limitation Act 1980 (Section

	licence	licence	expires	2)
1.5.27	Gambling - premises temporary use notices	All records relating to the administration of Gambling Premises Temporary Use Notices	6 years from expiry of licence	Limitation Act 1980 (Section 2)
1.5.28	Gambling - Prize gaming permit	All records relating to the administration of Prize Gaming Permits	6 years from expiry of licence	Limitation Act 1980 (Section 2)
1.5.29	Gambling - Track betting licence	All records relating to the administration of licences for track betting	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.30	Gambling - Track gambling premises occasional use notices	All records relating to the administration of Track Gambling Premises Occasional Use Notices	6 years from expiry of licence	Limitation Act 1980 (Section 2)
1.5.31	Gypsy and traveller sites	All records relating to the provision and management of permanent or transit sites for use by travellers within the area including dealing with unauthorised use of land by traveller communities.	6 years from date record created	Limitation Act 1980 (Section 2)
1.5.32	Homes in multiple occupancy licence	All records relating to the licensing of houses in multiple occupancy	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.33	House to house collection licence	All records relating to the administration of house to house collection licence schemes	6 years after date licence expires	Limitation Act 1980 (Section 2)
1.5.34	Late night catering licence	All records relating to the administration of late night catering licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.35	Market - Event licence	All records relating to the administration of market event licences	6 years after date licence expires	Limitation Act 1980 (Section 2)
1.5.36	Market - Farmer	All records relating to the provision of information about Farmers' Markets	Publication of information – This will be a dynamic document, constantly updating	
1.5.37	Market - Local	Information on the locations, opening times and facilities of permanent or temporary markets within the local authority area. Also includes information for prospective and existing stallholders.	1 year after records created - It is anticipated that these will be a dynamic source of information which changes if not then year records created + 1 year	
1.5.38	Market - stall rental	All records relating to the rental of market stalls	6 years after record created	HMRC - Compliance Handbook Manual CH15400
1.5.39	Massage and special treatments	All records relating to the registration of special treatments therapists and administration of licences	6 years after date registration expires/ after date licence expires	Limitation Act 1980 (Section 2)
1.5.40	Motor salvage operator	All records relating to the registration of cooling towers	6 years from date	Limitation Act 1980 (Section

			registration expires	2)
1.5.41	Moveable dwelling site licence	All records relating to the creation and management of moveable dwelling site licences	6 years after date of application or issue	Limitation Act 1980 (Section 2)
1.5.42	Personal alcohol and entertainment licence	<ul style="list-style-type: none"> All records relating to the administration of personal alcohol and entertainment licences All records relating to the administration of the licences for premises which sell alcohol and provide regulated entertainment 	6 years after date licence expires	Limitation Act 1980 (Section 2)
1.5.43	Pet shop licence	All records relating to the administration of pet shop licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.44	Petroleum storage licence	All records relating to the administration of petroleum storage licence schemes	Permanent	
1.5.45	Pleasure boat licence	All records relating to the administration of pleasure boat licence scheme	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.46	Poisons licence	All records relating to the registration of poisons licence	6 years from date licence/registration expires	Limitation Act 1980 (Section 2)
1.5.47	Registering business premises	All records relating to the registration of business premises	6 years after date of registration expires	Limitation Act 1980 (Section 2)
1.5.48	Reservoir management	All records relating to the management of reservoirs in local authority ownership or management	6 years is a minimum recommendation	Limitation Act 1980 (Section 2)
1.5.49	Riding establishment licence	All records relating to the administration of riding establishment licence schemes	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.50	Scrap metal site registration	All records relating to the registration of scrap metal sites	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.51	Second hand goods licence	All records relating to the registration of second hand goods licence schemes	6 years after date licence expires	Limitation Act 1980 (Section 2)
1.5.52	Selective area housing licences	All records relating to the creation and management of Selective area housing licences	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.53	Self drive boats licence	All records relating to the administration of self-drive boats licence scheme	6 years from date licence expires	
1.5.54	Sex establishment licence	All records relating to the administration of licences for sex establishments	6 years after date licence expires	Limitation Act 1980 (Section 2)
1.5.55	Skip operator licence	All records relating to the management of skip operator licence schemes	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.56	Skip permits	All records relating to the management of skip permit of schemes	6 years from date record created	Limitation Act 1980 (Section 2)
1.5.57	Sports ground	<ul style="list-style-type: none"> All records relating to safety at sports grounds records All records relating to the administration of licences for sports 	<ul style="list-style-type: none"> years from date record created 	

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		grounds	• 6 years from date licence expires	• Limitation Act 1980 (Section 2)
1.5.58	Stage hypnotism licence	All records relating to the administration of licences for stage hypnotism	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.59	Street café licence	All records relating to the administration of street cafe licence scheme	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.60	Street collection licence	All records relating to the administration of street licence collection schemes	6 years after date licence expires	Limitation Act 1980 (Section 2)
1.5.61	Street trading licence	All records relating to the administration of Street Trading licences	6 years after licence date expires	Limitation Act 1980 (Section 2)
1.5.62	Sunday trading notification	All records relating to the registration of Sunday trading notification	3 years after date registration expires	
1.5.63	Tables & Chairs licence	• All records relating to the administration of Tables & Chairs licence	6 years after date licence expires	
1.5.64	Taxi - Fare setting	All records relating to the setting the level of Hackney Carriage (taxi) fares for licensed taxis in the local authority area	6 years from date record created	Limitation Act 1980 (Section 2)
1.5.65	Taxi - Hackney carriage drivers licence	• All records relating to the administration of hackney carriage drivers licence schemes • DBS requests	• 6 years from date licence expires • After 6 months of completion	Limitation Act 1980 (Section 2)
1.5.66	Taxi - Hackney carriage licence	All records relating to the administration of hackney carriage licence schemes	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.67	Taxi - Private hire drivers licence	All records relating to the administration of private hire drivers licence schemes	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.68	Taxi - Private hire operators licence	All records relating to the administration of private hire operators licence schemes	6 years from date licence expires	Limitation Act 1980 (Section 2)
1.5.69	Temporary event notice	All records relating to the administration of temporary event notices	6 years from date of event	Limitation Act 1980 (Section 2)
1.6	Waste, Parking and Streetscene			
1.6.1	Abandoned shopping trolleys	All records relating to the removal of abandoned shopping trolleys	6 years from date record created	Limitation Act 1980 (Section 2)
1.6.2	Abandoned vehicles	All records relating to the management of with any vehicles reported as abandoned on local roads or property	6 years from date record created	Limitation Act 1980 (Section 2)
1.6.3	Area waste strategy	All records relating to the development, implementation and monitoring of the Area Waste Plan	3 years from the end of life of the plan	

1.6.4	Commercial waste collection	All records relating to the provision of a regular commercial trade waste collection from local businesses	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
1.6.5	Composters	All records relating to the provision of composters	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
1.6.6	Council car parks	<ul style="list-style-type: none"> All records relating to the development, implementation and management of car parks which are owned and run by the local authority List of car parks owned and run by the local authority , their locations and tariffs. 	<ul style="list-style-type: none"> 6 years from date record created It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2)
1.6.7	Dead animal removal	All records relating to the removal of dead animals from publicly accessible area	6 years from date of removal of dead animal	Limitation Act 1980 (Section 2)
1.6.8	Dog waste bins	All records relating to the provision of bins for the collection of dog waste in local public areas	3 years from date record created	
1.6.9	Flytipping	All records relating to the removal of waste which has been dumped by fly-tippers	6 years from date record created	Limitation Act 1980 (Section 2)
1.6.10	Food waste recycling	All records relating to the implementation and monitoring of food waste recycling schemes	6 years from date scheme ends	Limitation Act 1980 (Section 2)
1.6.11	Graffiti removal	All records relating to the reporting and removal of graffiti from buildings	6 years from date record created	Limitation Act 1980 (Section 2)
1.6.12	Hazardous waste - collection	All records relating to the collection of waste which is of a hazardous nature and cannot be disposed of through regular household or business waste collections	6 years from date record created	Hazardous Waste Directive 2005
1.6.13	household waste – bulky collections	All records relating to bulky household waste collections	3 years from date record created	
1.6.14	Household waste - clinical	All records relating to the collection of clinical household waste	6 years from date record created	Hazardous Waste Directive 2005
1.6.15	Household waste - enforcement	All records relating to the enforcement of household waste regulations	6 years from date of any enforcement action	Limitation Act 1980 (Section 2)
1.6.16	Household waste - garden	All records relating to the collection of household garden waste	3 years from date record created	
1.6.17	Household waste - accumulation	All records relating to the monitoring and enforcement of household waste accumulation	6 years from date of the resolution of any enforcement action	Limitation Act 1980 (Section 2)
1.6.18	Household waste -	All records relating to any assisted refuse collection service provided to	3 years from date record	

	assisted collection	residents who, through illness or infirmity, are unable to put out their refuse and do not have anyone else to assist them	created	
1.6.19	Household waste - collection	All records relating to the provision of regular collection of household rubbish from all residential premises within the authority boundaries	3 years from date record created	
1.6.20	Household waste - containers	All records relating to the provision of household waste containers	3 years from date record created	
1.6.21	Household waste - disposal sites	All records relating to the provision of household waste disposal sites	6 years is the minimum recommendation from date use of waste disposal site ceases	Limitation Act 1980 (Section 2)
1.6.22	Litter bins	All records relating to the provision and maintenance of litter bins	6 years from date record created	Limitation Act 1980 (Section 2)
1.6.23	Litter removal	All records relating to the removal of litter from and the sweeping of the streets	6 years from date record created	Limitation Act 1980 (Section 2)
1.6.24	Market cleaning	All records relating to market cleaning	6 years from date record created	Limitation Act 1980 (Section 2)
1.6.25	Public toilets	<ul style="list-style-type: none"> • All records relating to the provision and management of public conveniences • All records relating to the administration of the RADAR Key scheme 	<ul style="list-style-type: none"> • 6 years from date record created • 3 years from date RADAR key issued 	Limitation Act 1980 (Section 2)
1.6.26	Recycling - advice	All records relating to the provision of general information about waste, recycling and so on	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
1.6.27	Recycling - bags and containers	All records to the provision of recycling bags and containers	3 years from date record created	
1.6.28	Recycling - batteries	All records relating to the creation, implementation and management of battery recycling schemes	4 years from date scheme created	Waste Batteries & Accumulators Regulations 2009
1.6.29	Recycling - sites	All records relating to the provision and management of recycling collection sites	6 years from date the use of site ceases	Limitation Act 1980 (Section 2)
1.6.30	Recycling – residential collections	All records relating to residential recycling collections	3 years from date record created	Environmental Protection Act 1980
1.6.31	Residential waste spillages	All records relating to the management of residential waste spillages	6 years from date of spillage	Limitation Act 1980 (Section 2)

1.6.32	Road spillages	<ul style="list-style-type: none"> All records relating to the management of road spillage incidents which do not involve an accident to a minor All records relating to the management of road spillage incidents which involve an accident to a minor 	<ul style="list-style-type: none"> 6 years from date record created 21 years from date of birth of individual concerned 	Limitation Act 1980 (Section 2)
1.6.33	Septic tanks and cesspits	All records relating to the emptying of cesspools and septic tanks	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
1.6.34	Street cleaning	All records relating to street cleaning	<ul style="list-style-type: none"> 6 years from date record created 	Limitation Act 1980 (Section 2)
1.6.35	Street Parties Permission	All records relating to the administration of permissions for street parties	6 years after permission date expires	Limitation Act 1980 (Section 2)
1.6.36	Syringe disposal	All records relating to the removal and disposal of needles, syringes and other drug related items that are discarded in the environment and which may pose a risk to public safety	6 years from date record created	Limitation Act 1980 (Section 2)

Housing and Built Environment		Contact: Assistant Director Housing & Built Environment		
Ref	Description	Types of Records	Retention Action	Legislation
Housing Renewal				
2.1.1	Disabled Facilities Grants	All records relating to applications for Disabled Facilities Grants	6 years from date of last payment of grant	
2.1.2	Discretionary Housing Payment	All records relating to discretionary housing payments	6 years from date of payment	
2.1.3	Fuel Poverty	All records relating to fuel poverty grant schemes	6 years from date of last payment of grant	HMRC - Compliance Handbook Manual CH15400
2.1.4	Home improvement loans	All records relating to Home Improvement loans	6 years from date of last payment on the loan	HMRC - Compliance Handbook Manual CH15400
2.1.5	Home renovation grants	All records relating to home renovation assistance grants	6 years from date of last payment of grant	HMRC - Compliance Handbook Manual CH15400
2.1.6	Houses in multiple occupation safety inspection	All records relating to safety inspections of houses in multiple occupation	6 years from date of inspection	Limitation Act 1980 (Section 2)

2.1.7	Housing and public health	All records relating to the provision of advice and information to the public on all aspects of public health relating to housing.		
2.1.8	Housing nuisance	All records relating to support and assistance given to local residents who are victims of harassment, anti-social behaviour and noise and nuisances	6 years from date of enforcement	Limitation Act 1980 (Section 2)
2.2	Housing Needs and Policy			
2.2.1	Affordable housing	All records relating to the provision and management of affordable housing	6 years from end of tenancy	Limitation Act 1980 (Section 2)
2.2.2	Allocation	<ul style="list-style-type: none"> All records relating to the allocation of system 	6 years from end of tenancy	Limitation Act 1980 (Section 2)
2.2.3	Applications	<ul style="list-style-type: none"> Documents related to housing applications Documents related to unsuccessful housing applications The register of individual housing applications 	6 years from date of application	Limitation Act 1980 (Section 2)
2.2.4	Change of housing tenancy	All records relating to changes in existing tenancies	6 years from end of tenancy	Limitation Act 1980 (Section 2)
2.2.5	Communal housing repairs	All records relating to repairs made to communal areas within council accommodation	6 years from date record created	
2.2.6	Council tenant advice	<ul style="list-style-type: none"> Documentation relating to the tenancy agreement Information about housing transfers, applications, removals 	<ul style="list-style-type: none"> 6 years from last action on the tenancy 6 years from end of tenancy 	Limitation Act 1980 (Section 2)
2.2.7	Demolitions - alternative housing	All records relating to the demolition of property and the offer to tenants of alternative accommodation	6 years from end of tenancy	Limitation Act 1980 (Section 2)
2.2.8	Demoted tenancy	All records relating to application for and management of a demoted tenancy	6 years from date demoted tenancy ends	Limitation Act 1980 (Section 2)
2.2.9	Emergency out of hours housing repairs	Housing repairs, renovation major works and planned maintenance relating to specific properties, external maintenance of grounds and building cleaning	6 years from end of tenancy	Limitation Act 1980 (Section 2)

2.2.10	Empty residential properties	All records relating to the management of empty residential properties	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
2.2.11	Ending housing tenancy	All records relating to the development and implementation of a process concerning the ending of a housing tenancy	3 years from date process superseded	
2.2.12	Fair rents inspection	All records relating to fair rents inspections	6 years from date of inspection	Limitation Act 1980 (Section 2)
2.2.13	Hard to let properties	All information relating to the management of hard to let properties	6 years from date record created	
2.2.14	Homelessness support	All records relating to short term and emergency accommodation for homeless people.	6 years from last contact	HMRC - Compliance Handbook Manual CH15400
2.2.15	Hostels and emergency accommodation	All records relating to the provision of hostels and other temporary accommodation	6 years from date record created	Limitation Act 1980 (Section 2)
2.2.16	House clearance and re-housing	All records relating to the demolition and redevelopment of site including the rehousing of current tenants	6 years from completion of the redevelopment of the site	Limitation Act 1980 (Section 2)
2.2.17	Housing - Local Allowance	All records relating to the provision of Local Housing Allowance schemes	14 months from date of decision	
2.2.18	Housing - crime support	All records relating to support given to council tenants who are victims of crime and who may need to be re-housed	6 years from end of tenancy	Limitation Act 1980 (Section 2)
2.2.19	Housing - evictions	<ul style="list-style-type: none"> All records relating to the eviction of tenants from local authority properties Case files relating to repossession of council properties held under an unsecured tenancy Case files relating to service of s.25 s.27 and other Notices to quit 	<ul style="list-style-type: none"> 6 years from date of enforcement Years from date case closed 	Limitation Act 1980 (Section 2)
2.2.20	Housing - mediation	All records relating to the provision and management of housing mediation services	6 years from date case resolved	Limitation Act 1980 (Section 2)
2.2.21	Housing - referrals	All records relating to the management of housing referrals	6 years from end of tenancy	Limitation Act 1980 (Section 2)
2.2.22	Housing - rent	<ul style="list-style-type: none"> Documentation relating to the notification and enforcement of breaches of council tenancy agreements. All records relating to deposits paid for housing 	<ul style="list-style-type: none"> 6 years from end of tenancy 6 years from date record 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) HMRC - Compliance

		<ul style="list-style-type: none"> • All records relating to the setting of housing rent • Case files relating to rent reviews • Documentation relating to rent collection and the notification and enforcement of rent arrears process, housing benefit and debt management advice • Documentation relating to setting rents for council housing and rent accounting 	<ul style="list-style-type: none"> • created • 6 years from date record created. Review at end of period • 6 years from date case closed • 6 years from last action on tenancy • 6 years from last action on tenancy 	<ul style="list-style-type: none"> • Handbook Manual CH15400 • HMRC - Compliance Handbook Manual CH15400 • Limitation Act 1980 (Section 2) <ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2)
2.2.23	Housing - temporary accommodation	All records relating to the provision of temporary accommodation to tenants whilst major works are being carried out	6 years from end of tenancy	Limitation Act 1980 (Section 2)
2.2.24	Housing association - financial assistance	All records relating to financial assistance provided to Housing Associations	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
2.2.25	Housing association - nomination and registration	Information about housing associations in the borough	6 years from date record created	Limitation Act 1980 (Section 2)
2.2.26	Late tenancy arrears	All records relating to the repayment to late tenancy arrears	6 years from date of last repayment	Limitation Act 1980 (Section 2)
2.2.27	Local authority mortgage scheme (LAMS)	All records relating to the management of the Local Authority Mortgage Scheme (LAMS)	12 years from date last payment made on the mortgage	Limitation Act 1980 (Section 2)
2.2.28	Mortgage references	All records relating to the provision of references to a mortgage lender for tenants wishing to purchase their own property.	6 years from end of tenancy	Limitation Act 1980 (Section 2)
2.2.29	Mutual home exchange	All records relating to the management of mutual home exchange	6 years from date record created	Limitation Act 1980 (Section 2)
2.2.30	Private housing - advice	All records relating to advice given to tenants and landlords in the private sector on housing related matters such as tenancies, welfare benefits, rent, repairs	It is expected that this will be a dynamic list which is constantly updating, if not close of case + 1 year	
2.2.31	Private housing -	All records relating to the provision of information and support to anyone who	It is expected that this will	

	landlord support	is providing property for rent in the local area.	be a dynamic list which is constantly updating, if not close of case + 1 year	
2.2.32	Private housing - tenant advice	<ul style="list-style-type: none"> • Advice about housing related issues such as exclusion, mortgage arrears, homeless prevention, single homeless advice • General information and advice about housing given to home owners and tenants • All records relating to rent assistance offered to private tenants 	<ul style="list-style-type: none"> • 6 years from date record created • 3 years from date record created • 6 years from date record created 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2)
2.2.33	Private housing - transfer to private registered provider	All records relating to housing transfer to a private registered provider	6 years from date of transfer	HMRC - Compliance Handbook Manual CH15400
2.2.34	Rechargeable home repairs	All records relating to the management of rechargeable home repairs	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
2.2.35	Social housing policy	All records relating to the development, implementation and monitoring of a social housing policy	3 years from date policy expires	
2.2.36	Tenant support	<ul style="list-style-type: none"> • All records relating to the provision of support to new tenants • All records relating to support given to housing tenants 	<ul style="list-style-type: none"> • 6 years from date record created • 6 years from end of tenancy 	Limitation Act 1980 (Section 2)
	Planning Policy			
2.3.1	Assets of Community Value	All records relating to Assets of Community Value	Retain for the duration of the designation	https://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities
2.3.2	Brownfield Register	All records relating to the preparation, maintenance and publication of the register	It is expected that this will be a dynamic document. Review register annually and update accordingly.	https://www.gov.uk/guidance/brownfield-land-registers
2.3.3	Community infrastructure levy (CIL)	All records relating to the creation and implementation of the Community Infrastructure Levy	Permanent	https://www.gov.uk/guidance/community-infrastructure-levy
2.3.4	Conservation areas	All records relating to the creation of conservation areas (also see ***)	Permanent	https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-

				environment
2.3.5	Local development order	All records relating to the creation and management of Local Development Orders	Permanent	https://www.gov.uk/guidance/when-is-permission-required#types-of-area-wide-permission
2.3.6	Local plan	All records and related documents relating to the creation, implementation and management of the local plan	Permanent	https://www.gov.uk/guidance/local-plans
2.3.7	Locally Listed buildings	All records relating to locally listed buildings	Records sent to Historic Environment Record at East Sussex County Council. HBC retain a copy???	https://historicengland.org.uk/advice/hpg/has/locallylistedhas/
2.3.8	Nationally Listed Buildings	All records relating to nationally listed buildings	Permanent	
2.3.9	Neighbourhood development order	All records relating to the creation and implementation of Neighbourhood Development Orders	Permanent	https://www.gov.uk/guidance/when-is-permission-required#types-of-area-wide-permission
2.3.10	Neighbourhood development plan	All records and related documents relating to the development and implementation of neighbourhood development plans	Permanent	https://www.gov.uk/guidance/neighbourhood-planning--2
2.3.11	Self-build and custom build register	<ul style="list-style-type: none"> All records relating to the creation, management and publication of the Self Build and Custom House Building Register 	<ul style="list-style-type: none"> It is expected that this will be a dynamic document. Review register annually and update accordingly. 	https://www.gov.uk/guidance/self-build-and-custom-housebuilding
2.3.12	Strategic Housing Land Availability Assessment (SHLAA)	All records relating to the creation and publication of the SHLAA	Permanent	https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment
2.3.13	Supplementary Planning Documents (SPDs)	All records relating to Supplementary Planning Documents	Retain for duration of the SPDs life and destroy when it is superseded by a later version	https://www.gov.uk/guidance/local-plans--2#local-plans-adoption

3. Regeneration & Culture

Contact: Assistant Director Regeneration & Culture

Ref	Description	Types of Records	Retention Action	Legislation
3.1	Economic Development			
3.1.1	Business improvement districts (BID)	All records relating to the creation and management of Business Improvement Districts (BID)	6 years from date record created	
3.1.2	Economic information and analysis	All records relating to the collation and analysis of economic information	6 years from date record created	
3.1.3	Economic reports and forecasts	All records relating to the development and publication of economic reports and forecasts	10 years from date record created	
3.1.4	European and other funding	<ul style="list-style-type: none"> • Funding Bids • Lottery Funding - Purchase of buildings / land on a heritable basis in Scotland, or purchase of buildings / land on a freehold basis elsewhere • Lottery Funding - Purchase of leasehold buildings / land • Lottery Funding- Refurbishment, extension or construction of buildings or other property - £5,001 to £10,000 • Lottery Funding- Refurbishment, extension or construction of buildings or other property - £10,001 to £50,000 • Lottery Funding- Refurbishment, extension or construction of buildings or other property - £50,001 to £100,000 • Lottery Funding- Refurbishment, extension or construction of buildings or other property - £100,001 to £5 Million • Lottery Funding- Refurbishment, extension or construction of buildings or other property - Above £5 Million • All records relating to funding received from the European Union • All records relating to the management of Public Finance Initiative (PFI) projects 	<ul style="list-style-type: none"> • 12 years from last action on project – unless a longer period required by the funding body • 80 years from date of purchase • 80 years from date of purchase – either: Unexpired period of the lease; or 80 years; whichever of the above is the shorter. • 5 years after date of closure • 10 years after date of closure • 15 years from date of closure • 20 years from date of closure • 40 years from date of closure • EU requirement – record kept from 10 years from last action on project • 12 years from last action on project 	

3.1.5	Grant - Community	All records relating to community (facility) grants	6 years from date of last payment of grant	HMRC - Compliance Handbook Manual CH15400
3.1.6	Grant - Cultural grant	All records relating to cultural grants	6 years from last payment date on the grant	HMRC - Compliance Handbook Manual CH15400
3.1.7	Grant - Sport	All records relating to the allocation of sports grants	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
3.1.8	Grant - Voluntary organisations	All records relating to grants made to voluntary organisations	6 years from date of last payment of grant	HMRC - Compliance Handbook Manual CH15400
3.1.9	Local economic development	All records relating to the management of local economic development	6 years from date record created	
3.1.10	Support for tourism businesses	All records relating to advice, grants and assistance are available to businesses in taking forward tourism marketing, publicity, and promotional activity to encourage visitors to the local area.	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
3.2	Leisure Development			
3.2.1	Coastal events	All records relating to the provision of information and advice on events which may be ongoing or planned on waterways, in port/harbour areas or in coastal locations within the authority area.	3 years from date record created	
3.2.2	Fishing	All records relating to the provision of information on local fishing areas, seasons and how to obtain permission to fish	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
3.2.3	Leisure and social activities inclusion	All records relation to the provision of information and advice about local organisations and clubs that provide leisure and social activities in the area, which are targeted at specific groups of people	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
3.2.4	Older people's activities	All records relating to the provision of leisure activities for older people within the community. This may include cultural, sporting and other organised	6 years from date record created	Limitation Act 1980 (Section 2)

		social activities		
3.2.5	Outdoor activities	<ul style="list-style-type: none"> All records relating to the development and management of outdoor activities Records relating to children (aged under 18 years) who are taking part in outdoor activities Records relating to young people and adults (aged over 18 years) who are taking part in outdoor activities 	<ul style="list-style-type: none"> 6 years from date record created 25 years from date of birth of participant 6 years from last contact with client 	Limitation Act 1980 (Section 2)
3.2.6	Sport - facilities	<ul style="list-style-type: none"> All records relating to information about sports facilities All records relating to information relating to the development of sports facilities and programs All records relating to the management of sports facilities, Includes booking and hire of sport facilities and usage data records All records relating to the marketing of sporting events All records relating to the membership of sports facilities 	<ul style="list-style-type: none"> It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year 6 years from date record created 2 years from date record created 3 years from date record created 6 years from date record created 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2)
3.2.7	Sport - club directory	All records relating to the creation and publication of a directory of local sports clubs and organisations which provide sporting facilities to local residents	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
3.2.8	Sport - development	All records relating to partnership with local, regional and national partners to create equitable and sustainable opportunities for sports participation at every level	6 years from date record created	Limitation Act 1980 (Section 2)
3.2.9	Sport - equipment hire	All records relating to the hire of sports equipment at council operated sports facilities	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
3.2.10	Sport - Exercise and fitness classes	All records relating to the development and management of exercise and fitness classes	6 years from date record created	Limitation Act 1980 (Section 2)
3.2.11	Swimming pools	All records relating to the provision of public swimming pools and associated facilities	Current year + 6 years	Limitation Act 1980 (Section 2)
3.2.12	Young people's drop in activities	All records relation to the provision of information about young people's drop in activities	It is anticipated that this will be a dynamic document. If	

			not, Year records created + 1 year	
3.2.13	Young people's organised activities	All records relating to the organisation of activities for young people	6 years from date of activity - 6 years is the minimum recommendation	Limitation Act 1980 (Section 2)
3.3	Marketing & Major Projects			
3.3.1	Census information	All records relating to the publication of information from a national census or other surveys relating to the local area.	Retain from date first published until operational use ends	
3.3.2	Civic events	<ul style="list-style-type: none"> • All records relating to the management of civic events • All records relating to the process of organising a ceremonial event or civic occasions • All records relating to the recording of ceremonial events and civic occasions - Visitor's book, Photographs, Weekly engagement list • All records relating to the recording of ceremonial events and civic occasions – Visitor's book, Photographs, Weekly engagement list 	<ul style="list-style-type: none"> • 6 years from date record created • Permanent • Permanent • Permanent 	
3.3.3	Community engagement	All records relating to links between local people, local organisations and decision makers.	4 years from date record created	Local Government Act 1972 s100c - See also Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012
3.3.4	Community noticeboards	All records relating to the provision of community noticeboard	6 years from date record created	Limitation Act 1980 (Section 2)
3.3.5	Corporate - development strategy	<ul style="list-style-type: none"> • All records relating to the development of film and television within the local authority • All records relating to the development of tourism opportunities 	<ul style="list-style-type: none"> • 3 years from date record created • 10 years form date record created 	
3.3.6	Facilities - graphic design	<ul style="list-style-type: none"> • All records relating to the provision of an internal graphic design service where a recharge is made • All records relating to the provision of an internal graphic design service where no recharge is made • All records relating to the use of external graphic design services 		<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2)

3.3.7	Feedback and suggestions	Comments received via social media sites, where the comments/complaints have been referred on to the relevant department within the Council	1 year from date comment received	
3.3.8	Festive decorations	All records relating to the provision or organisation of festive decorations such as lights, Christmas tree etc. to be installed over the festive season.	6 years from date record created	Limitation Act 1980 (Section 2)
3.3.9	ICT - Web site	<ul style="list-style-type: none"> All records relating to the creation and maintenance of the council website All records relating to the accessibility of web sites 	3 years from date record created	
3.3.10	Leaflet distribution consent	All records relating to consent given for the distribution of leaflets	6 years from date consent expires	Limitation Act 1980 (Section 2)
3.3.11	Media and publicity protocols	All records relating to the creation and management of media and publicity protocols	3 years from date policy/protocol expires	
3.3.12	News and information releases	All records relating to the publication of the latest news and public information relevant to the local area.	3 years from date record created	
3.3.13	Open data publication	All records relating to the publication as open linked data of public sector information such that the data can be read and published in a variety of formats and resources	Retain until data which is made available is disposed of	
3.3.14	Outdoor events	All records relating to the organisation and management of outdoor events	6 years from date record created	Limitation Act 1980 (Section 2)
3.3.15	Permission to film and photograph	All records relating to permission granted to film/photograph publicly owned buildings	Retain from date permission granted until film/photograph disposed of	
3.3.16	Permission to host events	All records relating to permissions granted to hold events and activities on publicly owned land	6 years from date record created	Limitation Act 1980 (Section 2)
3.3.17	Publications	All records relating to the creation and publication of official publications about the council and the surrounding area.	Retain from date of first publication until publication goes out of print	
3.3.18	Regeneration projects	All records relating to the management of regeneration projects	12 years from date of last action on the project	
3.3.19	Sale of gifts and publications	All records relating to the sale of gifts and publications	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
3.3.20	Surveys	All records relating to the development and implementation of information surveys (or information audits)	3 years from date information survey expires	
3.3.21	Tourist signs	All records relating to the placing of tourist signs	6 years from date record created	Limitation Act 1980 (Section 2)
3.3.22	Town twinning	All records relating to twinning agreements with towns in one or more different countries in order to promote cultural understanding between the communities	Retain from date twinning arrangement commences until date the twinning	

			arrangement ends – suggest records offered to archive once retention period ends	
3.4	Planning Policy			
3.4.1	Building and landscape design	Case files relating to Section 106 agreements under the Town and Country Planning Act 1990	6 years from date case closed – review at end of retention period	
3.4.2	Building control	<ul style="list-style-type: none"> • All records relating to the creation and management of the Building Control Register • All records relating to the process of approving building applications for all other buildings (excluding listed or significant buildings) • All records relating to the process of approving building applications in relation to listed or other significant buildings • All records relating to the process of inspecting building work for the purpose of insuring compliance • All records relating to actions taken to enforce the Building Control Regulations 	<ul style="list-style-type: none"> • Permanent • 15 years from date construction completed • Permanent • 10 years from issue of final certificate of inspection • 6 years from date of outcome of enforcement action - 6 years is a minimum recommendation 	<ul style="list-style-type: none"> • Building Control Performance Standards 2006 • Building Control Performance Standards 2006 • • Building Control Performance Standards 2006 • Building Control Performance Standards 2006
3.4.3	Business planning applications	All records relating to the management of the planning applications system	Permanent	
3.4.4	Consent for cellars, pavement lights and ventilators under street	All records relating to consents granted for cellars, pavement lights and ventilators under street	6 years from date consent expires	Limitation Act 1980 (Section 2)
3.4.5	Conservation advice	All records relating to the provision of advice and consultation to local residents who are considering carrying out any works on property within a conservation area	Permanent	
3.4.6	Conservation areas	<ul style="list-style-type: none"> • All records relating to the maintenance of specific sites and monuments • All records relating to the management of conservation areas (also see ***) 	<ul style="list-style-type: none"> • 6 years from date record • Permanent 	
3.4.7	Dangerous structures	All records relating to the management of dangerous structures	6 years from date created	Limitation Act 1980 (Section 2)
3.4.8	Demolition	<ul style="list-style-type: none"> • All records relating to demolition control 	• 6 years from date record	Limitation Act 1980

	Demolitions - property assessment	<ul style="list-style-type: none"> All records relating to demolition enforcement All records relating to the review and assessment of housing conditions in the area to help determine which properties are unfit for occupancy or are abandoned 	<ul style="list-style-type: none"> created 6 years from date of any enforcement 6 years from date of assessment 	(Section 2)
3.4.9	Derelict properties	<ul style="list-style-type: none"> All records relating to the monitoring and management of derelict properties 	6 years from date of any action taken about derelict property	Limitation Act 1980 (Section 2)
3.4.10	Development control	<ul style="list-style-type: none"> All records relating to the management of the development control process (excluding parts of the process included in other parts of the schedule) All records relating to the enforcement of development control Case files relating to Breach Of Condition Notices Case files relating to planning contravention Notices 	<ul style="list-style-type: none"> 6 years from date record created – 6 years is a minimum recommendation 6 years from date of the resolution of any enforcement action – 6 years is a minimum recommendation 6 years from date case closes – review at end of 6 years 6 years from date case closes – review at end of 6 years 	Limitation Act 1980 (Section 2)
3.4.11	Discharge of planning conditions	All records relating to the discharge of planning conditions	Permanent	
3.4.12	Dropped kerbs	All records relating to the construction of vehicle crossovers at the request of residents	6 years from date of completion of crossover	Limitation Act 1980 (Section 2)
3.4.13	Environmental Impact Assessment screening	All records relating to Environmental Impact Assessment screening	15 years from date of assessment	
3.4.14	High hedges	All records relating to the assessment of complaints in relation to high hedges	6 years from date of decision	Limitation Act 1980 (Section 2)
3.4.15	Land charges search	<ul style="list-style-type: none"> All records relating to land charge searches Land Charges Register 	<ul style="list-style-type: none"> 1 year from date record created Permanent 	
3.4.16	Lawful Development Certificate existing use	All records relating to the creation and implementation of Certificates of Lawful Use or Development	Permanent	
3.4.17	Lawful Development	All records relating to applications for and management of Certificates of	Permanent	

	Certificate proposed use	Lawful Use or Development for proposed use (CLOPUD)		
3.4.18	Outline planning consent	All records relating to applications for and management of outline planning consents	15 years from date record created	
3.4.19	Planning area search	All records relating to planning area searches	1 year from date record created	
3.4.20	Planning consultation	<ul style="list-style-type: none"> All records relating to the management of public enquiries related to planning issues All records relating to the planning consultation process 	<ul style="list-style-type: none"> Permanent 15 years from date record created 	
3.4.21	Planning decision notices	All records relating to the creation and publication of formal planning decision notices	Permanent	
3.4.22	Planning minor material amendments	All records relating to planning minor material amendments	15 years from date of amendment	
3.4.23	Planning non-material amendments	All records relating to planning non-material amendments	15 years from date of amendment	
3.4.24	Planning obligations	<ul style="list-style-type: none"> All records relating to the creation and implementation of Planning Obligations (also known as Section 106 agreements) All records relating to the monitoring of building and landscape design 	<ul style="list-style-type: none"> Permanent Record kept from date development planned and retained until development ceases to exist 	
3.4.25	Planning permission	All records relating to planning permission for certain types of advertisements and advertisements in specified areas	Permanent	
3.4.26	Planning pre-application advice	All records relating to planning pre-application advice	15 years from date record created	
3.4.27	Planning - Residential applications	All records relating to the management of the planning applications system	Permanent	
3.4.28	Planning reserved matters	All records relating to applications for and management of planning applications for approval of reserved matters	15 years from date record created	
3.4.29	Prior notification of development	All records relating to applications for and management of prior notifications of development	6 years from date of notification then review	Limitation Act 1980 (Section 2)
3.4.30	Property enquiries certificates	All records relating to the creation of property enquiry certificates	6 years from date of search	
3.4.31	Property register	All records relating to the registration of publicly owned land and property	Retain from date land	

			acquired until public ownership of land ceases	
3.4.32	Register of land	<ul style="list-style-type: none"> All records relating to the creation, management and publication of the Land Register Register of Land 	<ul style="list-style-type: none"> 6 years from creation of record Permanent	
3.4.33	Removal/variation of planning conditions	All records relating to the removal/variation of planning conditions	Permanent	
3.4.34	Stopping up orders	All records relating to the creation of stopping up orders	Permanent	
3.4.35	Street names and numbering	All records relating to the naming and numbering of streets	Permanent	
3.4.36	Tree management	<ul style="list-style-type: none"> All records relating to the management of trees which are the responsibility of the authority 	<ul style="list-style-type: none"> 6 years from date record created 	
3.4.37	Tree preservation orders	<ul style="list-style-type: none"> All records relating to the creation of tree preservation orders All records relating to the implementation and monitoring of tree preservation orders 	Permanent	
3.4.38	Zoning	All records relating to the zoning process	6 years from date record created	
	Resort Services			
3.5.1	Coastal protection	All records relating to the review and maintenance of coastal protection within the local authority area	Permanent	
3.5.2	Beach patrols	All records relating to the management of beach patrols	6 years from date record created	Limitation Act 1980 (Section 2)
3.6	Strategic Cultural Development			
3.6.1	Archive loans, donations, bequests and sales	Files relating to the deposit, donation or purchase of records held in the archives service	Permanent - Material which has no legal status i.e. dates of meetings, invitations to lunch, acknowledgment correspondence can be removed from the files periodically	
3.6.2	Art commissions	All records relating to the commissioning of works of art from local or other artists for display in public buildings or other art exhibitions in the area	6 years from end of ownership of the work of art	Limitation Act 1980 (Section 2)
3.6.3	Arts and creative	All records relating to the development and management of arts and creative	6 years from date record	Limitation Act 1980

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	classes	classes	created	(Section 2)
3.6.4	Arts development	All records relating to the support and development of arts in the local community	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
3.6.5	Arts organisations and events	All records relating to the provision of information and advice on local arts organisations, exhibitions and events	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
3.6.6	Exhibitions	All records relating to the provision of exhibitions in public buildings or open spaces	3 years from date record created	
3.6.7	Museum and gallery	<ul style="list-style-type: none"> All records relating to the management and maintenance of museums and galleries All records relating to the provision of information and advice on museums and galleries in the local area All records relating to the sale of goods in museum and gallery shops 	<ul style="list-style-type: none"> 6 years from date record created. It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year 6 years from date record created 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) HMRC - Compliance Handbook Manual CH15400
3.6.8	Museums and gallery - loans donations and bequests	All records relating to loans, donations and bequests made to Museums and Galleries	Permanent	
3.6.9	Museum collections	All records relating to information about collections on display in museum collections	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
3.6.10	Museum events and exhibitions	All records relating to information about any events or exhibitions organised at museums with the local authority area.	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
3.6.11	Music rooms and recording studios	All records relating to the administration of music rooms and recording studios	6 years is the minimum recommendation	Limitation Act 1980 (Section 2)

Corporate Services & Governance

4. Continuous Improvement & Democratic Services			Contact: Director Corporate Services & Governance	
Ref	Description	Types of Records	Retention Action	Legislation
4.1	Civic recognition and awards	All records relating to the management of civic recognition and awards	10 years from record created	
4.2	Civic & Royal Events	Records of ceremonial events and civic occasions	Permanent (offer to archivist)	
4.3	Community strategy	All records relating to the development of a community strategy	4 years after date strategy expires	Local Government Act 1972 s100c
4.4	Complaints procedure	<ul style="list-style-type: none"> All records relating to complaints about services dealt with as business as usual (stage 1) All records relating to complaints referred to the Local Government Ombudsman All records relating to corporate complaints (stage 2) 	<ul style="list-style-type: none"> 3 years from date record created 10 years from date complaint resolved 6 years from date record created 	
4.5	Corporate - development strategy	<ul style="list-style-type: none"> All records relating to creation, implementation and monitoring of a strategic plan for the council All records relating to the development and monitoring of annual business plans 	<ul style="list-style-type: none"> 6 years after date of plan expires Retain until superseded 	
4.6	Corporate - policies and procedures	All records relating to the creation, implementation and monitoring of policies and procedures	3 years after date policy/procedure expires	
4.7	Corporate - reporting	All records relating to the submission of reports and responses to Cabinet, Committee and associated working groups	6 years after date record submitted to Cabinet/Committee	
4.8	Councillors allowances and expenses	All records relating to expenses and allowances paid to councillors including the publication of this information	6 years after date record created	HMRC - Compliance Handbook Manual CH15400
4.9	Councillors declaration of interest	All records relating to Councillors' declaration of interest	1 year from date member leaves office	Common practice
4.10	Councillors electronic directory	All records relating to the compiling and publication of a councillors' directory	- It is expected that these will be dynamic document and periodically updated	
4.11	Councillors surgeries	All records relating to councillor advice surgeries	As long as the individual councillors require these records.	

4.12	Freedom of Information & Environmental Information Regulations	<ul style="list-style-type: none"> All records relating to the creation of policies to deal with requests under the Freedom of Information Act 2000 All records relating to the management of Freedom of Information Requests and EIR 	<ul style="list-style-type: none"> 3 years from date policy expires 2 years from date complete record created. Review after 2 years. 	
4.13	Members - committee membership	All records relating to the administration of appointments & membership of committees & working groups	4 years after the date of record is superseded	
4.14	Members - communications	All records relating to the development of a policy on communication with members	3 years from date record created	
4.15	Members - democratic services - advice	All records relating to professional advice to members and the public on democratic services and functions, including advice on the design of committee structures	4 years from date of advice	
4.16	Members - executive forward plan	All records relating to the provision of a forward plan of key decisions to be made by the executive.	4 years from date record created	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
4.17	Members - honours and awards	All records relating to the nominations for honours and awards from the council for staff, members and the community	3 years from date record created	
4.18	Members - induction and training	All records relating to the provision of induction and training for new members and ongoing development support to existing members	3 years from date record created	
4.19	Members - minutes, agendas and reports	All records relating to the production (and publication) of a record of all decisions taken and recommendations made by the Council and its Committees and Panels.	Permanent	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
4.20	Members - overview and scrutiny	<ul style="list-style-type: none"> All records relating to meeting planning, Scrutiny and Overview committees, working group meetings administration, decision recording, and provision of support All records relating to research into matters to be considered by Scrutiny All records relating to the management of consultation on any proposal being Scrutinised - Monitoring of implementation of Scrutiny & overview committee decisions All records relating to the monitoring of implementation of Council decisions 	6 years from date record created	
4.21	Members - political offices	All records relating to offices staffed by non-political officers to support the authority's elected members (councillors)	6 years from date record created	Limitation Act 1980 (Section 2)

4.22	Members - secretariat	<ul style="list-style-type: none"> All records relating to meeting planning, Cabinet meeting administration & decision recording, & provision of support All records relating to the processing of member support requests including and excluding: Member training & development 	4 years from date record created	
4.23	Members of parliament - MPs and MEPs	Information about elected local representatives and MEPs, their roles, how they are elected and where to find out who are your current representatives.	1 year after date record created - It is expected that these will be dynamic documents if not year records created + 1 year	
4.24	Minutes, agendas and reports	<ul style="list-style-type: none"> Background papers to reports - Principal Set Minutes - Copies for public inspection Principal copy minutes, agendas and reports relating to decisions taken and recommendations made by the local authority and its committees and panels 	<ul style="list-style-type: none"> 4 years from date of meeting 6 years from date of meeting/decision 6 years from date of meeting/decision 	<ul style="list-style-type: none"> Local Government Act 1972 s100d Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 Local Government Act 1972 s100
4.25	Performance measurement and reporting	All records relating to the collection and publication of a range of performance indicators reflecting the services the authority provides	Minimum of 5 years after date of record created	
4.26	Petitions	<ul style="list-style-type: none"> All records relating to the processing of petitions received by the Authority All records relating to the management of petitions 	<ul style="list-style-type: none"> 6 years from date petition received 6 years from date record created 	
4.27	Re-use of public sector information	All records relating to the management of the re-use of public sector information	6 years after date expires	

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5. Financial Services & Revenues			Contact: Peter Grace	
Ref	Description	Types of Records	Retention Action	Legislation
5.1	Accounting			
5.1.1	Accounts	All records relating to standard accounting procedures including carry forward, balance sheet, reserves, cash flow, certification of accounts, financial statements and accounting policies	6 years from end of financial year to which the records relate	HMRC - Compliance Handbook Manual CH15400
5.1.2	Approved suppliers	All records relating to the creation of a list of approved suppliers and contractors	6 years from date record created	Limitation Act 1980 (Section 2)

5.1.3	Civic liability	All records relating to civic liability where property or other facilities which are owned and maintained by them cause damage or injury to people or property.	6 years from date record created	Limitation Act 1980 (Section 2)
5.1.4	Corporate – assets	<ul style="list-style-type: none"> Asset Register 	6 years after list of asset expires	HMRC Compliance Handbook Manual CH15400
5.1.5	Corporate - insurance	<ul style="list-style-type: none"> All records relating to Contractors' insurances All records relating to insurance claims made against the Council by officers/third parties All records relating to insurance claims made by the Council against third parties All records relating to the payment of insurance premiums All records relating to the registration of insurance claims All records relating to valuations for insurance claims Corporate Risk Register Employer's Liability Insurance Policy Insurance Policies taken out by the Council 	<ul style="list-style-type: none"> 6 years after date policy expires 6 years after date claim settled 6 years after date claim settled 6 years after date record created 6 years after date record created 6 years after date insurance claim resolved 6 years from last entry in register 40 years after date policy expires 6 years after date policy expires 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) HMRC - Compliance Handbook Manual CH15400 Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2)
5.1.6	Council expenditure	<ul style="list-style-type: none"> All records relating to expenditure made by the council including invoices, purchase orders etc All records relating to the publication of details of council expenditure which can be viewed by local residents 	<ul style="list-style-type: none"> 6 years from date record created 1 year from record created 	HMRC - Compliance Handbook Manual CH15400
5.1.7	Financial management	<ul style="list-style-type: none"> All records relating to the banking of monies paid to the council All records relating to the receipt of payments made to the council Share certificates, stocks, bonds, other securities, together with any appropriate contracts of purchase or sale 	<ul style="list-style-type: none"> All records relating to the banking of monies paid to the council All records relating to the receipt of payments made to the council Share certificates, stocks, bonds, other securities, 	<ul style="list-style-type: none"> HMRC - Compliance Handbook Manual CH15400 HMRC - Compliance Handbook Manual CH15400

			together with any appropriate contracts of purchase or sale	
5.1.8	Financial planning	<ul style="list-style-type: none"> • All records relating to the creation and implementation of the annual budget for the council • All records relating to the creation and implementation of departmental budgets • All records relating to the creation and implementation of partnership budgets • All records relating to the monitoring and reporting on the annual and departmental budgets 	6 years from date record created	
5.1.9	fund management	<ul style="list-style-type: none"> • All records relating the management of local authority financial assets • All records relating to the investment of local authority funds 	<ul style="list-style-type: none"> • 6 years from date asset destroyed • 7 years from date of end of investment 	<ul style="list-style-type: none"> • HMRC - Compliance Handbook Manual CH15400 •
5.1.10	inter-organisational charging	All records relating to charging of staff time and/or use of equipment between departments within the organisation	1 year from creation of record	
5.1.11	management and control	All records relating to the adoption and development of policies and procedures for accounting practice	3 years from date policy superseded	
5.1.12	revenue and customs	All records relating to the calculation of income tax, national insurance, VAT and stamp duties	3 years after end of financial year to which the record relates	The Income Tax (Employment) Regulations 1993
5.1.13	Spending plans consultation	<ul style="list-style-type: none"> • All records relating to the publication of spending plans • All records relating to the arrangements of public meetings or other means by which citizens can be consulted on budget plans for the forthcoming year 	3 years from date record created	
5.1.14	Transparency of accounts	All records relating to the publication of council accounts	6 years6 years from date record created from date record created	Local Government Finance Act 1992
5.1.15	Transparency of senior salaries	All records relating to the transparency of senior salaries	1 year from date record created	
5.1.16	Value for money	All records relating to value for money activities		
5.2	Auditing			
5.2.1	Audit and inspection	<ul style="list-style-type: none"> • All records relating to audits carried out internally or externally • All records relating to counter fraud investigations • External audit letter 	<ul style="list-style-type: none"> • 6 years from date record created • 6 years from date of completion of enforcement action 	<ul style="list-style-type: none"> • Local Government Finance Act 1992 • Limitation Act 1980 (Section 2)

			• 5 years from date record created	•
5.2.2	Council expenditure	All records relating to expenditure made by the council including invoices, purchase orders etc		HMRC - Compliance Handbook Manual CH15400
5.3	Estates			
5.3.1	Commercial lettings	All records relating to information held about properties or land currently available to let within the area	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
5.3.2	Corporate - assets	• Asset Management Plans	• 6 years from date record created	
5.3.3	Corporate - purchasing	• Case files relating to the purchase of property when payment has already been made • Case files relating to the purchase of property where contracts are used	6 years from date of case closed. Note: review case at end of 6 years	Limitation Act 1980 (Section 2)
5.3.4	Estates management	All records relating to the provision of an estates management service for land and property in the area	6 years from date record created	Limitation Act 1980 (Section 2)
5.3.5	Land and property	• All records relating to the disposal of publicly owned land and property • Case files relating to the purchase of property when payment has already been made • Case files relating to the purchase of property where contracts are used Move this to 'Land and Property acquisition'	• 6 years from date of disposal of property • 6 years from date of case closed. Note: review case at end of 6 years	Limitation Act 1980 (Section 2)
5.3.6	Land and property – acquisition	All records relating to the acquisition of land/property, including all records relating to the valuation	Retain until 6 years after ownership of the property ends	Limitation Act 1980 (Section 2)
5.3.7	Land and property – availability	Information and advice on vacant industrial/office/retail/land and development opportunities in the area. Information on land and property available for purchase or for rent in the local area.	It is anticipated that this information will be dynamic information which is constantly being updated. If not then Year records created + 1 year	
5.3.8	Land and Property – Disposals	• Sale of land/property (other than by auction or Order Of Court Protection)	6 years from date of sale	Limitation Act 1980 (Section 2)
5.3.9	Lettings	All records relating to the sof land and/or buildings for rent	6 years from date record created	Limitation Act 1980 (Section 2)
5.4	Revenue Services			

5.4.1	Benefit fraud	All records relating to the detection and prosecution of benefit fraud	6 years from date case resolved	
5.4.2	Business rate account enquiries	All records relating to enquiries about business rates accounts	6 years from date record created	Local Government Finance Act 1992
5.4.3	Business rate annual notification	All records relating to the provision of the business rates annual notification to businesses	6 years from date record created	Local Government Finance Act 1992
5.4.4	Business rate relief	All records relating to reduction in business rates to business owners	6 years from date record created	Local Government Finance Act 1992
5.4.5	Business rate supplement	All records relating to the implementation and management of a business rate supplement	6 years from date record created	Local Government Finance Act 1992
5.4.6	Council tax - account enquiries	All records relating to enquiries about council tax accounts	6 years from date record created.	
5.4.7	Council tax - annual notification	All records relating to the Council tax annual notification	6 years from date record created.	
5.4.8	Council tax - appeals	All records relating to Council Tax Appeals	6 years from date of appeal completed	
5.4.9	Council tax - band reductions	All records relating to council tax band reductions	6 years from date record created	
5.4.10	Council tax - benefit appeals	All records relating to council tax benefit appeals	6 years from date record created	
5.4.11	Council tax - benefit backdated claims	All records relating to council tax benefit back claims	6 years from date of last action	Local Government Act 1992
5.4.12	Council tax - discount	All records relating to discounts made to council tax	6 years from date record created	
5.4.13	Council tax - exemptions	All records relating to council tax exemption	6 years from date record	
5.4.14	Council tax benefit - current claim	All records relating to current claims for council tax benefit	6 years from date of last action on the claim	
5.4.15	Council tax benefit - new claim	All records relating to new claims for council tax benefit	6 years from date record created	
5.4.16	Council tax benefit - overpayments	All records relating to the overpayment of council tax benefits	6 years from date overpayment resolved	
5.4.17	Council tax benefit - renewal	All records relating to the renewal of council tax benefits	6 years from date record created	
5.4.18	Housing benefit - appeals	All records relating to the management of housing benefit appeals	6 years from date appeal resolved	Housing Benefit Regulations 2006
5.4.19	Housing benefit - backdated claims	All records relating to back dated claims for housing benefit	6 years from date claim resolved	

5.4.20	Housing benefit - current claim	All records relating to current claims for housing benefit	6 years from date record created	
5.4.21	Housing benefit - new claim	All records relating to new claims for housing benefit	6 years from date record created	
5.4.22	Housing benefit - overpayments	All records relating to the overpayment of housing benefit	6 years from date overpayment resolved	
5.4.23	Housing benefit - renewal	All records relating to the renewal of housing benefit	6 years from date of renewal	
5.4.24	Rent determination	All records relating to the determination of private rents for those in receipt of housing benefits	6 years from date record created	
5.5	Surveying			
5.5.1	Domestic heating oil tanks	All records relating to the installation of any new or replacement domestic oil storage tanks in properties belonging to the Council	6 years from date that use of the building ceases	Limitation Act 1980 (Section 2)
5.5.2	Facilities – Council occupied Offices	<ul style="list-style-type: none"> • All records relating to the design and construction of buildings (listed buildings) • All records relating to the design and construction of buildings (not listed buildings) • All records relating to the feasibility of the design and construction of buildings • Surveys of buildings owned by local authorities 	<ul style="list-style-type: none"> • Permanent • 15 years from date of completion of building • 15 years from date of final certificate of completion • 6 years from the date disposal of building 	<ul style="list-style-type: none"> • Building Control Performance Standards 2009 • Building Control Performance Standards 2009 • • Limitation Act 1980 (Section 2)
5.5.3	Facilities - energy and fuel	Display Energy Certificates	7 years from date created	
5.5.4	Facilities - planned maintenance	All records relating to planned maintenance on council land and property	6 years from date record created	Limitation Act 1980 (Section 2)
5.5.5	House surveying	All records relating to surveys undertaken by the council of housing stock	6 years from date of survey	Limitation Act 1980 (Section 2)
5.5.6	Street name plates	All records relating to the provision and fitting of street name plates	Keep record from date street named assigned and retain until the street is removed	

6. Legal and Electoral Services			Contact:	
Ref	Description	Types of Records	Retention Action	Legislation

6.1	Electoral Services			
6.1.1	Election expenses	<ul style="list-style-type: none"> • All records relating to Candidates expense forms – Local and Parliamentary • All records relating to Candidates expense forms – European 	<ul style="list-style-type: none"> • 2 years after date of election or return to candidate • Candidate expense forms dealt with by Regional Returning Officer 	Representation of the People Act 1983
6.1.2	Election results	<ul style="list-style-type: none"> • All records relating to the creation and publication of election results • All records relating to the appointment of a returning officer, the arrangements for the count and the declaration and publication of results. 	<ul style="list-style-type: none"> • 1 year from date of election • 6 years from date of election 	Representation of the People Act 1985 Limitation Act 1980 (Section 2)
6.1.3	Electoral areas	All records relating to the creation and management of electoral boundaries	Permanent	
6.1.4	Electoral cycle	All records relating to the management of the members electoral cycle	4 years from date cycle ends	
6.1.5	Electoral nominations	All records relating to the process of administering nominations for elections	1 year from date of election	
6.1.6	Electoral register	All records relating to the creation and publication of the electoral register	Paper copy - retain for 15 years Electronic – Permanent	Electoral Registration and Administration Act 2013 Representation of the People Act 1985
6.1.7	Polling stations	All records relating to the provision, manning and publicity for polling stations, including the payment of staff	6 years from date of election	Limitation Act 1980 (Section 2)
6.1.8	Postal voting	All records relating to the administration of postal voting scheme	Destroy records as they become obsolete or are no longer required	Representation of the People Regulations 2001
6.1.9	Proxy voting	All records relating to the administration of proxy voting schemes	Destroy records as they become obsolete or are no longer required	Representation of the People Regulations 2001
6.1.10	Referenda	Information on the different referenda which can take place and legal terms under which they may be carried out.	1 year from date record created	
6.1.11	Voting	All records relating to the administration of the voting process for individual elections including ballot papers	1 year from close of poll	Representation of the People Regulations 2001
6.2	Legal Services			
6.2.1	Byelaws and regulations	All records relating to the development and implementation of	6 years after byelaw expires	

		byelaws and regulations		
6.2.2	Case management	<ul style="list-style-type: none"> • All records relating to general common law issues • All records relating to surveillance and enforcement action undertaken under the Regulation of Investigatory Powers Act 2000 • Case files relating to Criminal Injuries Compensation Authority Claims 	<ul style="list-style-type: none"> • 6 years from date of closure • 6 years from date of court order • 85 years from date of birth of claimant – review at end of 85 years 	
6.2.3	Constitution	All records relating to the creation of management of the authority's constitution	Permanent	Local Government Act 2000
6.2.4	Contracts	<ul style="list-style-type: none"> • All records relating to actions founded on a simple contract • All records relating to contracts founded on a speciality • Case files relating to the receipt and preparation of contract documents • Case files relating to the release of bonds • Company formation, contracts or similar matters 	<ul style="list-style-type: none"> • 6 years from last action on the contract • 12 years from date of case action – review at end of period, it can be extended by virtue of Section 33 • 6 years from date case closed • 6 years from date case closed • 12 years from date of company closure 	Limitation Act 1980 (Section 2)
6.2.5	Councillor casual vacancies	All records relating to Councillor casual vacancies	6 months from date record created	
6.2.6	Councillor declaration of interest	<ul style="list-style-type: none"> • All records relating to a complaint made against a councillor where the complaint is unfounded • All records relating to a complaint made against a councillor where the complaint results in a major sanction against the councillor • All records relating to a complaint made against a councillor where the complaint results in a minor sanction against the councillor 	<ul style="list-style-type: none"> • 1 year from date complaint made • Retain until councillor next stands for election • Retain for the length of time the sanction is in force 	
6.2.7	Judicial review	Case files relating to judicial review	6 years from date case closed	Limitation Act 1980 (Section 2)
6.2.8	Land and property	<ul style="list-style-type: none"> • Case files relating to Deed Of Release/Rectification/Variation By Client • Case files relating to grant of easement to the client • Case files relating to leases/tenancy agreements/licences to 	6 years from date case closed – review at end of period	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2)

		<p>be granted to the client</p> <ul style="list-style-type: none"> • Case files relating to Legal Charges (other than charges under section 22 of the Health & Social Services & Social Security Adjudications Act 1983) • Case files relating to licences for assignment/under-letting/alterations relating to leases • Case files relating to the redemption of mortgages(other than s22 charges) on sale or re-mortgage of property • Conveyancing - acting for purchaser • Conveyancing - acting for vendor on sale of the whole of the title • Conveyancing - acting for vendor who retains part of the title • Loan Consents relating to loans made 	<ul style="list-style-type: none"> • Permanent • 12 years from completion of action • Permanent • 12 years from date of last payment of loan 	<p>2)</p> <ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2)
6.2.9	Litigation support	<ul style="list-style-type: none"> • All records relating to the recovery of land • Case files relating to injunction proceedings • Case files relating to injunctions under the Town & Country Planning Acts • Case files relating to Magistrate's Courts Proceedings • Case files relating to the prosecution of breaches/review of community orders 	<ul style="list-style-type: none"> • 12 years from date of last payment on loan 6 years from date case closed 	Limitation Act 1980 (Section 2)
6.2.10	Members and officers code of conduct	<ul style="list-style-type: none"> • All records relating to the administration and recording of the appointment of Members to Outside Bodies • All records relating to the creation and management of Members Code of Conduct • All records relating to the production of members' accountability statements 	<ul style="list-style-type: none"> • 6 years from date of end of appointment/office • Retain until code of conduct is replaced • 6 years from date record is created 	
6.2.11	Procurement - contracts lists	All records relating to the provision of a list of contracts for work to be undertaken on behalf of the local authority that are currently available for tender, or are coming up for tender	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
6.2.12	Procurement - contracts management	<ul style="list-style-type: none"> • All records relating to evaluation criteria used to evaluate a contract • All records relating to prequalification questionnaires 	<ul style="list-style-type: none"> • 6 months from date contract awarded • 6 years from date record created 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2)

		<ul style="list-style-type: none"> • All records relating to successful tenders • All records relating to the creation and monitoring of service level agreements • All records relating to the management of contracts for goods and services where the contract is under seal • All records relating to the management of contracts for goods and services where the contract is under signature 	<ul style="list-style-type: none"> • 0 • 6 years from date service agreement expires • 12 years from last action on the contract • 6 years from last action on the contract 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 8) • Limitation Act 1980 (Section 5)
6.2.13	Procurement - corporate	<ul style="list-style-type: none"> • All records relating to procurement advice • All records relating to the sale of services by individual authorities 	6 years from date record created	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • HMRC - Compliance Handbook Manual CH15400
6.2.14	Procurement policy	All records relating to the development and implementation of procurement policy	6 years from date policy expires	
6.2.15	Property deeds	All records relating to property deeds where the property is housing owned by the Council	Record starts at date ownership commenced and is retained until property is sold. (These will be retained whilst the property is held by the council and passed on to the new owner when the property is sold)	
6.2.16	Records management	All records relating to the creation of disposal schedules for records disposed of in line with the Lord Chancellor's Code	10 years from date record created	
6.2.17	Retention schedules	All records relating to the creation of a retention schedule for the authority	As the retention schedule is updated a copy should be retained to show what retention periods were at any given time	
6.2.18	Road closures and diversions	All records relating to the creation of traffic regulation orders	6 years from date record created	Limitation Act 1980 (Section 2)

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7. People Customer & Business Support			Contact:	
Ref	Description	Types of Records	Retention Action	Legislation
7.1	Business Operations			
7.1.1	Accessibility	<ul style="list-style-type: none"> • All records relating to accessibility of buildings owned by public authorities • All records relating to information on the accessibility of 	<ul style="list-style-type: none"> • 6 years from date record created • This will be a dynamic 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section

		<p>various facilities</p> <ul style="list-style-type: none"> All records relating to designs or adaptations intended to ensure access to and use of public buildings by people with disabilities 	<p>document, constantly updating</p> <ul style="list-style-type: none"> 6 years from date adaptations complete 	<p>2)</p> <ul style="list-style-type: none"> Limitation Act 1980 (Section 2)
7.1.2	Accident reporting	<ul style="list-style-type: none"> All records relating to the reporting of accidents where the person concerned is over 18 All records relating to the reporting of accidents where the person concerned is under 18 All records relating to the reporting of accidents which fall under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 	<ul style="list-style-type: none"> 7 years from date of accident 21 years and 4 months from date of birth of minor 30 years from date of incident 	<p>Limitation Act 1980 (Section 11)</p> <ul style="list-style-type: none"> Reporting of Injuries, Diseases and Dangerous Occurrences
7.1.3	Archive withdrawals	All records relating to withdrawal of records from the Archives Service		
7.1.4	Catering, sales and vending	<ul style="list-style-type: none"> All records (excepting financial) relating to the provision of catering services for functions or refreshments and vending facilities in public buildings. Financial records relating to the provision of catering services for functions or refreshments and vending facilities in public buildings. 	6 years from date record created	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) HMRC - Compliance Handbook Manual CH15400
7.1.5	Conference, hall and meeting room hire	<ul style="list-style-type: none"> All records (except financial) relating to the booking of conference halls and meeting rooms available for hire from the local authority Financial records relating to the booking of conference halls and meeting rooms available for hire from the local authority 	<ul style="list-style-type: none"> 3 years from date record created 6 years from date record created 	<ul style="list-style-type: none"> HMRC - Compliance Handbook Manual CH15400
7.1.6	Facilities - air handling units	All records relating to the management on air handling units in properties owned by the Council	6 years from date record created	Limitation Act 1980 (Section 2)
7.1.7	Facilities - catering services	All records relating to the provision of catering services to staff (including food hygiene checks)	6 years from date record created	Limitation Act 1980 (Section 2)
7.1.8	Facilities - consumables	All records relating to the purchase of consumables for local authorities	6 financial years from date record created	HMRC - Compliance Handbook Manual CH15400
7.1.9	Facilities – Council Offices	<ul style="list-style-type: none"> All records relating to building acquisition All records relating to the certification of buildings (listed and significant) All records relating to the certification of buildings (not listed buildings) 	<ul style="list-style-type: none"> 6 years from date that use of the building ceases Permanent 15 years from date of completion of building 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) Building Control Performance Standards Building Control Performance Standards

		<ul style="list-style-type: none"> • All records relating to the completion of property valuation • All records relating to the valuation of property • Case file relating to the sale of property by auction • Records relating to the management of council occupied properties which are owned or leased by the Council but which have not been built by the Council • All records relating to the provision of facilities for staff 	<ul style="list-style-type: none"> • 6 years from disposal of property • 2 years from date valuation superseded • 6 years from date case closes • 6 years from end of Council use of the building • 6 years from date use of facility ceases 	<ul style="list-style-type: none"> • HMRC - Compliance Handbook Manual CH15400 • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2) • Limitation Act 1980 (Section 2)
7.1.10	Facilities - equipment	All records relating to the management of equipment used by the facilities function	6 years from date record created	Limitation Act 1980 (Section 2)
7.1.11	Facilities - internal mail	All records relating to the management of internal mail facilities	3 years from date record created	Limitation Act 1980 (Section 2)
7.1.12	Facilities - internal room bookings	<ul style="list-style-type: none"> • All records relating to internal room bookings where a recharge is made • All records relating to internal room bookings where no recharge is made 	<ul style="list-style-type: none"> • 6 years from date record created • 1 year from date record created 	
7.1.13	Facilities - management	<ul style="list-style-type: none"> • All records relating to facilities management services provided to local authorities • All records relating to the provision of security in local authority buildings 	Years from date record created	Limitation Act 1980 (Section 2)
7.1.14	Facilities - planned maintenance	<ul style="list-style-type: none"> • All records relating to the refurbishment of buildings owned by the local authority • All records relating to the responsive maintenance of properties owned by the local authority 	6 years from date record created	Limitation Act 1980 (Section 2)
7.1.15	Facilities - printing and copying	All records relating to the provision of printing and copying services to staff	6 years from date record created	Limitation Act 1980 (Section 2)
7.1.16	Facilities - reactive repairs	All records relating to unplanned repairs to premises or facilities equipment	6 years from date repairs completed	Limitation Act 1980 (Section 2)
7.1.17	Facilities - Risk Assessments	<ul style="list-style-type: none"> • All records relating to the Electricity Exposure Risk Assessment(live equipment including the Record of Competent Persons • Fire Risk Assessments 	<ul style="list-style-type: none"> • 40 years from date record created • Permanent 	<ul style="list-style-type: none"> • Regulatory Reform (Fire Safety) Order 2005
7.1.18	Facilities - staff/visitor car parking	All records relating to the provision and maintenance of all car parking facilities attached to Council buildings	6 years from date record created	Limitation Act 1980 (Section 2)

7.1.19	Facilities - vehicle maintenance	<ul style="list-style-type: none"> • All records relating to the acquisition and disposal of fleet vehicles • All records relating to the maintenance of fleet vehicles • All records relating to the ownership of fleet vehicles • Logbooks and other records relating to the ownership of the fleet vehicles which are passed on to the new owner on disposal 	<ul style="list-style-type: none"> • 6 years from date ownership is terminated • 6 years from date of maintenance • 6 years from date ownership is terminated • Retain from date vehicle required until 	Limitation Act 1980 (Section 2)
7.1.20	Facilities - water	All records relating to the provision and maintenance of water supplies in council offices.	6 years from date record created	Limitation Act 1980 (Section 2)
7.2	Corporate Customer Services			
7.2.1	Civic buildings	Information about the location and opening hours of council offices. May also include information about public meetings and the availability of civic officials for queries.	<ul style="list-style-type: none"> • 1 year from date record created 	
7.2.2	Customer satisfaction surveys	All records relating to the creation and analysis of customer satisfaction surveys	3 years from date record created	
7.2.3	Feedback and suggestions	All records relating to feedback and suggestions made by local residents	3 years from date record created	
7.2.4	Local attractions	All records relating to advice and information for visitors on attractions in the local area. This will include descriptions, opening hours, admission prices and how to get there	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
7.2.5	Reception	All records relating to the management of reception facilities	3 years from date record completed	
7.2.6	Tourist information centres	All records relating to the management of tourist information centres	6 years from date record created	Limitation Act 1980 (Section 2)
7.3	Human Resources			
7.3.1	Corporate - organisation structure	<ul style="list-style-type: none"> • All records relating to the creation and publication of a staff directory • All records relating to the development and implementation of organisation restructure 	<ul style="list-style-type: none"> • 1 year from date record created • 6 years from date restructure completed 	
7.3.2	Corporate - resource planning	All records relating to the collection and analysis of staff statistics	• 5 years from date record created	
7.3.3	Corporate - service policy	All records relating to the management of internal procedures	• 3 years from date record	

		and facilities involved in the delivery of services not covered elsewhere in the schedule	created	
7.3.4	Councillors allowances and expenses	All records relating to expenses and allowances paid to councillors including the publication of this information	6 years after date record created	HMRC - Compliance Handbook Manual CH15400
7.3.5	Current vacancies	All records relating to the publication of current job vacancies within the authority	It is expected that this will be a dynamic list which is constantly updating, if not year records created + 1 year	
7.3.6	Employment and training initiatives	All records relating to the provision of programmes to promote the development of learning and employment	6 years from date record created	Limitation Act 1980 (Section 2)
7.3.7	Environmental health placements	All records relating to the administration on environmental health placements	3 years from date record created	
7.3.8	Equal opportunities advice	<ul style="list-style-type: none"> • All records relating to the creation, implementation and monitoring of the Council's Equal Opportunities Policy • All records relating to the development, implementation and monitoring of equality and diversity policies • All records relating to the use of the Equality Framework for Local Government (EFLG) 	<ul style="list-style-type: none"> • 3 years from date policy expires • 3 years from date policy expires • 3 years from date record created 	
7.3.9	Finance - indemnification for members and officers	All records relating to the management of indemnification for members and officers	6 years from creation of records	Limitation Act 1980 (Section 2)
7.3.10	Health and safety training	All records relating to health and safety training provided to employees by local authorities	6 years from date qualification expires	Limitation Act 1980 (Section 2)
7.3.11	Industrial relations	<ul style="list-style-type: none"> • All records relating to the management of employee relations • All records relating to trade union liaison 	<ul style="list-style-type: none"> • 6 years from date record created • 3 years from date record created 	Limitation Act 1980 (Section 2)
7.3.12	Occupational health services	All records relating to the process by which the Council ensures that all work premises are safe for employees and visitors to them and that accidents are prevented wherever possible	6 years from date record created	Limitation Act 1980 (Section 2)
7.3.13	Service delivery consultation	All records relating to consultations concerning service delivery	6 years from date record created	
7.3.14	Staff - annual leave	All records relating to the management of staff annual leave	3 years from date record created	
7.3.15	Staff - appraisal	<ul style="list-style-type: none"> • All records relating to staff performance • All records relating to the annual appraisal of staff 	<ul style="list-style-type: none"> • 6 years from date action completed • 1 year from date record created 	
7.3.16	Staff - apprenticeships	All records relating to the management of staff apprenticeships	6 years from date	Limitation Act 1980 (Section 2)

			apprenticeship ended	
7.3.17	Staff - benefits	All records relating to the development and implementation of staff benefits	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
7.3.18	Staff - business travel	<ul style="list-style-type: none"> All records relating to leased vehicle allowances All records relating to officers driving their own vehicles on council business 	6 years from date record created	<ul style="list-style-type: none"> HMRC - Compliance Handbook Manual CH15400 Limitation Act 1980 (Section 2)
7.3.19	Staff - consultation and feedback	All records relating to the management of staff consultation and feedback	6 years from date consultation completed	Limitation Act 1980 (Section 2)
7.3.20	Staff - continuing professional development	All records relating to workforce development	3 years from date record created	
7.3.21	Staff - disciplinary procedures	<ul style="list-style-type: none"> Case files relating to disciplinary matters Casework: Disciplinary where the case results in dismissal Casework: Disciplinary where the case results in no case to answer 	<ul style="list-style-type: none"> 6 years from date case closed – review at end of period 6 years from date record created Retain from start of investigation and keep until end of the investigation 	<ul style="list-style-type: none"> Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2) Limitation Act 1980 (Section 2)
7.3.22	Staff - disclosure of interests	All records relating to the disclosure of financial and non-financial officer interests that could conflict with the Council's interest	1 year from date of termination of employee	Local Government Act 1972
7.3.23	Staff - employment tribunals	<ul style="list-style-type: none"> All records relating to employment tribunal Case files relating to Employment Tribunal Claims and other employment matters 	<ul style="list-style-type: none"> 6 years from date record created 6 years from date file closed 	Limitation Act 1980 (Section 2)
7.3.24	Staff - equal pay	All records relating to the implementation and management of Equal Pay	6 years from date record created	
7.3.25	Staff - expenses	All records relating to the payment of legitimately incurred business expenses to officers and others working for of the organisation	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
7.3.26	Staff - grievance	Casework - Grievance procedure	6 years from date grievance reported	Limitation Act 1980 (Section 2)
7.3.27	Staff - job analysis	<ul style="list-style-type: none"> All records relating to the development and implementation of job descriptions and person specifications All records relating to the evaluation of jobs 	<ul style="list-style-type: none"> 6 years from date JD/person specification superseded 6 years from date job evaluation completed 	
7.3.28	Staff - medicals and health	All records relating to employee eye tests	Start record from date eye test	

	screening		carried and retain until new eye test completed	
7.3.29	Staff - occupational health	<ul style="list-style-type: none"> • Health Referral files • Health Surveillance forms 	<ul style="list-style-type: none"> • 85 years from date of birth of individual • 40y ears from date of questionnaire 	
7.3.30	Staff - operational exercising/training	All records relating to the management of staff operational exercising/training	3 years from date training completed	
7.3.31	Staff - outplacement	<ul style="list-style-type: none"> • All records relating to individuals who are made redundant • All records relating to staff transferred to other organisations (TUPE) 	<ul style="list-style-type: none"> • 80 years from date of birth of individual made redundant • 6 years from date of transfer 	<ul style="list-style-type: none"> • Transfer of Undertakings (Protection of Employment) Regulations 2006
7.3.32	Staff - overtime	All records relating to the management of staff overtime payments	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
7.3.33	Staff - payroll	<ul style="list-style-type: none"> • All records relating to car loan agreements • All records relating to events notifiable under the Retirements Benefits Schemes (Information Powers) Benefits Regulations 1995 • All records relating to Income Tax and National Health Insurance returns • All records relating to Inland Revenue approval • All records relating to relocation claims • All records relating to the administration of parental leave where the child is disabled • All records relating to the administration of parental leave where the child is not disabled • All records relating to the administration of Statutory Maternity Pay • All records relating to the administration of Statutory Sick Pay 	<ul style="list-style-type: none"> • 6 years from financial year in which loan was taken out • 6 years from date event takes place • 3 years from end of financial year to which records relate • Permanent • 3 years from end of financial year to which records relate • 18 years from birth of child • 6 years from birth of child • 3 tax years in which the maternity period ends • 3 year years to which the sick pay relates 	<ul style="list-style-type: none"> • HMRC - Compliance Handbook Manual CH15400 • Retirements Benefits Schemes (Information Powers) Benefits Regulations 1995 (SI 1995/3103) • The Income Tax (Employment) Regulations 1993 • The Income Tax (Employment) Regulations 1993 • HMRC – Compliance Handbook Manual CH1540 • The Statutory Maternity Pay (General) Regulations 1986 (SI1986/1960) • The Statutory Sick Pay (General) Regulations 1982

				(SI1982/894)
7.3.34	Staff - pension scheme	<ul style="list-style-type: none"> • All records relating to the monitoring of pension fund contributions (employer and employee) • Bank details, pay details of the individual pensioners • Bulk transfer files • Files relating to individual members of the pension scheme (including dependents) • Finance and procurement: Financial services: Treasury and investments: Information relating to the administration of the pension fund on behalf of admitted bodies • Monitoring of investments on behalf of the pension fund - monthly accounts • Pension fund contribution income - annual year spreadsheets • Pension fund Oracle reports • Records of former employers and Associations • Returns relating to members of staff transferring into the pension fund 	<ul style="list-style-type: none"> • 6 years from date record created • 6 years from date of the last payment • Date of the last contact with the scheme of the last pensioner/dependent • 100 years from date of the last contact with scheme – date of last contact applies to all dependents • Permanent • 6 years from date record crated • 1 year to which the record relates too • 6 years from date record created • 100 years from date of the last contact with the scheme of the last pensioner/dependent • 6 years from date record created 	<ul style="list-style-type: none"> • HMRC - Compliance Handbook Manual CH15400 • • • • • HMRC - Compliance Handbook Manual CH15400 • 5 • HMRC - Compliance Handbook Manual CH15400 • • HMRC - Compliance Handbook Manual CH15400
7.3.35	Staff - procedures	All records relating to the management of staff procedures	3 years from date procedure superseded	
7.3.36	Staff - public holidays	All records relating to the publication of a policy on public holidays	3 years from date policy superseded	
7.3.37	Staff - recognition	<ul style="list-style-type: none"> • All records relating to schemes which recognise staff • All records relating to the process of recommending employees for honours 	<ul style="list-style-type: none"> • 6 years from date record created • 3 years from year of submission 	<ul style="list-style-type: none"> • HMRC - Compliance Handbook Manual CH15400
7.3.38	Staff - recruitment	<ul style="list-style-type: none"> • The selection of an individual for an established position • All records relating to an individual's employment history - 	<ul style="list-style-type: none"> • 1 year from date recruitment finalised • 6 years from date of 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section

		<p>paid employment</p> <ul style="list-style-type: none"> • All records relating to an individual's employment history - voluntary service • All records relating to the appointment of Statutory Officers • All records relating to the creation, implementation and monitoring of the Council's induction programme • All records relating to the development and implementation of terms and conditions of employment • All records relating to the selection process for Statutory Officers • Criminal Records Bureau/Disclosure and Barring Service: Disclosure application forms 	<p>termination</p> <ul style="list-style-type: none"> • 6 years from date of termination • Permanent • 3 years from date record created • 6 years from date terms and conditions expire • 5 years from date of appointment • 6 months from date check completed 	<p>2)</p> <ul style="list-style-type: none"> • Limitation Act 1980 (Section 2) • • • Limitation Act 1980 (Section 2) • • Disclosure and Barring Service check requests: guidance for employers
7.3.39	Staff - redeployment	All records relating to the publication of a policy on redeployment of staff (including additional training where appropriate) in situations where staff are displaced or faced with significant change to their job as a result of internal restructuring.	3 years from date the policy is superseded	
7.3.40	Staff - references	All records relating to the management of the provision of staff references	6 years from date of reference	
7.3.41	Staff - reorganisations	All records relating to the reorganisation of the internal workforce of the council	6 years for date reorganisation is completed	Limitation Act 1980 (Section 2)
7.3.42	Staff - risk management	<ul style="list-style-type: none"> • Personal risk assessment records for staff working with children or vulnerable adults • Personal risk assessments relating to individuals returning to work 	<ul style="list-style-type: none"> • 20 years from date of employment termination • 3 years 4 months from date risk assessment expires 	<ul style="list-style-type: none"> • Limitation Act 1980 (Section 11)
7.3.43	Staff - sickness management	All records relating to the monitoring of employee absence	1 year from date record created	
7.3.44	Staff - telephone charges	All records relating to the management of a recharged telephone service to staff	6 years from date record created	HMRC - Compliance Handbook Manual CH15400
7.3.45	Staff - time management	All records relating to the process of monitoring staff leave and attendance	2 years from date action completed	
7.3.46	Staff - training	<ul style="list-style-type: none"> • All notes and materials created for training course • All records relating to the creation and management of training statistics • All records relating to the development and implementation of 	<ul style="list-style-type: none"> • Retain from date material created until date training course ends • 3 years from date record created • 3 years from date record 	

		<p>training programmes</p> <ul style="list-style-type: none"> • All records relating to the development, implementation and monitoring of the corporate training plan • All records relating to training concerning children • All records relating to training not concerning children 	<p>created</p> <ul style="list-style-type: none"> • 3 years from date training completed • 40 years from date training completed • 3 years from date training completed 	
7.3.47	Staff - victimisation	All records relating to the development and implementation of a policy dealing with reports of victimisation in the workplace for council employees	6 years from date policy is superseded	Limitation Act 1980 (Section 2)
7.3.48	Staff - workplace bullying	Casework - Harassment	6 years from date case resolved	Limitation Act 1980 (Section 2)
7.3.49	Vetting of contract and supplier staff	All records relating to the checking/vetting of contract and supplier staff	6 years from check carried out	Disclosure and Barring Service check requests: guidance for employers
7.3.50	Work health and safety advice and training	All records relating to the provision of work health and safety advice and training	6 years from date record created	Limitation Act 1980 (Section 2)

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8. Transformation		Contact:		
Ref	Description	Types of Records	Retention Action	Legislation
	ICT			
8.1.1	Business continuity	Business Continuity Plans including all records relating to the development of business continuity plans	It is expected that these will be dynamic documents which are constantly updating	
8.1.2	Data management	All records relating to the creation and implementation of security measures for information systems	Retain from date system commissioned until date decommissioned	
8.1.3	Hardware	All records relating to the maintenance of systems hardware	6 years for current system	
8.1.4	Help desk	<ul style="list-style-type: none"> • All records relating to system fault reporting • All records relating to the management of systems help desk support 	1 year from year record created	
8.1.5	Information management	<ul style="list-style-type: none"> • All records relating to changes made to information systems • All records relating to the configuration of information systems • All records relating to the creation and implementation of system tracking requirements 	<ul style="list-style-type: none"> • 6 years from date system decommissioned Retain from date system commissioned until date decommissioned	

		<ul style="list-style-type: none"> • All records relating to the creation of system process maps • All records relating to the design and construction of information systems • All records relating to the development of systems • All records relating to the implementation of ICT systems 		
8.1.6	Legal - advice	All records relating to copyright and intellectual property rights	6 years from date intellectual property/copyright ends	Limitation Act 1980 (Section 2)
8.1.7	Legal – Information systems	All records relating to the disposal of information system	3 years from date system disposed of	
8.1.8	Maintenance	All records relating to the maintenance and monitoring of ICT networks	1 year from date record created	
8.1.9	Manuals	All systems manuals relating to current information systems	Retain from date system commissioned until date decommissioned	
8.1.10	Networks	All records relating to the implementation and management of computer networks used by council officers.	6 years from date system is superseded	
8.1.11	Peripherals	All records relating to the purchase and installation of peripheral ICT equipment	6 years from financial year records were created	HMRC - Compliance Handbook Manual CH15400
8.1.12	Resource management	All records relating to ICT resource management	3 years from creation of record	
8.1.13	Security	<ul style="list-style-type: none"> • All information relating to user profiles for information systems • All records relating to the creation and implementation of policy and procedures relating to information security 	<ul style="list-style-type: none"> • 6 years from date record created • 3 years from date record created 	
8.1.14	Software	All records relating to software licenses for information systems	6 years from date system decommissioned	
8.2	Transformation			
8.2.1	Business Process Improvement	All records relating to the use of business process improvement to improve council services	6 years after date of final report or implementation of improvements	
8.2.2	Data Protection	<ul style="list-style-type: none"> • All records relating to the creation and implementation of policies under Data Protection Act 1998 • All records relating to the management of subject access requests under the Data Protection Act 1998 	<ul style="list-style-type: none"> • 3 years from date policy expires • 2 years from year record created 	

9	Hastings Housing			
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	Company			
9.1	Minutes, agendas and reports	All records relating to the production and publication of minutes, agendas and reports	10 years from date of meeting/decision	
9.2	Statutory documentation	All records relating to the production of statutory documentation	10 years from date record created	

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Report to: Cabinet

Date of Meeting: 4th June 2018

Report Title: GDPR - Update

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

Purpose of Report

To up-date members on what steps have been taken in preparation for this legislation which came into force on the 25th May 2018. To seek Cabinet's approval of the following recommendations.

Recommendation(s)

1. To approve the Document Retention Policy.
2. To give the Chief Legal Officer delegated authority to amend the Document Retention Policy as necessary (in consultation with the Lead member) without bringing further reports to Cabinet.
3. Endorse the future development of an Information Management Strategy

Reasons for Recommendations

The GDPR came into effect on the 25th May 2018. As the Council processes data there are specific legal obligations that we must comply with.

Introduction

1. The General Data Protection Regulation 2014 came into effect on 25 May 2017. It applies to both personal data and sensitive personal data. The data protection principles set out the main responsibilities for organisations. These are similar to existing data protection law the most significant addition is the accountability principle. This requires organisations to show how they comply with the principles.

Information Commissioners Guidance

2. The Information Commissioner did prepare some early guidance giving organisations some idea as to what it needed to consider to comply with the legislation. The following are those bullet points and what we have done to comply with them.
3. Making key people and decision makers aware of the change in legislation is key. The Council has provided senior management with external training. It has provided some members with training (which is ongoing) and will ensure that all staff undertake mandatory e-training. The Chief Auditor will also consider the Corporate Strategic Risk register in light of GDPR
4. Organisations were advised to document what personal data they hold, where it came from and who we share it with. We have conducted a system/process audit with all services to understand this requirement. This has helped inform the Document Retention Policy and Privacy Assessments.
5. Organisations were advised to have effective policies and procedures in place to demonstrate how we comply with data protection principles. It is time that we consolidate policies on information developing them into an Information Management Strategy. This is work that needs to be undertaken as soon as possible but with an end date of 31st March 2019.
6. Every organisation needed to review their privacy notices. When you collect personal data you currently have to tell people how you intend to use their information. Additional requirements under GDPR are the need to explain your lawful process for processing the Data, your retention periods and that individuals have the right to complain to the Information Commissioner if they think there is a problem with the way we handle their data. We have undertaken a corporate 'umbrella' privacy notice with each service having their own privacy notice giving residents the required information.
7. Organisations are advised to check their procedures to ensure that we can ensure that individuals have the rights that they are entitled to. Some of these issues are around locating and destroying data. The Document Retention policy assists with this process. The policy gives practical advice on the need for officers to ensure that we are keeping data for the correct periods and ensuring that it is destroyed afterwards. This applies to any data whether held electronically or hard copy. The Chief Legal Officer and the Head of Information Technology are available to give advice.
8. The regulations on Subject Access Requests (SARS) have changed. In most cases we will not be able to administer a charge, Previously the fee was £10. We will only have a month to comply, previously it was 40 days. It is possible that this will significantly increase the workload. We will have to wait and see if this occurs.

9. Organisations need to identify the lawful basis for processing each activity, document it and include it in your privacy notices. As explained above we have conducted a data mapping exercise to capture this information which has been used to comply with the requirements of GDPR
10. Organisation were advised to re-visit how they seek, record and manage consent. It is not enough under GDPR to ask someone to tick a box to agree to consent. Consent must be expressly and freely given, specific, informed and unambiguous. There must be a positive opt-in. On application forms agreement to consent must be separate from other term and conditions. Meetings have taken place with some services to explain these requirements.
11. We need to ensure that we have the correct procedures in place to detect, report and investigate data breaches. This has been in place for some time.
12. We need to designate someone to take responsibility for data protection compliance and asses where this role will sit within the organisation.

LEGISLATIVE REQUIREMENTS - CONTRACTS

13. Articles 28-36 GDPR state that whenever a controller uses a processor the organisation needs to have a written contract in place. These contracts now need to include certain clauses as a minimum. All new contracts contain the clauses approved by the ICO. However, GDPR require that existing contracts need to have these clauses so we have undertaken a contract audit throughout the Council to ascertain which contracts these apply to. All applicable parties to those contracts have been contacted to ask for their written agreement to vary the existing contract to include the required GDPR clauses.

RIGHT TO COMPENSATION AND LIABILITY

14. Art 82 provides that any person who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to receive compensation from the controller or processor for the damage suffered. It is likely that the Courts will deal with this.
15. Administrative fines which are discretionary rather than mandatory there are two tiers applicable.
 - i) Up to 10 million Euros or 2% of annual global turnover – whichever is the higher
 - ii) Up to 20 million Euros or 4% of annual global turnover – whichever is the higher

Infringements of the organisations obligations, including data security breaches will be subject to the lower level, whereas infringements of an individual's privacy rights will be subject to the higher level. The ICO must impose the fines on a case-by-case basis and must be 'effective, proportionate and dissuasive'

WORK TO CONTINUE – POST JUNE 2018

16. The ICO has yet to publish all the guidance relevant to GDPR. Once it has there may be other work to be undertaken. We know that we want to prepare a Management Information Strategy. It will be necessary to give staff training on how the Document Retention policy works and the practicalities of how to ensure that it is applied to both electronic information and hard copy. Furthermore, we

will need to ask staff to undertake an audit of existing information to determine whether it needs to be destroyed.

17. It is suggested that we review the whole process in May 2019.

Wards Affected

None

Implications

Relevant project tools applied? No

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

Equalities and Community Cohesiveness
Crime and Fear of Crime (Section 17)
Risk Management
Environmental Issues
Economic/Financial Implications
Human Rights Act
Organisational Consequences
Local People's Views
Anti-Poverty

Additional Information

Appendix 1 Document Retention Policy

Officer to Contact

Officer Name Chris Barkshire-Jones
Officer Email Address cbarkshire-jones@hastings.gov.uk
Officer Telephone Number 01424 451731

Agenda Item 6



Report to: Cabinet

Date of Meeting: 04 June 2018

Report Title: Hastings Town Centre & Bohemia Area Action Plan Preferred Approaches

Report By: Victoria Conheady, Assistant Director Regeneration & Culture

Purpose of Report

To provide an update on the development of the Hastings Town Centre & Bohemia Area Action Plan (AAP) and to recommend to Cabinet that the Preferred Approaches version of the draft AAP is published for consultation purposes.

Recommendation(s) that

- 1. the Preferred Approaches version of the Hastings Town Centre & Bohemia Area Action Plan, as presented at Appendix 1, be approved in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- 2. the document, together with the supporting Sustainability Appraisal (Appendix 2), be published for public consultation, subject to any presentational and other non-substantive changes to be authorised by the Director of Operational Services or his deputy in consultation with the Lead Member;**
- 3. public engagement be undertaken in accordance with the Council's Statement of Community Involvement to include a 12 week consultation period.**

Reasons for Recommendations

To proceed with the preparation process of the Area Action Plan in accordance with agreed timescales.

Introduction

1. The development of an Area Action Plan (AAP) covering Hastings Town Centre and Bohemia will form the third and final part of the Local Plan. The Hastings Planning Strategy (HPS) and the Development Management Plan (DMP), both cover the whole of the Borough. The HPS sets out the high level strategic vision, policies and overall development numbers, whilst the DMP sets out site allocations and development management policies. The AAP, once adopted, will take forward the objectives and aspirations of the HPS and will provide a framework for development and investment in the town centre and Bohemia. The delivery of Action Plan is dependent on a high level of partnership working, financial viability, funding availability and with the Council having a pivotal role to play in the transformation of the area as facilitator and planning authority and crucially as a significant landowner.
2. The AAP covers the period to 2033. This reflects the latest retail needs assessment which run to 2030 and the fact that the development aspirations for certain areas of the AAP are likely to be long term and will need to be considered against a time horizon of at least 15 years before they might be fully realised.
3. This is the first version of the AAP, attached at Appendix A (albeit not in a final presentational form) and it is being presented as a draft document in order to enable local residents, business and other stakeholders the opportunity to comment on what is at this stage, a set of approaches before a final Plan is put forward.

The Draft Document

4. Central to the Action Plan is the creation and promotion of:
 - new employment and business opportunities
 - new and improved leisure and cultural facilities
 - new high quality homes
 - higher visitor numbers
 - a positive perception of Hastings as a place to visit and invest in
5. The document essentially falls into 2 parts. Sections 1-4 set out the vision and objectives for the AAP together with the issues and opportunities within the area. Sections 5-8 set out how the Council wishes to direct and manage change within the area. This includes general development management policies that will apply across the AAP and a series of opportunity areas and opportunity sites which provide details on the types of development the Council wants to actively encourage.

Development Policies

6. A number of development management type policies are proposed specifically for application within the Action Plan area. These will be applied alongside the policies contained within the Hastings Planning Strategy (2014) and Hastings Development Management Plan (2015) in the consideration of new development proposals.

Opportunity Areas & Opportunity Sites

7. The Plan proposes eight Opportunity Areas (OAs). The aim is to enhance the distinctiveness of these areas and to create zones of activity which will add to the diversity of the town centre and Bohemia and create new destinations. These areas will provide a range of new types of development, facilities and activities and proposals will be required to be sensitive to and enhance existing character. The areas are interlinked and contain complementary facilities and land uses. A number of Opportunity Sites have been identified within each Opportunity Area. These sites are illustrated on the Key Diagram and will accommodate the following uses:
- in the region of 12,500m² net of comparison goods floorspace within or adjoining the Primary Shopping Area;
 - in the region of 3,500m² net of convenience goods floorspace within or adjoining the Primary Shopping Area;
 - new housing providing a range of housing types and tenures as part of mixed use development schemes;
 - new and improved leisure and cultural facilities;
 - new and improved public spaces and pedestrian/cycle links;
 - hotels and visitor facilities;
 - employment and education space including workspace for creative industries;
 - opportunities for cafés and restaurants adjoining the Primary Shopping Area and wider seafront/Bohemia area;

Supporting Documents

8. In accordance with the legal requirements of the plan making process, the policies proposed within the draft document have been tested through Sustainability Appraisal (SA). This is also put forward for approval for public consultation.
9. An Equalities Impact Assessment is also in preparation and will be published when public consultation begins.
10. New supporting evidence studies have or are being prepared including:
- a retail & leisure assessment & urban design analysis document;
 - a Masterplan for the Bohemia area;
 - traffic modelling;
 - a Flood Risk Assessment;
 - a housing needs assessment;
 - Conservation Areas appraisals

11. Further work is being or will be undertaken to inform the submission version of the Plan, including viability appraisal, a 'duty to co-operate statement' and an updated Infrastructure Delivery Plan to take account of the final development proposals.

Consultation Arrangements

12. The Council's Statement of Community Involvement (SCI) provides a framework for consultation in relation to planning policy documents.
13. This stage of consultation is required under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended and a minimum 6 weeks of consultation is required.
14. In view of the level of interest that is anticipated, and to accord with the compact for East Sussex the period of consultation will run for 12 weeks. Public consultation will therefore begin in late June with the precise date to be agreed with the Lead Member.
15. Public engagement will be encouraged both online and through the press, as well as by direct notification to a wide range of consultation bodies. There will be an opportunity for people to view and discuss the proposals with Council officers before they submit their comments.

Next Steps

16. Following this public engagement exercise, having regard to the comments and feedback received, the AAP will be redrafted and prepared for submission (under Regulation 22). Cabinet and Full Council approval required for the submission draft of the plan.
17. Before submission there will have to be a six week (minimum) publicity period (under Regulation 19), with representations received in response to that collated and forwarded to the Secretary of State through the Planning Inspectorate. A public examination by an independent planning inspector will follow. The examination will test the plan against national tests of 'soundness' and determine if the Council can proceed to adopt the AAP.
18. The Local Development Scheme (LDS) sets out the type and scope of local plan documents the Council intends to prepare over the coming 3 years, and has recently been updated and approved by Cabinet. This stage of consultation, which is scheduled to begin in late June, is in line with the Council's stated timetable (LDS) for progression of the AAP.

Conclusion

19. Cabinet is asked to agree the Hastings Town Centre & Bohemia Area Action Plan Preferred Approaches document and, subject to any presentational or other non-substantive changes being authorised by the Director of Operational Services in consultation with the Lead Member undertake consultation over a 12-week period starting in late June 2018.

Policy Implications

20. The production of local plan documents which are land-use planning documents, will give rise to the need to consider environmental issues. Financial implications arise both from the cost of producing and consulting on such documents, this has been factored in to the 2018/19 Planning Policy budget. Further costs will need to be planned for and factored in to the 2019/20 budget. Local people's views will be sought as part of the process of developing Local Plan documents.

Timetable of Next Steps

21. List of key actions and the scheduled dates:

Action	Key milestone	Due date (provisional)	Responsible
AAP - Public Consultation (Reg 18)	Cabinet Approval	4 th June 2018	Planning Policy
AAP – Publication of the Proposed Submission AAP (Reg 19)	Full Council approval	Jan-Feb 2019	Planning Policy
AAP – Adoption	Full Council	December 2019	Planning Policy

Wards Affected

All

Implications

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

Equalities and Community Cohesiveness	N
Crime and Fear of Crime (Section 17)	N
Risk Management	N
Environmental Issues	Y
Economic/Financial Implications	Y
Human Rights Act	N
Organisational Consequences	N
Local People's Views	Y
Anti-Poverty	N

Additional Information

Appendix 1 – Hastings Town Centre & Bohemia Area Action Plan Preferred Approaches

Appendix 2 - Hastings Town Centre & Bohemia Area Action Plan Sustainability Appraisal (SA), May 2018

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Hastings Town Centre and Bohemia Area Action Plan

Preferred Approaches - Draft Cabinet version

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Section One

Introduction

- 1.1 Hastings Town Centre and Bohemia has been identified by the Council as critical to the continued social, economic and cultural regeneration of the Borough capable of accommodating the homes, jobs and services which are needed to meet local needs and drive forward future economic growth. The area, whilst providing the town's principal focus for retail, employment, education, leisure, culture and tourism, faces a number of social, economic and environmental challenges. The Area Action Plan (AAP) seeks to address these issues and to unlock the significant untapped potential of the area.
- 1.2 The AAP provides the opportunity to enable a significant step change in Hastings and sets out a coordinated strategy for regeneration and growth. It seeks to make Hastings a more attractive place to live, work and visit, to encourage investment and to maximise local economic benefits. It seeks to promote the early and sustained transformation of the area through a coordinated action plan and effective partnership working. In doing this, it takes a joined up and more flexible policy approach to the town centre, Bohemia and the seafront in order to maximise opportunities and to ensure proposals are sustainable and deliverable.
- 1.3 The boundary of the area covered by the AAP is shown in figure 1.

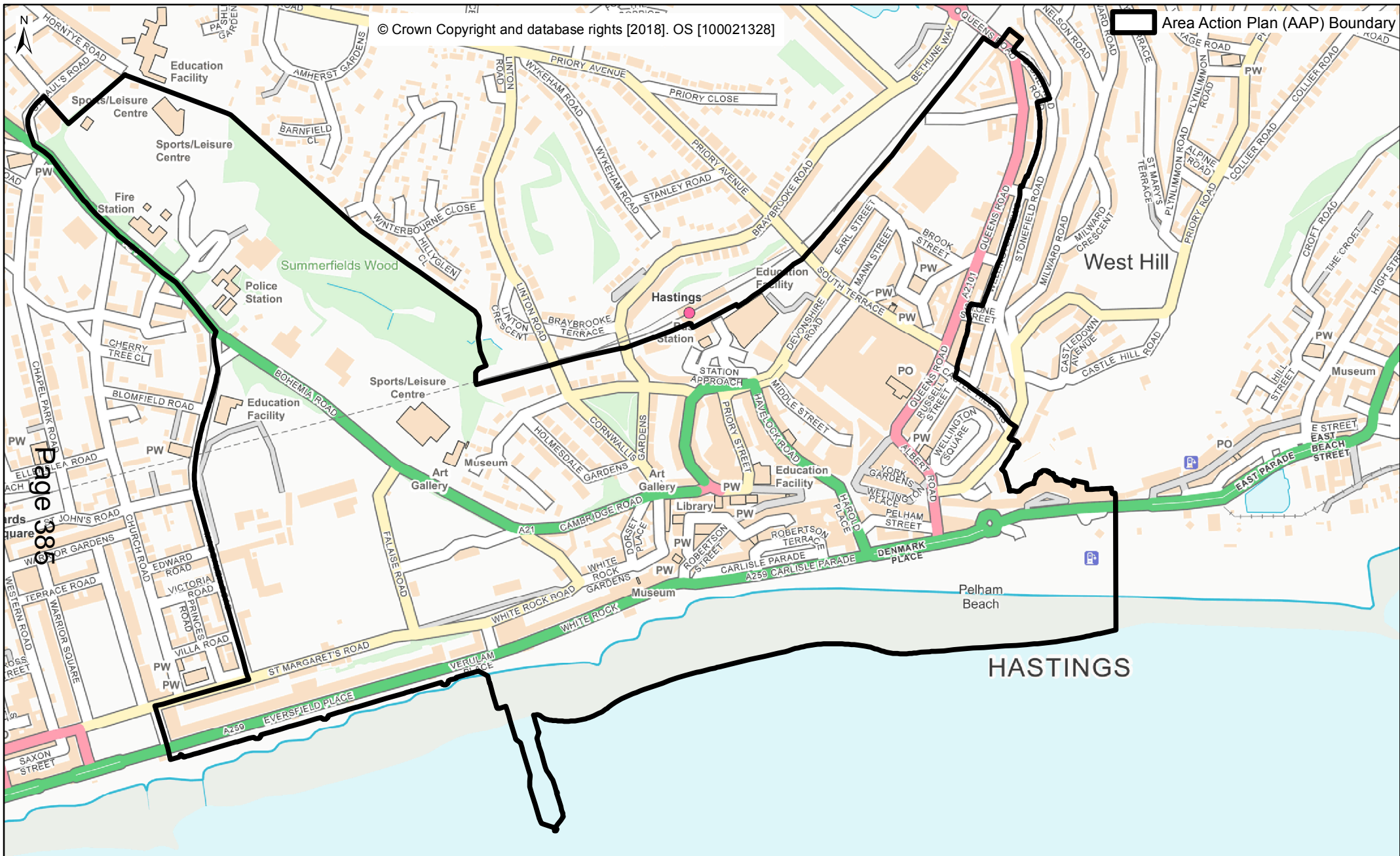


Figure 1
Area Action Plan Boundary

Scale: 1:8,000

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The vision

- 1.4 The vision for Hastings Town Centre and Bohemia has evolved through early engagement with key stakeholders and is as follows:

'By 2033 Hastings, founded upon our unique heritage, natural environment and seaside location and supported by social, economic, cultural and environmental regeneration, will be a safe and thriving place to live, work and visit that offers a high quality of life and has a strong economy and sustainable future. Hastings Town Centre will be a high quality town centre serving local residents, workers, students and visitors – a destination of choice with a unique sense of place.'

- 1.5 To make this happen Hastings Town Centre and Bohemia will be continually improved through investment in the public realm, the reuse of key seafront sites, regeneration of open spaces, new housing development in Bohemia and improvements to the retail offer of the town centre, complemented by new leisure, cultural and tourism facilities. The approach to the regeneration of key areas of the town centre, Bohemia and the seafront will ensure the right uses, in the right location and a scale of development that can positively contribute to the economic life of the town and range of services and uses which benefit both residents and visitors. A careful balance will be struck between the quantum and quality of development, particularly housing, and how this can help create and cross-fund improvements to the public realm, as well as civic and cultural uses in the area. The positive benefits of regeneration will be made possible through a comprehensive and coordinated approach to the use of public sector land and assets.
- 1.6 The town centre will meet modern retail requirements and have a strong local economy whilst making the most of its distinctive heritage, open spaces and seafront.
- 1.7 Bohemia can be a game-changer, a celebration of the Hastings spirit, which builds on existing qualities and unlocks the potential of this part of town. White Rock Park will be both a destination and a new living room for Hastings, and Bohemia will be opened up as a place to explore. Bohemia can be a testbed for new tools and techniques – cultural, social, ecological and economic, for establishing new ways of living. Over time, Bohemia will become a creative, diverse and forward looking addition to Hastings.
- 1.8 We will work in a way that creates interest and invites collaboration. Whilst planning for the future we will open the doors for new uses and provide the framework for future investment.

Objectives

1.9 The vision for the town centre and Bohemia is underpinned by a number of key objectives:

Objective 1: Achieve and sustain a thriving economy

1.10 To promote economic growth and local employment opportunities and increase the quality of commercial floorspace and economic opportunities in the town centre for the benefit of the Borough as a whole. Development and change will be phased in line with investment in the area and will include the provision of interesting buildings and spaces which will attract start-up businesses and people looking for an alternative workspace, including affordable artisan “maker” and co-working/shared working spaces. The process of change in Bohemia will commence in the short term through a series of programmed activities and meanwhile uses and by engaging with the community in shaping the future of the area and its economic vitality.

Objective 2: Make best use of existing assets to make Hastings distinctive

1.11 To make best use of existing assets and facilities and consolidate uses to create critical mass and activity, exploring new retail, civic and cultural spaces and extending the range, quality and accessibility of facilities and services to support a vibrant, thriving place that will attract people to live, work and visit the town centre and Bohemia area.

Objective 3: Promote Hastings as a destination of choice

1.12 To create a more competitive destination with an extended offer as a place to shop, work, spend leisure time, learn and live with an exciting range of different leisure and tourist attractions which will continually evolve the Hastings brand and visitor experience, supported by a programme of events and festivals which will extend the range of visitors and tourist season. To promote the Bohemia area as a focus for leisure, recreational and cultural activities which complements the Old Town and St Leonards, increases footfall and activity, activates the seafront and improves the range and quality of visitor attractions and facilities and the overall visitor offer in Hastings.

Objective 4: Maximise the opportunities to meet local housing needs and create a safe, healthy and attractive living environment

1.13 To maximise the opportunities for new residential development and associated infrastructure which creates attractive and healthy living environments with access to a range of facilities and services and a mix of housing and community facilities including affordable housing. This means making best use of available land and promoting high quality development of an appropriate form and density whilst protecting and enhancing the built and natural environment, providing new and improved green spaces and green links and minimising and mitigating the impacts of development on the natural and local environment from ground, air, water and noise pollution.

Objective 5: Safeguard and improve the town’s heritage and natural environment

1.14 To take an environmentally sensitive approach to change which respects the town’s heritage, reinforces the landscape and seafront setting and ensures new development is of the highest design and environmental quality with the creation of a network of high quality green spaces focussed around a revitalised White Rock Gardens - a park fit for the 21st Century with improved connections to the seafront.

Objective 6: Provide an efficient and effective transport system

1.15 To create an attractive and distinctive area that is accessible to all, particularly those with specific mobility needs. Create strong east-west connections which enables greater walking and cycling and greater use of public transport through the provision of improved pedestrian and cycle connections between Bohemia, the seafront, Hastings Town Centre

and St Leonards which will address issues of traffic congestion, parking and air quality. Embrace the use of technology and communications to enable 'smart mobility'.

1.16 Realisation of these objectives will generate:

- an improved regional presence;
- new employment and business opportunities;
- new and improved leisure and cultural facilities;
- new high quality homes to meet housing needs;
- higher visitor numbers which will in turn generate spend and further investment;
- a positive perception of Hastings as a place to visit and invest in;
- improvements to the health and wellbeing of the people living in Hastings.

Cabinet draft

Section Two

The Plan preparation process

- 2.1 Preparation of the AAP builds on the Hastings Planning Strategy (February 2014) and Development Management Plan (September 2015), both of which cover the whole of the Borough. The AAP will take forward the objectives and aspirations of the adopted Hastings Planning Strategy (2014). The AAP has been informed by a number of other supporting documents including the Hastings Town Centre and White Rock Retail and Leisure Assessment and Urban Design Analysis (Bilfinger GVA, March 2016) and the White Rock Park & Bohemia: A Strategy for the future of the White Rock area (White Arkitekter, July 2017) to be called the White Rock Park and Bohemia Strategy throughout the rest of the AAP document.
- 2.2 The town centre is an important sub-regional retail centre, transport hub, higher/further education and employment centre and serves as a major cultural and economic anchor for the town. Together with the town centre, Bohemia can be a game-changer: a celebration of the Hastings spirit, which builds on the area's existing qualities and unlocks the potential of this part of town. It can provide a testbed for new tools and techniques – cultural, social, ecological and economic and for innovative development including new forms of housing. The AAP sets out the Council's vision for the area and provides the policy framework to guide future development and change. It seeks to enhance the area's character and environment, promote sustainable development and improve the quality and range of facilities and services available to residents, businesses and visitors. In particular it seeks to:
- create a distinctive destination;
 - encourage investment in new high quality development and improvements;
 - create new cultural, leisure and tourism opportunities;
 - improve pedestrian links between Bohemia, the town centre and the seafront;
 - protect and enhance the built and natural environment;
 - enrich the existing character of the seafront and the town's cultural heritage;
 - phase proposals to make best use of available funding and investment;
 - promote a stronger image for the town.
- 2.3 The AAP provides a framework for managing change through the redevelopment of key sites and improvements to the built and natural environment. It focuses on promoting the area as an attractive place to live, as an employment location, retail centre, visitor and tourist destination, a centre for sports, leisure, arts and cultural activities, and a place to invest in. It demonstrates how future development requirements can be accommodated in order to maintain and enhance Hastings' competitive position, whilst at the same time respecting the heritage and character of the area.
- 2.4 The challenge will be to balance future development requirements with the protection and enhancement of the area's unique built and natural environment. Whilst some parts are in need of revitalisation, the area offers significant opportunities for high quality new development. The area also contains buildings and open spaces of heritage importance which have significant cultural and environmental value and should be protected and enhanced for future generations and provide the potential for new uses.

Scope of the Area Action Plan (AAP)

2.5 The Hastings Town Centre and Bohemia AAP covers a 15 year period up to 2033. The AAP provides:

- Policies for the use of land and buildings;
- development and design guidance for key sites;
- proposals for new and enhanced parks and civic spaces and other environmental improvements;
- an Action Plan for the delivery of key proposals and initiatives.

2.6 Once adopted, the AAP will form part of a suite of Local Plan documents with the Hastings Planning Strategy (February 2014) and the Development Management Plan (September 2015) and their successor documents and will be used for Development Management purposes in the determination of planning applications.

Policy context

2.7 The Plan is required to be in conformity with National and Local Policy. A summary of relevant planning policy documents is set out in Appendix 1.

National Policy

2.8 The National Planning Policy Framework (NPPF) 2012 promotes high quality and sustainable development. Sustainable communities require sufficient quality housing to meet their needs, a flourishing local economy supported by adequate infrastructure, a high quality safe and healthy environment and the amenities and facilities required to support a diverse and vibrant local community. The NPPF requires planning policies to positively promote competitive town centre environments and manage the growth of centres over the plan period.

2.9 The draft revised National Planning Policy Framework was published for consultation in March 2018. This document incorporates policy proposals previously consulted on in the Housing White Paper and the 'Planning for the Right Homes in the Right Places' consultation. The draft revised NPPF reiterates that the planning system should be genuinely plan-led and that plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings. It places particular importance on the Government's objective of significantly boosting the supply of homes and ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Local Policy

2.10 The Hastings Planning Strategy (2014) provides the strategic framework for development within the Borough for the period 2011-2028. This includes the provision of at least 3,400 new homes, and 70,000m² of employment space over the plan period. The Hastings Planning Strategy (HPS) maintains Hastings Town Centre as the main retail centre in the Borough as a sub-regional centre with a variety of shops and other facilities. The HPS identifies the provision of 20,500m² of additional comparison retail within the town centre for the period 2014-2028.

2.11 The HPS promotes Hastings and St Leonards Town Centres as the focus for employment in the office, retail, leisure and cultural and service sectors with Hastings Town Centre

being the primary focus. The need for new retail floorspace is clearly set out, but the requirements for convenience and comparison floorspace and commercial leisure facilities have been updated in the Hastings Town Centre and White Rock Retail and Leisure Assessment and Urban Design Analysis (Bilfinger GVA, March 2016). Developing the diversity and quality of the tourism offer is seen as central to the HPS, having the ability to drive visitor numbers and longer dwell times. In parallel, the HPS aims to promote competitiveness in the range and types of shops, develop the evening economy, improve the public realm, and protect and enhance the architectural and townscape heritage.

2.12 The Hastings Planning Strategy (HPS) provides a long term plan to deliver regeneration and sustainable growth in the Borough up to 2028. It sets out a number of key strategic objectives and priorities of relevance to the future of the Hastings Town Centre and Bohemia areas:

- **Achieve and sustain a thriving economy**- developing the key economic growth sectors including the creative industries;
- **Ensure everyone has the opportunity to live in a decent home, which they can afford, in a community in which they want to live**- providing more opportunities for people to live in Hastings Town Centre through mixed use development;
- **Safeguard and improve the town's environment**- conserving and managing the historic environment, protecting and enhancing green infrastructure and biodiversity and providing open spaces, recreation facilities and streets that are well designed, safe and accessible;
- **Address the impacts of climate change**- requiring developments to include appropriate climate change mitigation and adaptation measures such as green roofs and walls, sustainable drainage systems, multi-functional green space and biodiversity enhancement and protection;
- **Support sustainable communities**- improving the quality of life, enabling an increased take-up of sports, leisure and cultural activities by residents and visitors through the provision of accessible facilities and promoting access to a healthy natural environment;
- **Provision of an efficient and effective transport system**- providing a network of safe, good quality walking and cycling routes;
- **Making best use of the Seafront and promoting tourism**- ensuring a range of day long and year round activities and facilities that attract residents, workers and visitors; working with local communities to secure a sustainable future for Hastings Pier and other key landmark sites along the Seafront and encouraging artists and related tourists and visitors through increased opportunities for art and craft studios, markets and retail

2.13 The Hastings Planning Strategy (HPS) requires the development of at least 3400 homes in the Borough up to 2028. Through the AAP there is an opportunity to help meet and potentially significantly exceed this target.

Development Management Plan (adopted September 2015)

2.14 The purpose of the Development Management Plan (DMP) is to guide the determination of planning applications. Any scheme to be considered by the Council will be determined using both the HPS and its policies for overall sustainable growth in the Borough, and the policies in the Development Management Plan. The DMP requires development proposals to give specific consideration to design, amenity and access taking account of the area within which it is located. The DMP identifies a number of development sites within Hastings Town Centre and Bohemia.

2.15 The DMP sets out development management policies including for the protection of retail uses within the defined Hastings Town Centre Shopping Area. The DMP identifies two cultural quarters within the town centre boundary. The White Rock and America Ground

Cultural Quarter includes Robertson Street which is located within the Town Centre Shopping Area; and the Academic Cultural Quarter includes the Priory Quarter site (Site Allocation HTC6) adjoining the Hastings Town Centre Shopping Area. Within the Town Centre Boundary, two sites are identified as having the potential to accommodate some retail floorspace as part of a wider mixed use development; the Observer Building (HTC3) and Priory Quarter (HTC6).

Local Plan Policies Map (adopted September 2015)

2.16 Policies in the adopted Hastings Planning Strategy and Development Management Plan will be applied to the Hastings Town Centre and Bohemia area in addition to the policies and proposals set out in this AAP. In accordance with legislation a new Policies Map is required as each plan is adopted to cover all adopted Borough planning policy documents (i.e. the Hastings Planning Strategy, the Development Management Plan and the Hastings Town Centre and Bohemia Area Action Plan). A new Policies Map will therefore be published at the same time as the AAP is adopted.

White Rock Park & Bohemia Strategy

2.17 The AAP has been informed by the White Rock Park & Bohemia Strategy. The overarching aim of the strategy is to use the Bohemia area as a catalyst to drive forward the continued transformation and regeneration of Hastings. The key principle which underpins the Strategy is to celebrate the assets of the Bohemia area and to transform it into a high quality and distinctive place which will create new opportunities for the town, local businesses and residents. The overall objective is to generate a critical mass of activity that is deliverable and distinctive whilst at the same time, creating a high quality cultural and leisure destination with a strong sense of place and good connections with the wider town centre. The goal is to reinvigorate this part of Hastings through a programme of key initiatives and development proposals including:

- performance/cultural space;
- improved leisure provision;
- outdoor recreational space;
- a mix of uses including housing appropriate to the site and as potential source of finance for other projects;
- retail opportunities that might complement the town centre or the visitor economy
- hotel/visitor accommodation;
- access, including transport and parking;
- the possible re-configuration of public service buildings.

2.18 The document has been prepared in consultation with key stakeholders including existing occupiers, land owners and local groups and organisations. The proposals provide a framework for sustainable change and a shared plan of action. It seeks to create a distinctive place and a shared belief in the future of the town and opportunities for all. Several zones of activity have been identified along with a number of key projects which will be delivered through close partnership working between the Council, other public sector bodies, landowners, developers, local businesses and the community. These have been incorporated into the Hastings Town Centre and Bohemia AAP.

2.19 The document includes a robust delivery plan and a programme of measures to change the image of Hastings such as celebrating cultural heritage, local people and food, an extended 'year round' events programme and improved marketing and branding. The Action Plan sets out how the projects and proposals can be effectively phased over time and the key actions and interventions which will be required to realise the vision for the Bohemia area. It recognises the importance of coordinated action on the part of all stakeholders and the need to improve connections with Hastings Town Centre, Old Town

and St Leonards to achieve regeneration objectives and continue the process of transformational change.

Sustainability Appraisal

- 2.20 The AAP is accompanied by a Sustainability Appraisal (SA) undertaken to meet the requirements of the Strategic Environmental Assessment Regulations¹. The purpose of the SA is to inform and influence the AAP's development process and maximise its contribution to sustainable development.
- 2.21 An initial SA Report has been prepared to accompany the current consultation. In addition to setting out an appraisal of the draft plan, it presents an appraisal of a number of alternative options concerning different elements of the AAP. For ease of reference the alternatives together with the preferred approaches are set out within appendix 2.
- 2.22 Following the completion of the current AAP consultation, additional appraisal work will be undertaken and a further SA report prepared to accompany the forthcoming 'Regulation 19' consultation on the AAP.

¹ The Environmental Assessment of Plans and Programmes Regulations 2004

Section Three

Context and issues

- 3.1 In preparing the AAP, reference has been made to available background material and evidence base documents including the Retail and Leisure Assessments and Urban Design Analysis (Bilfinger GVA, March 2016). This information has been analysed and key issues are summarised in this section.

The area today

- 3.2 Hastings Town Centre is the commercial and retail heart of the Borough. Most of the comparison retail trade takes place here and the town centre has a good representation of national high street retail, catering and other business chains together with many independent shops, cafés and bars. The latter are predominantly in the traditional shopping areas along Robertson Street, Queens Road, and Wellington Place. An important cluster of creative industries has also developed around the Trinity Triangle/Claremont.
- 3.3 The architecture of Hastings Town Centre takes on many forms and patterns and represents a mix of Victorian terraces; mid-20th Century retail blocks and recent retail, office and educational developments. There are also a number of distinctive buildings including Pelham Crescent, St Mary in the Castle and the Brassey Institute (library). The area contains many tourist attractions, such as the White Rock Theatre, Hastings Museum, the seafront and pier. Residential uses are predominantly located around St Andrew's Square, Wellington Square and Holmesdale Gardens. Conservation Areas cover much of Hastings Town Centre and it will be important to protect and, where possible, to enhance features of heritage value whilst securing viable new uses and accommodating appropriate forms of development.
- 3.4 Hastings is undergoing significant change with several regeneration initiatives planned and undertaken. The town centre underwent major planned improvement and expansion during the 1990s with construction of the Priory Meadow Shopping Centre and pedestrianisation of the main shopping streets. This enabled the town centre to better fulfil its role as a sub-regional centre. Its catchment area takes in Hastings, parts of Bexhill and the more rural communities to the north and east of Hastings. However, Hastings currently faces competition from neighbouring centres at Eastbourne, Tunbridge Wells and Ashford and there is a need to improve its competitiveness and the range and quality of its offer. Regeneration funding has been focused on the town centre in recognition of its importance, particularly in terms of improving the further and higher education offer and office space. Significant regeneration has taken place, notably the Lacuna Place development and One Priory Square, the railway station, a health centre and new accommodation for further and higher educational establishments. Major improvements have also occurred along the seafront with many of the formerly derelict seafront buildings being refurbished and brought back in use including White Rock Baths and Hastings Pier.
- 3.5 Hastings has a strong and diverse cultural infrastructure but there are a number of significant gaps which need strengthening particularly in terms of creative workspace and mid-scale cultural venues. The town provides a range of performance venues, museums; art galleries and studios and there is an added cultural dimension offered by the further and higher educational establishments and importantly, by the town's artists, performers and other creative businesses and communities. The Council and its partners have recently focused heavily on culture as an instrument of social change and economic growth. The arrival of the Jerwood Gallery and The Stade open space in 2012 marked a significant point on this journey. The Gallery has had a major positive impact itself, and

subsequently the potential of culturally based regeneration to deliver change has become much more widely accepted.

- 3.6 White Rock Gardens represent a significant and underutilised asset, with a stunning location and unrivalled views. The area is strategically located close to the town centre and between two rail stations but, at the same time, is isolated due to weak connections within the area and with the wider town. There are wonderful sea views but these are enjoyed by a limited number of people and the area has become neglected and difficult to define - nearly a park, but more of a common. Some of the facilities are currently poor quality and need reinvigorating. A key challenge is the re-definition of this space and its relationship with the wider town. Change is required if the area is to realise its full potential and provide a more attractive place to shop, work, live and visit, whilst protecting the essential character of the historic parts.
- 3.7 The area covered by the AAP is very varied in its character and function. To help understand the issues and opportunities this presents, a number of broad Character Areas were defined in the Retail and Leisure Assessments and Urban Design Analysis (March 2016). The Character Areas are illustrated in figure 2 and comprise:
- Summerfields/Bohemia
 - White Rock Gardens
 - Seafrost St Leonards
 - Seafrost Hastings
 - Town Centre core
 - Town Centre edge
- 3.8 Key features of the Character Areas may be summarised as follows.

Summerfields/Bohemia

- 3.9 This area comprises the land north of Bohemia Road, including: Summerfields Wood Local Nature Reserve, Hornty Park, Summerfields Leisure Centre, Hastings Museum, the police station, ambulance station and fire station. Summerfields Wood Local Nature Reserve is a unique natural space with a network of formal and informal footpaths and significant heritage and community assets in the form of the Bohemia walled garden, listed Victorian roman bath and ice house. Summerfields Leisure Centre is the Borough's main leisure centre and Hastings Museum serves residents and is an attraction for visitors to the town, but is currently underused by both. The area is poorly connected to Hastings Town Centre and White Rock Gardens and contains extensive areas of underutilised land and poorly defined uses.

White Rock Gardens

- 3.10 This area includes the public open space south of Bohemia Road and north of St Margarets Road divided by Falaise Road, as well as the former Convent of the Holy Child Jesus. White Rock Gardens is a designated heritage asset of local importance with a mix of indoor and outdoor leisure facilities including long established bowling clubs, a well-used skate park and youth facilities. The convent buildings are listed and of national importance. The area provides an important green space between central Hastings and St Leonards and unrivalled sea views. However, the area is underutilised with poor connections to the seafrost and wider town centre, and there are neglected and largely unused areas. The landscape and public realm is in need of enhancement.

Seafrost St Leonards

- 3.11 This area includes the seafrost promenade, the A259 and terraced buildings from Warrior Square in the west to the pier in the east. The seafrost is characterised by distinctive 4-5

storey Victorian seafront terraces with some areas of new build and the two-level wide seafront promenade. The east-west cycle path forms part of a national cycle network route. The promenade affords long views to Hastings Pier and Hastings Castle to the east and Marine Court to the west. The area is impacted by the busy A259 road with limited pedestrian crossings and poor public realm and landscape quality. There is a lack of activities on this section of the promenade to draw people west from the pier.

Seafront Hastings

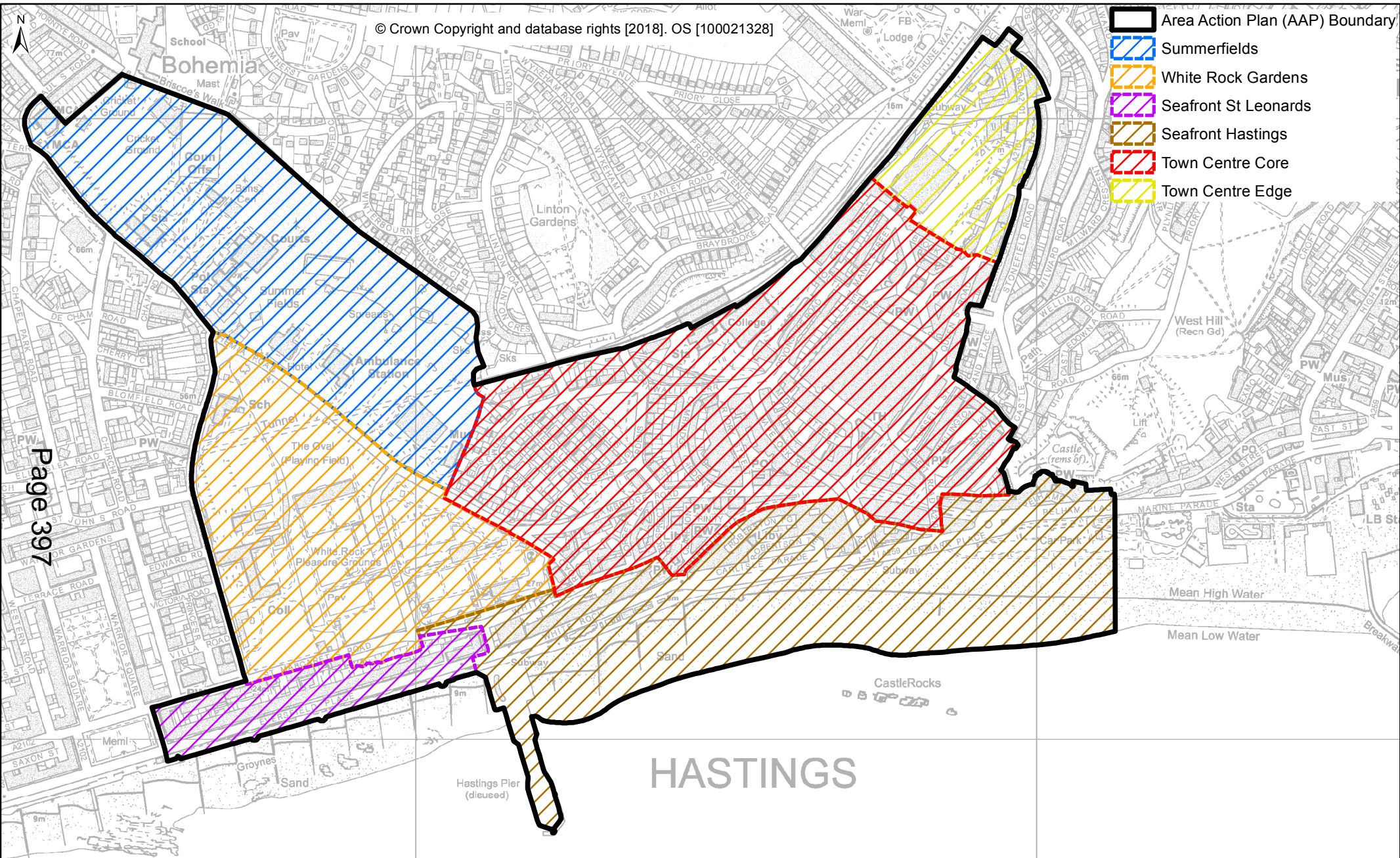
3.12 This area includes the seafront promenade, the A259 and terraced buildings from the pier in the west to Pelham Crescent in the east. Along with the seafront in St Leonards, seafront Hastings benefits from the natural beach environment and views. The wide promenade is well used by pedestrians and forms part of a national cycle network route. Hastings Pier and St Mary in the Castle are cultural landmarks and the restoration of the former White Rock Baths has provided a new attraction in the form of The Source Skate Park. The pier, St Mary in the Castle, Carlisle Parade car park and shelters are listed and of national heritage importance. The busy A259 road with limited pedestrian crossings acts as a barrier to movement between the seafront and town centre and the Harold Place underpass is unwelcoming.

Town Centre core

3.13 This is a large and varied Character Area which covers the town centre shopping areas including Priory Meadow, Robertson Street and Wellington Place, Hastings railway station and adjacent education buildings, and the bulk of higher quality office space focused on Havelock Road. It also includes surrounding residential areas at White Rock, Cambridge Gardens, Wellington Square and St Andrews Square. Priory Meadow Shopping Centre is a strong attractor and the main focus of retail activity in the town centre. The tight historic urban grain creates a compact, accessible retail core and the cluster of heritage buildings creates a distinctive and attractive townscape. There is a good mix of cultural, education and leisure facilities including the cinema and library and a cluster of creative industries in the Trinity Triangle/America Ground Cultural Quarter. Visual and in some cases physical pedestrian and cycle links to the seafront are poor and whilst improvements have been made, the townscape and public realm is of mixed quality.

Town Centre edge

3.14 This area includes the land between the railway line and Queens Road mostly occupied by Morrisons supermarket with the Britannia Enterprise Centre to the north and the terraced houses and shops along Queens Road. The distinctive listed railway bridge provides a strong gateway feature to Hastings Town Centre and there is a diversity of small scale businesses at Britannia Enterprise Centre with some striking views from parts of this area to the extensive Victorian terraces on West Hill. However, there is a loss of cohesive urban character due to the openness of the Morrisons site and dominance of car parking with poor quality townscape along Queens Road and poor quality pedestrian access into Hastings Town Centre.







-  Area Action Plan (AAP) Boundary
-  Summerfields
-  White Rock Gardens
-  Seafrost St Leonards
-  Seafrost Hastings
-  Town Centre Core
-  Town Centre Edge

Figure 2
Character Areas

Scale: 1:8,000

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Key Issues

Built environment and heritage

- 3.15 Hastings Borough is made up of various places and areas each with their own distinctive attributes that together form the character of the area. The Council will make sure that care is taken not to erode this local identity through insensitive development.
- 3.16 Hastings topography is defined by the seafront, the cliffs and castle that preside over the town and development stretching along valleys and high ridges leading to a spectacular townscape. Wide views can be experienced from the pier looking back towards the town. Development should have an appreciation of Hastings' unique topography, and be sensitive to the scale, height, layout and massing of surrounding buildings as well as views to and from the development site. Particular consideration should be given to buildings of special architectural or historic interest that provide richness and diversity to the local area and help create a sense of place. Many of the historic routes and spaces within Hastings can be easily recognised, and remain key to peoples understanding of where they are.
- 3.17 One of the key strengths of Hastings Town Centre and the Bohemia area derives from its history and wealth of heritage assets. The cluster of historic buildings and the 19th Century street pattern in Hastings Town Centre contribute to a distinctive urban character and the restored pier and new use for the former White Rock Baths have provided a renewed focus for the seafront. It will be important to protect and enhance the heritage value of the area and to seek the restoration and viable reuse of heritage assets. There is also the opportunity to use the area's unique heritage as a key driver of regeneration recognising the historic importance of the area as a major asset in delivering the AAP issues and objectives.
- 3.18 There are, however, a number of issues which the AAP must address in order to realise the regeneration objectives for Hastings. Busy roads and traffic dominate many parts of the public realm which restricts pedestrian movement and cycle access and negatively impacts on the character of the town centre and seafront. The A259 is a particular problem as the road severs the town centre from the seafront creating a physical barrier to easy pedestrian flows.

Green infrastructure and landscape

- 3.19 When it comes to green infrastructure the AAP area is one of contrast divided between the highly urbanised town centre with limited green infrastructure, and Bohemia to the west characterised by significant areas of open space. The beach and seafront are two of the town's primary natural assets and are a key attraction for visitors.
- 3.20 The area contains significant open spaces and natural assets. White Rock Gardens and Summerfields Woods provide multifunctional public green spaces with heritage, biodiversity and recreational value but are currently underutilised.
- 3.21 The AAP provides the opportunity to create a better connected network of spaces which will enhance the character of the town and its attraction as a destination.

Movement and connectivity

- 3.22 Whilst strategically located close to the town centre and seafront, the network of pedestrian and cycle routes within Bohemia is poorly defined with a lack of wayfinding.

Pedestrian and cycle connections between the town centre, Bohemia and the seafront are in need of improvement.

- 3.23 Hastings Station is a key gateway into the town and the main transport interchange between bus and train, but pedestrian routes from the station into the town centre are poorly defined and in need of improvement.
- 3.24 Pedestrian access from the seafront to White Rock Gardens and Bohemia is constrained by topography. There are no direct east-west pedestrian links through White Rock gardens between St Leonards and Hastings. Bohemia Road presents a barrier to pedestrian connections between White Rock Gardens and the leisure facilities, museum and Summerfields Wood that are located to the north of Bohemia Road. A key challenge will be to address the significant level change severing the spatial connection between the seafront and the Bohemia area.
- 3.25 Traffic on the A259 negatively impacts on the quality of the seafront and creates a significant barrier to pedestrian movement, with a limited number of crossing points. Safety railings add to street clutter and inhibit pedestrian movement. A key challenge will be to reduce the impact of traffic on the pedestrian environment and to address the severance caused by the A259.

Efficient use of natural resources

- 3.26 The Climate Change Act 2008 establishes a legally binding target to reduce UK greenhouse emissions by at least 80 per cent by 2050 relative to 1990 levels. The NPPF expects plans to take a proactive approach to limit the impacts of climate change and create more resilient environments for communities, including supporting the transition to a low carbon future. Adopted local planning policies within the Hastings Planning Strategy (HPS) (Policies SC1 – SC6) recognise the importance of the built environment in tackling climate change requiring all development to be designed to include appropriate adaptation and mitigation measures.
- 3.27 Policy SC4 of the HPS establishes a local carbon reduction policy for residential development based on the implementation of the energy hierarchy. This policy was developed to align with the expected introduction of the government 'zero carbon homes' policy implemented through Part L of the Building Regulations. The Housing Standards Review was undertaken to streamline local technical performance standards for homes and resulted in a number of significant changes to the Building Regulations. An outcome from the review (March 2015) was that the government does not expect local planning authorities to set conditions for energy requirements above a Code level 4 equivalent (around 19% better than Building Regulations Part L 2013) instead relying on building regulation standards to achieve the desired energy and carbon dioxide targets².
- 3.28 Further to this, in July 2015 following concerns about significant regulatory burdens on house builders and developers the government announced that it would not continue with the zero carbon Allowable Solutions element of its policy (which allows residual carbon emissions to be delivered either onsite or offsite), or the proposed 2016 increase in on-site energy efficiency standards. Instead it will keep standards under review³. This does not modify the NPPF policy allowing for the connection of new housing development to low carbon infrastructure such as district heating networks.

²Written Ministerial Statement – Housing standards: streamlining the system (March 2015)

³ Fixing the foundations: Creating a more prosperous nation (July 2015)

- 3.29 National planning policy recognises the responsibility of all communities to contribute to energy generation from renewable or low carbon sources. Many examples of enterprising community-led initiatives are starting to emerge throughout the country, from community-owner electricity generation, such as solar photovoltaic (PV) panels to wind turbines. Community energy projects have the benefit of engaging the local community, providing leadership and control, with the local community collectively benefiting from the outcome. In principle, the Council will support community-led initiatives for renewable and low carbon energy.
- 3.30 Combined heat and power (CHP) is a highly efficient process that generates both electricity and heat at the point of use. CHP becomes viable once demand for heat and power is in excess of 5,000 hours per annum. Typically, buildings with these sort of high-energy requirements include hospitals, hotels, leisure centres and universities. This technology can significantly reduce a building's running costs, CO₂ emissions and increase fuel supply security.
- 3.31 Linking groups of buildings together through a district heating network can offer further significant savings as a single centralised plant can meet all the development's energy needs⁴. Policy SC5 of the HPS identifies the Conquest Hospital, Summerfields Sports Centre and Hastings Town Centre as locations with potential for CHP network. Recent evidence undertaken on behalf of the Council also highlights Bohemia as an area that lends itself to CHP linked to district heating due to the proximity of public buildings and the existing leisure centre that would provide an appropriate anchor load⁵.
- 3.32 The Council is committed to delivering a greener town and getting the infrastructure in place to support the transition for residents and businesses to low carbon transport. Making provision for electric vehicle charging points will be a primary step to growing this sector.
- 3.33 Southern Water manages potable water supply in the Hastings Borough. The whole of the Southern Water supply area is highly vulnerable to the impacts of climate change with a delicate supply-demand balance. The Environment Agency has identified the South East (which includes Southern Water's supply area) as 'seriously water stressed'⁶. This is where 'current household demand for water is a high proportion of the current effective rainfall available to meet that demand'. It is therefore imperative that local authorities, water companies and developers work together to deliver the water efficiencies needed to help meet future demand as identified within Southern Water's Water Resource Management Plan (WRMP) (2015-2040).
- 3.34 Water companies face a number of water demand challenges including the impacts of climate change causing more extreme weather, working within environmental limits for water abstraction, population growth and changing lifestyles towards smaller households. Reducing water consumption forms a key part of Southern Water's WRMP with a target to reduce average water consumption by 10% (a reduction of 15 litres per person, per day) to 133 litres per person per day by 2020.
- 3.35 Hastings forms part of the Cuckmere and Pevensey Levels catchment. The nearest main river to the AAP area is Combe Haven between the Powdermill Stream confluence and the coast that is located to the west in West St Leonards. Managing urban diffuse pollution is a priority issue for the Environment Agency within this catchment. Pollution

⁴ Combined heat and power for buildings Good Practice Guide (2004) Carbon Trust

⁵ Hastings Borough Council Sustainable Energy Options Study July 2017 & Energy Options Study Report for HBC by CLS Energy Ltd

⁶ Water stressed areas – final classification (July 2013) Environment Agency

from drains, roads and pavements can be washed away by rainfall into the river system. The South East River Basin Management Plan⁷ has identified sustainable drainage and water efficiency as positive measures in helping to manage this issue.

- 3.36 Policy SC3 of the HPS requires development to incorporate climate change mitigation and adaptation measures such as water efficiency measures in new development. However, it is considered that there is a clear local need to reasonably justify a new more measured water efficiency standard for new dwellings within the AAP area to help manage water usage by occupiers.

Housing

- 3.37 The Strategic Housing Market Assessment (SHMA) undertaken in 2013 identified that the Objectively Assessed Need (OAN) for new homes in Hastings in the period 2011-28 was 404 dwellings per annum (6,863 dwellings in total). However, due to the constraints on the availability of development land, the HPS, which provides for at least 3,400 net new homes by 2028, goes as far as it is able in meeting housing need. Updated analysis of objectively assessed housing shows a small reduction but that the need remains significantly higher than the current Plan target.
- 3.38 Whilst there is significant activity in the residential market in Hastings, there are concerns around the rate of housing delivery. The Council is therefore keen to attract new investment to improve the performance of the housing market.
- 3.39 The HPS identifies the town centre as a sustainable location for residential development where it helps to increase the vitality of the town centre. Maintaining a strong retail presence is a priority, however, and residential uses should not displace retail (A1) uses or office space. Residential use may be beneficial above shops or in buildings where the upper floors are under used. The White Rock Park & Bohemia Strategy document has identified the significant opportunity for new and innovative forms of residential development in Bohemia which has the potential to improve the quality and mix of housing in the area.

Retail

- 3.40 Hastings Town Centre is currently performing well with a good mix of national chains and local shops. It is important that this area continues to be viable and to evolve if the town is to continue to attract visitors and investors and compete with other centres. Around 50% of the retail floorspace in the borough is located in Hastings Town Centre.
- 3.41 The requirement for additional retail floorspace was reviewed as part of the Hastings Town Centre and White Rock Retail and Leisure Assessments and Urban Design Analysis (March 2016). As a consequence of continued population and expenditure growth, and the strong over trading performance of a number of food stores across the Borough, there is an identified need for additional convenience goods floorspace over the plan period. This is estimated to be around 3,000m² net by 2020, 3,400m² net by 2025, and 3,500m² net by 2030. In respect of comparison goods, Hastings Town Centre is performing reasonably well, achieving borough trade retention of 48%, and wider survey area trade retention of 30.3%. Sales figures indicate that the town centre is trading well for a centre of this size. There is an identified need for additional comparison goods floorspace over the plan period which is estimated to be around 3,100m² net by 2020, increasing to 7,300m² net by 2025 and 12,400m² net by 2030.

⁷ South East River Basin Management Plan (December 2015) Environment Agency.

- 3.42 A large proportion of Robertson Street and the Seafront Hastings lies within Hastings Town Centre Shopping Area and currently comprises a mix of comparison retail, creative businesses and commercial leisure activities. A key issue relates to the quality of the retail offer and low footfall on the seafront particularly on White Rock. There is potential to extend the regeneration benefits achieved in Robertson Street, Claremont and Trinity Street into this part of the seafront and to enhance the retail offer. This would strengthen the existing cluster of creative industries and create a more vibrant cultural quarter.
- 3.43 It is important the vitality and viability of retail areas in Hastings, including Hastings Town Centre, are safeguarded and enhanced. Failure to plan for future retail needs will mean that competing centres will begin to absorb the share of the spending that Hastings currently attracts.

Offices

- 3.44 The town centre presents a significant opportunity to the borough in terms of office stock. Around 65% of office floorspace is located in Hastings Town Centre.
- 3.45 Office accommodation has grown in Hastings Town Centre, with new floorspace in the Priory Quarter area – in One Priory Square and Lacuna Place. The HPS seeks to develop the town centre as a location for new businesses and those needing to expand. This is of critical importance to the local economy given the need to diversify and strengthen the economic base of the town, encourage new investment and provide new employment opportunities.
- 3.46 The Hastings office market provides considerable supporting evidence for the positive impact that new office space can have on driving an uplift in performance. Prior to the delivery of the Creative Media Centre, Priory Quarter and Havelock Place, the office market within the town struggled. However rents have consistently increased (and have now settled at a much higher average), occupancy rates have increased and a range of new businesses have been attracted to the town (Eastbourne Office Market Report, GVA 2016). Nonetheless, the enhancement of the town centre environment and offer will be critical to attracting new businesses to the town.

Sport and leisure

- 3.47 Hastings Town Centre and the White Rock area contain a number of existing sport and leisure facilities but the quality of provision is relatively poor compared to other centres.
- 3.48 The White Rock area is an important focus for sport and leisure provision with a wide range of existing facilities. Future provision must be considered within context of the Borough-wide strategy. The Leisure Facilities Strategy (2015) identified the following requirements:
- **Sports halls** - additional space required at peak times with enhanced community access;
 - **Health & Fitness** - deficit in existing provision at Falaise Hall;
 - **Swimming** - new provision required: leisure pool, dedicated learner pool and an extended 25m pool;
 - **Artificial pitches** - 1-2 full sized 3G pitches;
 - **Indoor bowling greens** - no additional provision required but improvements to existing facility;
 - **Outdoor bowling greens** - no additional provision required;
 - **Indoor tennis** - low cost indoor courts;
 - **Outdoor tennis** - adequate supply but enhancement of Alexandra Park a priority;

- **Multi-use Games Areas (MUGA's)** - additional courts;
- **Climbing Walls** - enhancement required to meet needs;
- **Water sports facilities** - further assessment required;
- **Skate Parks** - extension to existing facility.

3.49 Any future sports and leisure provision must be considered in the context of other opportunities such as the proposed Combe Valley Sports Village and Rother District Council proposals for Glyne Gap Swimming Pool and Bexhill Leisure Centre. Key issues to be addressed in assessing the potential for future leisure provision in the Bohemia area include:

- condition of existing facilities and requirement for investment to improve the quality of provision;
- constraints on funding availability- whether for refurbishment of existing facilities or the provision of new facilities;
- the importance of partnership working between the public and private sector and sports bodies;
- the need to ensure the long term maintenance and viability of the facilities;
- the need to ensure good access to facilities for the community, taking account of the high proportion of residents who travel to facilities by foot or public transport;
- fragmentation in existing provision;
- the need to ensure that Hastings and Rother facilities are complementary;
- the importance of a coordinated approach to ensure an effective mix of facilities;
- the potential to look at new models of provision.

3.50 Consultation with existing providers has highlighted the operational and management constraints presented by split site operation of indoor sports facilities and the costs of maintenance and issues of energy efficiency associated with the ageing building stock.

3.51 There is the opportunity to strengthen and enhance the sport and leisure offer to increase its attraction to the sub-regional market. There is also the potential to build on the success of new sectors such as skate/BMX, where Hastings excels, and to consider new models of provision where sport/leisure and culture overlap more strongly. This would strengthen the distinctiveness of the offer and the attraction of Hastings to a wider visitor market.

3.52 In terms of commercial leisure, a need has previously been identified for commercial leisure facilities to diversify the leisure experience and attract users from a larger catchment area (Hastings Town Centre and White Rock Retail and Leisure Assessment and Urban Design Analysis (March 2016)).

Culture

3.53 Hastings has a strong and diverse cultural infrastructure including a number of important components - performance venues, museums; art galleries and studios; the cultural dimension offered by further and higher educational establishments in the town centre; and most importantly, its artists, performers and other creative businesses and communities. The Council and its partners have recently focused heavily on culture as an instrument of social change and economic growth. The arrival of the Jerwood Gallery and The Stade open space in 2012 has had a major positive impact and the potential of culturally based regeneration to deliver change has become more widely recognised. There are however a number of gaps in cultural provision and there is the opportunity to address these in the AAP.

- 3.54 The White Rock Theatre is the town's main cultural performance venue and an important year round attraction but experiences significant constraints in its ability to accommodate larger and more complex performances, and the venue does not meet modern requirements for performers, participants and audiences.
- 3.55 The Odeon cinema is well used, but the existing site is constrained. Refurbishment or relocation to an alternative site with the potential to strengthen and expand the film offer could be considered but a cinema should be retained within the town centre, or on a site with strong pedestrian links to the wider town centre.
- 3.56 There is a growing cultural sector in Hastings and it will be important to create an environment which enables the cultural and creative economy to expand. This requires consideration to be given to venues, programming and promotion and to the provision of appropriate creative workspace including studios and co-working spaces. The town's heritage assets offer significant potential, with Hastings ranked 5th in the Royal Society of Arts Heritage Index 2015 with greatest potential economic benefit linked to heritage assets. Existing facilities offer significant untapped potential.
- 3.57 The Development Management Plan identifies three Cultural Quarters in Hastings Town Centre and the White Rock Area:
- **White Rock and the America Ground** – The cluster of the theatre, the pier and the White Rock Baths and Bottle Alley define the western end of this area which extends eastwards along the seafront to the America Ground area with the library, the Creative Media Centre and the collection of restaurants and cafes around Robertson Street and the creative industries cluster around the Trinity Triangle and Claremont;
 - **Academic** – The core of this area is the buildings occupied by the further and higher educational establishments around the station and in Havelock Road and Priory Street and the cultural activity generated within them. Complementary activities such as shops and cafes could be encouraged further.
 - **Old Town and The Stade** – A small part of this area falls within the boundary of AAP around Pelham Place.
- 3.58 Culture-Led Regeneration: A Strategy for Hastings 2016-21 sets out the following key priorities:
- Support social engagement and community cohesion through accessible and diverse cultural activity;
 - Ensure high quality cultural opportunities within formal and informal education are available to all;
 - Build the creative economy, supporting creative and cultural businesses and practitioners to develop and become more sustainable, and attract new investment;
 - Develop and promote a refreshed identity for Hastings and 1066 Country, which brings contemporary culture and traditional heritage together in a coherent and marketable brand;
 - Develop and support a high quality year round cultural programme that links to regeneration and tourism strategies;
 - Support and enable the preservation, development and use of the town's cultural assets.
- 3.59 This is reinforced by the East Sussex Cultural Strategy 2013–2023 which seeks to:
- create an environment where great cultural experiences are available to everyone to enhance their quality of life with the outcome of a growing cultural sector striving for excellence which enables East Sussex residents to have great places to live in, visit and enjoy, and have safe, healthy and fulfilling lives;

- create an environment which enables the cultural and creative economy to expand and enhances our ability to attract and retain other businesses with the outcome of a resilient and growing cultural and creative economy which contributes to a vibrant, diverse and sustainable mixed economy for East Sussex;
- develop and promote well packaged cultural tourism offers which celebrate the identity of East Sussex, raise its profile and attract more visitors and businesses to the County with the outcome of a thriving and high value visitor economy, with great places to visit and enjoy, renowned for its natural assets, unique heritage, culture, market and coastal towns.

- 3.60 A study funded by the South East Local Enterprise Partnership (SELEP) – Towards a National Prospectus for the Creative Economy in the South East sets out a portfolio of sector-led initiatives to build a more self-sustaining, creative and cultural infrastructure in the South East. The prospectus highlights the potential of Hastings to benefit from investment in the creative economy and recognises that the town has a growing reputation as a cultural hotspot. The Jerwood Gallery has been a catalyst for culture-led regeneration and has gained a reputation for its ambitious curatorial programming, increasing, not only its own profile, but also that of the town itself.
- 3.61 The expectation is that Bohemia, strategically positioned between Hastings Town Centre and Central St Leonards, will play an important role in the development of the cultural sector and that development within this area will build on the momentum generated by recent initiatives to ensure maximisation of the economic and social benefits of this cultural renaissance. The aim is to breathe new life to this area and re-position Hastings as a national and international visitor attraction.
- 3.62 A Creative Workspace Masterplan has recently been adopted by SELEP which makes the case for investment in creative open workspace to support the growth of the creative economy including the development of creative clusters and creative enterprise zones. Open workspace includes incubators, accelerators, co-working spaces, managed workspace, makerspaces and artists' studios. Open workspaces have grown as a result of global workplace changes, with technology making it possible for employees and the self-employed to work from anywhere with a good internet connection. Most users are microbusinesses and a significant proportion are creative businesses; open workspaces also bring together professionals working in other areas, including biotech, business services and the charity sector.
- 3.63 Culture-led Regeneration: A Strategy for Hastings 2016-21 specifically seeks to develop cultural quarters built around studio and workshop space for the creative industries. Key issues to be considered in future cultural provision may be summarised as follows:
- Opportunities to enhance provision for theatre, dance and music;
 - Potential for a new arts venue which would complement rather than compete with the De La Warr Pavilion (in Bexhill) or Jerwood Gallery and the pier.
 - Benefits of a cultural hub as distinct from dispersed venues;
 - Potential for enhanced museum offer;
 - Development of the music sector and music town brand;
 - The future of the White Rock Theatre as a site for cultural production as well as presentation;
 - Opportunity to develop the cultural tourism sector and for Hastings to shift from a day trip destination to a short break destination;
 - The viability and potential future use of listed buildings for cultural facilities and creative arts;
 - The need to maintain strong links between the cultural and education sectors;

- Potential to attract a nationally significant cultural production organisation due to Arts Council increasing encouragement for shifting production away from London and metropolitan centres;
- Clear need and opportunity around creative industry workspace.

Tourism

- 3.64 Tourism is of significant importance to the local economy and supported around 5000 FTE (full time equivalent) jobs in 2016. There has been a steady increase in tourism value in the town with the volume of staying visitors up 2% between 2014 and 2015 and £100m spent by staying visitors in 2015 (up 6.1% compared to 2014). However, the volume of day trips fell by 3.1% and day trip expenditure by 2.9% over the same period. The town centre and Bohemia offer significant potential to attract increased tourist spend and to increase employment opportunities in the tourism sector through the development of new and improved leisure and cultural attractions, visitor facilities and improved connections to the seafront.
- 3.65 Visitor statistics for the Jerwood Gallery in 2015 showed that over two thirds (66%) of visitors travelled to Hastings just to see the gallery and around two fifths of these (42%) were first time visitors to the area. Seven out of ten (71%) visitors to the gallery thought that this venue raised the town's profile. The Source Park has also had a significant visitor economy impact. This highlights the importance of cultural tourism to the town and its links to the wider development of the cultural offer.
- 3.66 There is a need to enhance the quality of visitor accommodation, facilities and attractions. Hastings Town Centre and Bohemia have a key role to play in improving the tourism offer and creating a balanced attraction to the Old Town and eastern seafront which will encourage a greater number of visitors to the western part of the town.

Table 1: Summary of key issues & opportunities

<p>Strengths</p> <ul style="list-style-type: none"> ➤ Location ➤ Cultural heritage and history of area ➤ A range of well used retail, cultural and leisure facilities ➤ Existing green space and landscape features ➤ Heritage buildings ➤ Summerfields Wood Local Nature Reserve - a unique asset ➤ Sea views and vistas ➤ Important cultural assets- Hastings Pier and White Rock Theatre ➤ Investment in Hastings Pier and White Rock Baths ➤ Access to Rail Station and public transport ➤ Vibrant independent sector, in both retail and creative industries ➤ Development of a cultural cluster in Robertson Street/Trinity Triangle ➤ Compact, accessible retail core ➤ High level of community involvement in all aspects of Hastings life including the packed annual calendar of events, many run by volunteers 	<p>Weaknesses</p> <ul style="list-style-type: none"> ➤ Lack of sub-regional profile of facilities in the area ➤ Poor quality and range of comparison retail offer ➤ Underutilised areas ➤ Extensive areas of open space which are poorly connected ➤ Poor maintenance and management of open areas ➤ Poor quality pedestrian environment ➤ A large number of disparate occupiers and poorly defined uses ➤ Quality of visitor offer does not meet market expectations ➤ Leisure facilities do not meet identified needs ➤ Poor connections between White Rock, the seafront and wider town centre ➤ Dominance of traffic on seafront ➤ Lack of signage and wayfinding ➤ Poor quality gateways into the town centre
<p>Opportunities</p> <ul style="list-style-type: none"> ➤ Significant areas in public ownership ➤ Potential for consolidation of existing uses ➤ Release of land for mixed use development ➤ Innovation and adaptation which will also act as an attractor to investors and visitors ➤ Unlock potential of seafront, landscape and views ➤ Potential for partnership working ➤ Potential to anchor the town centre at its western edge by driving footfall ➤ Build on assets such as Hastings Pier, Source Park, Hastings Museum and White Rock Theatre ➤ Growth of the 'staycation' market ➤ Improve the quality of the visitor offer ➤ Continued exodus of people from London and Brighton, particularly creative professionals. ➤ Proximity of retail areas to the seafront ➤ Higher and further education facilities in town centre ➤ Opportunity to tell the 1066 story in a way that is more relevant to the town and creates a new visitor attraction 	<p>Threats</p> <ul style="list-style-type: none"> ➤ Ageing retail and leisure facilities in need of investment ➤ Uncertainty regarding future of White Rock Theatre ➤ Deterioration of heritage buildings unless funding and a suitable use is secured ➤ Availability of funding and Investment in new facilities ➤ Piecemeal approach to development ➤ Loss of retail, sports and cultural facilities ➤ Competition from other destinations with superior facilities ➤ Poor quality and quantity of retail space

Section Four

Spatial Strategy

4.1 Change is essential if the vision and objectives for Hastings Town Centre and Bohemia are to be realised. The Spatial Strategy provides the framework for future development and regeneration to realise the full potential of this area.

Key principles

4.2 The Spatial Strategy is based on the following underlying principles:

- Promotion of balanced mixed use development to include retail, leisure, culture, business and residential uses;
- Provision of enhanced sports and recreational uses which will serve a wider sub-regional market;
- High quality design and townscape improvements which respect the heritage and character of Hastings;
- Creating good pedestrian and cycle connectivity between the key opportunity areas;
- Maintaining an appropriate level of parking and access to support retail, cultural and leisure facilities;
- Improving connections between Hastings Town Centre, Bohemia and the seafront;
- Enhancement of the town centre retail, cultural and leisure offer with an improved primary shopping area and the development of specialist retail zones;
- Creation of a strong entrance to the town centre through the development of the station and transport interchange facilities;
- An extended cultural quarter around Robertson Street and the western seafront;
- The creation of three cultural hubs around the White Rock Theatre and Hastings Pier; the former Convent of the Holy Child Jesus and Hastings Museum/Summerfields Wood;
- Protection and enhancement of open space and the natural environment;
- Promotion of visitor economy and enhancement of the seafront;
- Mitigation and adaptation to climate change.

4.3 The town centre and Bohemia provide opportunities to accommodate future growth requirements in the town. The AAP seeks to accommodate these requirements through the identification of a number of opportunity sites.

4.4 The Council wants to make Hastings a 'greener town' and to revolutionise the way energy is supplied and used within the Borough for the benefit of all⁸. Recent research⁹ has identified a number of opportunities for the Council to reduce energy consumption within its own estate as well as a number of longer-term opportunities to generate and supply renewable energy. The Council is looking to develop an Energy Strategy to make the most of the opportunities available. Recent innovation means that dwellings have the potential to achieve very high levels of energy efficiency or zero net energy consumption. The Council is keen to support this type of energy efficient development in residential and non-residential development.

4.5 It is critical that Hastings maintains its position as a sub-regional shopping destination if it is to compete with other centres such as Eastbourne and Tunbridge Wells and continue to

⁸ Hastings Borough Council Corporate Plan 2018/19

⁹ Energy Options Study Report for Hastings Borough Council by CLS Energy Ltd, June 2017 & Sustainable Energy Options Study for Hastings Borough Council by regen transforming energy, July 2017.

attract investors. The AAP seeks to do this by strengthening the retail and complementary leisure offer and increasing the quantity and improving the quality of retail floorspace.

- 4.6 The HPS goes as far as possible in meeting housing need, particularly for affordable housing, but housing delivery is key. The AAP seeks to maximise the delivery of housing within the town centre and Bohemia and to promote new types of housing development which will improve the local housing market and mix.
- 4.7 Hastings Town Centre will continue to be the business hub of the town. There is the opportunity to strengthen the growing creative industries sector and to provide interesting buildings and spaces which will attract start-up businesses and people looking for an alternative workspace, including affordable artisan “maker” and co-working/shared working spaces.
- 4.8 The town centre and Bohemia contain a range of civic and cultural spaces. The AAP identifies the opportunities to reconfigure and enhance existing provision to serve a wider sub-regional market.
- 4.9 The AAP seeks to strengthen the distinctive character of Hastings by building on its key assets. It places culture and leisure at the heart of the Spatial Strategy and provides the opportunity to promote and enhance an exciting range of cultural, leisure and tourist attractions which will strengthen Hastings’ brand and visitor experience, (for example with the pier and Skatepark); supported by a programme of events and festivals extending the tourist season.
- 4.10 The AAP seeks to ensure that new development respects the area’s unique heritage and is of a high design quality. The combination of topography and the physical qualities of the built environment and landscape create a distinctive sense of identity and place in the town centre and Bohemia. New development should embrace the highest standards in architecture, urban and landscape design to strengthen this identity and enhance the image and profile of the area.
- 4.11 Places should be interesting and attractive providing good quality amenity space that promotes health and wellbeing. Features such as landmark buildings at the corner of a street or at the end of a vista, the incorporation of green space and natural features such as mature trees all help to create reference points and interest within a development. New development will be required to contribute to new or improved public spaces and to enhance the Green Infrastructure Network. The development of sustainable and innovative mixed use development will be promoted which makes efficient use of energy and water, utilises energy from renewable technologies and sustainable methods of construction, promotes low carbon modes of transport and incorporates green infrastructure and biodiversity. Where possible, new development will be required to enhance key points of arrival within the AAP area as identified on the Key Diagram (figure 5).
- 4.12 The AAP provides an opportunity to celebrate and enhance existing green assets to create pleasant and healthy environments. Green infrastructure will be used to soften hard landscaping in areas of deficit and within the town centre to provide an additional layer of interest and value. The unique green and open character at White Rock and Bohemia will be incorporated into new development with a robust network of parks and green spaces. The green network will also form an integrated part of the cycle and pedestrian network promoting healthy living and helping people to make sustainable transport choices.

Opportunity Areas

4.13 The Spatial Strategy is based on eight Opportunity Areas (OAs). The aim is to enhance the distinctiveness of these areas and to create zones of activity which will add to the diversity of the town centre and Bohemia and create new destinations. These areas will provide a range of development, facilities and activities and proposals will be required to be sensitive to and enhance existing character. The areas are interlinked and contain complementary facilities and land uses. The Opportunity Areas are identified in figure 3 and comprise the following:

- **OA1: Station Gateway and Priory Quarter:** the gateway to the town and the focus for business and education;
- **OA2: Wellington Place and Castle Street:** a high quality retail area with attractive public spaces and good connections to the seafront;
- **OA3: Queens Road:** the northern gateway to the town with a thriving high street and a range of independent shops and small businesses;
- **OA4: Priory Meadow:** the retail heart of the town;
- **OA5: White Rock and America Ground Cultural Quarter:** a focus for the creative and visitor economy with new workspace and cultural venues;
- **OA6: White Rock Park:** an urban park providing a range of leisure and cultural facilities and a network of open spaces;
- **OA7: Bohemia:** a new mixed use neighbourhood providing innovative new housing and civic services in a parkland setting;
- **OA8: Former Convent of the Holy Child Jesus, Magdalen Road:** restoration and reuse of the listed buildings and creation of a new neighbourhood with links to Bohemia and St Leonards and a network of green spaces.

4.14 The key proposals are summarised below and illustrated in the Key Diagram (figure 5).

OA1: Station Gateway and Priory Quarter

- An extended primary retail area to create an enhanced retail offer/extended retail core to accommodate future requirements for growth in retail capacity
- Improved transport hub and interchange offering a wider range of services and with the potential to accommodate HS1 in the future
- Retention and improvement of parking provision
- Enhancement of pedestrian environment, cycle access and public realm including new public spaces
- Mix of town centre uses to create a vibrant commercial quarter for the town
- Enhancement of station area as a gateway into the town and improved pedestrian links into the town centre and Bohemia

OA2: Wellington Place and Castle Street

- A strengthened retail area
- Improved retail quality and offer
- Enhancement of historic character
- Improved public realm and public spaces including Harold Place to provide a focus to the town centre and an attractive gateway to the seafront
- Enhanced pedestrian environment and links between retail core and seafront
- Improved pedestrian environment

OA3: Queens Road

- Enhancement of the retail area and northern gateway into the town centre
- Intensification of land uses to enhance character and appearance of area including encouragement of new retail uses
- Improved public realm and pedestrian environment
- Promotion of active frontages onto Queens Road
- Development of creative hub and workspace around the Britannia Enterprise Centre

OA4: Priory Meadow

- Enhancement of primary shopping area
- Extended retail offer through the development of new retail floorspace
- Improved public realm and public spaces

OA5: White Rock and America Ground Cultural Quarter

- Improvements to the seafront and visitor facilities
- Enhanced cultural hub around the theatre and pier to create a stronger arts/ community focus
- Enhanced cultural hub around the Trinity Triangle/Claremont
- Reuse of underutilised areas to provide new and improved leisure and cultural facilities
- Improved public realm and public spaces, pedestrian and cycle connections to the wider town centre and station

OA6: White Rock Park

- Restoration of White Rock Gardens as a focus for sport, leisure and cultural uses
- Improved pedestrian connectivity and cycle access including enhanced links to seafront and new east-west and north-south links within White Rock/Bohemia
- Improved public transport and vehicle links

OA7: Bohemia

- Mixed use residential community
- Protection and enhancement of Summerfields Wood
- Network of green spaces, cycle and pedestrian routes
- Heritage quarter focused on Hastings Museum and Summerfields Wood

OA8: Former Convent of the Holy Child Jesus, Magdalen Road

- Restoration of Convent buildings and development of adjacent land to create a new cultural hub and residential community
- Improved pedestrian connectivity and cycle access including enhanced links to seafront and new east-west and north-south links within White Rock/Bohemia
- Improved public transport and vehicle links

Opportunity Sites

4.15 A number of opportunity sites have been identified within each Opportunity Area. These sites are illustrated on the Key Diagram (figure 5) and will accommodate the following uses:

- in the region of 12,400m² net of comparison goods floorspace within or adjoining the primary shopping area;

- in the region of 3,500m² net of convenience goods floorspace within or adjoining the primary shopping area;
- in the region of 820 new homes including a range of housing types and tenures as part of mixed use development schemes;
- employment and education space including workspace for creative industries;
- opportunities for cafés and restaurants adjoining the primary shopping area and wider seafront/Bohemia area;
- new and improved leisure and cultural facilities;
- hotels and visitor facilities;
- new and improved public spaces and pedestrian/cycle links.

4.16 The proposed uses for each Opportunity Site and the indicative capacity of each site are summarised in table 2.

Cabinet draft

Table 2: Opportunity Sites - Proposed Uses and Indicative Capacity (net)

Reference	Site name	Retail	Residential	Business	Food & drink	Culture	Hotel	Sport & leisure	Cinema/ theatre
SG1	Priory Street car park and ESK	up to 5,000m ²	up to 100 units	up to 12,000m ²	✓	✓		✓	✓
SG2	Station Approach car park and Royal Mail Delivery Office	✓		up to 10,000m ²	✓		✓		
SG3	Former Post Office, Cambridge Road	up to 300m ²	✓	Up to 500m ²		✓			
SG4	Queensbury House, Havelock Road	up to 350m ²		up to 4,000m ²	✓	✓	✓		
WP1	Corner of Wellington Place and Albert Road	up to 1,000m ²	✓		✓			✓	✓
WP2	Site of former Harold Place public conveniences	up to 200m ²			✓				
WP3	Cinema, Queens Road	up to 1,500m ²		✓	✓	✓		✓	✓
WP4	1-7 Wellington Place	up to 1,000m ²	✓		✓			✓	✓
QR1	Morrisons, Queens Road	✓	✓	✓	✓			✓	
QR2	Cornwallis Street car park	Up to 375m ²	up to 20 units		✓				

Reference	Site name	Retail	Residential	Business	Food & drink	Culture	Hotel	Sport & leisure	Cinema/ theatre
PM1	Land at Middle Street	up to 2000m ²			✓				
PM2	Station Yard, Station Approach		c.100 units						
WR1	Hastings Pier				✓	✓		✓	✓
WR2	White Rock Theatre				✓	✓	✓		✓
WR3	The Observer Building	✓	49	✓	✓	✓		✓	
WRP1	White Rock Gardens				✓	✓	✓		
WRP2	White Rock Sports Park		50		✓	✓		✓	
B1	Summerfields		up to 250 units			✓	✓	✓	
B2	Hornbye Park		up to 250 units					✓	
B3	Civic Quarter			✓					
B4	Hastings Museum				✓	✓		✓	

✓ = potential uses as part of mixed use development schemes

Section Five

Policies

- 5.1 The policies set out below relate specifically to Hastings Town Centre and Bohemia. In considering new development proposals, these will be applied alongside the policies contained within the Hastings Planning Strategy (2014) and Hastings Development Management Plan (2015).

Retail

Retail Development

- 5.2 The Hastings Planning Strategy (HPS) identifies Hastings Town Centre as the principal commercial centre within the Borough and the main focus for retail and employment growth. In line with national planning policy, the AAP seeks to promote the vitality and viability of the retail area.
- 5.3 The expectations of shoppers are changing and if Hastings is to continue to be attractive to residents, shoppers and visitors, it will need to capitalise on its strengths. Hastings can offer shoppers something different. With a distinct historic environment and seaside location, these defining qualities can be exploited to ensure Hastings successfully competes with other town centres such as Eastbourne and Tunbridge Wells.
- 5.4 Hastings position as a sub-regional shopping destination can be enhanced by strengthening the retail and complementary leisure offer and ensuring enough retail convenience and comparison floorspace is available to accommodate future requirements.
- 5.5 The latest retail assessment¹⁰ shows that Hastings is performing well but if it is to maintain its market share and support population and expenditure growth, additional retail floorspace is required. The retail assessment identifies a requirement for up to 12,400m² (net) of new comparison goods floorspace and an additional 3,500m² (net) of new convenience goods floorspace between 2015 and 2030. This figure is lower than the level of additional retail floorspace identified in Policy DS3 in the HPS.
- 5.6 The quality and variety of retail outlets is a critical factor in continuing to attract shoppers. Hastings has a good mix of national retailers and independent shops. This position needs to be built on by increasing and improving the range of retail outlets in order to enhance the retail offer as well as increasing the mix of other complementary town centre uses and the quality of the public realm.
- 5.7 The development of new retail comparison floorspace and improvements to the quality of the retail offer will be promoted within the town centre. The Council will work with the Hastings BID (Business Improvement District) and other key partners to deliver this aim.

¹⁰ Retail and Leisure Assessment & Urban Design Analysis, Bilfinger GVA (March 2016).

Policy AAP1 - Retail Development

The Council will work with the private sector to provide an additional 12,400m² (net) of comparison goods floorspace and 3,500m² (net) of convenience goods floorspace by 2030 and to improve the existing retail stock through the upgrading or expansion of existing retail units.

Retail development will be supported on the following opportunity sites:

- SG1: Priory Street car park and ESK
- SG2: Station Approach car park and Royal Mail Delivery Office
- SG3: Former Post Office, Cambridge Road
- PM1: Land at Middle Street
- WP1: Corner of Wellington Place and Albert Road
- WP3: Cinema, Queens Road
- WP4: 1-7 Wellington Place
- QR1: Morrisons, Queens Road
- QR2: Cornwallis Street car park

New retail development should complement and be fully integrated and well connected with existing retail facilities. The improvement of and extension to existing shops will be permitted provided they achieve a high standard of design and are well integrated with the rest of the town centre. Smaller units suitable for independent traders will be encouraged in suitable locations. Temporary markets will be encouraged in suitable locations where they will enhance the town centre offer.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development

FA2: Strategic Policy for Central Area

Relationship to Development Management Plan

SA1: Hastings Town Centre Shopping Area

Primary and secondary shopping frontages

- 5.8 Hastings Town Centre Shopping Area is currently defined on the Local Plan Policies Map (by DMP Policy SA1). The AAP provides an opportunity to revise and refine Policy SA1 by introducing both primary and secondary frontages.
- 5.9 Whilst there is a need to diversify land uses to promote a more vibrant and viable town centre, it will also be important to protect core town centre activities such as retail. The definition of primary and secondary frontages will help to protect and strengthen retail provision within the town centre.
- 5.10 It is proposed that within the existing town centre boundary, the primary shopping frontage will include the Priory Meadow Shopping Area (as identified on the Local Plan Policies Map) and the frontages shown in figure 4. The new primary frontage includes the core retail streets within Hastings Town Centre, Queens Road, Wellington Place, Station Road, the eastern end of Robertson Street and north side of Cambridge Road. Within these primary frontages the loss of shops will be resisted and retail (use class A1) will be the predominant use.

- 5.11 Secondary frontages provide greater opportunity for the introduction of other town centres uses. Claremont, Trinity Street and the western part of Robertson Street is establishing itself as a Cultural Quarter and requires provision for a variety of uses such as creative workspace and studios to facilitate a cultural and artistic environment. The extent of the secondary frontage is shown in figure 4.
- 5.12 Residential development can significantly improve the vibrancy of a town centre by creating active places at different times in the day as well as supporting the evening economy. However, residential development will not be permitted at ground floor level within the primary shopping frontage as this would be detrimental to the economic health of the town centre.
- 5.13 Policy AAP2 proposes the introduction of percentage thresholds for both primary and secondary frontages that must not be exceeded for non-A1 retail uses. Policy AAP2 will be applied when assessing applications for a change of use from A1 retail to other uses.

Policy AAP2 - Primary and Secondary shopping frontages

The Priory Meadow Shopping Area and the primary and secondary shopping frontages are defined on the Key Diagram.

Development will be permitted within the Priory Meadow Shopping Area provided this would not result in non-A1 retail uses exceeding 5% of the total floorspace.

Within the rest of the primary shopping frontage, change of use from A1 retail use to non-A1 retail uses will be permitted provided proposals do not result in more than 45% of the total number of ground floor units along the frontage being non-retail uses.

Within the secondary shopping frontage, planning permission for change of use from retail use to non-A1 retail uses will be permitted provided proposals do not result in more than 60% of the total number of ground floor units along the frontage being non-A1 retail uses.

Proposals must not result in a concentration of non-A1 retail uses that would lead to a significant interruption in the shopping frontage, causing harm to the vitality and viability of the Town Centre Shopping Area as a whole.

Relationship to Hastings Planning Strategy
 DS3: Location of Retail Development
 FA2: Strategic Policy for Central Area

Relationship to Development Management Plan
 SA1: Hastings Town Centre Shopping Area

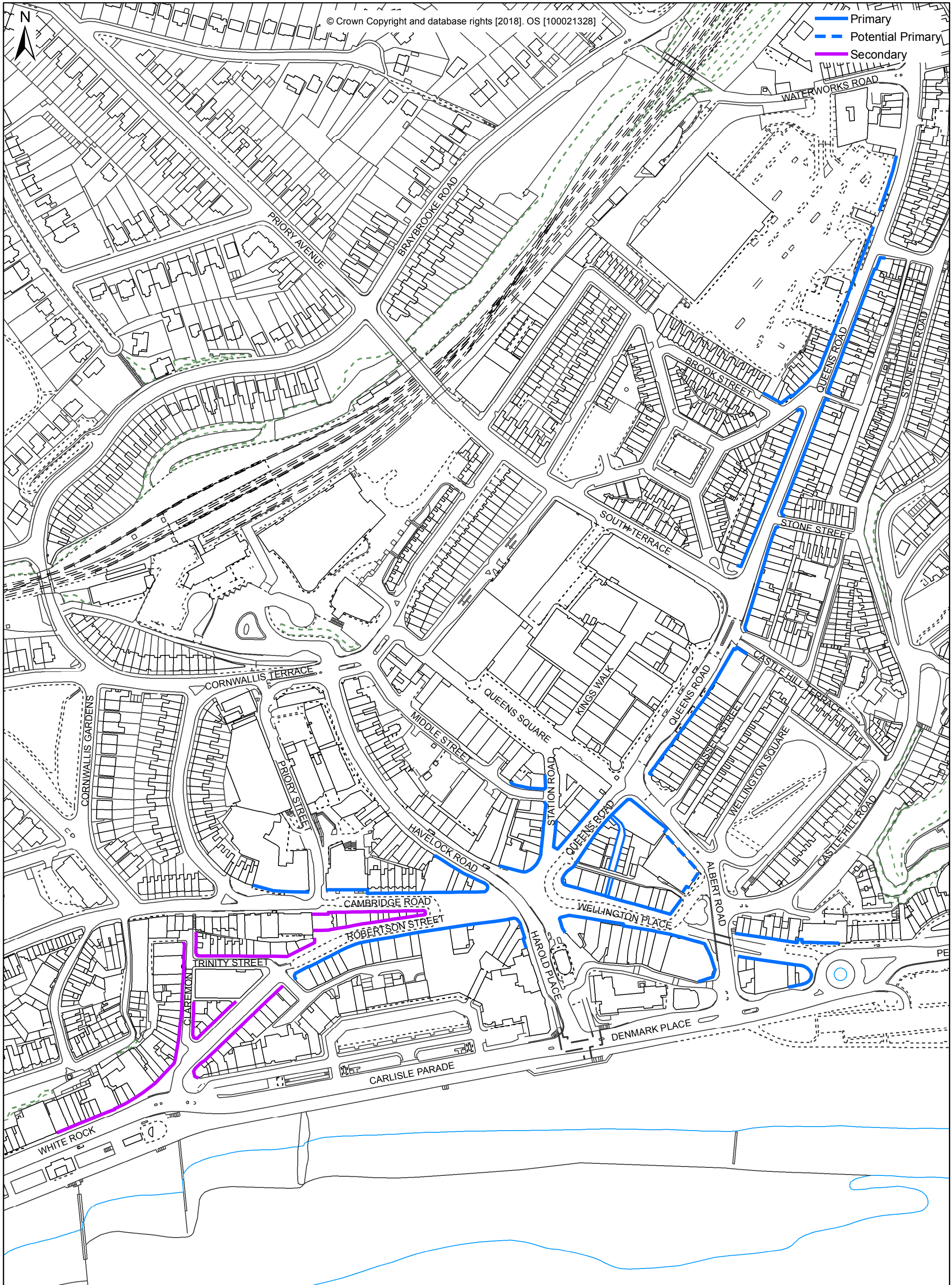


Figure 4
Primary and Secondary Frontages

Scale: 1:2,500

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Housing

- 5.14 Given the constraints to development, and the Hastings Planning Strategy requirement to provide at least 3,400 net new homes by 2028, it is therefore important to optimise the amount of housing that can be delivered in the town centre and Bohemia during this period.
- 5.15 Town centre living will add to the vitality of the area and new housing development in the town centre and Bohemia is a key objective. Residential development will assist in providing a more pleasant and secure environment at all times of the day. The promotion of residential uses as part of mixed use development schemes is in accordance with national and local policy and is a key element in delivering the vision for Hastings Town Centre and Bohemia.
- 5.16 Provision is made for around 820 new homes to meet a range of housing needs. Some of these housing sites have already been identified in the Development Management Plan; including Hastings Station Yard (HTC1), Cornwallis Street Car Park (HTC2) and the Observer Building (HTC3). However the majority of these new homes will be accommodated on opportunity sites in Bohemia. It will be important to ensure provision of a range of housing types and tenures including provision of affordable housing to meet identified local needs
- 5.17 It will be important to optimise the capacity of suitable sites given the need for new housing in Hastings. This will be achieved through optimising the density of new development taking into account site context and the capacity of surrounding infrastructure. High standards of design will be required to enhance the character of the local area.

Policy AAP3 – Housing Development

The Council will work with the private sector and other providers to deliver in the region of 820 new homes in Hastings Town Centre and Bohemia.

Residential development will be supported as part mixed use development schemes on the following opportunity sites:

- SG1: Priory Street car park and ESK
- SG3: Former Post Office, Cambridge Road
- QR1: Morrisons, Queens Road
- QR2: Cornwallis Street car park
- PM2: Station Yard, Station Approach
- WP1: Corner of Wellington Place and Albert Road
- WP4: 1-7 Wellington Place
- WR3: The Observer Building
- WRP2: White Rock Sports Park
- B1: Summerfields
- B2: Hornty Park

Residential development may be supported in Opportunity Area 8 (Former Convent of the Holy Child Jesus, Magdalen Road) as part of a comprehensive scheme which secures the restoration and viable reuse of the former convent buildings.

Development proposals will be required to make the most efficient use of land and be developed at the optimum density taking into account the site context and capacity of surrounding infrastructure.

Development proposals will be required to include a mix of housing, including family housing and affordable housing and contribute towards the provision of necessary social infrastructure including health, education and community facilities, and wider environmental improvements. A high standard of design and the incorporation of measures to mitigate and adapt to climate change will be required. Proposals for community led and self-build housing will be supported

Relationship to Hastings Planning Strategy

DS1: New Housing Development
SC3: Promoting Sustainable and Green Design
H1: Housing Density
H2: Housing Mix
H3: Provision of Affordable Housing

Relationship to Development Management Plan

DM1: Design Principles

Employment

- 5.18 Hastings Planning Strategy proposes that local economic growth and diversification will be met through the development of up to 70,000m² of employment floorspace over the lifetime of the Plan. To support the town centre and its role as an employment centre, the Development Management Plan, makes provision for some 21,000m² within Priory Quarter (HTC6).
- 5.19 Hastings Town Centre will continue to be the business hub of the town with the focus for the development of new office floorspace in Opportunity Area 1 (Station Gateway and Priory Quarter). There is a need for modern office accommodation which will meet the needs of new and expanding businesses and attract new businesses and investment to Hastings. The AAP seeks to provide a range of employment space suitable to the needs of new and expanding businesses and to promote key growth sectors such as the creative industries. Hastings Town Centre will therefore continue to be the business hub of the town.

Policy AAP4 - Employment Development

The Council will work with the private sector and other providers to provide new business employment floorspace including affordable workspace and space for the creative industries.

The development of new business floorspace will be supported on the following opportunity sites:

- SG1: Priory Street car park and ESK
- SG2: Station Approach car park and Royal Mail Delivery Office
- SG3: Former Post Office, Cambridge Road
- SG4: Queensbury House, Havelock Road
- WR3: The Observer Building
- B3: Civic Quarter

Development proposals will be supported which enhance employment opportunities and provide a range of accommodation including smaller units.

In order to promote the development of sustainable neighbourhoods, the provision of

co-working space and workspace for small and start-up businesses will be supported as part of mixed use developments in Opportunity Area 7 (Bohemia) and Opportunity Area 8 (Former Convent of the Holy Child Jesus, Magdalen Road).

Relationship to Hastings Planning Strategy

DS2: Employment Growth

E1: Existing Employment Land and Premises

E2: Skills and Access to Jobs

E3: Town, District and Local Centres

FA3: Strategy for Hastings Town Centre

Culture and creative industries

5.20 The creative industries sector is an important and growing part of the local economy. There is potential to provide interesting buildings and spaces which will attract start-up businesses and people looking for an alternative workspace, including affordable artisan “maker” and co-working/shared working spaces.

5.21 There is a growing cultural sector in Hastings and it will be important to create an environment which enables the cultural and creative economy to expand and thrive. The AAP places culture at the heart of the Spatial Strategy and provides the opportunity to develop and promote an exciting range of cultural attractions which will strengthen Hastings’ brand and visitor experience. This requires consideration to be given to venues, programming and promotion and to the provision of appropriate creative workspace including studios and co-working spaces.

5.22 The White Rock and America Ground Cultural Quarter (OA5) will be the focus of initiatives to promote the cultural sector including new and enhanced cultural facilities and creative workspace. In addition, cultural hubs will be encouraged around the listed buildings on the site of the Former Convent of Holy Child Jesus, Magdalen Road (Opportunity Area 8) and Hastings Museum (Opportunity Site B4)

Policy AAP5 - Supporting Hastings Culture and Creative Industries

The continued growth of Hastings’ cultural facilities and creative industries is supported. Existing cultural venues and facilities will be protected and enhanced. The development of new cultural venues will be supported.

The provision of workspace for the creative industries will be promoted in the White Rock and America Ground Cultural Quarter and on the following opportunity sites:

- WR2: White Rock Theatre
- WR3: The Observer Building
- B4: Hastings Museum
- SG3: Former Post Office, Cambridge Road

The development of new cultural facilities will be supported on the following opportunity sites:

- WR1: Hastings Pier
- WR2: White Rock Theatre
- B4: Hastings Museum
- SG3: Former Post Office, Cambridge Road

The potential to integrate sport and leisure facilities, cultural uses and outdoor cultural space will be investigated in taking forward proposals for opportunity site WRP2: White Rock Sports Park.

New cultural facilities will be promoted as part of a comprehensive scheme to secure the restoration and viable reuse of the listed buildings in Opportunity Area 8 (Former Convent of the Holy Child Jesus, Magdalen Road).

The use of vacant properties and land for pop-ups or meanwhile uses for cultural and creative activities will be supported.

Relationship to Hastings Planning Strategy

DS2: Employment Growth

E1: Existing Employment Land and Premises

E2: Skills and Access to Jobs

E3: Town, District and Local Centres

FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan

CQ1: Cultural Quarters

Delivering good design

5.23 Place-making is central to the vision for Hastings Town Centre and Bohemia. The Council will seek to enhance the character and distinctiveness of the Opportunity Areas through the promotion of high quality and innovative design, a mix of uses and an attractive public realm and network of open spaces.

5.24 New development will be expected to improve:

- accessibility: by defining and enhancing arrival points and developing a clear movement strategy
- connection and linkages: by improved connections, including pedestrian priority streets and enhancing physical and visual connections between the Opportunity Areas
- quality of the public realm: by creating high quality streets and public spaces
- urban green spaces: by integrating green infrastructure
- quality of the townscape: through public art, lighting, and the enhancement of key views and landmarks

Policy AAP6 – Delivery Good Design

The Council will require a high quality of design in all new development. New development should seek to strengthen and enhance the character of the Opportunity Areas by:

- a. improving the main gateways into the town centre and Bohemia through:
 - i. streetscape and landscape treatment
 - ii. distinctive and good quality architecture
 - iii. new/improved pedestrian crossings and connections
 - iv. enhancing heritage assets and cultural landmarks and their settings
- b. retaining strategic and local views and ensuring that new development sustains or enhances these views
- c. the incorporation of accessible and active frontages
- d. the use of attractive, durable, high quality materials

New development will be required to promote the principles of healthy and sustainable design with a high level of resource efficiency and resilience to climate change. Consideration should be given to the incorporation of features such as electric vehicle charging points, living roofs, green walls, rainwater harvesting, passive solar design and zero carbon buildings

Masterplans and design codes should be used to help bring forward development and ensure it delivers high quality design and place making based on the characteristics of the Opportunity Areas.

Design and access statements submitted with development proposals should provide relevant information to demonstrate how the proposal meets the design requirements of the AAP.

Relationship to Hastings Planning Strategy

SC1: Overall Strategy for Managing Development in a Sustainable Way

SC2: Design and Access Statements

SC3: Promoting Sustainable and Green Design

Relationship to Development Management Plan

DM1: Design Principles

Enhancing built heritage

- 5.25 The historic importance of the AAP area is recognised as a major asset in delivering the vision and objectives for the town centre and Bohemia. Sensitive intervention is therefore needed to balance heritage and regeneration objectives.
- 5.26 Ensuring the identification and sensitive management of heritage assets in tandem with promotion of the highest standards of modern architecture will be essential to maintaining the blend of old and new that gives Hastings its unique character.
- 5.27 Regard should be had to relevant Conservation Appraisals before development proposals are submitted to the Council.
- 5.28 All applications for new development in the AAP area will be required to demonstrate an understanding of the local historic environment to explain how this has been taken in to account in evolving the designs and to assess the impacts of the new development on heritage assets. New developments should be high quality and

sensitive to the historic environment. The Council will support proposals for the adaptive reuse of existing heritage assets and the integration of new contemporary design responses within the existing urban and historic fabric.

- 5.29 Development proposals will be required to minimise impacts on heritage assets and their setting and to enhance the character and appearance of the Conservation Areas whilst contributing positively to wider regeneration objectives.
- 5.30 The topography of Hastings is defined by the seafront and the strong presence of the cliffs and the Castle presiding over the town with development expanding along the valley and climbing to higher ridges. This affords spectacular panoramic views from higher ground with strategically important views to and from the castle for example and along the seafront. At street level, the pattern of development, differing built forms and the alignment of roads combine to create a rich and mixed townscape perceived as a sequence of views and glimpses.
- 5.31 Conservation Area appraisals identify a number of views that need to be considered in any future development. Such views are a key element in the character of conservation areas that will need to be taken into account in considering development proposals. Accordingly major development will require a view analysis as part of the planning application stage.

Policy AAP7 – Enhancing Built Heritage

Development proposals affecting heritage assets, and their settings, should be sympathetic to the asset's significance and setting. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early in the design process.

The Council will support proposals which:

- i. enhance the setting of Conservation Areas and heritage assets;
- ii. secure the restoration, reuse and long term viability of historic buildings;
- iii. replace buildings of poor quality and poorly designed shopfronts, outdoor advertisements and signage;
- iv. make use of traditional building materials or complementary materials that contribute positively to local character and distinctiveness;
- v. sustain or enhance historic views and vistas;
- vi. provide high quality and innovative design solutions which minimise impacts on heritage assets and their setting.

Relationship to Hastings Planning Strategy

EN1: Built and Historic Environment

Relationship to Development Management Plan

HN3: Demolition involving Historic Assets

HN4: Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

HN5: Non-Designated Heritage Assets

Shopfront design and advertisements

- 5.32 Well designed and interesting shopfronts attract shoppers by creating pleasing shopping environments where people want to dwell. They make a positive addition to

the street scene and contribute to the local economy by attracting visitors as well as investment.

- 5.33 All shopfronts should contribute to the vitality of Hastings Town Centre by maintaining or enhancing the attractiveness of the street scene. For the purpose of Policy AAP8, shopfronts include all ground floor premises with a fascia sign and or display window, including non-retail uses such as building societies, banks, estate agents, cafés and restaurants.
- 5.34 All shopfront design whether an alteration or a new shopfront, and whether modern or more traditional in design should respect the character, scale, materials and detailing of the host building, as well as the setting of the shop on the street frontage. Overly deep fascias are a common flaw that should be avoided as they can make a building look unbalanced and sever the upper and ground floors.
- 5.35 There are fine examples of traditional shopfronts within Hastings Town Centre, many with elaborate Victorian or Edwardian detailing. The proportions and coherent design of these buildings successfully draw the customer to their display window. The Council is keen to have traditional shopfronts restored and retained and their loss will be resisted where they add positively to the streetscene.
- 5.36 The Council expects high quality shopfront design in all locations. This is especially important for proposals within Conservation Areas and where they impact on listed buildings. Where historic shopfronts or architectural detail exists, there will be a presumption in favour of the preservation of these historic assets. Hastings Borough Council will work alongside the Hastings Business Improvement District (Hastings BID) to improve shopfront design within Hastings Town Centre.
- 5.37 The Council wants Hastings to have exciting and vibrant streets, both during the day and evening and as such will expect security measures to be carefully designed with this in mind. Security measures should be integrated into the overall shopfront design. Laminated glass is the Council preferred measure, followed by internal lattice grilles as both these solutions can provide a level of protection against crime and are sensitive to the character of the street scene.
- 5.38 The Advertisement Regulations¹¹ in place can only control the effect of advertisements and signage on amenity and public safety. External advertising comes in many forms including fascia signs, projected signs on shopfronts, free standing signs, menu boards at cafés and restaurants and post hoardings.
- 5.39 As with shopfront design, a key principle is that advertisements and signage must be designed as an integral part of the shopfront or building on which it is situated. All advertisements and signage must respect the character and setting of the street and be of an appropriate scale, detail, colour and use of materials. This is particularly the case in Conservation Areas, where sensitive design is needed so as to not detract from the important architectural character and quality of the town centre.
- 5.40 The Advertisement Regulations are complex and the Council should be contacted prior to installation of any external advertising or signage to ensure Regulation compliance. There are also special local consent requirements for Estate Agent boards along the seafront.
- 5.41 The Council has adopted guidance within a Shopfronts and Advertisements Supplementary Planning Document that should be referred to in the first instance.

¹¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Policy AAP8 - Shopfronts and Advertising

Planning permission for new shopfronts or alterations to existing shopfronts and signage will be permitted providing the following criterion are met:

- a. All elements of the shopfront (including shop shutters, blinds and signs) form part of an integrated design, with an appropriate relationship to the upper floors;
- b. The proposal respects the architectural style, character and appearance, including details, proportions, material of the building it forms part of;
- c. The proposal relates appropriately to the context of the surrounding area;
- d. The proposal will not result in the loss of a traditional shopfront if it adds positively to the streetscene or details of architectural or historic interest;
- e. Within conservation areas the Council will expect very high standards of shopfront and advertisement design;
- f. Security external shutters and grilles will only be granted where internal or other security measures are not possible and they do not detract from the vitality of the streetscene;
- g. The proposal would allow access to everyone, including older people and those with disabilities;
- h. Consent will only be granted for outdoor advertisements or signs that do not have a detrimental impact on the amenity of the surrounding area and would not result in danger on the public highway.

Relationship to Development Management Plan

DM1: Design Principles

DM3: General Amenity

HN1: Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

Efficient use of natural resources

- 5.42 Due to the scale and mix of potential development within the White Rock Park and Bohemia Opportunity Areas and the ability to plan development from the outset combined heat and power (CHP) linked to a district heating network is the Council's preferred approach to meeting energy demand in these locations. The heat network and any surrounding built form will need to be designed to allow for the expansion of facilities, as development is built out over a number of years and energy demand rises. The following Opportunity Areas have potential to link new development to district heating:
- OA1: Station Gateway and Priory Quarter
 - OA6: White Rock Park
 - OA7: Bohemia
 - OA8: Former Convent of the Holy Child Jesus, Magdalen Road
- 5.43 The Council will need to test assumptions and the financial and technical feasibility of CHP in these locations before taking any potential scheme forward. The Council will seek funding available from the Department of Energy and Climate Change (DECC) Heat Network Delivery Unit for this purpose. If found to be viable, the Council will take a lead role in engaging with potential stakeholders, most notably those with responsibility for key anchor loads, such as the existing civic service facilities and hotel, and any significant new development.

- 5.44 Developments within the AAP area should be designed to make efficient use of natural resources, particularly demands for water and energy. The siting and layout of buildings should make efficient use of land, utilising passive solar design to heat the building as well as cooling consideration through design solutions and green infrastructure, such as planting.
- 5.45 The Council is keen to support highly energy efficient dwellings that have a net emissions rate of near zero or below, or are designed to be Passivhaus buildings. The Passivhaus Standard is a well-known example that takes a 'fabric first' approach to ensure exceptional thermal performance and airtightness to deliver high levels of energy efficiency.
- 5.46 The business sector currently accounts for 25% of UK emissions¹². Although significant demand for energy comes from a small number of larger companies, there is an increasing emphasis on local government to contribute to energy efficiency. Improving the energy efficiency of commercial buildings, lighting and air conditioning for example can lead to significant running cost savings that may also improve the value of the building.
- 5.47 The Council will take the lead by requiring the new leisure centre proposed in Opportunity Area 6 to achieve BREEAM 'Very Good' rating. The British Research Establishment's Environmental Assessment (BREEAM) is a measure of best practice in environmental design and management and addresses a large number of environmental issues, such as energy, water, waste, health and wellbeing, transport, materials, waste, pollution, ecology and innovation. Energy and carbon dioxide emissions are weighted heavily within the scoring framework of BREEAM.
- 5.48 The Clean Growth Strategy estimates that transport accounts for 24% of total UK emissions. In line with East Sussex County Council (ESCC) parking guidance, the Council requires that all new residential development with off-street parking include charging facilities for electric vehicles¹³. This action will contribute towards climate change mitigation and air quality improvements within the AAP area. Developers of non-residential schemes will need to consult ESCC at the earliest opportunity to agree requirements for charging points within their proposed development.
- 5.49 Building Regulations – Part G¹⁴: Water efficiency of new dwellings requires all homes to meet the mandatory national standard of 125 litres per person per day. Following the outcome of the Housing Standards Review¹⁵ a new 'optional' standard was introduced into Building Regulations enabling local planning authorities to require new dwellings to achieve a minimum estimated water use of no more than 110 litres per person per day where clear evidence of need has been established.
- 5.50 Research into the cost of complying with the new standard shows that the additional cost over usual industry practice would be minimal¹⁶. The AAP therefore proposes to introduce a new policy imposing a condition on new residential dwellings requiring development to meet the higher 'optional' water efficiency standards.

¹² The Clean Growth Strategy (October 2017) HM Government

¹³ Guidance for parking at New Residential Development (October 2017) East Sussex County Council

¹⁴ Part G of Schedule 1 Building Regulations 2010, as amended

¹⁵ Written Ministerial Statement: Housing standards: streamlining the system (25 March 2015)

¹⁶ Housing Standards Review Cost Impacts (September 2014) DCLG

Policy AAP9 – Efficient use of natural resources

Alongside high quality design, the Council is committed to sustainable design within all new development, and supports the efficient use of natural resources, including reducing demand for energy and water.

The Council will encourage exemplar proposals that have a net emission rate of near zero or below and will consider these favourably.

The Council supports the principle of community-led renewable energy projects that help communities generate their own electricity, manage their energy needs locally and support more resilient self-sufficient communities.

To support the transition to ultra-low emission vehicles within the AAP area, all new residential development with off-street parking is required to install charging facilities for electric vehicles in accordance with current standards and codes of practice. Proposals for non-residential development where parking is required must also provide charging facilities to be agreed with East Sussex County Council.

To achieve greater water efficiency standards new residential development must be designed not to exceed 110 liters per person per day, in line with higher 'optional' standards set out within the Building Regulations (Part G).

Relationship to Hastings Planning Strategy

SC1: Overall Strategy for Managing Development in a Sustainable Way

SC2: Design and Access Statements

SC3: Promoting Sustainable and Green Design

SC4: Working Towards Zero Carbon Development

SC5: District Heating and Combined Heat and Power Systems

SC6: Renewable Energy Development

Relationship to Development Management Plan

DM1: Design Principles

Green infrastructure

- 5.51 Well-designed green spaces and landscaping can enhance the urban environment, influencing business location decisions leading to new inward investment and employment opportunities¹⁷. It also contributes towards the creation of healthy attractive environments and importantly helps the town be more resilient to the effects of climate change, reducing summer urban temperatures and supporting biodiversity.
- 5.52 The AAP area presents a significant opportunity to enhance green infrastructure with benefits for biodiversity whilst supporting walking, cycling and recreation. New development should be designed to utilise the benefits of green infrastructure, by providing new or enhanced measures, such as using space for sustainable drainage to help manage intense rainfall events and the use of planting for urban cooling. New development will be required to maximize opportunities to maintain, enhance and restore green infrastructure in keeping with the Hastings Planning Strategy, notably Policy EN2 (Green Infrastructure Network), Policy SC3 (Promoting Sustainable and Green Design) and Policy SC7 (Flood Risk).

¹⁷ Demystifying green infrastructure, UK Green Building Council, 2016

5.53 It will be important that all scales of development make space for nature to increase the borough's biodiversity assets.

5.54 The AAP has the following priorities for green infrastructure:

- a. Secure new and enhanced green infrastructure as part of major new development within Bohemia helping to meet the needs of residents and visitors;
- b. Add value to Hastings Town Centre through green infrastructure;
- c. Reinforce and connect existing habitats to the wider green infrastructure network helping biodiversity and habitat protection and enhancement;
- d. Improve people's health and wellbeing by providing attractive and safe green infrastructure.

5.55 New development can contribute to the green infrastructure network through creative design and use of measures such as:

- new and enhanced green spaces
- green linkages providing pedestrian and cycle routes;
- green roofs and roof gardens;
- green 'living' walls;
- sustainable drainage systems/swales;
- street tree planting

Policy AAP10 – Promoting Green Infrastructure

New development will be required to respond positively to the creation and/or enhancement of green assets where opportunities exist in line with the priorities for green infrastructure within the AAP area.

The Council will support innovative solutions to improve the green infrastructure network in new and existing developments. The seafront contribution to the green infrastructure network should be protected and maximised. New development that secures net biodiversity gains will be supported.

Where appropriate, new development will be required to:

- i. make provision for new and improved green spaces;
- ii. contribute to the creation of a network of green spaces linking together existing and proposed green infrastructure assets;
- iii. incorporate green roofs on commercial and other buildings;
- iv. consider opportunities for biodiversity and amenity enhancement where sustainable drainage systems (Suds) are incorporated into new development including the public realm;

Green infrastructure should be fully integrated into development from the outset and provision must be made for its future maintenance.

Relationship to Hastings Planning Strategy

EN2: Green Infrastructure Network
SC3: Promoting Sustainable and Green Design
SC7: Flood Risk

Relationship to Development Management Plan

HN7: Green Infrastructure in New Developments
HN8: Biodiversity and Green Space
HN10: Amenity Green Spaces

Public realm

- 5.56 The AAP presents opportunities to create a high quality public realm and new and improved public spaces. The seafront is the most important public realm asset for the town and can be significantly enhanced through the provision of improved connections with the town centre and Bohemia and improvements to the pedestrian environment.
- 5.57 One of the challenges is to reclaim the public realm from traffic to create high quality, flexible spaces that restore the greater mix of commercial and civic activity that defined their use in the past. Delivery of public realm improvement works therefore will require coordinated efforts from the Council, ESCC, and other delivery agents. The A259 presents a particular challenge in relation to the quality of the seafront and connections with the rest of the AAP area. It will be necessary to address the problems of the A259 and existing road network in order to promote sustainable development and lasting economic regeneration.
- 5.58 The AAP aims to transform the experience and perception of Hastings Town Centre and Bohemia through improvements to the public realm. This will be achieved through well considered materials, planting, street furniture, signage, art, drainage and other highway infrastructure. Investment in these key elements can turn public spaces into memorable and enjoyable places and make the area attractive to investors. Public space, the way it is enclosed, the activity that takes place round its edges and within it, the choice of surface treatments, the maintenance of the space and its creative input all contribute to its image and quality.
- 5.59 Much of the central area has been pedestrianized but there is a lack of consistency in design which has resulted in a variety of paving materials and unnecessary street furniture such as bollards and guard rails. New paving, canopies, feature lighting, new street furniture, when consistently applied will create a vibrant and attractive space at the heart of the town centre.
- 5.60 Harold Place is one such location where enhancement measures could be made. This central space is characterized by a series of radiating streets fronted by buildings of three and four storeys. The rounded corners of the surrounding buildings facing the space emphasise its focal role indicating the close relationship between the public realm and surrounding development. The potential of the space is undermined by vehicle usage which points towards a need for reclaiming vehicular road space, where possible.
- 5.61 Whilst strategically located close to the town centre and seafront, Bohemia lacks connectivity with the seafront and wider town centre and the public realm is poorly defined. Pedestrian access from the seafront is constrained by topography and pedestrian and cycle routes through the area are ill-defined with lack of signage and unclear wayfindings. There is the opportunity to improve the public realm connecting the former convent site with White Rock Gardens through improved east-west connections. Bohemia Road presents a barrier to pedestrian connections across the north and south of Bohemia Road which should be addressed in any new development.
- 5.62 New development will be required to make provision for improvements to the public realm including upgrading the existing public open spaces and civic spaces as well as creating new public realm within the town and improved connections with those that lie just outside. Well maintained streets and public places encourage their use and add to their vibrancy. Proposals for improvements to the public realm will be considered in a holistic way, taking account of the lifetime of the development in terms of initial investment and levels of on-going maintenance.

Policy AAP11 - Public Realm

New development will be required to make a positive contribution to the quality of the public realm through the enhancement of existing public realm or the provision of new public realm as an integrated part of new development schemes. Where relevant new development will be required to:

- a. emphasise the points of arrival into the town centre (as identified through innovative surface redesign and improved pedestrian crossings);
- b. reinforce a clear street hierarchy and improve legibility by applying a cohesive approach to streetscape design;
- c. improve the pedestrian environment and connections between Opportunity Areas;
- d. utilise durable and high quality materials within the public realm, with special attention to detail and maintenance;
- e. specify management and maintenance regimes; and;
- f. make provision for the inclusion of public art and lighting.

Enhancement of the following roads and principal areas of public realm will be promoted within the plan period. The Council will work with East Sussex County Council and the private sector to implement these improvements:

- A259/seafront
- Station gateway
- Priory Street
- Havelock Place
- Harold Place
- Wellington Place/Castle Street

Relationship to Hastings Planning Strategy

FA2: Strategic Policy for Central Area

Relationship to Development Management Plan

DM1: Design Principles

Promoting sustainable transport

5.63 A comprehensive approach is proposed to improve wayfinding, pedestrian prioritisation, improved pedestrian crossings and new pedestrian and cycle routes.

Key principles include:

- Prioritise pedestrian and cycle movement in the town centre, ensuring access for all;
- Ensure busier roads are easy for pedestrians to cross in key strategic locations;
- Reduce road space where feasible to increase space for pedestrians;
- Manage seasonal parking demand with better information about location of car parks and temporary car parks;
- Make provision for coach parking in appropriate locations to meet requirements associated with existing and proposed uses in the town centre and Bohemia.

Policy AAP12 – Sustainable Transport

The Council will work with East Sussex County Council to deliver a programme of transport infrastructure improvements to enable greater access for pedestrians and cyclists including improved/increased pedestrian crossings and shared space junctions along the A259 seafront road.

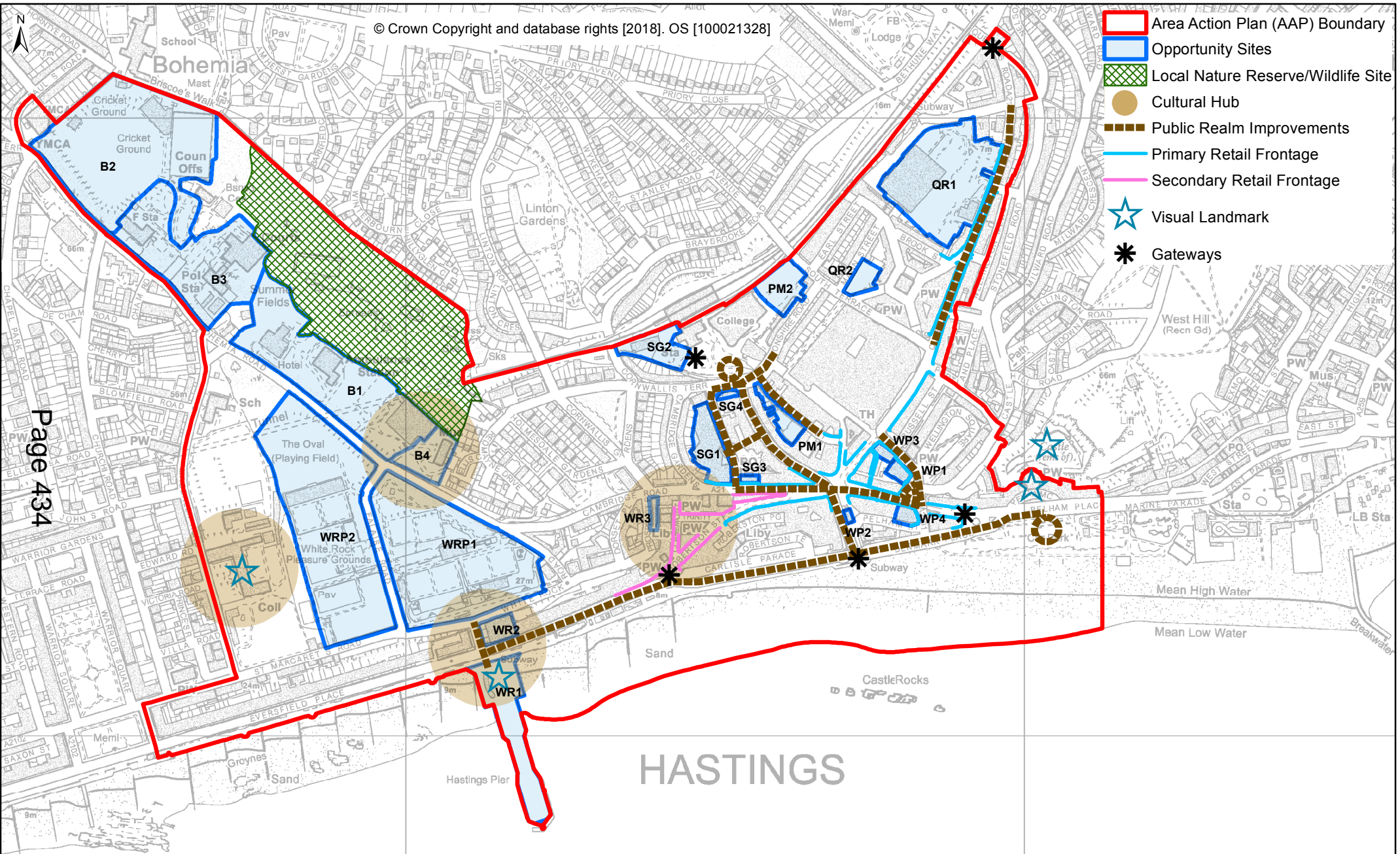
Parking management will be assessed across the town centre to reclaim seafront space for leisure uses and improve the pedestrian environment. Provision will be made in appropriate locations for coach parking to meet existing requirements and needs arising from new development. A cycle strategy will be implemented for Hastings Town Centre in line with Policy T3 of the Hastings Planning Strategy.

Relationship to Hastings Planning Strategy

FA2: Strategic Policy for Central Area

T2: Local Road Improvements

T3: Sustainable Transport



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Figure 5
Key Diagram

Scale: 1:8,000

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Section Six

Hastings Town Centre

- 6.1 Hastings Town Centre is the commercial heart of the town and opportunities should be promoted to enhance the vitality and quality of the retail and commercial offer to ensure the town remains competitive. This will include making provision for high quality comparison retail floor space and creating new employment opportunities.
- 6.2 The objective is to build on existing assets and the seafront location to create a high quality town centre serving local residents, workers, students and visitors – a destination of choice with a unique sense of place. The town centre will meet modern retail requirements and have a strong local economy whilst making the most of its distinctive heritage, open spaces and seafront.
- 6.3 The primary retail area will be extended with the creation of two new retail hubs to complement Priory Meadow and enhance the retail offer and attractiveness of the town centre. These retail hubs will focus on Wellington Place/Castle Street and Priory Street.
- 6.4 Four Opportunity Areas (OA) have been identified in Hastings Town Centre:
- OA1: Station Gateway and Priory Quarter
 - OA2: Wellington Place and Castle Street
 - OA3: Queens Road
 - OA4: Priory Meadow

Opportunity Areas within Hastings Town Centre

Opportunity Area 1 (OA1): Station Gateway and Priory Quarter

- 6.5 This area includes Hastings railway station and Priory Quarter which has been the focus for recent education and office development adjacent to the station and extending along Havelock Road. Significant regeneration has taken place in this area, notably the Lacuna Place development and One Priory Square, Sussex Coast College, the railway station, health centre and further education buildings. In particular, the Council wants to see the development of Priory Quarter continue, including the redevelopment of Queensbury House, and Priory Street, to create new employment, retail and leisure uses.
- 6.6 The focus of development within the town centre will continue to be around Priory Quarter. This area is most suitable for further development and change due to its strategic location adjacent to the station and scale of development opportunity.
- 6.7 The proximity of this area to the town's main transport interchange (rail & bus station) means the whole area has the potential to act as an attractive gateway to Hastings. Opportunities exist for public realm improvements and the reconfiguration of public spaces to enhance this area's offer as a pedestrian hub and main access point to the town centre.
- 6.8 The area provides the opportunity for larger scale development and has the capacity to absorb additional retail and employment floorspace and contribute significantly to the regeneration of town centre.
- 6.9 The area provides opportunity for improving connectivity between the Station and the Seafront, Hastings Town Centre and Bohemia.

6.10 The Station Gateway and Priory Quarter Opportunity Area will be developed in accordance with the following principles:

- Creation of a strong town centre hub by promoting a balanced mix of uses that contribute to the town's growth and supports new investment;
- Redevelopment of key sites to increase retail capacity within the town centre;
- Introduction of an element of residential use as part of office/retail led mixed use development to support delivery and sustain vibrancy and the evening economy;
- Rationalisation of parking and vehicular movements to create more efficient traffic circulation;
- Raising the quality of streets and public realm including provision of green infrastructure;
- Improving pedestrian and cycle access from Hastings Station to the town centre, seafront and Bohemia areas.

6.11 Development will be required to address the following key objectives:

- Poor connections between key development sites; such as Priory Street car park with the surrounding streets, open space and town centre core area;
- Deliver a significant portion of employment and retail needs;
- Support the regeneration of Hastings Town Centre through provision of land uses that complement the main town centre uses;
- Enabling residential development to create high quality homes in the heart of Hastings.

6.12 Priory Street has a poor public realm which discourages pedestrians although it provides an alternative and direct connection between the station, Trinity Triangle and the seafront. At the ground level, redevelopment presents an opportunity to create new active frontages, complementing the existing Priory Square to help establish a new vibrant street with an enhanced pedestrian experience. New development would facilitate these improvement works.

6.13 Priory Street will be promoted as a secondary route to the seafront from the station and will:

- create a high quality pedestrian and cycle route; and
- complement and support the existing public space at Priory Square on the west side of Priory Street.

6.14 Havelock Road is the main route connecting pedestrians and cyclists between the station and the seafront. The Council will work with Network Rail and the train operating company (TOC) managing the station to review pedestrian/cycle access from the station to the highway boundary. The steps located to the right of the station could be improved with a cycle channel, to improve cycle access. The pedestrian crossing located at Devonshire Road/Middle Street is currently not located on the desire line, therefore pedestrians are crossing at the far edge of the crossing, but this would need to be reviewed in alignment with the access to the Priory Meadow car park.

6.15 The Council will work with East Sussex County Council to identify options for improvements of the public realm, pedestrian experience, cycle access and vehicular movement. Subject to funding being available, the Council and its partners will explore the potential to:

- create new or improve existing crossing facilities with an increased emphasis on priority being given to pedestrians and cyclists over vehicular traffic;
- consider replacement of the current light controlled crossings located in Devonshire Road/Cornwallis Terrace/Havelock Terrace;

- replace the current pedestrian crossing at Devonshire Road/Middle Street junction along the desire line;
- improve the public realm at Station Approach;

Policy OA1 – Station Gateway and Priory Quarter

The Station Gateway and Priory Quarter Opportunity Area is the main gateway into the town centre and the town's key transport interchange. The Council will work with developers and other partners to bring forward mixed use development comprising comparison retail, offices, leisure and residential uses and public realm improvements.

New development will be required to support the vision for the Station Gateway and Priory Quarter and to have regard to the heritage and conservation context. Proposals will be required to enhance connections between the station, town centre and seafront.

Relationship to Hastings Planning Strategy

DS1: New Housing Development
 DS2: Employment Growth
 DS3: Location of Retail Development
 FA2: Strategic Policy for Central Area
 FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan

DM1: Design Principles
 SA1: Hastings Town Centre Shopping Area
 HTC6: Priory Quarter, Havelock Road

Opportunity sites within Station Gateway and Priory Quarter (OA1)

6.16 The Station Gateway and Priory Quarter Opportunity Area (OA1) contains four opportunity sites as shown in figure 6:

- SG1: Priory Street car park and ESK
- SG2: Station Approach car park and Royal Mail Delivery Office
- SG3: Former Post Office, Cambridge Road
- SG4: Queensbury House, Havelock Road

Opportunity Site SG1: Priory Street car park and ESK

6.17 Priory Street car park forms part of the Priory Quarter allocation (Policy HTC6) and is allocated under that policy primarily for mixed use employment led development. The site offers strong potential for intensification and optimised land use given the location and proximity to the primary shopping area and education quarter. The redevelopment of the site presents the opportunity to:

- extend the primary retail area and meet the requirement for additional retail floorspace in the town centre;
- create an enhanced shopping experience through the redevelopment of the ESK store, including reconfiguration of the servicing area;
- deliver public realm improvements;
- provide additional uses on upper floors through office, leisure and commercial development;
- provide a range of employment space including start-up business hubs, co-working/shared working spaces and space for small and expanding businesses.

- 6.18 There is potential for other town centre uses such as leisure, culture and residential as part of a mixed use development provided this would not prejudice delivery of employment and retail opportunities. The amount of residential development which is delivered on the site will be required to comply with other planning policies.
- 6.19 Development of site SG1 must be considered in association with site SG2. Redevelopment of the site will require the relocation of the existing multi-storey car park to site SG2.

Policy SG1 – Priory Street car park and ESK

The Council will work with partners to promote the redevelopment of this site. A mixed use development will be supported, including employment, retail, leisure and commercial uses as appropriate.

Residential uses may be acceptable as part of a mixed use development scheme where this would improve the viability of the site.

The Council will require a comprehensive master plan for the phased redevelopment of the site, which should be considered in association with the Station Approach car park and Royal Mail Delivery Office (site SG2).

A high quality design and public realm improvements will be required which enhances the character and appearance of the area. Active frontages will be required to Priory Street and Cambridge Road.

Relationship to Hastings Planning Strategy:

DS1: New Housing development
 DS2: Employment Growth
 DS3: Location of Retail Development
 FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan:

DM1: Design Principles
 HTC6: Priory Quarter, Havelock Road

Opportunity Site SG2: Station Approach car park and Royal Mail Delivery Office

- 6.20 The Royal Mail Delivery Office forms part of the Priory Quarter development (Policy HTC6) in Development Management Plan. The site's location next to the station area provides the opportunity to create an appealing attractive gateway to Hastings and could include the development of a hotel. The redevelopment of the site is an opportunity to:
- develop a multi-storey car park to replace the existing Priory Street car park and the surface level parking at the station;
 - provide for station car parking in line with the prospect of High Speed 1 (HS1) being implemented within the lifetime of the AAP;
 - reconfigure Station Approach for a better pedestrian experience;
 - provide additional hotel use on the upper floors that is consistent with the gateway function.
- 6.21 A major factor in the timing of the redevelopment of this site is the relocation of the multi storey car park from site SG1 and the existing delivery office. The site is capable

of supporting a mixed use employment led scheme with retail and potentially leisure space. Development of this site must be considered in association with site SG1.

Policy SG2 - Station Approach car park and Royal Mail Delivery Office

The Council will work with landowners to promote the redevelopment of Station Approach, car park and the Royal Mail Delivery Office site. A mixed use development will be supported to include a multi-storey car park (up to 350 spaces) and employment space. Other uses may be acceptable including a hotel.

The Council will require a comprehensive master plan for the redevelopment of the site. Development of the site should be considered in association with the Priory Street car park and ESK (site SG1).

Relationship to Hastings Planning Strategy

DS2: Employment Growth

DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan:

DM1: Design Principles

HTC6: Priory Quarter, Havelock Road

Opportunity Site SG3: Former Post Office, Cambridge Road

6.22 The building provides an opportunity for a mixed use scheme with retail use at ground floor level to create an active frontage.

Policy SG3 – Former Post Office, Cambridge Road

The Council will support a mixed use development which would provide:

- a. retail use on the ground floor;
- b. offices or residential uses on the upper floors;
- c. retention of the original post office building

The provision of workspace for creative industries and studio space will be supported.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan

DM1: Design Principles

SA1: Hastings Town Centre Shopping Area

Opportunity Site SG4: Queensbury House, Havelock Road

6.23 Queensbury House forms part of the Priory Quarter allocation Policy HTC6. Within this area land and buildings are allocated for mix use employment-led development. Policy SG4 develops Policy HTC6 promoting the re-use as well the potential for the redevelopment of the Queensbury House.

<p>Policy SG4 – Queensbury House, Havelock Road</p> <p>The Council will work with partners to secure the redevelopment and/or reuse of Queensbury House to provide a range of business floorspace within use class B1. Other appropriate uses such as a hotel, culture and food and drink which will extend the range of employment opportunities and activities in the town centre may be acceptable as part of a mixed use scheme subject to viability in order to achieve the redevelopment and/or reuse of the building.</p> <p>Redevelopment will be required to:</p> <ul style="list-style-type: none">a. be of a high design quality;b. respect the significance and setting of the Conservation Area;c. incorporate measures to address parking and access issues;d. create active uses on the ground floor. <p>Relationship to Hastings Planning Strategy DS2: Employment Growth FA3: Strategy for Hastings Town Centre</p> <p>Relationship to Development Management Plan: DM1: Design Principles HTC6: Priory Quarter, Havelock Road</p>

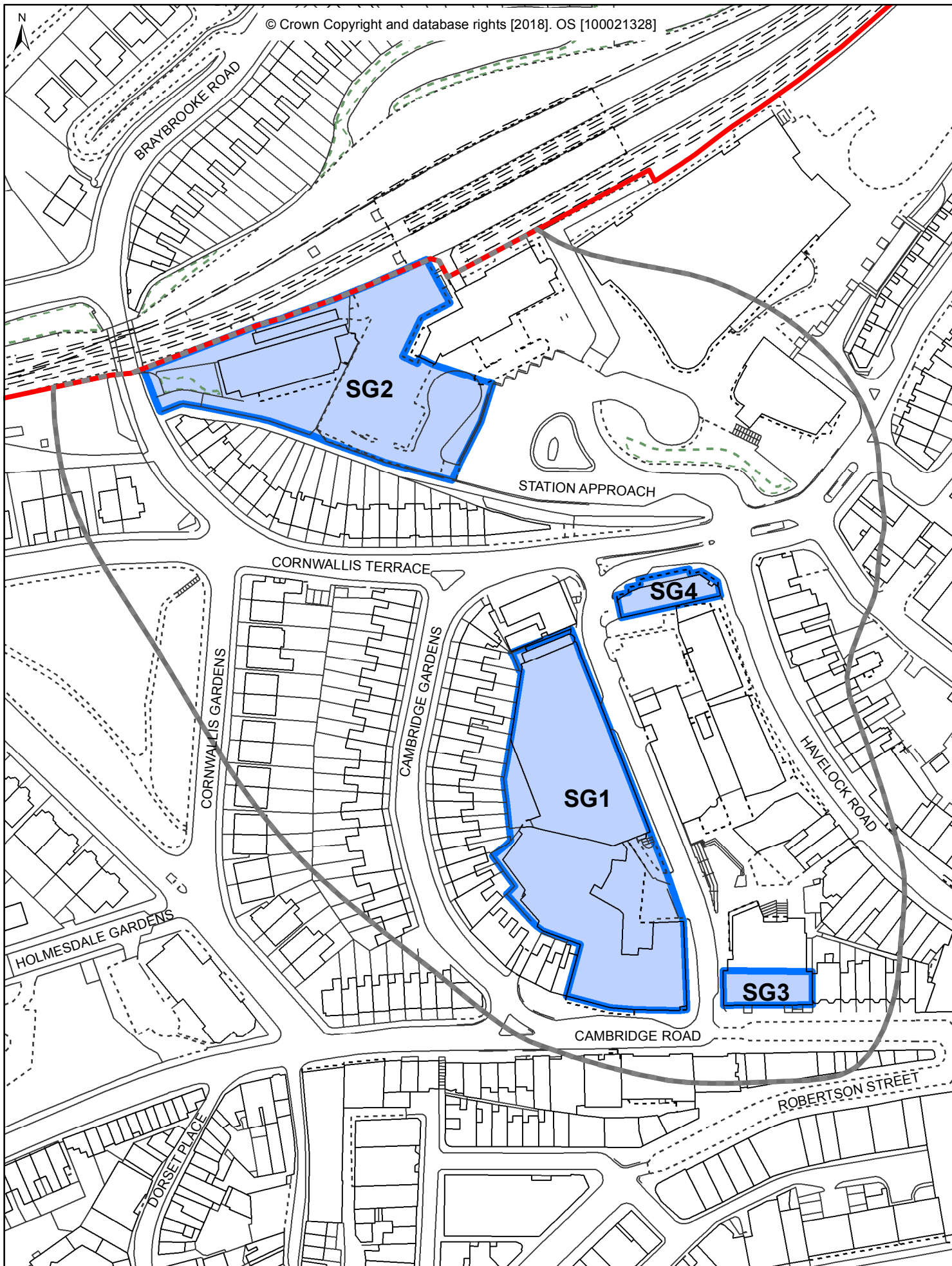





Figure 6
Opportunity Area OA1
Station Gateway and
Priory Quarter

-  Area Action Plan (AAP) Boundary
-  Opportunity Area
-  Opportunity Sites

Opportunity Area 2 (OA2): Wellington Place and Castle Street

- 6.24 This is a busy shopping area within Hastings Town Centre. The streets are lively with shoppers and visitors attracted by the mix of multiple retailers and independents located within the attractive historic townscape. This shopping area adjoins and complements Priory Meadow Shopping Centre. Retail is the predominant use, although cafés and restaurants also have a strong presence. Castle Street in particular is a key pedestrian gateway linking the seafront to the Town Centre Shopping Area. Whilst the core activity for this area is retail, it is considered that the retail potential of this prime location is yet to be fully realised.
- 6.25 A key objective will be to attract high quality retail investment, increase pedestrian flows between the seafront and the shopping area and create an attractive and vibrant shopping and leisure destination drawing tourists and visitors from a wide catchment.
- 6.26 This Opportunity Area will meet the retail needs of shoppers and residents, as well as providing an enhanced leisure, cultural and entertainment offer. The look and feel of Wellington Place and Castle Street will be reinvigorated to create a high quality retail destination that is at the heart of town centre activity attracting new investment as well as visitors. Town centre retail capacity is increased through redevelopment of key sites close to the seafront. The public realm will be attractive, vibrant and stimulating. Public spaces will provide a venue for local artist and events. Where possible, trees will be incorporated into the public realm softening the hard landscaping and providing shade. Access to the seafront will be improved with enhanced pedestrian crossing points across the A259.
- 6.27 New development in this Opportunity Area will need to:
- improve the quality and variety of retail outlets;
 - promote a balanced mix of uses within development sites that enables the delivery of high quality design and associated public realm;
 - redevelop key sites to increase retail capacity within the town centre;
 - raise the overall standard of design, including shopfront design, creating attractive and vibrant streets;
 - enhance existing green space.
- 6.28 The majority of funding for public realm improvements will come from private investment as and when development opportunities come forward. In addition, the Council will also work with the Hastings Business Improvement District (Hastings BID), and East Sussex County Council to identify funding opportunities.
- 6.29 Wellington Square is a residential area within the town centre which contains an important area of green space. Its elevated position and grandeur add to the townscape and character of the area. The setting of this significant historic space is currently undermined by Albert Road, which severs it from the main town centre¹⁸ and seafront. The redevelopment of site WP1 offers the potential to enhance the public space located at the junction of Albert Road and Wellington Place (which currently lacks a clear function) and the setting of the Wellington Square and public enjoyment of the green space.
- 6.30 This area presents a significant opportunity to create an exciting and welcoming space.

¹⁸ Draft Hastings Central Conservation Area Appraisal and Management Plan – set-piece Regency development with architectural significance.

- 6.31 An important landmark in this area is Pelham Crescent and St Mary in the Castle. These buildings make a real impact along Hastings seafront. The Council will utilise opportunities to enhance the setting of this set piece arrangement.
- 6.32 The town centre is currently dominated by hard landscaping and the urban fabric would be greatly enhanced through the incorporation of green planting and tree cover where architectural quality and views are less critical.
- 6.33 A key objective for this AAP is to improve pedestrian connectivity and cycle access. The A259 seafront road acts as a significant barrier that severs the town centre from the seafront. Work undertaken with East Sussex County Council has identified a package of improvement measures which will help to alleviate this issue.
- 6.34 This includes the potential for shared space in Havelock Road and the potential for a pedestrian crossing over the A259. In addition improvements to the existing junction at Albert Road to provide easier access across the A259 for pedestrians to the seafront are also important considerations.

Policy OA2 – Wellington Place and Castle Street Opportunity Area

Wellington Place and Castle Street Opportunity Area will be promoted as retail gateway linking the town centre core with the seafront. The focus will be on the delivery of new comparison retail floorspace, public realm improvements and improved connectivity to the seafront for pedestrians. Complementary convenience retail, leisure, cultural, community related uses and residential uses on upper floors may also be appropriate as part of a mixed use development scheme. Proposals will need to demonstrate how they support the role of this Opportunity Area.

All proposals will be required to have regard to the local context and fully articulate the heritage significance of the townscape and key views.

Integration of Queens Arcade will need to be considered in association with the development of site WP3.

Relationship to Hastings Planning Strategy
 DS3: Location of Retail Development
 FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan
 DM1: Design Principles
 SA1: Hastings Town Centre Shopping Area

Opportunity sites within Wellington Place and Castle Street (OA2)

- 6.35 The following opportunity sites are identified in the Wellington Place and Castle Street Opportunity Area which are shown in figure 7.
 - WP1: Corner of Wellington Place and Albert Road
 - WP2: Site of former Harold Place public conveniences
 - WP3: Cinema, Queens Road
 - WP4: 1-7 Wellington Place

Opportunity Site WP1: Corner of Wellington Place and Albert Road

- 6.36 This site is located in a prominent position within Hastings Town Centre. The current building is divided between comparison retail floorspace and leisure uses. The building was originally developed as a large convenience store and is of poor design making a negative contribution to the streetscape and conservation area.
- 6.37 To ensure the vitality of the town centre is maintained and strengthened, the Council will support the redevelopment or remodelling of this site to deliver an exciting building of high quality at the eastern end of Wellington Place. This site together with site WP4 must raise design standards and the quality of the shopping experience in this part of the town centre.
- 6.38 Situated in a prime location within the primary shopping area, redevelopment will be expected to be predominantly for comparison retailing. Residential use may be acceptable on upper floors as part of a mixed use development.
- 6.39 The site has significant level differences from east to west which will need to be addressed in any redevelopment proposals. Proposals will need to have particular regard to the bulk, height and patterns of building blocks so as to not compromise the significant heritage assets within the conservation area.
- 6.40 The Council has aspirations for the creation of shared space linking Wellington Square with Wellington Place to improve connectivity to open space and seafront. A design brief will need to be agreed with the Council prior to detailed proposals coming forward.

Policy WP1 – Corner of Wellington Place and Albert Road

The Council will support the redevelopment of this site to incorporate retail and leisure uses.

Development proposals for this site:

- a. should be predominantly for retail comparison goods;
- b. be of high quality design creating an active frontage to Wellington Place and Albert Road;
- c. provide public realm improvements to Wellington Place and Wellington Square;
- d. residential uses may be acceptable as part of a mixed use development scheme where this improves the viability of the site;
- e. the applicant must submit a design brief to be agreed by Council prior to detailed proposals coming forward.

Development proposals for this site must be considered in relation to site WP3.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan

DM1: Design Principles

SA1: Hastings Town Centre Shopping Area

Opportunity Site WP2: Site of former Harold Place public conveniences

6.41 This site is located within a prominent location close to Hastings seafront. This location commands a high quality development and offers the potential for an exemplary scheme. Any scheme must complement the existing historic townscape and provide a focal point at street level.

Policy WP2 – Site of former Harold Place public conveniences

The Council will support the redevelopment of this site for retail and other town centre purposes including retail comparison goods and/or restaurant and café purposes.

Development proposals for this site:

- a. should provide a landmark feature at the gateway to the town centre from the seafront;
- b. provide active uses on the ground floor and be designed to have attractive façades and entrances facing south onto Harold Place and north towards the retail centre;
- c. be of high quality design and create a strong focal point between the town centre and the seafront;

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

EN1: Built and Historic Environment

Relationship to Development Management Plan

DM1: Design Principles

SA1: Hastings Town Centre Shopping Area

Opportunity Site WP3: Cinema, Queens Road

6.42 This site is located in a prominent position within Hastings Town Centre, and lies within the primary shopping area. The building was constructed as the Gaiety Theatre and is a striking building in Italianate red brick and stone. It is currently used as a cinema with a 4 screen multiplex facility.

6.43 The facility is well used and advantageously located in the heart of the town centre. However, without modernisation it may become less attractive to customers in comparison to other newer cinema formats within the locality.

6.44 Leisure uses are an important element of the town centre and the Council will continue to support cinema provision at this site.

Policy WP3 – Cinema, Queens Road

The Council will support the enhancement of cinema facilities on this site or as part of a mixed use development scheme incorporating site WP1. In the event of the reprovision of the cinema on a suitable alternative site within the town centre, the Council will support the redevelopment of the site to incorporate retail and leisure uses.

Development proposals for this site:

- a. should be predominantly for cultural, leisure or retail comparison goods;
- b. should seek to retain the existing building;
- c. must be supported by a Heritage Statement;
- d. must submit a design brief to be agreed by the Council prior to detailed proposals coming forward.

Development proposals for this site must be considered in relation to site WP1, Queens Arcade and the wider context of the Conservation Area.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

EN1: Built and Historic Environment

Relationship to Development Management Plan

DM1: Design Principles

SA1: Hastings Town Centre Shopping Area

Opportunity Site WP4: 1-7 Wellington Place

- 6.45 The redevelopment of this site will form an important part of the vision to transform this Opportunity Area into a high quality retail destination enhancing this gateway location between the town centre and the seafront.
- 6.46 The current building negatively impacts the town centre streetscape and conservation area. The Council will support the redevelopment or remodeling of this site to deliver an exciting building of high quality that will act as an anchor store at the eastern end of Wellington Place. The redevelopment of this site together with Policy WP1 should raise design standards in this part of the town centre.
- 6.47 Located within the primary shopping area, this site is suitable for mixed use development. Retail comparison floorspace should be the predominant use, but leisure uses such as a cinema, restaurant and café may also be appropriate as part of a comprehensive scheme.
- 6.48 Its main frontage will be onto Wellington Place, but the building must also have an attractive facade especially when viewed from the seafront and Albert Road.
- 6.49 Residential uses may be acceptable on upper floors as part of a mixed use development scheme where this would improve the viability of the site.

Policy WP4 – 1-7 Wellington Place

The Council will support the redevelopment of this site for a mix of uses including comparison retail, leisure provision, restaurant, café uses and residential uses will be acceptable as part of a comprehensive scheme.

Development proposals should:

- a. be predominantly for retail comparison goods or leisure;
- b. deliver a new high quality landmark building marking the entrance to the town centre from the seafront;
- c. have an active ground floor frontage onto Wellington Place and Albert Road.

Relationship to Hastings Planning Strategy

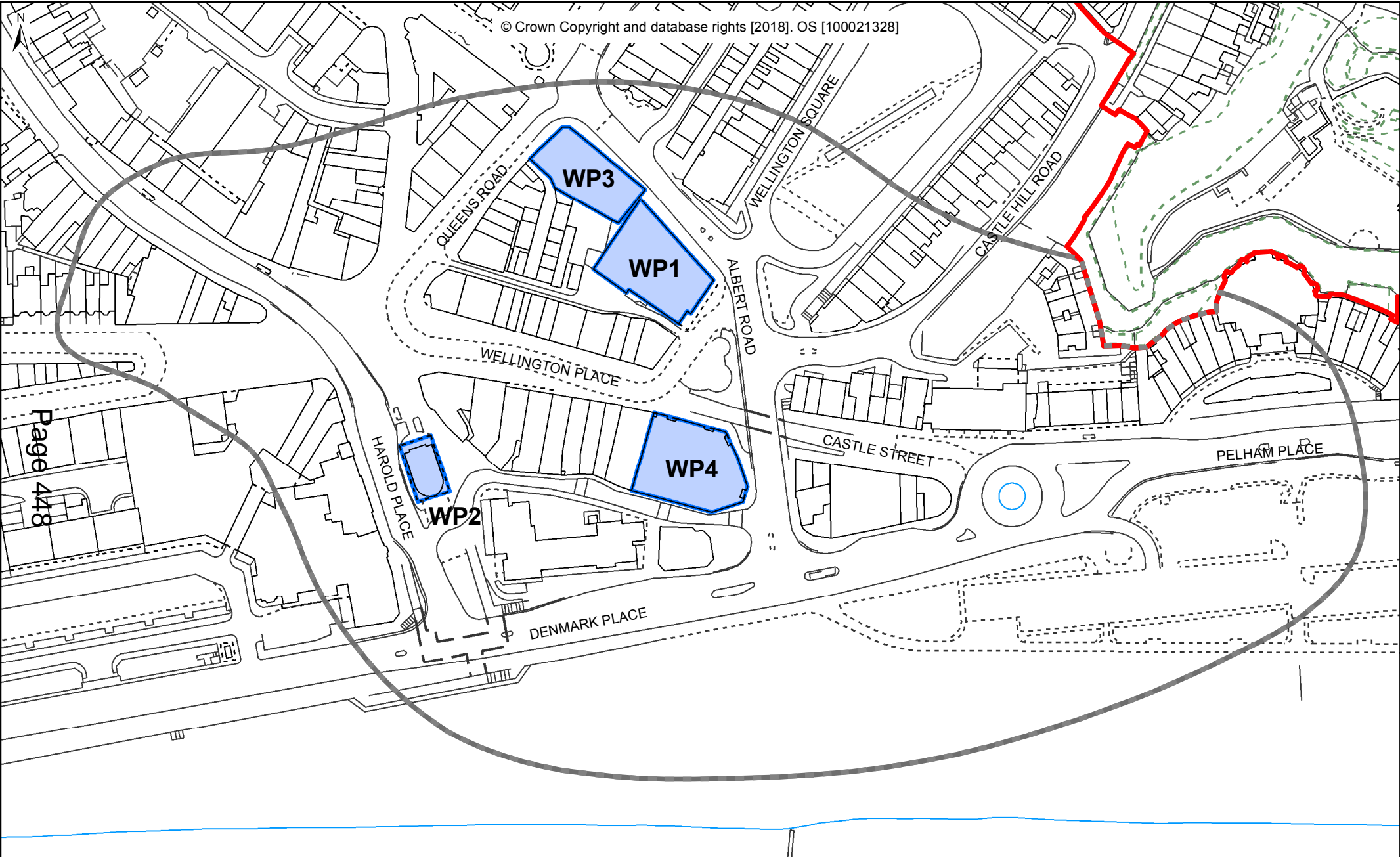
DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan




DM1: Design Principles

SA1: Hastings Town Centre Shopping Area



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Figure 7
Opportunity Area OA2
Wellington Place / Castle Street

-  Area Action Plan (AAP) Boundary
-  Opportunity Area
-  Opportunity Sites

Opportunity Area 3 (OA3) - Queens Road

- 6.50 Queens Road is one of main routes into Hastings Town Centre. This Opportunity Area includes Morrisons supermarket, the Britannia Enterprise Centre and the terraced houses and shops along Queens Road. The distinctive listed railway bridge provides a strong gateway feature to the town centre.
- 6.51 Queens Road has a diverse range of smaller independent retailers. Whilst there are positive signs of change along Queens Road there is much that can be done to realise its full potential as a retail destination. Improving the public realm and increasing vitality on the street will be key objectives for this gateway area.
- 6.52 Britannia Enterprise Centre has a unique industrial and artistic heritage, accommodating a mix of starter and established businesses. Its unique culture of business is important to the town, and to the town's distinctiveness.
- 6.53 Morrisons supermarket has an important role as the largest food retail store in the town centre and is clearly complementary to the wider shopper offer in this part of Queens Road. However, the supermarket, car park and the petrol forecourt are dominant and disruptive to the streetscene.
- 6.54 In the event of the Morrisons store being redeveloped this would provide an opportunity to incorporate additional uses and activities which will reinvigorate this area of the town centre. The potential to reinstate the frontage currently occupied by the petrol filling station with new development will help improve the attractiveness of this section of Queens Road, add to the visual interest of the street and create an opportunity for improving the public realm.

Policy OA3 – Queens Road Opportunity Area

Queens Road Opportunity Area will be promoted as a high quality gateway supporting the town centre retail core. The focus will be on diversifying retail floorspace and public realm improvements. The area will have a wide range of town centre uses. Residential development will be permitted as part of mixed use development.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development
FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan

DM1: Design Principles
SA1: Hastings Town Centre Shopping Area

Opportunity sites within Queens Road (OA3)

- 6.55 There are two opportunity sites in OA3 as shown in figure 8:
- QR1: Morrisons, Queens Road
 - QR2: Cornwallis Street car park

Opportunity site QR 1: Morrisons site

6.56 Morrisons supermarket plays an important role as the town centre largest convenience retailer. There is potential to intensify uses to make better use of this important site. The store is currently trading well but the original layout and the store design is somewhat dated and a large part of the site is occupied by surface car parking. The supermarket is located to the rear of the site with a surface level car park and a petrol station fronting Queens Road. The site forms an important arrival point at the eastern end of the town centre, but the appearance of the area is not attractive and could be significantly improved.

Policy QR1 – Morrisons, Queens Road

In the event of this site coming forward for redevelopment, the Council will support a mixed use development incorporating a new food store and other town centre uses including a mix of retail, business (B1a), residential and leisure uses. Development proposals will need to provide:

- a. convenience goods floorspace;
- b. decked car parking to make best use of the site;
- c. integration of the site to the town centre through improved access and permeability;
- d. public realm improvements potentially including street trees and seating;
- e. an 'animated' street frontage on the main routes around and through the site and buildings that address the street;
- f. landscaping proposals incorporating green infrastructure measures.

A Masterplan will be required for the site.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan

DM1: Design Principles

SA1: Hastings Town Centre Shopping Area

Opportunity site QR2: Cornwallis Street car park

6.57 Cornwallis Street car park is located in Hastings Town Centre near to other residential properties and is already identified for residential development and a 'pocket park' in the Development Management Plan (Site Allocation HTC2).

6.58 The site is also suitable for a mixed development incorporating retail/business uses at ground floor level.

Policy QR2– Cornwallis Street car park

The Council will support the redevelopment of Cornwallis Street car park for a mix of uses including residential development (possible net capacity 20 dwellings) with retail use at ground floor level to create an active frontage onto the street.

In promoting site development consideration will be given to measures to secure public access parking either on site or elsewhere.

Development proposals will be required to include a children's play area, "pocket park" or similar open recreational space.

Relationship to Hastings Planning Strategy

FA3: Strategy for Hastings Town Centre

H1: Housing Density

H2: Housing Mix

H3: Provision of Affordable Housing

Relationship to Development Management Plan

DM1: Design Principles

HTC2: Cornwallis Street Car Park

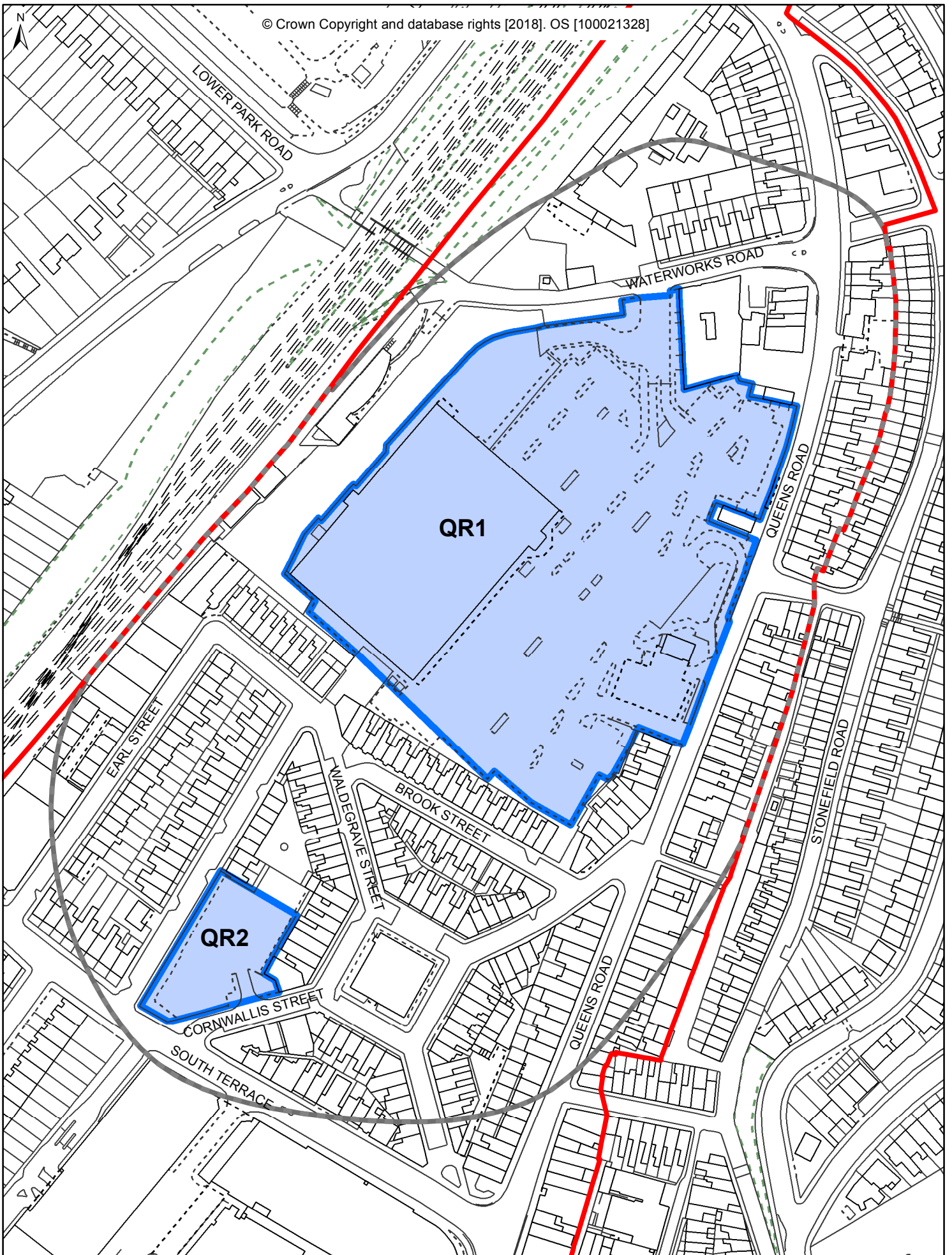




Figure 8
Opportunity Area OA3
Queens Road

-  Area Action Plan (AAP) Boundary
-  Opportunity Area
-  Opportunity Sites

Opportunity Area 4 (OA4): Priory Meadow

- 6.59 The development of Priory Meadow Shopping Centre has done much to establish Hastings position within the retail hierarchy. Building on this the town centre needs to be revitalised with additional investment in retail and ancillary development particularly in key gateway locations closer to the seafront. This will encourage more shopping footfall to the benefit of a greater number of businesses.
- 6.60 Improving the quality and variety of the retail offer will be important, as will encouraging substantial new leisure uses to attract people to the centre at different times of the day and evening.

Policy OA4 – Priory Meadow

Improvements to the quality and range of retail offer will be promoted in Priory Meadow and the adjoining streets to create a strong retail focus to the town centre.

Within this area:

- a. there will be a presumption against the loss of A1 retail floorspace;
- b. proposals will be viewed in terms of their contribution to the retail and ancillary development mix and their potential to enhance their attraction to residents and visitors;
- c. the Council will take into account the effect of any development proposals on existing retail activities and expect them to be protected or for there to be no net loss;
- d. a positive approach will be taken to assist the occupation of under used floors above shops and other premises to improve vitality.

Enhancement to the public realm and improvements to the pedestrian environment will be promoted.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development
FA3: Strategy for Hastings Town Centre
E3: Town, District and Local Centres

Relationship to Development Management Plan

DM1: Design Principles
SA1: Hastings Town Centre Shopping Area

Opportunity sites within Priory Meadow (OA4)

- 6.61 Two opportunity sites are identified in OA4 as shown in figure 9:
- PM1: Land at Middle Street
 - PM2: Station Yard, Station Approach

Opportunity site PM1: Land at Middle Street

- 6.62 The land at Middle Street provides the potential for the expansion of the Priory Meadow shopping centre and the Council will explore with the centre owners and developers the opportunities to increase the quantity, quality and range of retail offer.

Policy PM1 – Land at Middle Street

The land at Middle Street is proposed for A1 retail development as an extension to Priory Meadow shopping centre.

Development proposals for this site will:

- a. include a pedestrian link to Priory Meadow;
- b. minimise impacts on adjacent properties;
- c. include provision for servicing;
- d. include improvements to the public realm.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

Relationship to Development Management Plan

DM1: Design Principles

SA1: Hastings Town Centre Shopping Area

Opportunity Site PM2: Station Yard, Station Approach

6.63 The majority of Hastings Station Yard has already been redeveloped for educational (Sussex Coast College) and health care purposes, and includes a small retail element. The remaining part of the site continues to be suitable for residential uses and it is not considered necessary to add to or modify this allocation through this Area Action Plan. The site is allocated for development in the Development Management Plan and development proposals will be required to comply with DMP Policy HTC1. Development will be required to make the most efficient use of land and to be developed at the optimum density taking into account the site context and capacity of surrounding infrastructure in accordance with AAP Policy AAP3.

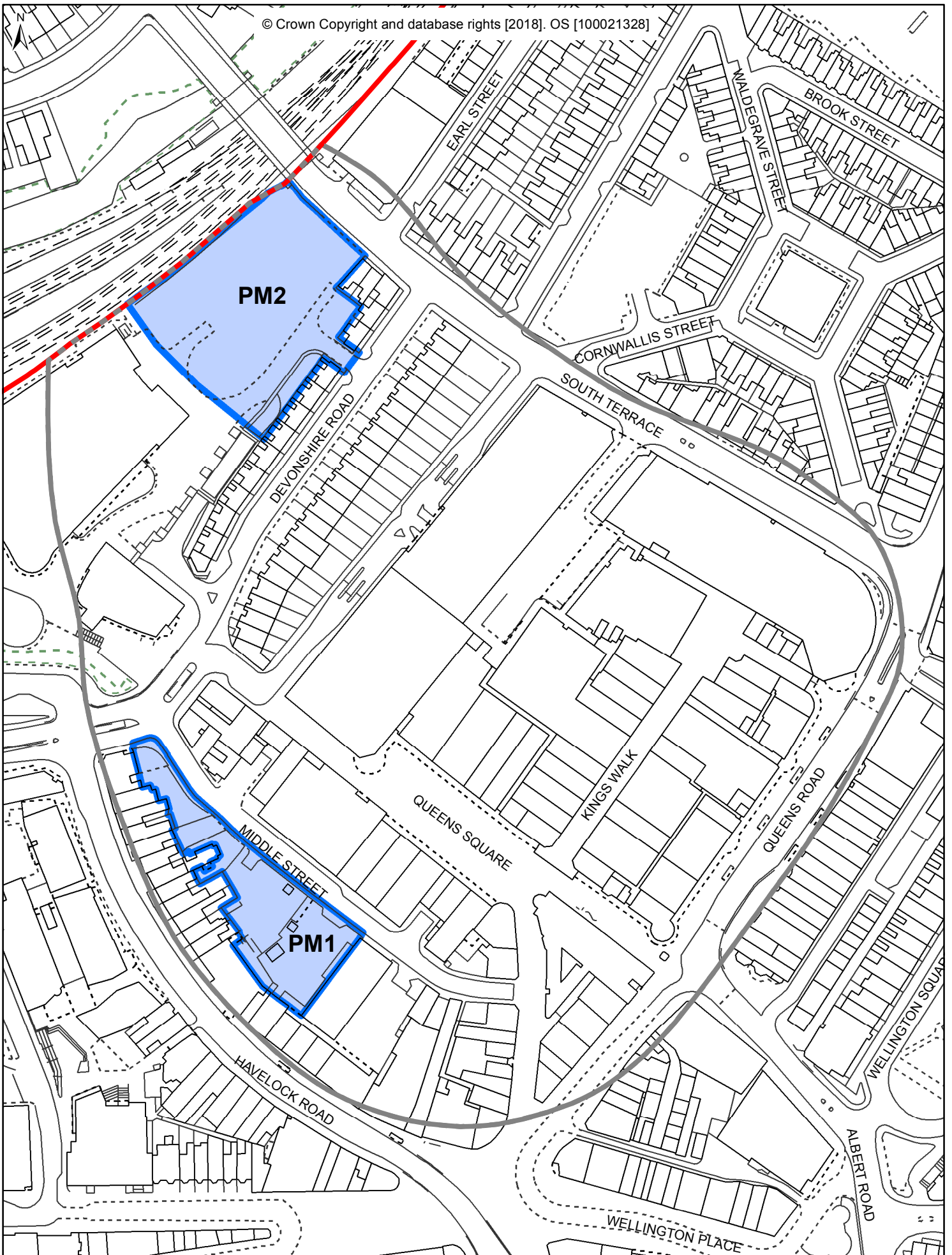





Figure 9
Opportunity Area OA4
Priors Meadow

-  Area Action Plan (AAP) Boundary
-  Opportunity Area
-  Opportunity Sites

Section Seven

Bohemia

- 7.1 The Bohemia Quarter (including White Rock Gardens) offers significant potential for appropriate development which will enhance the leisure and cultural offer of the town and provide a mix of new housing whilst protecting and enhancing existing assets. The goal is to reinvigorate this part of Hastings through a programme of key initiatives which seek to:
- regenerate White Rock Gardens and create a focus for sports, leisure and culture;
 - create new cultural, leisure and tourism opportunities and new cultural hubs;
 - create new residential neighbourhoods with a mix of housing types and tenures, co-working space and community facilities;
 - improve pedestrian and cycle links between White Rock, the town centre and the seafront;
 - protect and enhance the built and natural environment;
 - enrich the existing character of the seafront and the town's cultural heritage;
 - concentrate sports and leisure activities.
- 7.2 The Bohemia Quarter will provide a mix of residential, leisure, workspace and cultural uses to create a critical mass of activity – active, integrated and a resource for neighbouring communities to visit and enjoy: a cultural centre and a place for creative and new ways of living in an inspiring parkland setting; a new well connected neighbourhood – not seen in isolation but as an extension of the neighbouring areas of Hastings and St Leonards.
- 7.3 The proposals for Bohemia and White Rock Gardens are underpinned by four cultural destinations which are located at strategic entrance points to the Bohemia Quarter:
- The seafront - based on the White Rock Theatre and the pier with a focus on performance, production and entertainment
 - The Convent – with a focus on heritage, the arts and education
 - The Museum - with a focus on cultural heritage and local history
 - Trinity Triangle/America Ground - with a focus on cultural and creative industries
- 7.4 Each cultural hub will act as a gateway into Bohemia and the wider town centre. Multiple uses will be encouraged to add resilience to each hub, and increase the numbers of visitors. Each of the existing cultural buildings will have a defined public space which can also be activated and become a focus for activity. These hubs will be the shop windows for Bohemia and Hastings Town Centre, promoting the new cultural programme and engaging a wide audience from Hastings and beyond. In addition, the area will provide a focus for enhanced leisure facilities and a high quality living environment.
- 7.5 The character of Bohemia derives directly from its greenness and open character- but the area is currently ill defined and underutilised. The proposals seek to preserve this open parkland quality but to introduce a range of new uses and to create a network of green spaces of contrasting character. The network of public spaces is connected by pedestrian and cycle routes. New development can be used to define edges to open public space, and provide public and commercial ground floors which will help to activate the parks.

Opportunity Areas within Bohemia

- 7.6 The Bohemia area covers a spatially diverse mix of places. The area has therefore been divided into four Opportunity Areas to allow their separate and distinctive identities to be strengthened:
- OA5: White Rock and America Ground Cultural Quarter
 - OA6: White Rock Park
 - OA7: Bohemia
 - OA8: Former Convent of the Holy Child Jesus, Magdalen Road

Opportunity Area 5 (OA5): White Rock and America Ground Cultural Quarter

- 7.7 The Council recognises the importance of cultural activities and the creative industries to the local economy and the wellbeing and enjoyment of visitors and the community at large.
- 7.8 The White Rock and America Ground Cultural Quarter is designated by Policy CQ1 of the Hastings Development Management Plan. The area is defined at its western end by the cluster of the theatre, the hotel, the pier, The Source and Bottle Alley and extends eastwards along the seafront to the America Ground, Trinity Triangle and Claremont with the library, the Creative Media Centre and the collection of restaurants and cafes in the area.
- 7.9 The White Rock Promenade is being transformed into an extended hub of activity at the heart of the seafront through a programme of public realm improvements and the opening of the pier and The Source. Further improvements to the public realm will create a nicer pedestrian environment and increase footfall and dwell time. This will attract visitors to the area and encourage the development of more attractions, creating a strong alternative destination to the Old Town. Connections to White Rock Gardens will be improved.
- 7.10 Hastings rich cultural offer includes visual and performing arts, music and festivals. It is supported and influenced by the work of the creative industries such as design, fashion, publishing, video games, radio and film. Cultural facilities and venues include creative industries workspace, museum, theatres, library, and music and other entertainment venues. The seafront and Source Park provides an important setting for a wide range of arts and cultural activities. There is potential to develop the cultural offer through extended provision of workspace for creative industries and space for cultural production and consumption such as performing and visual arts studios.
- 7.11 It will be important to protect cultural venues and the Council will ensure that planning decisions reflect the Agent of Change principle and take account of existing noise generating uses in a sensitive manner when new development, particularly residential, is proposed nearby.
- 7.12 It is proposed that the cultural hub around the White Rock Theatre and the Pier should focus on performance, production and entertainment. The emerging cultural hub around the Trinity Triangle/America Ground including the Printworks and Rock House should be further strengthened with a focus on education and the creative industries.
- 7.13 Robertson Street has many historic buildings which add value to the street scene and create a strong sense of place. There are also a number of historic shopfronts that enhance the street scene, but these are a minority and there are far more that have inappropriate materials and fascias or bear no relationship to the historic building

above. Hastings Creative Media Centre on Robertson Street is a good example of a modern building sitting comfortably within a historic context. This high quality design needs to be replicated within the rest of the area.

- 7.14 The junction at Robertson Street/ Carlisle Parade and the junctions at Harold Place/Denmark Place and Albert Road/Denmark Place have been identified for investment within the public realm improvements programme. Together these junction improvements will enhance connectivity and access to Hastings Town Centre from the pier and seafront.
- 7.15 The Robertson Street retail gateway will complement the cultural quarter by building on the presence of existing businesses and national brands to attract new and exciting occupiers, such as specialist shops, restaurants and boutique brands.
- 7.16 The area around the Trinity Triangle and Claremont has the potential to become a stronger focus for the creative industries.
- 7.17 Localised improvements to the promenade will be implemented and an enhanced pedestrian environment. This will include measures to provide greater priority for pedestrian and cyclist with new crossings, the widening of the northern footway and removal of railings to create a more attractive pedestrian environment. Ground floor uses can start to spill out where the pavement on the north side is widened and parking is restricted. The surface treatment of Robertson Street will be extended to create a seamless pedestrian link to the town centre. The key objective will be the creation of an active frontage to the seafront through the reuse of existing commercial space and public realm improvements. A new pedestrian route is proposed (potentially including stairs and a feature lift) up to a belvedere pedestrian route along the front of the White Rock gardens, which has an elevated view of the seafront linking back into St Margarets Road as it rises to the east and west. This would create direct connections, both physical and visual between the Pier and White Rock Gardens.
- 7.18 Enhancement of Bottle Alley will be promoted and encouraged including the provision of new café facilities and seasonal activities.

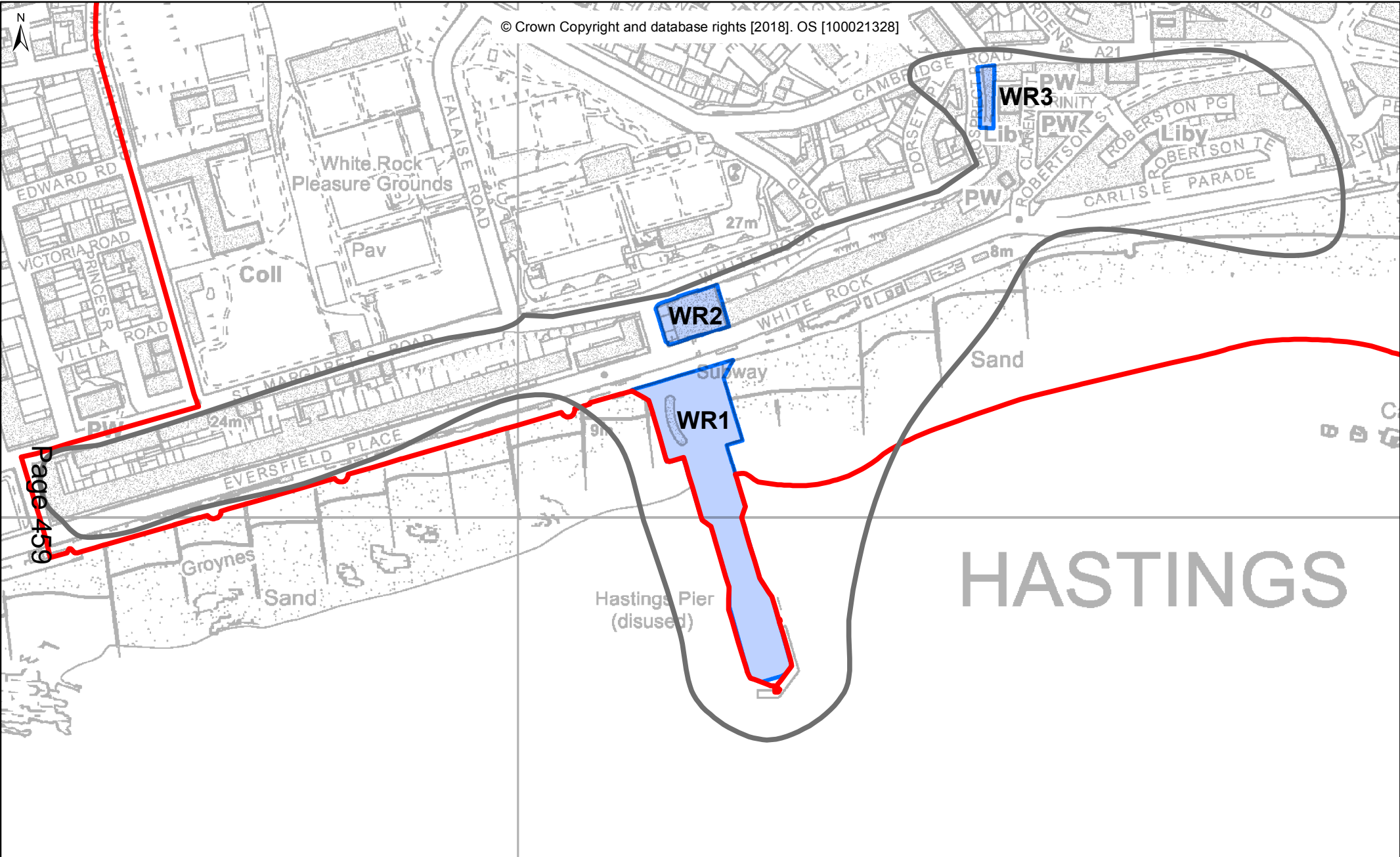


Figure 10
Opportunity Area OA5
White Rock and
America Ground Cultural Quarter

- Area Action Plan (AAP) Boundary
- Opportunity Area
- Opportunity Sites

Policy OA5 – White Rock and America Ground Cultural Quarter

The Council will work with developers, businesses and other stakeholders to promote the White Rock and America Ground Cultural Area as a cultural destination.

Improvements to the range and quality of cultural facilities; the provision of workspace for the creative industries; and the protection, enhancement and interpretation of heritage assets will be encouraged.

Within this Opportunity Area:

- a. development will be encouraged which will assist the further expansion of its role as a centre for cultural and related leisure and business activities;
- b. proposals will be viewed in terms of their contribution to the mix and diversity of uses and to their potential to enhance their attraction to residents and visitors;
- c. the Council will take into account the effect of any development proposals on existing cultural activities and expect them to be protected or for there to be no net loss;
- d. planning decisions will reflect the Agent of Change principle;
- e. to improve economic vitality, a positive approach will be taken to assist the occupation of under used floors above shops and other premises.

Relationship to Hastings Planning Strategy

DS3: Location of Retail Development

FA3: Strategy for Hastings Town Centre

E2: Skills and Access to Jobs

E4: Tourism and Visitors

Relationship to Development Management Plan

DM1: Design Principles

SA1: Hastings Town Centre Shopping Area

CQ1: Cultural Quarters

Opportunity sites within White Rock and America Ground Cultural Quarter (OA5)

7.19 Three opportunity sites have been identified in OA5 which are shown in figure 10:

- WR1: Hastings Pier
- WR2: White Rock Theatre
- WR3: The Observer Building

Opportunity site WR1: Hastings Pier

7.20 The Grade II Listed Pier is recognised as a key heritage and economic/tourism asset to the town and a key objective will be to support its sustainable future as a key destination along the seafront. The importance of the Pier is underlined by the award of the Stirling prize for Architecture in 2017. The next phase of development is critical for the establishment of the Pier as a viable attraction for residents, visitors and workers in the town. Any further development will be required to improve the offer of attractions and variety of programmed events to provide a year-round destination for visitors.

- 7.21 Potential new attractions could include:
 - indoor attractions, such as an art house cinema
 - an extended outdoor performance area to accommodate larger concerts, outdoor screenings and performances
 - specialist markets
 - new food outlets
 - a zip wire from the end of the pier to Bottle Alley

- 7.22 In actively promoting the provision of new attractions on the Pier, the Council recognises the importance of both permanent and temporary uses to secure its sustainable future. The Council will work with the owners of the Pier to actively explore options to enable the appropriate mechanisms to streamline the planning process to enable the development of appropriate attractions that balance the importance of the heritage value of the pier in relation to economically viable uses.

- 7.23 Development of the pier will be complemented by other initiatives along the seafront.

Policy WR1 – Hastings Pier

The Council will work with the owners of Hastings Pier and other stakeholders to promote sustainable development to provide a range of leisure and cultural facilities which enhance the attractions on the pier, support its long term viability, and create a year round destination.

The Council will actively support a range of temporary uses for the pier that support the viability of the pier as a year round attraction.

Development proposals will need to be of a high design quality in keeping with the historic character and appearance of Hastings Pier and the Conservation Area and other features of heritage importance.

Development proposals for this site will be required to be in accordance with an agreed Masterplan and management plan.

Relationship to Hastings Planning Strategy
 FA3: Strategy for Hastings Town Centre
 EN1: Built and Historic Environment
 E4: Tourism and Visitors

Relationship to Development Management Plan
 DM1: Design Principles
 CQ1: Cultural Quarters

Opportunity site WR2: White Rock Theatre

7.24 A key objective will be to secure the future of the theatre as a sustainable multi-functional arts centre through refurbishment, extension or replacement of the existing building unless a replacement cultural venue is provided elsewhere in the AAP area. The theatre should be a place of cultural production and performance with flexible spaces, hospitality and conference facilities. The existing building can be retained and extended to offer the mix of uses that will ensure its future. Through repurposing and extensions spaces can be created which will enable wider usage and thus generation of greater revenue for the operator. It can be both event space and used on a daily basis by visiting companies and local residents. Alternatively a company

could be recruited to be resident offering a layered programme of production and performance and education. The large roof can accommodate a public terrace and lifts and escalators which will connect the two levels of street and White Rock Gardens with viewing areas and roof top café.

- 7.25 In the event that facilities are re-provided in a new cultural venue elsewhere in the AAP area, suitable alternative uses of the site will be considered which will enhance the seafront and the Cultural Quarter such as a new hotel/conference centre and facilitate the development of a new purpose built venue elsewhere in the AAP area.
- 7.26 There is the potential to enable the closure of Schwerte Way and White Rock Road to allow for the creation of a new civic space between White Rock and the seafront and for the extension of the theatre to provide new facilities and public access. Public realm works to include improved pedestrian crossing, lighting and tree planting with a new direct entrance into the park.

Policy WR2 – White Rock Theatre

The Council will resist the loss of cultural facilities and will work with partners to improve the facilities currently provided by the White Rock Theatre through a programme of refurbishment or redevelopment.

Development of the White Rock Theatre will be supported subject to the provision of improved performance and production space within the building. Proposals for this site will be required to be of a high quality design which will enhance the appearance of the White Rock and America Ground Cultural Quarter and the Conservation Area and be in accordance with an agreed masterplan.

Development of the White Rock Theatre for cultural use will be required to incorporate:

- a. a range of performance and production spaces;
- b. a new civic space;
- c. high quality public realm;
- d. improved pedestrian crossings and links to the seafront and White Rock Gardens.

Subject to the relocation of the facilities provided in the theatre to a new cultural centre on an alternative site in the town centre or Bohemia, a suitable mixed use redevelopment such as a hotel/conference centre will be permitted. A high quality design will be required in accordance with the objectives for the White Rock and America Ground Cultural Quarter and to enhance the range of cultural and tourism facilities on the seafront.

Relationship to Hastings Planning Strategy

FA3: Strategy for Hastings Town Centre
EN1: Built and Historic Environment
E4: Tourism and Visitors

Relationship to Development Management Plan

DM1: Design Principles
SA1: Hastings Town Centre Shopping Area
CQ1: Cultural Quarters

Opportunity site WR3: The Observer Building

- 7.27 The Observer Building is allocated under DMP Policy HTC3 for mixed use development. The Council would encourage the mix of uses to retail, workspace for the creative industries, educational or leisure facilities as well as residential units. The site will be expected to support a varied housing mix and to include affordable housing. Reuse of the Observer Building and the refurbished library will strengthen this location as a cultural hub. Policy WR3 develops Policy HTC3 to promote a mixed use development which will facilitate the restoration of the building frontage and reuse of the building and enhance the Cultural Quarter.

Policy WR3: The Observer Building

The Council will work with partners to secure the restoration of the building frontage and appropriate reuse of the Observer Building and to secure a mixed use development which will enhance the mix of uses and cultural offer of the White Rock and America Ground Cultural Quarter. The site is allocated for mixed use development including residential, commercial business including workspace for creative industries, cultural and/or educational uses.

Development proposals for this site will be required to:

- a. sustain and enhance the significance and setting of the Town Centre Conservation Area and adjacent listed buildings;
- b. create active uses on the ground floor;
- c. restoration of the building frontage.

Relationship to Hastings Planning Strategy

FA3: Strategy for Hastings Town Centre

EN1: Built and Historic Environment

Relationship to Development Management Plan

DM1: Design Principles

SA1: Hastings Town Centre Shopping Area

CQ1: Cultural Quarters

HTC3: The Observer Building

HN1: Development Affecting the Significance & Setting of Designated Heritage Assets (including conservation Areas)

HN3: Demolition involving Heritage Assets

HN5: Non-designated Heritage Assets

Opportunity Area 6 (OA6) - White Rock Park

- 7.28 White Rock Gardens will be restored to provide a place where visitors and locals will enjoy the sea views and the parkland setting. The gardens will form part of an integrated network of green spaces.
- 7.29 The consolidation of indoor and outdoor leisure uses is proposed to the west of Falaise Road to form a new Sports Park – a centre of sporting excellence in a parkland setting. The Sports Park will be active on all days. The site provides the potential for a new indoor sports centre to replace the existing Summerfields Leisure Centre.

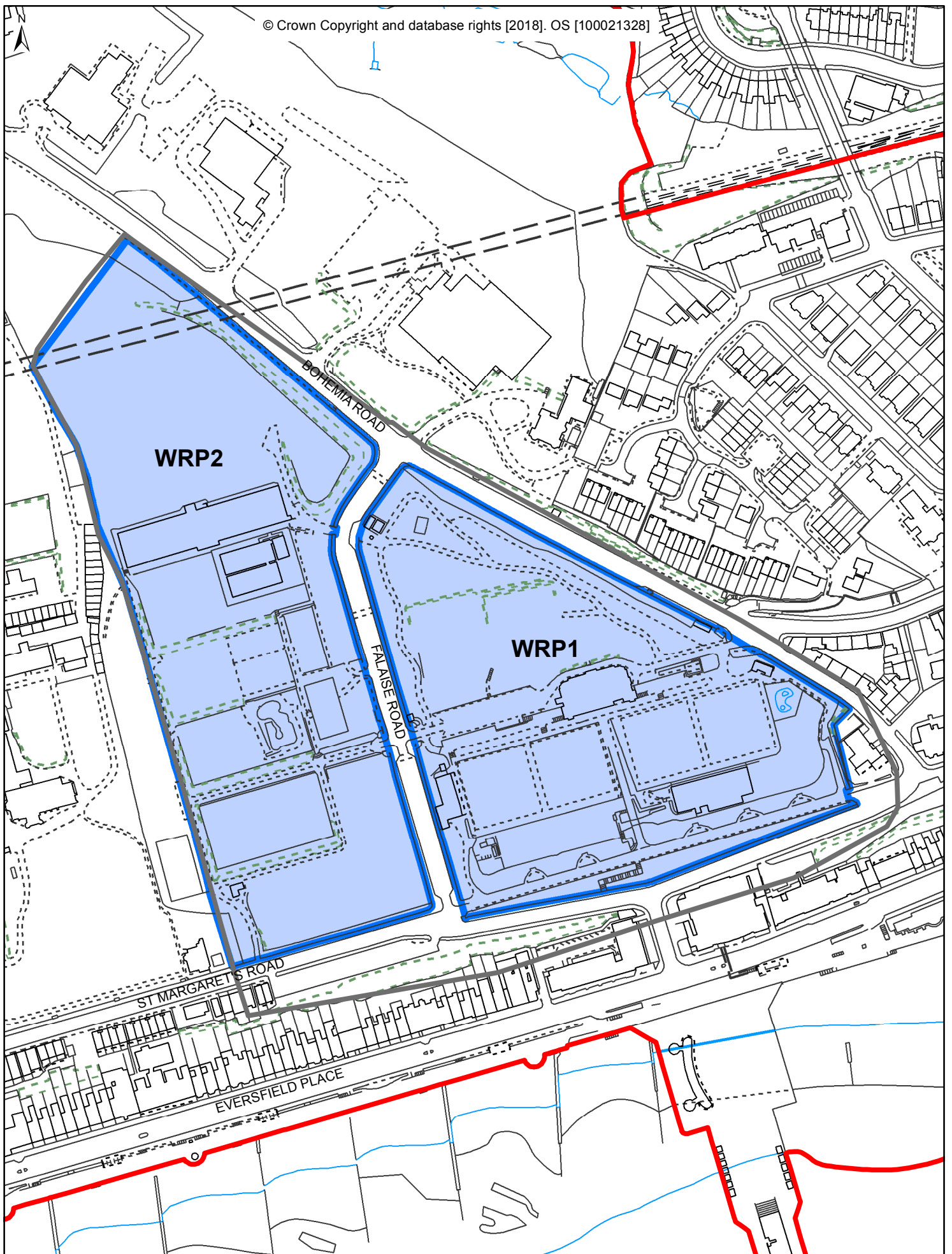





Figure 11
Opportunity Area OA6
White Rock Sports Park
and Cultural Campus

-  Area Action Plan (AAP) Boundary
-  Opportunity Area
-  Opportunity Sites

Policy OA6 – White Rock Park

The Council recognises the importance of open space, sports, leisure and cultural activities within Hastings to the local economy and the wellbeing and enjoyment of visitors and the community at large.

The area to the east of Falaise Road will be retained as formal open parkland and gardens. The area to the west of Falaise Road will be promoted as a sports park and cultural campus well connected by a network of pedestrian and cycle routes with the wider Bohemia area and the town centre.

Within this area:

- a. the consolidation of sports and leisure facilities will be promoted;
- b. the design and location of new development will minimise impacts on heritage assets and green space;
- c. development will be set within a landscaped setting with a network of green spaces;
- d. proposals will be viewed in terms of their contribution to the mix and diversity of uses and to their potential to enhance their attraction to residents and visitors;
- e. an appropriate level of parking will be provided to support the sports and leisure facilities.

Residential development will be permitted where this will not impact on the setting of the designated heritage assets and where this will facilitate the delivery of sports, leisure and cultural facilities and the restoration and enhancement of heritage assets and the parkland setting.

The Council will seek to work with developers to implement a district heating network, supported by Combined Heat and Power within the White Rock Park Opportunity Area.

Relationship to Hastings Planning Strategy

FA3: Strategy for Hastings Town Centre

SC5: District Heating and Combined Heat and Power Systems

EN1: Built and Historic Environment

EN2: Green Infrastructure Network

EN7: Conservation and Enhancement of Landscape

EN8: Open Spaces – Enhancement, Provision and Protection

Relationship to Development Management Plan

DM1: Design Principles

HN1: Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

HN9: Areas of Landscape Value

Opportunity sites within White Rock Park (OA6)

7.30 Two opportunity sites are identified in OA6 which are shown in figure 11:

- WRP1: White Rock Gardens
- WRP2: White Rock Sports Park

Development site WRP1: White Rock Gardens

- 7.31 This historic asset is proposed as part of a network of parks with the best views in Hastings offering a contemporary take on the pleasure gardens. The objective will be to create an attractive park with a range of new attractions within the historic context of the Gardens, building on the history of White Rock as a series of public/semi-public landscapes: (pleasure) gardens, parkland and activity areas.
- 7.32 A Landscape Masterplan will be required building on what is already successful and at the same time exploring a range of new initiatives designed to realise the tremendous potential of the park. The park will form the focus of a network of green spaces. Proposals can include:
- terracing to make the most of the sea views.
 - winter gardens/greenhouses.
 - an arboretum
 - performance spaces
 - special garden areas e.g. sensory gardens
 - a programme of events
 - picnic lawns
- 7.33 The existing indoor play facilities are in need of enhancement and integration with the park. Educational links can be investigated to provide a pedagogical and challenging range of facilities for Hastings.
- 7.34 The potential should be explored to identify a site for a new hotel within the south east corner of the park, fronting White Rock Road.

Policy WRP1 – White Rock Gardens

White Rock Gardens is a locally designated Historic Garden. The Council will seek to improve pedestrian access to the Garden and seating areas, promote public art and enhance existing landscaping.

The use of Falaise Hall as a restaurant, café, gallery and an events/performance space will be supported subject to the relocation of existing indoor leisure facilities. Appropriate meanwhile uses will also be supported.

The potential for a hotel on the eastern side of the gardens will be explored provided that development is in accordance with other policies and does not result in the loss of any green space or impact on views or the character of the Conservation Area.

Development proposals for this site will be required to be in accordance with an agreed Landscape Masterplan.

Relationship to Hastings Planning Strategy

SC5: District Heating and Combined Heat and Power Systems

EN1: Built and Historic Environment

EN2: Green Infrastructure Network

EN7: Conservation and Enhancement of Landscape

EN8: Open Spaces – Enhancement, Provision and Protection

CI2: Sports and Leisure Facilities

Relationship to Development Management Plan

DM1: Design Principles

HN1: Development Affecting the Significance and Setting of Designated Heritage Assets

Development site WRP2: White Rock Sports Park

- 7.35 The sports park could comprise a series of interconnected spaces with provision for different sports - bowls, multi-use games area, upgraded skateboard/BMX facilities, and miniature golf. The vision is for an inter-generational sports area which will be attractive to residents and visitors and create a vibrant focus for a wide range of existing and new urban sports. The established skateboard facility will be developed to complement The Source. Key event spaces within the park will have covered areas and services built in to provide water and power for specific events during the year. Spaces should have a mix of uses, promoting social interaction as well as sporting excellence. Cultural uses and new residential development alongside the sports uses may be acceptable as part of a comprehensive mixed use development scheme.
- 7.36 The new sports centre should be designed as a landmark development of high design quality which will be incorporated in the park providing multi-functional spaces for a variety of sports and community uses including extended swimming facilities, sports courts, indoor bowls, bookable rooms, outdoor terraces and café/restaurant served by decked parking. The location of the centre means it is accessible by foot and cycle through a network of routes within the park and is well connected to the wider area. The parkland can wrap up onto the roof of the pool, integrating the building into the landscape and making use of topography.
- 7.37 The mix of uses in the new sports centre will be subject to the preparation of a development brief but could include:
- 25m pool
 - Learner pool
 - Leisure Pool
 - Soft play
 - Multi-use Sports Hall
 - Health and fitness facilities
 - Squash Courts
 - Café
- 7.38 The provision of leisure pool facilities would create an attractive sub-regional destination for visitors and enhance the tourism offer of the town.
- 7.39 The woodland on the site of the old Bohemia Farm will be retained as part of the network of green spaces.
- 7.40 An area of high quality apartments is proposed on the site of The Oval to be developed in conjunction with the sports centre building on the concept of healthy living and providing residents with access to a wealth of leisure facilities and green spaces. Access to public transport and the centres of Hastings and St Leonards will help to reduce car dependence and ties in with the Healthy Hastings initiative. The site could have the potential for up to 50 homes at a density of 80 dwellings per hectare (dph).

Policy WRP2 – White Rock Sports Park

The Council will support the consolidation of indoor and outdoor sports facilities on the site including a new leisure centre to replace the existing leisure centre (site B1(a))¹⁹ New buildings will be located on the higher part of the site and The Oval to minimise impacts on heritage assets and the character and landscape of White Rock Gardens.

A pedestrian and cycle route will be provided through the site to link Opportunity Area (OA8) Former Convent site, Magdalen Road to Falaise Road and Hastings Town Centre. Cultural uses including outdoor cultural space and residential development (indicative capacity 50 units) may be permitted as part of a comprehensive development to add vitality to the area and to promote healthy lifestyles.

The feasibility of district heating and/or Combined Heat and Power systems will be fully investigated as part of the development of this site.

Development proposals for this site will be required to be in accordance with an agreed Masterplan.

Relationship to Hastings Planning Strategy

FA3: Strategy for Hastings Town Centre

SC5: District Heating and Combined Heat and Power Systems

EN1: Built and Historic Environment

EN2: Green Infrastructure Network

EN7: Conservation and Enhancement of Landscape

EN8: Open Spaces – Enhancement, Provision and Protection

CI2: Sports and Leisure Facilities

Relationship to Development Management Plan

DM1: Design Principles

HN1: Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

HN9: Areas of Landscape Value

Opportunity Area 7 (OA7) – Bohemia

- 7.41 Bohemia presents the opportunity for the creation of a dense but green, mixed use area – an aspirational place to live, work and visit with good connections to the wider town and direct access to parks and woodland. Relocation of existing uses is critical to unlocking the development potential of this area and creating a vibrant urban neighbourhood.
- 7.42 A Heritage Quarter is proposed celebrating and animating the history of Hastings, White Rock and Bohemia incorporating Hastings Museum and Summerfields Wood. The Heritage Quarter provides the opportunity for new initiatives such as workshops and studios and new visitor facilities to broaden the appeal of the existing Museum.
- 7.43 The defining design principle for Bohemia is the need to ensure that development comes forward as part of a coordinated plan ensuring integration of development areas, creation of connections and a consistent approach to design of strategic infrastructure. The objective should be to create frontages to Bohemia Road which will transform it from a road to a street. New crossing points should be incorporated and

¹⁹ See paragraph 7.46

generous pavements provided. Inward looking development should be avoided and particular emphasis placed on connectivity and edge treatments – the basic principles for building an urban neighbourhood.

- 7.44 In accordance with Policy AAP3 it will be important to optimise the capacity of suitable sites given the need for new housing in Hastings. This will be achieved through optimising the density of new development taking into account site context, character of the area and the capacity of surrounding infrastructure. The density figures provided in Policies B1 and B2 are therefore indicative only. High standards of design will be required to enhance the character of the local area.

Cabinet draft

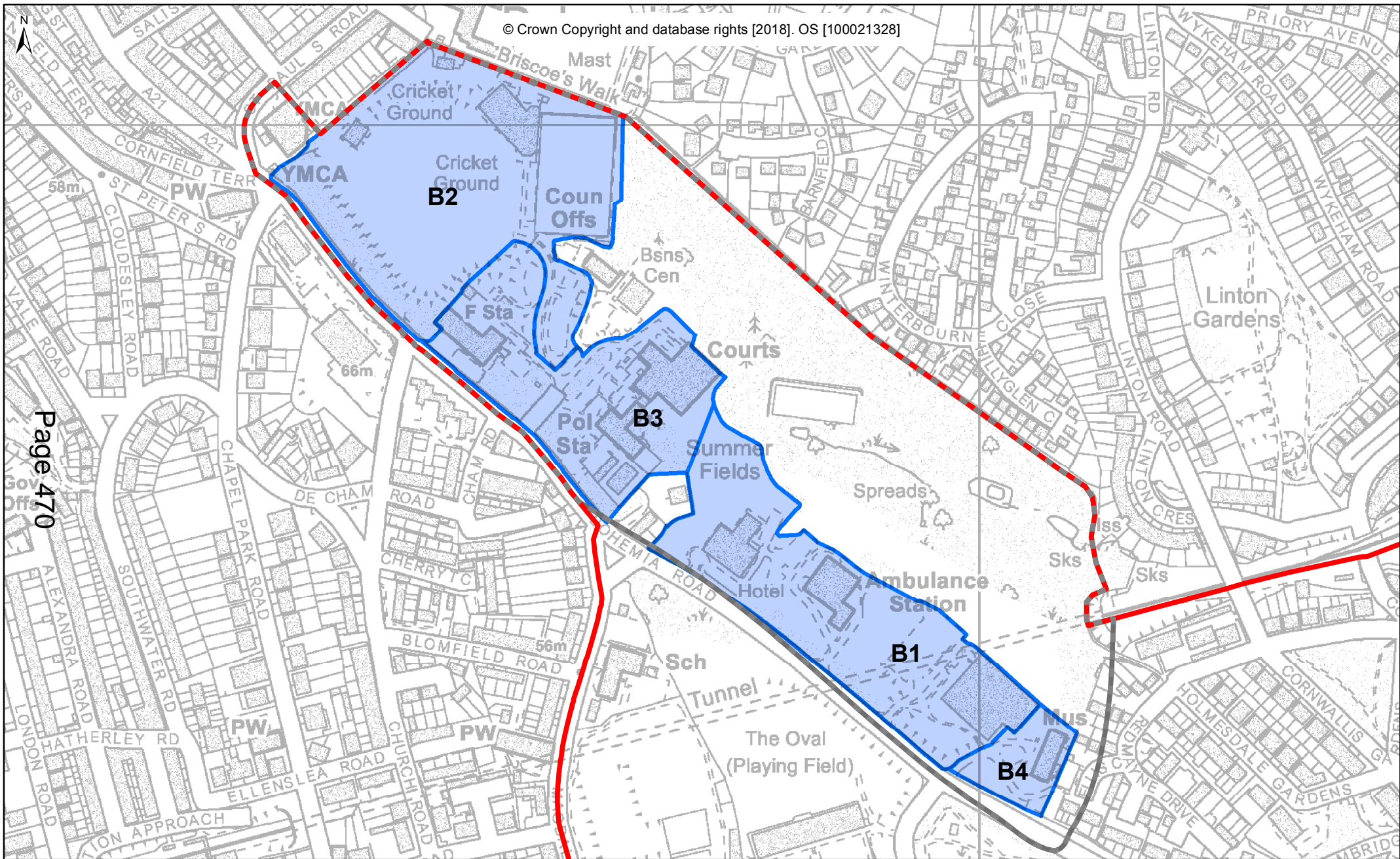





Figure 12
Opportunity Area OA7
Bohemia

-  Area Action Plan (AAP) Boundary
-  Opportunity Area
-  Opportunity Sites



Policy OA7 – Bohemia

The Council recognises the unique heritage of Bohemia and the opportunity to promote better use of the area to the north of Bohemia Road. The area to the north of Bohemia Road will be promoted as a new sustainable residential neighbourhood - a place to live, work and play, well connected by a network of pedestrian and cycle routes with the wider White Rock area and the town centre.

Within this area:

- a. the relocation of existing leisure and consolidation of civic facilities will be promoted;
- b. the design and location of new development will minimise impacts on heritage assets;
- c. an appropriate buffer zone will be retained free of development around the edge of Summerfields Wood to protect the woodland setting and ecology forming part of the green infrastructure network;
- d. development will be set within a landscaped setting with a network of green spaces;
- e. proposals will be viewed in terms of their contribution to the mix and diversity of uses and to their potential to enhance their attraction to residents and visitors;
- f. development of existing museum site, including potential new facilities.

The following development will be permitted:

- a. residential including a mix of unit sizes and tenures and affordable housing in accordance with Council policies;
- b. small scale workspace including co-working space and community space within the new residential neighbourhoods;
- c. new civic uses within the Civic Quarter;
- d. enhancement of existing leisure facilities.

Residential development will be permitted where this will not impact on Summerfields Wood and the setting of the listed heritage assets and will facilitate the restoration and enhancement of the parkland setting.

The implementation of a district heating network, supported by Combined Heat and Power will be promoted unless it can be demonstrated to the satisfaction of the Council that such a network is not feasible.

A comprehensive Masterplan will be required to provide a framework for development.

Relationship to Hastings Planning Strategy

EN2: Green Infrastructure Network

EN3: Nature Conservation and Improvement of Biodiversity

EN5: Local Nature Reserves (LNR)

EN7: Conservation and Enhancement of Landscape

EN8: Open Spaces – Enhancement, Provision and Protection

E4: Tourism and Visitors

H1: Housing Density

H2: Housing Mix

H3: Provision of Affordable Housing

Relationship to Development Management Plan

DM1: Design Principles

HN7: Green Infrastructure in New Developments

Opportunity sites within Bohemia (OA7)

7.45 Four opportunity sites are identified in OA7 which are shown in figure 12.

- B1: Summerfields
- B2: Horntye Park
- B3: Civic Quarter
- B4: Hastings Museum

Opportunity site B1: Summerfields

7.46 The Summerfields area comprises three sites:

- B1(a) - Summerfields Leisure Centre
- B1(b) - existing SECAMB operational site
- B1(c) - Travelodge and adjacent land

7.47 The availability of site B1(a) is subject to the relocation of the existing leisure centre and development will not be permitted until the appropriate re-provision of leisure facilities has been secured. Development will be required to provide an active frontage and pedestrian linkages to Bohemia Road, public realm improvements and improved linkages. Development will be required to protect Summerfields Wood.

7.48 A phased development is proposed subject to the relocation of existing uses and land release. The vision is for the creation of an attractive new neighbourhood based around a network of streets and public spaces with a mix of housing types and a range of community facilities which is well integrated with the wider area through the provision of new pedestrian and cycle routes.

Policy B1 - Summerfields

The area is proposed for the development of a mixed residential neighbourhood with a range of housing types and tenure, network of green spaces and play areas together with the retention of mature trees on the site, local workspace and community facilities (indicative capacity of up to 250 homes at a density of around 60 dph. Development will be required to create a frontage onto Bohemia Road and to provide a suitable buffer to Summerfields Wood to protect the woodland edge and ecology.

The allocation comprises three elements and development will be phased according to site availability and the relocation of existing uses. It will be necessary to demonstrate that development of will not prejudice the development of the remaining phases.

The allocation comprises:

- B1(a) - Summerfields Leisure Centre
- B1(b) - existing SECAMB operational site
- B1(c) - Travelodge and adjacent land

The development of site B1(a) will be subject to the relocation of the existing leisure centre to a suitable alternative site. The development of site B1(b) will be dependent on the relocation of the existing civic functions to a suitable alternative site.

A district heating and/or Combined Heat and Power system will be encouraged to support development subject to a feasibility study;

A self-build and custom build development will be supported.

Development will be required to be in accordance with an agreed Masterplan and development of any part of the site will be required to demonstrate that it would not prejudice the development of the wider site area. A high quality of design will be required in accordance with Policy AAP6.

Relationship to Hastings Planning Strategy

EN2: Green Infrastructure Network

EN3: Nature Conservation and Improvement of Biodiversity

EN5: Local Nature Reserves (LNR)

EN7: Conservation and Enhancement of Landscape

EN8: Open Spaces – Enhancement, Provision and Protection

E4: Tourism and Visitors

H1: Housing Density

H2: Housing Mix

H3: Provision of Affordable Housing

Relationship to Development Management Plan

DM1: Design Principles

HN7: Green Infrastructure in New Developments

HN10: Amenity Green Spaces

Development site B2: Hornty Park

- 7.49 Subject to the relocation of the existing sports facilities from Hornty, the site could be released for residential development. In the event of redevelopment, the site should retain a central green space and provide community facilities to serve the wider community (with the possible relocation of facilities from YMCA to existing pavilion and redevelopment of the existing YMCA site to provide improved access to development area).
- 7.50 High quality housing and community facilities should define the local park and create new links through the area with a robust network of streets and green spaces. A community park should be retained on the northern edge of Summerfields Wood with close links to St Pauls School and the local neighbourhood.
- 7.51 The site has the potential for up to 230 homes at an indicative density of 50 dph if the existing sports and leisure uses were to be relocated to a suitable alternative site. The number of units will be dependent on the area of land released for development through the relocation of existing sports and leisure uses.

Policy B2 – Hornty Park

Residential development will be supported on part of the site where this would not impact on existing open space and sports provision. In the event of the relocation of existing sports facilities to an alternative location, comprehensive development of the site will be acceptable subject to an approved Masterplan (indicative capacity of up to 250 homes at a density of 50 dph).

Development proposals for this site will be required to:

- a. provide a mix of housing types and tenures including affordable housing in accordance with the Council's policies;
- b. sustain and enhance the significance and setting of the Grade II listed ice house including its insulating earth mound, and include the provision for appropriate public access;
- c. minimise impacts on Summerfields Wood and include an Ecological Constraints and Opportunities Plan (ECOP), and incorporate appropriate conservation and mitigation measures as recommended by the ECOP;
- d. include a network of green spaces which link with the wider urban green space network;
- e. provide a financial contribution to the management of the Local Nature Reserve and opportunities for natural play within it;
- f. include a Flood Risk Assessment and flood resilient design as appropriate to the outcome of that report;
- g. investigate the impact to, and potential loss of, sporting facilities at Hornty and include appropriate mitigation and compensation as outlined by these investigations;
- h. be supported by a Transport Assessment and Travel Plan. Proposals must indicate how the conclusions and recommendations of the Assessment have been incorporated within the development;
- i. incorporate pedestrian and cycle routes which link with routes in the wider area;
- j. investigate the feasibility for district heating and/or Combined Heat and Power systems on site;

Development proposals for this site will be required to be in accordance with an agreed Masterplan.

Relationship to Hastings Planning Strategy

EN2: Green Infrastructure Network
EN3: Nature Conservation and Improvement of Biodiversity
EN5: Local Nature Reserves (LNR)
EN7: Conservation and Enhancement of Landscape
EN8: Open Spaces – Enhancement, Provision and Protection
H1: Housing Density
H2: Housing Mix
H3: Provision of Affordable Housing

Relationship to Development Management Plan

DM1: Design Principles
HN7: Green Infrastructure in New Developments
HN10: Amenity Green Spaces
SAP1: Horntye Park

Development site B3: Civic Quarter

- 7.52 The Civic quarter provides potential for the consolidation of the ESFRS and SECAMB facilities on an extended ESFRS site in the longer term to free up the SECAMB Make Ready site for a later phase of development (Site B1(b)).
- 7.53 The setting of mature trees must be retained in any redevelopment of the site with improved public links to the woods.

Policy B3 – Civic Quarter

Civic uses will be consolidated within the civic centre including the possible relocation of existing uses from site B1(b) subject to operational requirements.

A high standard of design and landscaping and suitable access and parking arrangements will be required.

The feasibility for district heating and/or Combined Heat and Power systems on site will be investigated in any proposals for the consolidation of civic uses.

Relationship to Hastings Planning Strategy

SC5: District Heating and Combined Heat and Power Systems
EN2: Green Infrastructure Network
E1: Existing Employment Land and Premises

Relationship to Development Management Plan

DM1: Design Principles
HN7: Green Infrastructure in New Developments

Development site B4: Hastings Museum

- 7.54 The museum is a distinctive building but needs to be more prominent and better linked to the town centre and attractions in the wider area in order to increase its visibility to visitors and enhance its cultural role. The potential to link the museum with Summerfields Wood provides a unique opportunity to celebrate local cultural heritage and to bring the historic and contemporary together.
- 7.55 Opportunities to enhance the museum will be explored. This could include, for example, extension to the existing building, outdoor display areas, café and workshops to celebrate the local culture of Hastings and a heritage trail linking the museum to Summerfields Wood and the Bohemia Walled Garden with improved signage and interpretation facilities. Other associated uses could also be considered such as arts storage and presentation facilities linked to national cultural institutions which would offer local employment opportunities and conservation training.
- 7.56 Existing initiatives such as the restoration and use of the Bohemia Walled Garden provide the basis for future enhancements to Summerfields Wood including improved access, signage and management. This will enhance this unique asset as a destination for residents and visitors to the town.

Policy B4 – Hastings Museum

The expansion of Hastings Museum to create additional exhibition and visitor facilities will be supported. Other associated cultural uses will also be considered.

Improved pedestrian links will be provided to Summerfields Wood. Measures will be supported to improve signage and landscaping to improve the setting and prominence of the museum and to enhance the public enjoyment of the wood including new interpretation facilities and the restoration and management of the walled garden and other assets of heritage value.

Development proposals for this site will be required to be in accordance with an agreed Masterplan.

Relationship to Planning Strategy

EN1: Built and Historic Environment
EN2: Green Infrastructure Network
EN3: Nature Conservation and Improvement of Biodiversity
EN5: Local Nature Reserves (LNR)
EN7: Conservation and Enhancement of Landscape
EN8: Open Spaces – Enhancement, Provision and Protection
E4: Tourism and Visitors

Relationship to Development Management Plan

DM1: Design Principles
HN1: Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
HN7: Green Infrastructure in New Developments

Opportunity Area 8 (OA8) – Former Convent of the Holy Child Jesus, Magdalen Road

- 7.57 The extent of Opportunity Area 8 is shown in figure 13.
- 7.58 Development Management Plan Policy HN6 recognises the importance of the listed convent buildings and the potential for an appropriate form of enabling development to facilitate their restoration and reuse. The AAP seeks to build on this policy to ensure that in the event of enabling development taking place it does so in accordance with the vision and objectives for the White Rock area.
- 7.59 Restoration and reuse of the listed Convent buildings will be supported provided this can be achieved in accordance with the Council’s built heritage planning policies. New uses include arts and educational uses including music studios, performance space, workspace and live-work space. The expansive grounds could become part of the network of White Rock Parks and could host events throughout the year.
- 7.60 The former playing fields to the north of the listed buildings offer the potential for a new residential neighbourhood. This can serve to facilitate restoration of the Convent buildings as a form of enabling development. In the event of a new residential neighbourhood being developed to the north of the convent buildings as part of an enabling scheme, there would be an expectation that this neighbourhood will be connected by a new pedestrian and cycle route with the wider White Rock area and town centre.
- 7.61 This could include direct pedestrian and cycle routes though the site from St Leonards to Hastings Town Centre which continue through the park.

<p>Policy OA8 – Former Convent of the Holy Child Jesus, Magdalen Road</p> <p>A comprehensive approach is required to the reuse and development of the former Convent buildings and proposals will be required to be in accordance with an agreed Masterplan.</p> <p>With regard to the conversion and re-use of the exiting listed buildings a number of uses may be acceptable including the provision of a centre for arts, education, culture, music and creative industries. So too, in principle is a mixed residential development on the former playing fields subject to meeting the requirements of Policy HN6. The development must be of a high design quality required to incorporate a network of green spaces and pedestrian and cycle links to the adjoining White Rock Park and Gardens and the town centre.</p> <p>Planning permission will be granted for development which would secure the long term viable use and future of the existing listed buildings. Development will be required to:</p> <ul style="list-style-type: none"> a. secure the management in perpetuity of the whole site and as a place of special historic and architectural significance; b. secure the ongoing management of the whole of the site, including the respectful protection of the Nuns’ cemetery and c. minimise the harm to heritage assets; d. provide an appropriate amount of affordable housing when balanced against any potential harm to the listed buildings; e. investigate the feasibility of district heating and/or Combined Heat and Power systems on site; <p>The Local Planning Authority will liaise closely with Historic England on any scheme</p>
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submitted including the sharing with them of any viability assessments or financial assessments submitted to support any development proposals.

In addition, planning permission will not be granted for enabling development unless:

- a. the impact of the development is precisely defined at the outset, through the granting of full, rather than outline, planning permission;
- b. the achievement of the heritage objective is secured through the use of a Section 106 agreement or by other enforceable means;
- c. the heritage assets concerned are repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, and in any event, before completion or occupation of any new build.

Relationship to Hastings Planning Strategy

EN1: Built & Historic Environment

EN2: Green Infrastructure Network

EN3: Nature Conservation and Improvement of Biodiversity

EN5: Local Nature Reserves (LNR)

EN7: Conservation and Enhancement of Landscape

EN8: Open Spaces – Enhancement, Provision and Protection

E4: Tourism and Visitors

H1: Housing Density

H2: Housing Mix

H3: Provision of Affordable Housing

Relationship to Development Management Plan

DM1: Design Principles

HN1: Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

HN3: Demolition involving Heritage Assets

HN6: Former Convent of the Holy Child Jesus, Magdalen Road

HN7: Green Infrastructure in New Developments

HN10: Amenity Green Spaces

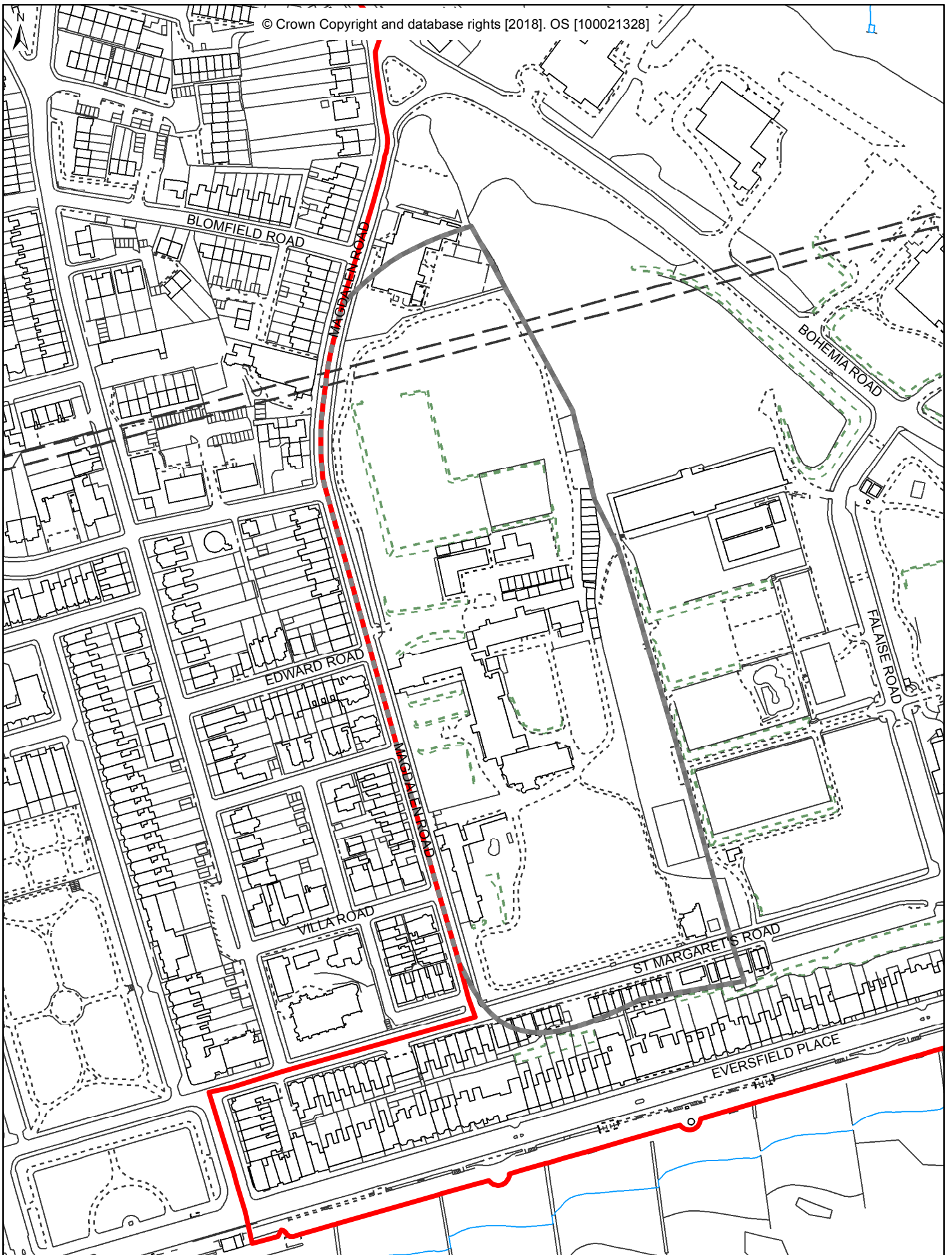




Figure 13
Opportunity Area OA8
Former Convent of Holy Child
Jesus, Magdalen Road

-  Area Action Plan (AAP) Boundary
-  Opportunity Area

Section Eight

Implementation

- 8.1 The AAP provides the framework for the coordination of future investment in the town centre and Bohemia. It provides a strong development framework capable of responding to changing conditions whilst maintaining a clear vision for the area.
- 8.2 Achieving the overall vision will be dependent on an integrated approach to the sites identified for change and development, enhancement of the Opportunity Areas and transport and environmental improvements. The AAP will be subject to annual review and monitoring against the objectives and timescales set out in this document. Above all it will be about changing perceptions and creating an environment of confidence for stakeholders and investors.
- 8.3 New development will be required to contribute to the vision and objectives set out in the AAP by increasing the quality and diversity of the experience and attractions for residents and visitors to enjoy. The objective will be to create value through the promotion of high quality development, open spaces and public realm.
- 8.4 A process of active management over the long term is needed in order to manage the change process. This will ensure that future development and investment is well managed and that they combine in such a way that the investments share success and combine to further extend the profile of Hastings Town Centre and Bohemia. The process of change and investment will take a concerted effort and partnership working over the long term. The vision will inform a series of proposals which can take place independently, but within an overall coordinated framework.

Delivery strategy

- 8.5 The timescale for delivery of the proposals set out in the AAP will be influenced by a number of factors including the ownership and availability of sites, financial viability and funding. The AAP will be subject to regular monitoring and review. At all times, however, priority must be placed on creating value and it will be necessary to ensure that this is not compromised in the interests of early delivery. This also serves to highlight the importance which must be placed on quality, not just quantity, in bringing forward development opportunities. A number of interventions will be required to deliver the objectives set out in the AAP:
- **Leadership** - the role of the Council will be critical as landowner, decision maker, planning authority and facilitator of change.
 - **Effective partnership working** - the importance of partnership working to deliver economic growth and regeneration benefits has never been greater. The proposals for Hastings Town Centre and Bohemia promote a close working relationship between the public and private sectors.
 - **Encouragement of local enterprises and investment** - the engagement of local enterprises particularly in the cultural and creative industries sector and support for the Business Improvement District (Hastings BID)
 - **Attraction of local, inward and foreign investment** - the need to attract investment to drive forward growth of the local economy, business development and new employment opportunities.
 - **Engagement of the community** - this process has started and will be maintained through engagement in the development of proposals.
 - **Maximising funding opportunities** - it will be necessary for partners to work together to access potential sources of funding.

- **Development of a marketing and branding strategy** - the creation of a strong brand will be essential in changing the image of the town and increasing its appeal.
- **Preparation and monitoring of a phased implementation plan** - proposals must be phased with a focus on early wins to start the process of transformation of the AAP area. Implementation of the AAP will be subject to monitoring and review to take account of changing conditions and new opportunities.
- **Management and maintenance** - a coordinated management and maintenance regime will be required to maintain the quality of the area and create a safe and attractive environment for residents and visitors.

8.6 Key mechanisms include:

- use of the AAP as the basis for development control and strategy development to ensure that change is brought forward in a coordinated and cohesive manner;
- working with other public sector bodies to ensure the coordination of funding support to deliver key projects;
- bringing forward proposals for land and buildings within Council ownership;
- working with landowners and developers to bring forward proposals for the Opportunity Areas and identified opportunity sites to ensure that new development and public realm proposals are of the highest design quality;
- securing developer contributions towards improvements to the town centre and necessary infrastructure improvements, in particular transport and public realm improvements through the use of Section 106 legal agreements;
- where necessary and justified on planning grounds to use Compulsory Purchase powers to bring forward land in order to deliver the proposals set out in the AAP.

Role of Hastings Borough Council

8.7 Hastings Borough Council has a pivotal role to play in the transformation of the town centre and Bohemia as facilitator, planning authority and land owner. The Council can bring valuable expertise and resources to work with partners to help deliver projects.

8.8 Land owned by the Council can be released for development to part fund leisure and cultural facilities and environmental improvements. In addition, the Borough Council can work with other landowners and organisations to bring forward proposals and to seek funding for the implementation of key opportunities.

8.9 There are a wide range of benefits which we consider can be captured from intervention in the town centre and Bohemia. Through a comprehensive approach the area can:

- help to generate greater numbers of visitors;
- generate more viable facilities and businesses which will be of higher quality;
- generate employment opportunities together with financial benefits including higher levels of business rates, New Homes Bonus and rental income from the letting of the space;
- create higher levels of visits which will generate greater patronage across the town and will in particular help to support the retail and leisure facilities along key pedestrian routes;
- have wider and softer benefits including greater levels of satisfaction in the area and improved health and wellbeing from having much improved facilities.

Pro-active planning

- 8.10 The Hastings Town Centre and Bohemia AAP will provide the policy framework for bringing forward development opportunities and projects identified in the Masterplan. A pro-active approach will be adopted to facilitate the delivery of key projects and necessary infrastructure in accordance with the NPPF and Hastings Planning Strategy.

Partnership working

- 8.11 To date initiatives have been promoted by local people making things happen. This needs to be harnessed and built on by encouraging other external 'facilitators' to participate in the projects – be these funders, investors or competition winning architects.
- 8.12 Successful implementation of the AAP and key projects will only be achieved through creative partnership working. This will be of particular importance in the current economic climate when it will be necessary to consider new and more creative ways of working. The proposals encompass a wide range of projects and implementation will be dependent on a strong partnership approach involving Hastings Borough Council, East Sussex County Council, The Foreshore Trust, wider regeneration and funding partners as well as landowners, the local community, businesses and investors.
- 8.13 The public sector will need to take an interventionist approach to enhance the profile and environment of Hastings as a place in which to invest. As both the planning authority and a key landowner, the Council will have a pivotal role in taking forward the proposals.

Maximising funding opportunities

- 8.14 The AAP provides a statement of intent for lobbying for public sector funding and private investment. It will give confidence to investors that there is a commitment to change.
- 8.15 Implementation of the AAP will require significant public and private sector funding. The cost of new facilities such as the White Rock Sports Centre and Park and the development of a cultural performance venue fit for the future will be significant. Development of the new sports centre and improved cultural performance venue will require a mix of funding including prudential borrowing and the sale of existing sites. This must, however, be balanced against the costs of refurbishment and extension of the existing leisure centre which has a limited life and the operational and maintenance cost savings which would be possible with a new centre designed to a high specification. A new centre would also attract higher levels of usage (including visitors) and would provide stronger and sustainable revenue streams. The integration and concentration of complementary uses centred around public facilities will serve to reduce the 'whole life cost in use' revenue costs. Transport improvements will be critical to ensuring sustainable economic regeneration of the town centre and Bohemia and this will require close cooperation between the Council, central government, East Sussex County Council and transport operators to secure funding for improvements to roads and bus and rail connections to the town.
- 8.16 The Council will work with developers and other public agencies to facilitate development in accordance with the AAP and to secure funding for transport and environmental improvements and appropriate social infrastructure provision. A key element of delivery is the developer contributions, which individual development will be required to make to fund town centre improvements. The Council will apply planning obligations/planning conditions to ensure the objectives of the AAP are realised.

- 8.17 Private sector funding will also be required to effect improvements to existing business and retail premises in the town centre such as improvements to vacant floor space and shop units or shop front improvements.
- 8.18 The Council will make funding available over the plan period from its capital programme to deliver improvements to the town centre in collaboration with its partners. Public sector funding will be sought through competitive bidding and submission of business cases for both transport and environmental improvements. Subject to the success of these, this will enable a phased programme of work during the plan period.
- 8.19 Initially public sector investment is needed in order to commence the process of change and improvement. The town centre and Bohemia can play a significant role providing facilities which will attract local, sub-regional and tourist visits. Provision of quality facilities will thus generate activity which will provide local employment and training opportunities as well as bring new spend into the local economy. The economic impact could be significant and increase the sustainability of facilities. Key funding opportunities which can be considered include the following:
- Prudential borrowing – the Council could consider this borrowing facility to invest in income generating facilities such as the Leisure Centre. Future revenue would then repay the loan.
 - Lottery funding – there are a range of lottery funding opportunities and these do evolve from time to time. Opportunities such as Power to Change, Parks for People, Heritage Enterprise and Reaching Communities. It must be noted that such funds are normally directed towards community organisations which will be recipients of the funding. Working with local communities to develop such proposals could form a key early project to generate investment in the Park and link with the pier.
 - Coastal Communities Fund – the Coastal Communities Fund is aimed directly at towns like Hastings and it is likely that future rounds will be available.
 - One Public Estate - public sector organisations are seeking to work in collaboration to meet their property needs and create efficiencies. Given the number of public sector buildings across the area, there may be opportunities for consolidation and rationalisation which could both reduce costs but at the same time generate revenue from development of surplus sites.
 - Local Growth Fund – administered by the Local Enterprise Partnership, funding is generally focussed towards employment, training initiatives and transport infrastructure, however certain elements of future development and investment may form part of a funding bid and therefore would be an appropriate source to target.
 - The Council will also work in partnership with East Sussex County Council to explore other opportunities through new funding sources being promoted by the Department of Transport and the Department for Communities and Local Government throughout the plan period.
- 8.20 Funding applications will need to be tailored to specific projects. Given the emphasis of many funds on community groups and social enterprise there is a need to work with active groups that can take projects forward in partnership and therefore help to facilitate future development.
- 8.21 The potential for private sector funding for development/investment will be assisted by having a coordinated and comprehensive strategy in place which will help to de-risk potential investment and heighten the prospects for future returns. Whilst public sector

funding may be constrained, Council owned assets such as land and buildings can be used as catalysts for change.

Promoting culture and local enterprise

8.22 Culture will deliver value but needs to be protected for the long term. Key to the promotion of culture as a driver of regeneration will be:

- shifting perception and creating value
- partnership working
- developing the creative economy
- developing new business models

8.23 A mechanism is required which allows partners to be brought in at an early stage to influence design and type of amenity provision. In the short term, the priority should be to create a stronger focus and cluster of activities around the pier and White Rock Theatre. Culture can also drive the programme of temporary activities which will raise the programme of the wider site e.g. in the parkland. Cultural amenities around the edge of the area (museum, Convent and town centre) will have a cascade effect and the establishment of good connections will be important.

Community involvement

8.24 Active engagement of the local community has started and will be critical in taking forward the proposals in the AAP. The delivery strategy recognises the role of the community in the transformation of the town, including the development of proposals for White Rock Gardens. The involvement and support of the community will be particularly important in taking forward proposals and the potential to secure funding.

8.25 The role of young people will also be critical in bringing life and animation to the area. It is proposed that the existing Youth Council and local schools and colleges should be fully involved in the development of proposals.

The role of architectural competitions

8.26 The use of architectural competitions will ensure that the best architects are attracted to Hastings. It will also encourage innovative design and new approaches to development which will make Hastings stand apart from other places.

8.27 White Rock Gardens offers enormous potential but needs to be re thought. An architectural competition for the park would generate new ideas and interest in the potential for existing and new uses for the park. An urban park of this scale and position should be a destination with a national and international reputation.

8.28 A separate architectural competition should be held to design the Sports Park and Sports Centre and any cultural/live performance venues. An innovative approach to this facility could push new approaches to sports provision.

Phasing

8.29 The proposals need to be coordinated such that risk is managed and that through the creation of place, confidence and value builds.

8.30 The key objective will be to achieve early and sustained transformation of the area. There will be an overlap between projects and the timescale for implementation may be brought forward in accordance with the Masterplan dependent on land availability and funding.

- 8.31 Change will not happen overnight and the area will develop over a long period. This is actually beneficial as it will become richer and more diverse over time and values and investment opportunities will increase. It will also allow more people to be actively involved.
- 8.32 New initiatives should be encouraged within the existing open spaces of Bohemia and these can be prototypes for the future development of the place.
- 8.33 Early work and intervention is needed to create the conditions where private sector interest and investment can be secured. This initial work would help to ensure that 'value is created' which will make projects more attractive and viable.
- 8.34 The long term vision should be pursued through specific projects, with a focus on key priorities and addressing barriers to regeneration such as environment and infrastructure. It will be important to demonstrate progress through a short, medium and long term strategy with an emphasis on promotion and programming in the short term.
- 8.35 Proposals will be phased over the plan period. An indicative phasing programme is set out in the Indicative Implementation Schedule (table 3), together with the key actions required to implement the proposals set out in the AAP. The Council expects development to be phased generally in accordance with the indicative phasing programme unless this would have benefits for delivery of the overall vision and provided that the AAP objectives would not be prejudiced. Projects are set out within three indicative phases:
- short (1-5 years)
 - medium (5-10 years)
 - long (10-15 years)
- 8.36 The Council will work with land owners and developers in bringing forward proposals. Phasing is based on a number of key considerations including site availability, funding, deliverability, land assembly and infrastructure requirements. Each phase will be characterised by specific programmes of activity and by detailed proposals being brought forward for key sites.
- 8.37 The phasing also reflects the importance of key sites which would mark a step change in the offer and perceptions of the centre and improve the climate for investment. The phasing plan will be kept under regular review as implementation progresses and will be updated on an annual basis.

Monitoring

- 8.38 The completion of proposals and operation of the policies within the AAP will be subject to monitoring as part of the Councils statutory monitoring of all planning policy documents.

Planning application requirements

- 8.39 The AAP provides the planning policy framework for development and change within Hastings Town Centre and Bohemia and will be applied in the determination of all planning applications. The Council will work with developers in preparing Masterplans and development proposals will require a high quality design which will assist in delivering the overall vision for the town centre. The following documents will be required in support of planning applications for development proposals on opportunity sites in the town centre and Bohemia:

- Masterplan showing how the site relates to the wider town centre;
- Design and access statement showing how a high quality of design will be achieved;
- Landscape and open space strategy;
- Phasing and delivery strategy;
- Transport assessment.

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Table 3: Indicative Implementation Schedule

Reference	Site name	Indicative timescales	Partners	Delivery Strategy	Infrastructure requirements	Funding opportunities
SG1	Priory Street car park and ESK	Medium - Long	Hastings Borough Council (HBC) Developers	Development of Masterplan Secure developer partner	Relocation/ replacement of multi-storey car park in site SG2	Release of development value Private sector S106 funding Coastal Communities Fund
SG2	Station Approach car park and Royal Mail Delivery Office	Medium	HBC Network Rail Landowners Developers	Development of Masterplan	Re-provision of multi-storey carpark Investment in station/new services	Release of development value Private sector Transport funding S106 funding Cross-subsidisation from site SG1
SG3	Former Post Office, Cambridge Road	Short - Medium	HBC Landowners Developers	Early release of site		Private sector
SG4	Queensbury House, Havelock Road	Short	SeaChange HBC Developer	Market site	Public realm	Private sector Coastal Communities Fund

Reference	Site name	Indicative timescales	Partners	Delivery Strategy	Infrastructure requirements	Funding opportunities
WP1	Corner of Wellington Place and Albert Road	Medium	HBC Landowners Developers	Masterplan Links with sites WP3 and WP4 Optimise development potential through mixed use development	Public space Public realm	Release of development value Private sector S106 funding
WP2	Site of former Harold Place public conveniences	Short	HBC Developers	Market site Catalyst for regeneration of town centre	Public realm Landmark building	Private sector S106 funding
WP3	Cinema, Queens Road	Medium	HBC Landowners Developers	Enhanced cinema provision or relocation of cinema to alternative site	Public realm Enhancement of heritage asset	Private sector S106 funding
WP4	1-7 Wellington Place	Medium	HBC Landowners Developers	Masterplan Links with sites WP1 and WP3 Optimise development potential through mixed use development	Public realm Links to seafront	Private sector S106 funding
QR1	Morrisons, Queens Road	Long	HBC Landowners Developers	Masterplan Optimise development potential through mixed use development	Public realm Parking	Private sector S106 funding
QR2	Cornwallis Street car park	Short - Medium	HBC Developers	Market site	Public realm Parking Pocket park	Private sector S106 funding

Reference	Site name	Indicative timescales	Partners	Delivery Strategy	Infrastructure requirements	Funding opportunities
PM1	Land at Middle Street	Medium	HBC Developers Owners of Priory Meadow	Masterplan Extension to Priory Meadow	Public realm Parking	Private sector S106 funding
PM2	Station Yard, Station Approach	Short - Medium	HBC Developers	Market site	Public realm Cycle way	Private sector S106 funding
WR1	Hastings Pier	Short	Owners of Hastings Pier Venue operators	Continue the development of facilities and extended programme of activities	Public spaces	Private sector Coastal Communities Fund
WR2	White Rock Theatre	Short - Medium	HBC Arts Council England Cultural companies and venue operators	Extension of White Rock Theatre to include extended performance and hospitality areas incorporating new pedestrian lift access to White Rock Gardens	Public spaces	Hastings BC Private sector Arts Council England SELEP Coastal Communities Fund Fund raising
WR3	The Observer Building	Short - Medium	HBC Owners Hastings Creatives Ltd Cultural groups and organisations	Develop proposals viable mixed use scheme for refurbishment and reuse of building	Restoration of building	Release of development value Fund raising

Reference	Site name	Indicative timescales	Partners	Delivery Strategy	Infrastructure requirements	Funding opportunities
WRP1	White Rock Gardens	Short - Medium	HBC Friends of White Rock Gardens Bowls Clubs	Early engagement of Friends of White Rock Gardens Programme of events and festivals Community events	Green space Cycle/pedestrian links	Release of development value Heritage Lottery-Parks for People
WRP2	White Rock Sports Park	Medium - Long	HBC Developer partner Sports clubs and providers Sport England	Feasibility Study Engagement with existing sports clubs and providers Review options for leisure provision Design Competition Seek developer partner for new Sports Park Rationalisation of outdoor sports uses Relocate existing GP surgery Preparation and implementation of proposals for Sports Park	Cycle/pedestrian links Parking Sports facilities	Prudential Borrowing Enabling development/sale of existing leisure centre site S106 Private sector Revenue from facilities

Reference	Site name	Indicative timescales	Partners	Delivery Strategy	Infrastructure requirements	Funding opportunities
OA8	Former Convent of the Holy Child Jesus, Magdalen Road	Medium - Long	HBC Land owners Hastings Creatives Ltd Cultural groups and organisations Education providers	Hastings Borough Council to work with landowners and stakeholders to secure sustainable future for listed buildings Explore options for future use and enabling development. This may include Feasibility study and Business Plan for International School for arts and possible education use.	Restoration of listed buildings Green space Cycle/pedestrian links Contribution to social infrastructure	Heritage Lottery Enabling development S106 Fund raising Education providers
B1	Summerfields	Short - Long	HBC Leaseholders Developer partners	Redevelopment of site following relocation of leisure uses to new Sports Centre and Sports Park	Green space Cycle/pedestrian links Contribution to social infrastructure	Private sector S106
B2	Horntye Park	Medium	HBC Horntye Trust Developer partners YMCA	Confirm future of sports facilities and relocation proposals Preparation of proposals for redevelopment of existing site	Green space Cycle/pedestrian links Contribution to social infrastructure	Private sector S106
B3	Civic Quarter	Medium - Long	HBC Public sector bodies	Review opportunities for consolidation of civic uses		One Public Estate

Reference	Site name	Indicative timescales	Partners	Delivery Strategy	Infrastructure requirements	Funding opportunities
B4	Hastings Museum	Short - Medium	HBC Jerwood Gallery Cultural organisations Bohemia Walled Garden Society Friends of Summerfields Wood Local community	Feasibility Study and business plan and review of funding opportunities Approach key national cultural institutions to test Art Storage market Improved access to Summerfields Wood - New footpaths Interpretation facilities. Biodiversity enhancement.		Arts Council Cultural Organisations Heritage Lottery Fund raising Education providers

Appendix 1

Summary of Planning Policy

Hastings Planning Strategy

The Hastings Planning Strategy (HPS) provides a long term plan to deliver regeneration and sustainable growth in the town up to 2028. The HPS outlines a number of Strategic Objectives that will help meet the overall vision for the Borough. Relevant aims within Objective 1 include 'providing for 20,500m² of retail floorspace in the town centre by 2028' and 'developing Hastings and St Leonards Town Centres as the focus for employment in the office, retail, leisure and cultural and service sectors, with Hastings Town Centre being the primary focus'. Objective 7 seeks to make best use of the Seafront and promote tourism within Hastings. A relevant aim within Objective 7 is to 'increase opportunities for vibrant art and craft studios, markets, chalets and retail' within the seafront area. The relevant HPS policies are outlined below as follows:

- Policy DS3: Location of Retail Development states a need for 20,500m² new comparison goods floorspace up to 2028, with this need being primarily met within Hastings Town Centre. Furthermore, it is stated that 2,800m² of retail warehousing needs will be met on edge-of-centre and out-of-centre sites.
- Policy E3: Town, District and Local Centres sets out the hierarchy of town, district and local centres in Hastings. Development proposals for town centre uses are directed to town and district centres. The hierarchy of centres is as follows: Town Centre: Hastings (the principal centre in the town)
 - District Centre: The Old Town, St Leonards centre, Ore Village, Silverhill
 - Local Centre: Bohemia
- Policy E3 seeks to safeguard the retail character and function of the centre, enhance its appearance and quality, encourage a diverse range of uses within the centre including retail, leisure, social, education, arts, culture, office, residential and commercial.
- Policy E4: Tourism and Visitors seeks to promote and secure sustainable tourism development in Hastings Town Centre by encouraging a more diverse and high quality tourism offer in both attractions and accommodation.
- Policy FA3: Strategy for Hastings Town Centre states the following objectives:
 - provide for c.21,700m² (net) employment floorspace at Priory Quarter by 2028
 - provide for 20,500m² (gross/net) retail comparison goods floorspace up to 2028
 - achieve a more even mix of housing tenure
 - promote competitiveness in terms of the range and type of shops operating in the area
 - ensure the area is attractive to visitors and support the retention of visitor accommodation
 - promote accessibility by local public transport, walking and cycling, and for people with disabilities
 - develop the evening economy
 - promote and encourage improvements to the public realm as part of new development schemes and in day to day repairs and maintenance
 - promote leisure and cultural facilities including a new library, registration service and wedding venue, and support the development of cultural quarters between White Rock & the America Ground and Station Plaza through the Development Management Plan
 - protect and enhance architectural heritage, particularly in the conservation area
 - maintain the distinctiveness of the area in terms of architecture, townscape and function

- improve the existing housing stock and quality of life for residents
- encourage mixed use developments and explore the potential for 'living above the shop'
- seek to reduce the number of long term empty homes
- control the distribution and mix of Houses in Multiple Occupation within the area.

Development Management Plan

The Development Management Plan (DMP) document follows on from the Hastings Planning Strategy. The DMP shows in more detail where the housing, offices, shops and other development will go; and provides specific policies to be used in the determination of planning applications.

The Development Management Plan identifies the following retail policies:

- Town Centre Boundary: Policy FA3;
- Hastings Town Centre Shopping Area: Meadows: Policy SA1;
- Drinking Establishments and Hot Food Take Aways: Policy SA4

Policy SA1 states that within the Hastings Town Centre Shopping Area at ground floor level, as defined on the Policies Map, proposals for planning use classes A1-A4 and other uses appropriate to the character of the shopping area will be permitted provided both of the following criteria are satisfied:

- The proposal would not result in non-A1 uses exceeding 5% of the total floorspace of Priory Meadow and not more than 45% of the total number of ground floor units in the remaining shopping area, as defined on the Policies Map;
- The proposal would not result in such a concentration of non-class A1 uses as to lead to a significant interruption in the shopping frontage, thus harming the vitality and viability of the Hastings Town Centre Shopping Area as a whole.

Policy SA4 states that planning permission for new drinking establishments (use class A4) and hot food take-aways (use class A5) will be granted provided that the proposal would not adversely affect neighbours, result in public disorder and that it would not cause a danger to the public highway.

Policy CQ1 identifies four Cultural Quarters where cultural activities are concentrated and where their continuance and expansion will be encouraged and supported. The areas of relevance include the White Rock and America Ground Cultural Quarter (including Robertson Street and Harold Place) and the Academic Cultural Quarter (including Priory Quarter). The Development Management Plan recognises that cultural activities can make a vital contribution to the local economy, strengthening visitation rates and raising aspirations in the town. The document notes that it is natural for many of these to cluster within an area for mutual advantage, benefiting from flexibility, change and temporary uses, in addition to an availability of indoor and outdoor exhibition and performance space.

Section three of the DMP identifies Site Allocations across the Borough, two of which are of particular relevance to this study and fall within the Town Centre Boundary and immediately adjoin the Hastings Town Centre Shopping Area:

- Site Allocation HTC3 (The Observer Building) is identified within the DMP as being suitable for mixed use (including tourist accommodation, retail, educational and leisure facilities).
- Site Allocation HTC6 (Priory Quarter, Havelock Road) is also identified as being suitable for mixed use development including education, retail, leisure and hotel uses. The Development Management Plan confirms that the site has outline planning permission for a large scale mixed use development comprising offices,

education, retail and leisure. It encompasses a significant part of the Academic Cultural Quarter, and is allocated primarily for business development, but also allows for other complementary uses – retail, education, car parking, hotel and/or leisure proposals, should they come forward. A design brief has been prepared to help guide development in this location.

Elsewhere within the Hastings Town Centre Boundary, and in close proximity to the Town Centre Shopping Area, Site Allocations HTC 1, 2 and 4 are allocated for residential development.

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Appendix 2

List of reasonable alternatives and preferred approaches

Reasonable alternatives in Sustainability Appraisal (SA)

A key element of the Sustainability Appraisal (SA) process is the appraisal of 'reasonable alternatives' for the Area Action Plan (AAP). The SEA Regulations²⁰ are not prescriptive as to what constitutes a reasonable alternative, stating only that the SA Report should present an appraisal of the '*plan and reasonable alternatives taking into account the objectives and geographical scope of the plan*'.

Options appraisal

In response to this, a number of alternative approaches have been considered for the AAP through the SA process to date. These were developed through two workshops undertaken with key officers involved in the AAP process in August and November 2017 as well as during the preparation of the draft AAP.

Listed below are the reasonable alternatives (options) appraised as part of the SA process, also referenced is the preferred approach taken forward in the AAP (shown in brackets). The SA appraised reasonable alternatives focused on the broad distribution and approach to development as well as broad policy approaches, as listed below:

Appraisal of options for retail provision

Option TC1: continue to concentrate key retail and office uses in the town centre core and town centre edge (preferred approach)

Option TC2: facilitate new town centre use in the parts of the AAP area outside of the town centre core and town centre edge

Appraisal of options for housing numbers

Option H1: deliver numbers proposed through the existing HPS Policy DS1 (i.e. at least 3,400 net new homes for the period 2011-2028)

Option H2: facilitate enabling development, delivering an additional 670 homes (preferred approach)

Option H3: facilitate higher densities, delivering between 670 and 2,778 additional homes

Option H4: meet residual unmet need, totalling an additional 2,778 homes

Appraisal of options for the broad location of housing

Option HL1: focus housing delivery on Hastings Town Centre

Option HL2: focus housing delivery at Bohemia (preferred approach)

Appraisal of options for green infrastructure provision

Option GI1: continue the approach for green infrastructure provision in the AAP area facilitated through Policy HN7 of the DMP

Option GI2: initiate the AAP specific approach to green infrastructure provision to support policy HN7 (preferred approach)

Appraisal of options for leisure provision

Option L1: business as usual - Summerfields, Falaise Fitness Centre, outdoor provision at White Rock Gardens

²⁰ Environmental Assessment of Plans and Programmes Regulations 2004

Option L2: move Falaise Fitness Centre into Summerfields

Option L3: relocate Summerfields and Falaise into a purpose built facility (preferred approach)

Appraisal of options for the A259

Option P1: improve pedestrian crossings across the A259 (preferred approach)

Option P2: facilitate comprehensive reconfiguration of the A259

Appraisal of options for housing delivery at Bohemia

Option WR1: deliver new housing in the northern part of the Bohemia area (preferred approach)

Option WR2: deliver new areas of housing in the southern part of the Bohemia area

Appraisal of options for Horntye

Option HT1: Horntye remains as an existing sports facility

Option HT2: Horntye is redeveloped for housing (preferred approach)

Option HT3: Horntye is redeveloped for another use (e.g. employment)

Appraisal of options for the White Rock Theatre

Option WRT1: allocate land for a new theatre which meets appropriate standards

Option WRT2: retain a degree of flexibility for the future of the White Rock Theatre (preferred approach)

Option WRT3: initiate a change of use for the site for specific (non-theatre) use

Following on from the assessment of reasonable alternatives the SA report that accompanies the Hastings Town Centre and Bohemia Area Action Plan Preferred Approaches document for public consultation sets out an appraisal of the AAP (at Regulation 18 stage) under the eight SA themes - biodiversity, climate change, historic environment and townscape, land, soil and water resources, community vitality, health and wellbeing, transportation and air quality, economy and employment and provides an overall conclusion and recommendations on these themes for the next stage of plan making.

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Hastings Town Centre and Bohemia Area Action Plan

Sustainability Appraisal (SA)
SA Report to accompany Regulation 18 consultation

Hastings Borough Council

May 2018

Quality information

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1. Introduction

- 1.1 AECOM has been commissioned to undertake an independent Sustainability Appraisal (SA) in support of the Hastings Town Centre and Bohemia Area Action Plan (AAP).
- 1.2 Hastings Town Centre and the Bohemia area have been identified by Hastings Borough Council as a key location to the continued economic and cultural regeneration of the Borough and to help meet future growth requirements. The AAP will provide the policy and spatial framework for future development and change in these areas.
- 1.3 Hastings Town Centre and the Bohemia area is identified as having a pivotal role to play in driving the local economy as the Borough's largest retail and leisure destination, service centre, tourist destination, and employment centre. Combined, the Town Centre and Bohemia area have close links with the seafront, Hastings Castle, and the Victorian Pier. The AAP brings the different elements together in order to formulate one co-ordinated strategy for regeneration, growth and change in Hastings; to build on its positioning as a destination, and to enhance local economic vitality.
- 1.4 This SA Report accompanies the Regulation 18 consultation for the AAP. It is currently anticipated that the AAP will be submitted to the Secretary of State and then undergo an independent Examination in Public in 2019.
- 1.5 Key information relating to the AAP is presented in Table 1.1.

Table 1.1: Key facts relating to the Hastings Town Centre and Bohemia Area Action Plan

Name of Responsible Authority	Hastings Borough Council
Title of Plan	Hastings Town Centre and Bohemia Area Action Plan
Subject	Spatial plan
Purpose and timescale	The AAP will guide future development and land use to 2033 within the town centre and Bohemia areas of Hastings in East Sussex. Once adopted, The AAP will form part of a suite of Local Plan documents with the Hastings Planning Strategy (February 2014) and the Development Management Plan (September 2015) and will be used for Development Management purposes in the determination of planning applications.
Area covered by the plan	The town centre and Bohemia areas of Hastings, East Sussex. (Figure 1.1 below). This incorporates the town centre, Summerfields/Bohemia, Horntye, White Rock Gardens across to the Former Convent of the Holy Child Jesus, and parts of the seafront.
Summary of content	The AAP will set out: <ul style="list-style-type: none"> • Policies for the use of land and buildings • Development and design guidance for key sites • Proposals for new and enhanced parks and civic spaces and other environmental improvements
Plan contact point	Planning Policy, Hastings Borough Council Email address: fplanning@hastings.gov.uk Telephone number: 01424 451098

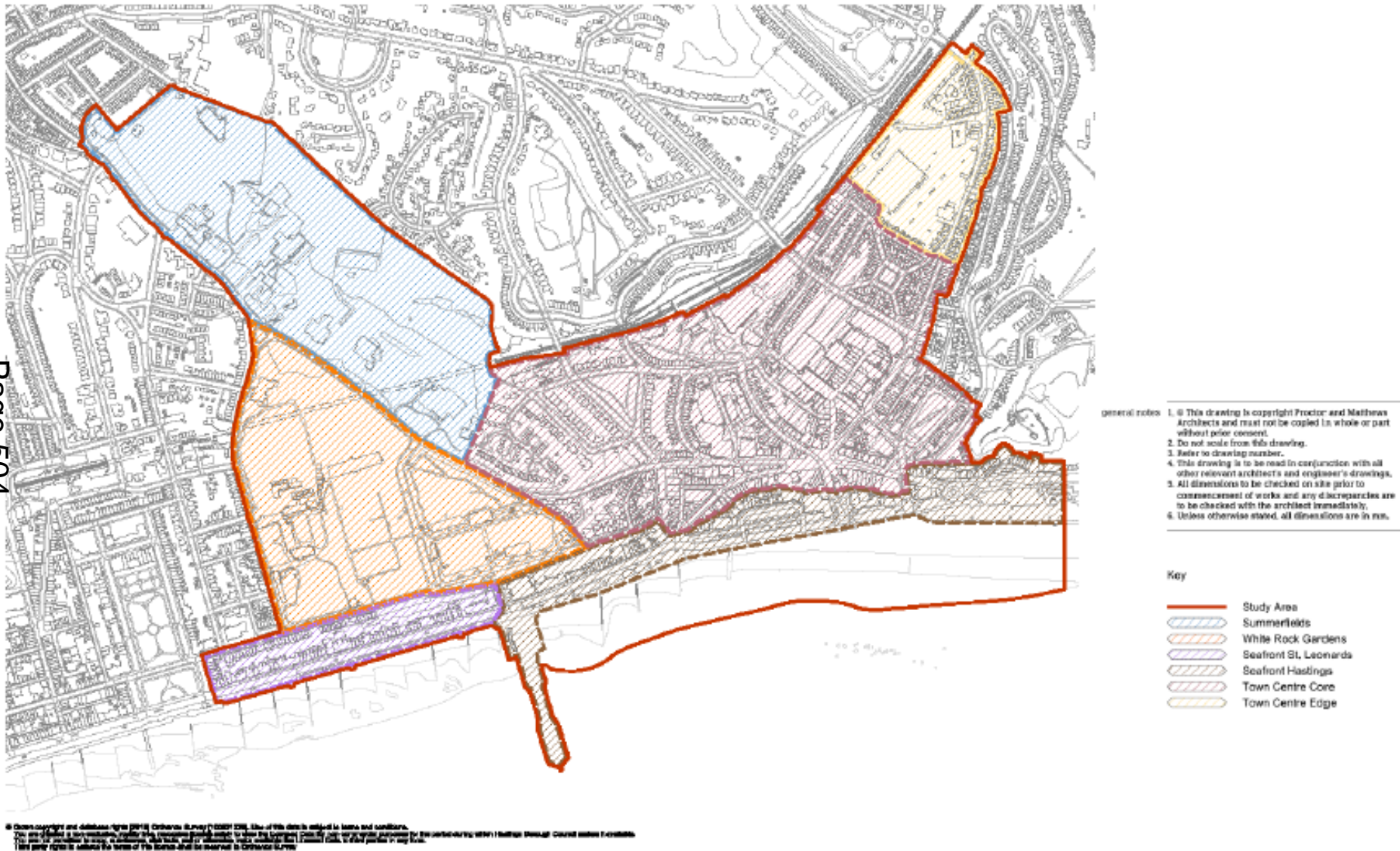


Figure 1.1: Area covered by the Hastings Town Centre and Bohemia Area Action Plan AAP (and character areas)

2. Current stage of plan making

- 2.1 Preparation of the AAP follows the adoption of the Hastings Planning Strategy (February 2014) and Development Management Plan (September 2015), both of which cover the whole of the Borough. The AAP will take forward the objectives and aspirations of the adopted Hastings Planning Strategy (2014) and will form part of the Local Plan once adopted.
- 2.2 The AAP has also been informed by the Hastings Town Centre and White Rock Retail and Leisure Assessment and Urban Design Analysis (Bilfinger GVA, March 2016) and the White Rock Park & Bohemia: A Strategy for the future of the White Rock area (White Arkitekter, July 2017). The White Rock Park and Bohemia Strategy sets out a masterplan to drive forward the transformation and regeneration of Hastings and St Leonards.
- 2.3 This SA Report accompanies the current consultation on the AAP (*Hastings Town Centre and Bohemia Area Action Plan Preferred Approaches for Public Consultation*). The Preferred Approaches document is the first key consultation document on the AAP, and is being consulted on under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations.
- 2.4 In this context, the current AAP document sets out the following:
 - 1) An overarching vision and set of objectives for the Plan area
 - 2) Policies for the use of land and buildings;
 - 3) Development and design guidance for key sites;
 - 4) Proposals for new and enhanced parks and public realm and other environmental improvements; and
 - 5) An Action Plan for the delivery of key proposals and initiatives.

3. Approach to the SA process

Sustainability Appraisal explained

- 3.1 Sustainability Appraisal (SA) is undertaken to address the procedures prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) which transpose into national law the EU Strategic Environmental Assessment (SEA) Directive¹. It also widens the scope of the assessment from focusing on environmental issues to further consider social and economic issues. SA is a legal requirement for Local Plans.
- 3.2 The National Planning Policy Guidance (NPPG) states that *"the role of the Sustainability Appraisal is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives."*
- 3.3 Two key procedural requirements of the SEA Directive are that:
- When deciding on 'the scope and level of detail of the information' which must be included in the SA Report there is a consultation with nationally designated authorities concerned with environmental issues; and
 - A report (the 'SA Report') is published for consultation alongside the Draft Plan that presents an assessment of the Draft Plan (i.e. discusses 'likely significant effects' that would result from plan implementation) and reasonable alternatives.
- 3.4 The key stages of Local Plan preparation and their relationship with the SA process are shown in Figure 3.1 on the following page.
- 3.5 This SA Report is concerned with Stage B in the figure below. It evaluates the likely significant effects of the latest proposals for the AAP and reasonable alternatives, and considers ways of mitigating adverse effects and maximising beneficial effects.
- 3.6 A further SA Report will accompany the publication version of the Plan at Regulation 19 stage early in 2019, and will include all of the information required by the SEA Regulations.

¹ Directive 2001/42/EC

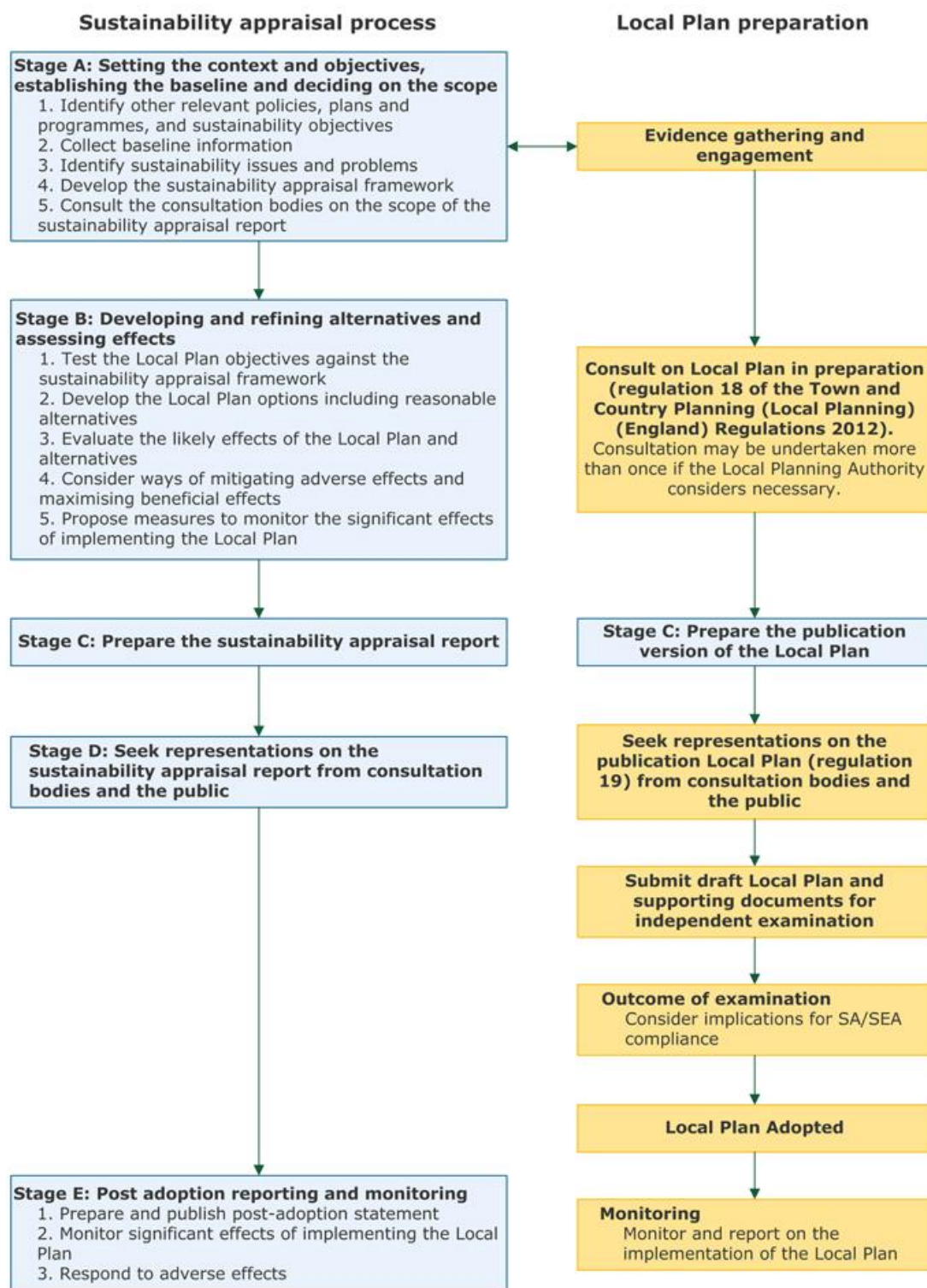


Figure 3.1: SA and Local Plan Stages²

² National Planning Practice Guidance Ref ID: 11-013-20140306 [online] available at: http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-local-plans/#paragraph_013 Accessed Aug 2017

What is the scope of the SA?

SA Scoping Report

- 3.7 The SEA Regulations require that: *"When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation bodies"*. In England, the consultation bodies are the Environment Agency, Historic England and Natural England.³ These authorities were consulted on the scope of the AAP SA in October 2016.
- 3.8 An initial step when seeking to establish the appropriate scope of an SA involves reviewing the sustainability context set out in relevant policies, plans and programmes. As such the Scoping Report presented the sustainability context set out in relevant policies, plans and programmes. The Scoping Report also included a detailed baseline review which aids understanding of the current and likely future situation in the plan area (and therefore the identification and evaluation of 'likely significant effects' associated with the emerging plan and reasonable alternatives).
- 3.9 The baseline information (including baseline data and context review) is presented in the updated SA Scoping Report, which can be accessed at:

https://www.hastings.gov.uk/planning/policy/emergingpolicy_guidance/towncentrewhiterock/

SA Framework

- 3.10 Drawing on the review of the sustainability context and baseline, the SA Scoping Report identified a range of sustainability problems / issues that should be a particular focus of SA, ensuring it remains targeted. These issues were then translated into an SA 'framework' of objectives and appraisal questions.
- 3.11 The SA Framework provides a way in which the sustainability effects of the Local Plan and alternatives can be identified and subsequently analysed based on a structured and consistent approach.
- 3.12 The SA Framework and the appraisal findings in this SA Report have been presented under eight SA Themes, reflecting the range of information being considered through the SA process. These are:
- Biodiversity
 - Climate Change
 - Historic Environment and Townscape
 - Land, Soil and Water Resources
 - Community Vitality
 - Health and Wellbeing
 - Transportation and Air Quality
 - Economy and Employment
- 3.13 The SA Framework is presented in Table 3.1 below.

³ In line with Article 6(3) of the SEA Directive, these consultation bodies were selected because *"by reason of their specific environmental responsibilities, [they] are likely to be concerned by the environmental effects of implementing plans and programme"*.

Table 3.1: SA Framework for the Hastings Town Centre and Bohemia Area Action Plan

SA Theme	SA objectives	Appraisal questions: Will the option/proposal help to...
Biodiversity	Biodiversity is protected, conserved and enhanced	<ul style="list-style-type: none"> • Maintain, protect and enhance the town’s sites designated for their nature conservation interests? • Protect, conserve and enhance the town’s priority species and habitats, and ensure achievement of local biodiversity targets? • Encourage the development of new biodiversity assets within/alongside developments?
Climate Change	The causes of climate change are addressed through reducing emissions of greenhouse gases through zero/low carbon development (mitigation) and ensure the town is prepared for its impacts (adaptation)	<ul style="list-style-type: none"> • Reduce emissions of greenhouse gases by reducing energy consumption? • Contribute to a reduction of CO2 to contribute to national targets? • Promote efficient land use patterns that minimise the need to travel? • Promote sustainable drainage systems in new development? • Reduce vulnerability of the built environment to the effects of climate change?
	The use of sustainable energy and renewable energy technologies is maximised in new development, and in existing buildings	<ul style="list-style-type: none"> • Promote the incorporation of energy efficiency measures in existing buildings and in new development? • Reduce the incidences of fuel poverty through installation of energy efficiency measures and raising income levels? • Promote the incorporation of small-scale renewables in developments and existing buildings?
	The risk of flooding (fluvial and tidal) and coastal erosion is managed and reduced, now and in the future	<ul style="list-style-type: none"> • Minimise the risk of flooding from rivers, watercourses and the coast, to people and flooding? • Make use of Sustainable Drainage Systems (SUDs)? • Ensure that development does not increase flood risk to others? • Prevent inappropriate development in the flood plain?

SA Theme	SA objectives	Appraisal questions: Will the option/proposal help to...
Historic Environment and Townscape	Parks and gardens, countryside, and the historic environment/ townscape and landscape are protected, enhanced and made more accessible	<ul style="list-style-type: none"> • Protect, enhance and restore the town’s natural environmental assets (e.g. greenspace network) • Support local character and distinctiveness through good design? • Protect, enhance and restore the town’s cultural and heritage assets? • Encourage access to historic and cultural heritage? • Will it enhance and increase access to the natural environment, parks and open spaces and the coast?
Land, Soil and Water Resources	Land and buildings are used more efficiently and the best use is made of previously developed land	<ul style="list-style-type: none"> • Reduce the amount of derelict and underused land? • Encourage the re-use of existing buildings and the re-use of materials in construction
	The risk of pollution to all water resources is reduced, water quality is improved and water consumption is reduced	<ul style="list-style-type: none"> • Reduce water consumption? • Increase the use of water conservation and grey water recycling technologies? • Ensure water demand does not outstrip available supply?
	Through waste re-use, recycling and minimisation, the amount of waste for disposal is reduced	<ul style="list-style-type: none"> • Minimise the production of household waste? • Reduce waste in the construction industry?
Community Vitality	Levels of poverty and social exclusion are reduced and the deprivation gap is closed between the more deprived areas in Hastings and the rest of the town	<ul style="list-style-type: none"> • Reduce poverty and social exclusion in those areas and communities most affected?

SA Theme	SA objectives	Appraisal questions: Will the option/proposal help to...
	More opportunities are provided for everyone to live in a decent, sustainably constructed and affordable home suitable to their needs	<ul style="list-style-type: none"> • Increase access to good quality and affordable housing for all? • Improve the quality of the housing stock and reduce the number of non-decent homes? • Reduce homelessness and ensure the provision of housing for the homeless? • Promote the adoption of sustainable design and construction practices in housing (energy/water/land/materials efficiency/incorporation of biodiversity etc)? • Encourage mixed use and a range of housing tenure?
	Opportunities are available for everyone to acquire new skills, and the education and skills of the population improve	<ul style="list-style-type: none"> • Improve the qualifications and skills of adults? • Address the skills gap and enable skills progression? • Improve the qualifications and skills of young people? • Contribute to meeting identified skills shortages • Improve access to high quality educational/training opportunities and facilities?
	All sectors of the community have improved accessibility to services, facilities, jobs, and social, cultural and recreational opportunities, including access to the countryside and the historic environment	<ul style="list-style-type: none"> • Improve accessibility and affordability to essential local services? (employment, public transport, education, open space, health services and shops) • Promote compact, mixed-use development with good accessibility to local facilities and services? • Make access easier for those without access to a car?
	Safe and secure environments are created and there is a reduction in crime and the fear of crime	<ul style="list-style-type: none"> • Reduce actual levels of crime? • Reduce the fear of crime?
	Vibrant and locally distinctive communities are created and sustained	<ul style="list-style-type: none"> • Encourage the involvement of communities in the planning and management of their neighbourhoods? • Improve residential amenity and sense of place?

SA Theme	SA objectives	Appraisal questions: Will the option/proposal help to...
Health and Wellbeing	The health and well-being of the population is improved and inequalities in health are reduced	<ul style="list-style-type: none"> • Reduce death rates? • Promote healthy living and reduce health inequalities? • Improve access to high quality health facilities? • Encourage healthy, active lifestyles and provide opportunities for sport and recreation (formal and informal) • Promote good design that minimises adverse impacts on health and well-being from crime and road traffic accidents
Transportation and Air Quality	Road congestion and pollution levels are reduced, and there is less car dependency and greater travel choice	<ul style="list-style-type: none"> • Reduce the need to travel by private car? • Promote public transport, walking and cycling? • Reduce traffic volumes?
	Air pollution from transport and land use planning is reduced, and air quality continues to improve.	<ul style="list-style-type: none"> • Improve and maintain air quality? • Promote more sustainable transport patterns including walking, cycling and public transport? • Reduce the need to travel through the location and design of new development and the provision of public transport infrastructure? • Avoid locating development where air quality could negatively impact upon people's health?
Economy and Employment	Economic revival in the more deprived areas of the town is stimulated and successfully achieved.	<ul style="list-style-type: none"> • Improve economic performance in advantaged and disadvantaged areas? • Support the regeneration of deprived areas?
	The sustained economic growth of Hastings Town Centre is achieved and linked closely to social regeneration.	<ul style="list-style-type: none"> • Encourage investment, including inward investment? • Promote and support town centres and local centres, local employment opportunities and mixed use development?
	Indigenous and inward investment is encouraged and accommodated.	<ul style="list-style-type: none"> • Make land and property available for business development?

SA Theme	SA objectives	Appraisal questions: Will the option/proposal help to...
	<p>There are high and stable levels of employment and rewarding and satisfying employment opportunities for all.</p>	<ul style="list-style-type: none"> • Help to improve earnings? • Increase the number and range of employment opportunities for local people and those most in need of employment? • Support economic growth in years to come? • Reduce short and long-term unemployment? • Provide good quality employment opportunities accessible to all sections of the population?

4. Appraisal of reasonable alternatives

Reasonable alternatives in SA

- 4.1 A key element of the SA process is the appraisal of 'reasonable alternatives' for the AAP. The SEA Regulations⁴ are not prescriptive as to what constitutes a reasonable alternative, stating only that the SA Report should present an appraisal of the "*plan and reasonable alternatives taking into account the objectives and geographical scope of the plan*".
- 4.2 The following sections therefore describe how the SA process to date has informed the preferred approaches for the AAP and potential locations for proposed development. Specifically, the chapter explain how the AAP has been developed in terms of the broad distribution and approach to development and broad policy approaches.⁵

Options appraised

- 4.3 A number of alternative approaches have been considered for the AAP as reasonable alternatives through the SA process to date. These were developed through two workshops undertaken with key officers and stakeholders with an interest in the AAP process in August 2017 and November 2017.
- 4.4 The alternative approaches relate to the following:
- Options for retail provision
 - Options for housing numbers
 - Options for the broad location of housing
 - Options for green infrastructure provision
 - Options for leisure provision
 - Options relating to the A259
 - Options for housing delivery at Bohemia
 - Options for Horntye
 - Options for the White Rock Theatre
- 4.5 Further detail on these options and their appraisal is presented from section below.

Approach to the appraisal

- 4.6 The options considered as 'reasonable alternatives' have been appraised against the SA Framework (Table 3.1).
- 4.7 In undertaking the appraisal, the proposed options were reviewed to determine the likelihood of positive or negative effects under each SA Theme.
- 4.8 Where a causal link between the options and SA Themes was established, impacts were identified on the basis of professional judgment with reference to the evidence base. The appraisal was undertaken with reference to the criteria in Schedule 1 of the SEA Regulations, that is:

⁴ Environmental Assessment of Plans and Programmes Regulations 2004

⁵ Recent case-law (most notably Friends of the Earth Vs. Welsh Ministers, 2015) has established that planning authorities may apply discretion and planning judgement when determining what should reasonably be the focus of alternatives appraisal.

- the probability, duration, frequency and reversibility of the effects;
- the cumulative nature of the effects;
- the transboundary nature of the effects;
- the risks to human health or the environment (for example, due to accidents);
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- the value and vulnerability of the area likely to be affected due to-
 - special natural characteristics or cultural heritage;
 - exceeded environmental quality standards or limit values; or
 - intensive land-use; and
- the effects on areas or landscapes which have a recognised national, community or international protection status.

The following sections therefore:

1. Provide more detail on the options considered as reasonable alternatives through the SA process; and
2. Present the appraisal findings relating to these options.

Appraisal of options for retail provision

4.9 The Local Plan, which sets out current retail need in the Borough, seeks to focus key retail and office uses in Hastings town centre. Given the transformation change to be initiated through the AAP, there is the potential to explore an alternative option which enables new town centre uses to be delivered outside of the town centre in the Bohemia area.

4.10 To explore these issues further, the SA process has considered two options, as follows:

- **Option TC1:** Continue to concentrate key retail and office uses in the Town Centre Core and Town Centre Edge
- **Option TC2:** Facilitate new town centre uses in the parts of the AAP area outside of the Town Centre Core and Town Centre Edge

4.11 The following table presents appraisal findings in relation to the two options introduced above. These are organised by the eight SA themes.

4.12 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '2' the least favourable ranking.

4.13 Where an '–' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.1: Appraisal of options for retail provision

Option TC1: Continue to concentrate key retail and office uses in the Town Centre Core and Town Centre Edge

Option TC2: Facilitate new town centre uses in the parts of the AAP area outside of the Town Centre Core and Town Centre Edge

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		TC1	TC2
Biodiversity	The significance of the effects from each option on features and areas of biodiversity interest largely depends on the detailed location, scale and nature of retail and office development and the incorporation of biodiversity enhancement measures. As such it is not possible to differentiate between the two options.	?	?
Climate Change	<p>In relation to climate change mitigation, the sustainability performance of the options depend on elements such as the integration of energy efficient design within new retail and office development and the provision of renewable energy generation. This, however, can only be assessed on a site-by-site basis once the details of potential development become clearer (e.g. when 'pre-app' discussions take place between developers and the Council or a planning application is submitted). In terms of per capita emissions from transport, the town centre is a more accessible location by sustainable transport modes than Bohemia due to having the broader range of public transport options (including notably the railway station). As such Option TC1 has increased potential to promote the use of public transport and walking and cycling to access retail and employment opportunities.</p> <p>In relation to flood risk, it is not possible to differentiate between the options given this depends on the location of development and the incorporation of mitigation measures such as sustainable urban drainage systems (SuDS). It is also considered that the provisions of the NPPF and national policy will help guide development away from flood risk areas and ensure that appropriate mitigation measures are implemented.</p> <p>In terms of the wider elements relating to climate change adaptation, this also depends on the provision of appropriate infrastructure alongside new provision, such as green infrastructure provision, and appropriate design and layout.</p>	1	2

Option TC1: Continue to concentrate key retail and office uses in the Town Centre Core and Town Centre Edge

Option TC2: Facilitate new town centre uses in the parts of the AAP area outside of the Town Centre Core and Town Centre Edge

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		TC1	TC2
Historic Environment and Townscape	<p>Hastings town centre has a rich historic environment resource. This is reflected by much of the town centre being covered by conservation area status and the large number of nationally listed structures in the area. Whilst Option TC1 has the potential to deliver an increased level of new retail and office development in the town centre, given existing uses in the area, and the likelihood of there being sufficient capacity to deliver retail and office requirements at this location, potential impacts on the historic environment would likely be relatively limited. Alongside, the focus of new retail and office development in the town centre offers opportunities for the reuse and rejuvenation of existing heritage assets. This will support the fabric and setting of the historic environment and the quality of the public realm.</p> <p>The Bohemia area, whilst in parts being less sensitive than the town centre in terms of nationally and locally designated historic environment assets, also has a sensitive historic environment in some locations. This includes a number of Grade II* and Grade II listed buildings associated with the former convent west of White Rock Gardens, a number of listed buildings along White Rock (and Hastings Pier) and the locally listed White Rock Gardens. Growth has the potential to have impacts on these key assets.</p> <p>For both options, potential effects on the historic environment will depend on factors such as the design and layout of new development, the retention of distinct features contributing to local character and the location of development in relation to key viewpoints in the area. New development also offers opportunities for enhancing the fabric and setting of the historic environment, if appropriately designed.</p> <p>However it should be noted that 1) the town centre is an area inherently suited to retail and office uses, and 2) focusing retail and office development in the Bohemia area has the potential to undermine the regeneration of the town centre as a key employment centre, and its vitality. This may undermine opportunities for enhancing the quality of the public realm and rejuvenating features and areas of historic environment interest.</p>	1	2
Land, Soil and Water Resources	<p>Both options will support the reuse and rejuvenation of previously developed or underutilised land. This will support the efficient use of land in the AAP area. Focusing such uses on the town centre however has increased potential to lead to a rejuvenation of existing structures and the intensification of uses.</p> <p>In terms of water and soil quality, it is difficult to come to a conclusion regarding the potential for development at any given location to result in negative effects without an understanding of the design measures that will be put in place.</p>	1	2

Option TC1: Continue to concentrate key retail and office uses in the Town Centre Core and Town Centre Edge

Option TC2: Facilitate new town centre uses in the parts of the AAP area outside of the Town Centre Core and Town Centre Edge

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		TC1	TC2
Community Vitality	Continuing to focus retail and office uses in the town centre will do more to support and enhance the vitality and viability of the area. This will help encourage a diversity of uses in the town centre, promote the reuse of vacant and underutilised buildings and safeguard the current character and function of the area. As such Option TC1 will do more to support economic regeneration, and, through supporting an ongoing clustering of uses in the most accessible part of the Borough, will support access to economic and employment opportunities. In addition to supporting economic vitality, this will support the quality of life of residents through contributing to a vibrant and dynamic town centre which provides a range of services, facilities, amenities and opportunities. In contrast, enabling significant retail and office development in the Bohemia area has the potential to undermine the regeneration of the town centre as a key employment centre, and its vitality. Through drawing retail and office development away from the town centre, Option TC2 has the potential to undermine its viability, and limit opportunities for economic and cultural regeneration.	1	2
Health and Wellbeing	Option TC1 seeks to continue a focus of retail and office uses in the town centre. This will do more to support and enhance the vitality and viability of the area and support the ongoing clustering of uses in the most accessible part of the Borough. In addition to supporting access to economic and employment opportunities this will support the health and wellbeing and quality of life of residents through contributing to a vibrant and dynamic town centre which provides a range of services, facilities, amenities and opportunities. In contrast, focusing retail and office development in the Bohemia area through Option TC2 has the potential to undermine the regeneration of the town centre as a key employment centre, and its vitality.	1	2
Transportation and Air Quality	The town centre is most accessible location in the Borough. This is due to the wider range of sustainable transport options available, including the rail station, bus routes and walking and cycling networks. For this reason, focusing office and retail uses in the town centre will support accessibility by sustainable transport modes and encourage modal shift from the private car. In contrast, directing retail and office development to the Bohemia area through Option TC2 has the potential to generate additional traffic movements and discourage the use of alternative modes of transport to the private car. Option TC1 therefore has increased potential to promote the use of public transport and walking and cycling to access retail and office provision.	1	2

Option TC1: Continue to concentrate key retail and office uses in the Town Centre Core and Town Centre Edge

Option TC2: Facilitate new town centre uses in the parts of the AAP area outside of the Town Centre Core and Town Centre Edge

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		TC1	TC2
Economy and Employment	<p>Continuing to focus retail and office uses in the town centre through Option TC1 will do more to support and enhance the vitality and viability of the area. This will help encourage a diversity of uses in the area, promote the reuse of vacant and underutilised buildings and safeguard the current character and function of the area. As such Option TC1 will do more to support economic regeneration, and, through supporting an ongoing clustering of uses in the most accessible part of the Borough, will support access to economic and employment opportunities. In addition to supporting economic vitality, this will support the quality of life of residents through contributing to a vibrant and dynamic town centre which provides a range of services, facilities, amenities and opportunities.</p> <p>In contrast, focusing retail and office development in the Bohemia area has the potential to undermine the regeneration of the town centre as a key employment centre, and its vitality. Through drawing retail and office development away from the town centre, Option TC2 has the potential to undermine its viability, and limit opportunities for economic and cultural regeneration.</p>	1	2

Appraisal of options for housing numbers

- 4.14 The Hastings Local Plan seeks to deliver ‘at least’ 3,400 net new homes over the Plan period. Annualised this equates to delivering a minimum of 200 new homes per annum across the Borough. Due to the environmental assets and physical constraints within the Borough, this target is considerably less than the objectively assessed housing needs (OAN) which was identified as part of developing the now adopted Local Plan. Recent changes in the approach to calculating housing needs and the now proposed ‘standard methodology’ to calculating housing need indicate that objectively assessed housing need for Hastings is likely to remain significantly higher than the current Plan target.
- 4.15 Whilst the role of the AAP will be to provide a detailed planning framework to guide change across the Town Centre and Bohemia area, consistent with the Hastings Planning Strategy, the primary focus of the AAP is not in meeting unmet housing need, though the potential to increase housing delivery and to assist in meeting and exceeding the ‘at least’ target is important.
- 4.16 To explore the issue in more depth, the SA process has considered a number of alternative options with regards to the delivery of housing in the AAP area. These options reflect different levels of additional housing provision which have the potential to be taken forward through the AAP.
- 4.17 In this context, the SA process has considered four options, as follows:
- **Option H1:** Deliver numbers proposed through the existing DS1 policy (i.e. at least 3,400 net new homes for the period 2011 – 2028)
 - **Option H2:** Facilitate enabling development, delivering an additional 670 homes
 - **Option H3:** Facilitate higher densities, delivering between 670 and 2,778 additional homes
 - **Option H4:** Meet residual unmet need, totalling an additional 2,778 homes

4.18 The following table presents appraisal findings in relation to the four options introduced above. These are organised by the eight SA themes.

4.19 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '4' the least favourable ranking. Where an '-' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.2: Appraisal of options for housing numbers

Option H1: Deliver numbers proposed through the existing DS1 policy (i.e. at least 3,400 net new homes for the period 2011 – 2028)

Option H2: Facilitate enabling development, delivering an additional 670 homes

Option H3: Facilitate higher densities, delivering between 670 and 2,778 additional homes

Option H4: Meet residual unmet need, totalling an additional 2,778 homes

SA theme	Discussion of potential effects and relative merits of options	Rank of preference			
		H1	H2	H3	H4
Biodiversity	<p>The significance of effects depends on the design and layout of new development and the integration of infrastructure which supports ecological networks in the area. As such, if all housing provision in the AAP area seeks to integrate these elements, then there should be no difference between the options in terms of impacts on biodiversity and ecological networks.</p> <p>Whilst the significance of the effects from each option on features and areas of biodiversity interest largely depends on the detailed location, scale and nature of development and the incorporation of biodiversity enhancement measures, it can, however, be considered that a higher level of housing development in a particular location increases the likelihood (and potential magnitude) of negative effects on the sites and habitats and species present in its vicinity. This is linked to an increased likelihood of direct effects, such as from land take, disturbance or the loss of key features of ecological value, and an increased likelihood of indirect effects, such as from a reduction of ecological connectivity, changes in land use patterns or increased recreational activity. In this context, Option H4, and to a lesser extent Option H3, would require a substantial increase in the number of homes in the AAP area. As such these options have increased potential to have impacts on habitats, species and ecological networks in the AAP area.</p>	1	2	3	4

Option H1: Deliver numbers proposed through the existing DS1 policy (i.e. at least 3,400 net new homes for the period 2011 – 2028)

Option H2: Facilitate enabling development, delivering an additional 670 homes

Option H3: Facilitate higher densities, delivering between 670 and 2,778 additional homes

Option H4: Meet residual unmet need, totalling an additional 2,778 homes

SA theme	Discussion of potential effects and relative merits of options	Rank of preference			
		H1	H2	H3	H4
Climate Change	<p>In relation to climate change mitigation, the sustainability performance of new housing development depends on elements such as the integration of energy efficient design within new development and the provision of renewable energy generation. This, however, can only be assessed on a site-by-site basis once the details of potential development become clearer (e.g. when 'pre-app' discussions take place between developers and the Council or a planning application is submitted). It should be noted though, that a higher quantum of development will do more to increase the built footprint of the AAP area, with associated potential overall increases in greenhouse gas emissions. In terms of per capita emissions from transport, this may however be limited by the accessible location of the AAP area by sustainable transport modes and the potential to promote walking and cycling. It also should be noted that increased densities associated with higher housing delivery increases opportunities for developing CHP linked to district heating network.</p> <p>In relation to flood risk, it is not possible to differentiate between the options given this depends on the location of development and the incorporation of mitigation measures such as sustainable urban drainage systems (SuDS). It is also considered that the provisions of the NPPF and national policy will help guide development away from flood risk areas and ensure that appropriate mitigation measures are implemented. In terms of the wider elements relating to climate change, this also depends on the provision of appropriate infrastructure alongside new housing, such as green infrastructure provision, and appropriate design and layout.</p>	1	2	3	4

Option H1: Deliver numbers proposed through the existing DS1 policy (i.e. at least 3,400 net new homes for the period 2011 – 2028)

Option H2: Facilitate enabling development, delivering an additional 670 homes

Option H3: Facilitate higher densities, delivering between 670 and 2,778 additional homes

Option H4: Meet residual unmet need, totalling an additional 2,778 homes

SA theme	Discussion of potential effects and relative merits of options	Rank of preference			
		H1	H2	H3	H4
Historic Environment and Townscape	<p>The AAP area has a rich historic environment. If all housing provision is appropriately located, and design and layout is sensitive to townscape character, then there should be no difference between the options in terms of townscape impacts and the setting of the historic environment. Differentiating the options in terms of potential effects on the historic environment will therefore depend on factors such as the design and layout of new development, the retention of distinct features contributing to local character, the location of development in relation to key viewpoints in the area, and the integration of high quality green infrastructure provision. New development also offers opportunities for enhancing the fabric and setting of the historic environment, if appropriately designed.</p> <p>However it should be noted that the delivery of the level of housing provisions promoted through Options H4 and H3 would be likely to require housing delivery at locations at increased sensitivity for the historic environment. This is due to the number of homes needed to deliver the numbers proposed, and the limited availability of sites for such development. Alongside, given the limited availability of appropriate sites, it is likely that Options H3 and H4 will lead to the loss of significant areas of previously undeveloped land or open space. This will have impacts on townscape character and local distinctiveness.</p> <p>Due the numbers of dwellings required, it is likely that the size and scale of individual new housing developments to meet provision of this magnitude would lead to significant impacts on the historic environment at sensitive locations, as well as, more broadly, significant impacts on the AAP area's townscape character and local distinctiveness. Furthermore, contributions to traffic and congestion promoted by increased housing delivery in the AAP area will have impacts on townscape character and the fabric and setting of the historic environment.</p> <p>As such the options which propose an increased level of housing provision have significant potential to undermine the distinctive character of the AAP area and the integrity of its heritage resource.</p>	1	2	3	4
Land, Soil and Water Resources	<p>All of the options will support the reuse and rejuvenation of previously developed or underutilised land. This will support the efficient use of land in the AAP area.</p> <p>However, given the limited availability of appropriate sites, it is likely that Options H3 and H4 will lead to the loss of significant areas of previously undeveloped land or open space. As such, whilst the options would require a significant intensification of uses, soil and water quality may be impacted on by the loss of open spaces in the AAP area.</p> <p>In terms of specific impacts on water and soil quality, it is difficult to come to a conclusion regarding the potential for development at any given location to result in negative effects without an understanding of the design measures that will be put in place.</p>	2	1	3	4

Option H1: Deliver numbers proposed through the existing DS1 policy (i.e. at least 3,400 net new homes for the period 2011 – 2028)

Option H2: Facilitate enabling development, delivering an additional 670 homes

Option H3: Facilitate higher densities, delivering between 670 and 2,778 additional homes

Option H4: Meet residual unmet need, totalling an additional 2,778 homes

SA theme	Discussion of potential effects and relative merits of options	Rank of preference			
		H1	H2	H3	H4
Community Vitality	<p>Options H2, H3 and H4, through delivering a larger quantum of housing across the AAP area will do more to help meet the Borough's objectively assessed need. The options also have the potential to support the delivery of affordable housing needs in the Borough, and help residents access a wider range of housing types, sizes and tenures. The delivery of an additional level of housing also has the potential to support the vitality and vibrancy of the AAP area.</p> <p>However in relation to Option H3 and H4, the scale of housing delivery proposed through these options has the potential to lead to impacts on the quality of life of residents. This includes through increases in traffic flows, the likely loss of open space to deliver the level of housing proposed (due to the lack of available sites), the loss of retail and employment uses due to a likely need to convert existing uses to housing, and impacts on the quality of the built environment and public realm. In this context the inappropriateness of delivering significant new housing in many parts of the town centre has the potential to undermine the potential benefits of increased housing provision and potential positive effects on the vitality of the area.</p>	2	1	3	4
Health and Wellbeing	<p>In relation to Option H3 and H4, the increased scale of housing delivery proposed through these options has the potential to lead to impacts on health and wellbeing. This includes through increases in traffic flows and associated impacts on air/noise quality and road safety, the likely loss of open spaces to deliver the level of housing proposed (due to the lack of available sites) and impacts on the quality of the built environment and public realm. In this context the inappropriateness of delivering significant new housing provision in many parts of the town centre has the potential to undermine health and wellbeing.</p>	2	1	3	4
Transportation and Air Quality	<p>The town centre and the Bohemia area are accessible locations, with the potential to encourage walking and cycling and public transport use, and promote modal shift from the private car. As such, the delivery of additional levels of housing may support the use of sustainable modes of transport.</p> <p>However, a significant increase in the resident population of the AAP area, and a likely requirement for a significant scale of individual housing developments has the potential to have significant impacts on traffic flows at some locations. In addition to contributing to existing congestion issues, this has the potential to impact on air and noise quality in the area.</p>	2	1	3	4

Option H1: Deliver numbers proposed through the existing DS1 policy (i.e. at least 3,400 net new homes for the period 2011 – 2028)

Option H2: Facilitate enabling development, delivering an additional 670 homes

Option H3: Facilitate higher densities, delivering between 670 and 2,778 additional homes

Option H4: Meet residual unmet need, totalling an additional 2,778 homes

SA theme	Discussion of potential effects and relative merits of options	Rank of preference			
		H1	H2	H3	H4
Economy and Employment	<p>Population growth in the AAP area stimulated by Options H2, H3 and H4's promotion of housing growth has the potential to support the economic vitality of the town centre and Bohemia. This includes through increasing the local market for goods and services and improving the vitality of the area. Residential development as part of mixed use development may help with viability, particularly given the need to increase retail floorspace within the town centre.</p> <p>However the delivery of additional housing growth through Options H3 and H4 has the potential to undermine the economic performance of the town centre. Given the lack of available sites in the town centre, there will be a need to convert existing uses to residential. As such an inevitable loss of retail and employment uses through these options may undermine the offer of the town centre and depress opportunities for economic expansion. There is potential conflict between increased residential development within the town centre and promoting the evening economy. Alongside, the large scale of development likely to be facilitated through the options is likely to have significant impacts on traffic flows and the quality of the public realm. This has the potential to undermine the vitality of parts of the AAP area, and potentially impact on key economic sectors such as the visitor economy.</p>	2	1	3	4

Appraisal of options for the broad location of housing

4.20 Given that the AAP is likely to deliver an element of housing growth in the area, two options have been considered with regards to the broad location of housing delivery. In this context two options have been considered through the SA process, which seek to consider the relative merits of taking forward housing in either the town centre or the Bohemia part of the AAP area.

4.21 Two options have been considered, as follows:

- **Option HL1:** Focus housing delivery on Hastings town centre
- **Option HL2:** Focus housing delivery at Bohemia

4.22 The following table presents appraisal findings in relation to the two options introduced above. These are organised by the eight SA themes.

4.23 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '2' the least favourable ranking. Where an '-' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.3: Appraisal of options for the broad location of housing

Option HL1: Focus housing delivery on Hastings town centre

Option HL2: Focus housing delivery at Bohemia

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		HL1	HL2
Biodiversity	<p>The significance of effects depends on the detailed location of new development, its design and layout and the integration of infrastructure which supports ecological networks in the area.</p> <p>Whilst the significance of the effects from each option on features and areas of biodiversity interest largely depends on the detailed location, scale and nature of development and the incorporation of biodiversity enhancement measures, it can, however, be considered that a higher level of housing development in a particular location increases the likelihood (and potential magnitude) of negative effects on the sites and habitats and species present in its vicinity. This is linked to an increased likelihood of direct effects, such as from land take, disturbance or the loss of key features of ecological value, and an increased likelihood of indirect effects, such as from a reduction of ecological connectivity, changes in land use patterns or increased recreational activity.</p> <p>In this context, Option HL1 has the potential to lead to additional impacts on habitats and species in Hastings town centre. Similarly, Option HL2 has the potential to focus impacts on biodiversity assets in the Bohemia area. Overall though, the relative merits of each of the options in relation to potential impacts on biodiversity depends on the specific location and approach to development, and the avoidance and mitigation measures proposed. It should also be noted that there are not significant areas of biodiversity value within the town centre.</p>	?	?
Climate Change	<p>In relation to climate change mitigation, the sustainability performance of new housing development depends on elements such as the integration of energy efficient design within new development and the provision of renewable energy generation. This, however, can only be assessed on a site-by-site basis once the details of potential development become clearer (e.g. when 'pre-app' discussions take place between developers and the Council or a planning application is submitted). It should be noted though, that a higher quantum of development will do more to increase the built footprint of the AAP area, with associated potential overall increases in greenhouse gas emissions. In terms of per capita emissions from transport, this may however be limited by the accessible location of both areas by sustainable transport modes and the potential to promote walking and cycling; in this regard it is not possible to differentiate between the options.</p> <p>In relation to flood risk, it is also not possible to differentiate between the options given this depends on the location of development and the incorporation of mitigation measures such as sustainable urban drainage systems (SuDS). It is also considered that the provisions of the NPPF and national policy will help guide development away from flood risk areas and ensure that appropriate mitigation measures are implemented. In terms of the wider elements relating to climate change, this also depends on the provision of appropriate infrastructure alongside new housing, such as green infrastructure provision, and appropriate design and layout.</p>	?	?

Option HL1: Focus housing delivery on Hastings town centre

Option HL2: Focus housing delivery at Bohemia

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		HL1	HL2
Historic Environment and Townscape	<p>Hastings town centre has a rich historic environment resource, as reflected by much of the town centre part of the AAP area being covered by conservation area status and the large number of nationally listed structures in the area. In this context, Option HL1 has increased potential to facilitate housing delivery at locations in the town centre at increased sensitivity for the historic environment. This is additionally likely due to the limited availability of sites for such development in the town centre, and the likelihood of new housing provision potentially being located in inappropriate locations in relation to the local heritage resource.</p> <p>The Bohemia area, whilst in parts being less sensitive than the town centre in terms of nationally and locally designated historic environment assets, also has a sensitive historic environment in some locations. This includes a number of Grade II* and Grade II listed buildings associated with the former convent west of White Rock Gardens, a number of listed buildings along White Rock (and Hastings Pier) and the locally listed White Rock Gardens. These have the potential to be impacted through focusing housing growth in this location through Option HL2. Alongside, housing growth in the Bohemia area may impact on the setting and integrity of the Eversfield Place Conservation Area, the White Rock Conservation Area and the Magdalen Road Conservation Area.</p> <p>For both options, potential effects on the historic environment will depend on factors such as the design and layout of new development, the retention of distinct features contributing to local character, the location of development in relation to key viewpoints in the area, and the integration of high quality green infrastructure provision. New development also offers opportunities for enhancing the fabric and setting of the historic environment, if appropriately designed.</p> <p>However it should be noted that 1) the capacity of the town centre to deliver housing is reduced by the limited availability of appropriate sites, and 2) the Bohemia area has increased capacity for delivering new areas of housing. As such Option HL1 has increased scope for leading to impacts on townscape character, local distinctiveness and the fabric and setting of the historic environment in the AAP area.</p>	2	1
Land, Soil and Water Resources	<p>Both options will support the reuse and rejuvenation of previously developed or underutilised land. This will support the efficient use of land in the AAP area. Focusing housing on the town centre however has the potential to lead to a significant intensification of uses and promoting the efficient use of land. This is given the lack of available sites for housing in this part of the AAP area.</p> <p>It is likely that Option HL2 will lead to the loss of areas of previously undeveloped land or informal open space. This is given the increased availability of this type land at this location.</p> <p>In terms of water and soil quality, it is difficult to come to a conclusion regarding the potential for development at any given location to result in negative effects without an understanding of the design measures that will be put in place.</p>	1	2

Option HL1: Focus housing delivery on Hastings town centre

Option HL2: Focus housing delivery at Bohemia

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		HL1	HL2
Community Vitality	<p>Through focusing housing development in the town centre, Option HL1 has the potential to lead to impacts on the quality of life of residents in the town centre area. This includes through increases in traffic flows, the loss of employment uses due to a requirement to convert existing uses and impacts on the quality of the built environment and public realm. In this context the inappropriateness of delivering significant new housing in some parts of the town centre has the potential to undermine the potential benefits of increased housing provision and potential positive effects on the vitality of the area.</p> <p>In this context the Bohemia area has greater capacity for housing growth than the town centre. As such it provides more scope for enabling the integration of community infrastructure to support new housing growth in the area, such as pedestrian and cycle network enhancements, green infrastructure provision and the delivery of an appropriate size and scale of provision to support the quality of the townscape and public realm.</p>	2	1
Health and Wellbeing	<p>In relation to Option HL 1, a focus of new housing provision in the town centre has the potential to undermine the health and wellbeing of residents in this location. This includes through increases in traffic flows and associated impacts on air/noise quality and road safety, and impacts on the quality of the built environment and public realm. In this context the inappropriateness of delivering significant new housing in many parts of the town centre has the potential to undermine health and wellbeing.</p> <p>The Bohemia area has greater capacity for housing growth than the town centre, and provides more scope for enabling the integration of community infrastructure to support new housing growth in the area, such as pedestrian and cycle network enhancements and green infrastructure provision. As such Option HL2 will help support health and wellbeing through increasing the scope for the development of high quality and well-designed neighbourhoods supported by appropriate infrastructure provision.</p> <p>The Bohemia area also offers significant potential to use housing growth as enabling development for enhanced leisure and sports facilities.</p>	2	1
Transportation and Air Quality	<p>The town centre and the Bohemia area are accessible locations, with the potential to encourage walking and cycling and public transport use, and promote modal shift from the private car. As such, the delivery of appropriate levels of housing through both options will support the use of sustainable modes of transport.</p> <p>However, a significant increase in the resident population of the town centre through Option HL1 has the potential to have significant impacts on traffic flows at some locations. In addition to contributing to existing congestion issues, this has the potential to impact on air and noise quality in the town centre, and undermine the attractiveness of walking and cycling as alternatives to the private car.</p>	2	1

Option HL1: Focus housing delivery on Hastings town centre

Option HL2: Focus housing delivery at Bohemia

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		HL1	HL2
Economy and Employment	<p>Population growth in the AAP area stimulated by the promotion of housing growth has the potential to support the economic vitality of the town centre and Bohemia. This includes through increasing the local market for goods and services and improving the vitality of the areas.</p> <p>However the delivery of additional housing growth in the town centre through Option HL2 has the potential to undermine the economic performance of the town centre. Given the lack of available sites in the town centre, there will be a requirement to convert existing uses to residential. As such an inevitable loss of employment uses may undermine the offer of the town centre and depress opportunities for economic expansion.</p> <p>Alongside, housing growth in the town centre may have impacts on traffic flows and the quality of the public realm. This has the potential to undermine the vitality of parts of the town centre, and potentially impact on key economic sectors such as the visitor economy. In this context the Bohemia area has additional capacity for housing growth without undermining existing economic uses.</p>	2	1

Appraisal of options for green infrastructure provision

- 4.24 Policy HN7 of the Development Management Plan (Green Infrastructure in New Developments) sets out an overarching approach to the provision of green infrastructure in the Borough. This includes through seeking to ensure that, where appropriate, good quality green infrastructure provision is integrated into new development and such provision enhances linkages and supports ecological networks.
- 4.25 The AAP has the potential in a number of locations to initiate significant physical change. As such the provision of high quality multifunctional green infrastructure provision alongside AAP proposals provides the opportunity to bring a range of benefits for the AAP area.
- 4.26 To explore this issue further, two alternative approaches have been considered through the SA process in relation to green infrastructure provision in the AAP Area. The SA has therefore considered an option which continues the current approach to green infrastructure provision taken forward through the Local Plan against an alternative policy which seeks to build on these policies.
- 4.27 In light of the above, the SA process has considered two options, as follows:
 - **Option GI1:** Continue the approach to green infrastructure provision in the AAP area facilitated through Policy HN7 of the Development Management Plan.
 - **Option GI2:** Initiate an AAP-specific approach to green infrastructure provision to support Policy HN7.
- 4.28 The following table presents appraisal findings in relation to the two options introduced above. These are organised by the eight SA themes.
- 4.29 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '2' the least favourable ranking. Where an '-' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.4: Appraisal of options for green infrastructure provision

Option GI1: Continue the approach to green infrastructure provision in the AAP area facilitated through Policy HN7 of the Development Management Plan.

Option GI2: Initiate an AAP-specific approach to green infrastructure provision to support Policy HN7.

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		GI1	GI2
Biodiversity	<p>The current approach promoted through Policy HN7 of the Development Management Plan seeks to support improved ecological connections through enhancements to green infrastructure provision. Supported by the other policies of the Local Plan which have a focus on enhancements to habitats and biodiversity networks, this approach will continue to support biodiversity in the AAP area.</p> <p>The current approach however provides a high level approach to green infrastructure provision in the AAP area, and does not provide additional context to the potential opportunities and enhancements that have the potential to take place. Option GI2 therefore provides further scope to set out how improved open space provision in the AAP area can be delivered through a coordinated green infrastructure approach which identifies key opportunities for biodiversity enhancements in the AAP area, and actions for improvements.</p>	2	1
Climate Change	<p>Green infrastructure enhancements will promote climate change mitigation in the AAP area through assisting carbon sequestration and promoting sustainable modes of transport. Improved green infrastructure provision will also encourage climate change adaptation through increasing shading, helping to limit the effects of extreme weather events and regulating surface water run-off.</p> <p>In this context Option GI2 may have additional potential for shaping green infrastructure enhancements which support a reduction of flood risk issues at key locations of flood risk in the AAP area. This includes along Queens Road, in the vicinity of Priory Meadow, Brook Street, Cornwallis Terrace and other locations at risk of surface water flooding.</p> <p>However, it is also considered that in relation to Option GI1, the current provisions of the Local Plan, the NPPF and national policy will help guide development away from flood risk areas and ensure that appropriate mitigation measures are implemented. In terms of the wider elements relating to climate change, this also depends on the provision of appropriate infrastructure being provided alongside new development areas, and appropriate design and layout.</p> <p>Overall, given the scope to more directly target green infrastructure enhancements through Option GI2, this option has additional potential to support climate change mitigation and adaptation in the AAP area.</p>	2	1
Historic Environment and Townscape	<p>Green infrastructure enhancements will help protect and enhance townscape character and the setting of the historic environment in the AAP area, and support enhancements to the public realm. In this context the current approach to green infrastructure provision which would be taken forward through Option GI1 provides an overarching framework for green infrastructure enhancements in the AAP area which will support the setting of the historic environment and support local distinctiveness.</p> <p>Option GI2, through supporting an enhanced approach to green infrastructure provision through AAP-specific policy approaches, will help target enhancements to green infrastructure provision in the area. As such the option may have additional potential to initiate green infrastructure enhancements which enhance the setting of key features and areas of historic environment interest and support local distinctiveness and character.</p>	2	1

Option GI1: Continue the approach to green infrastructure provision in the AAP area facilitated through Policy HN7 of the Development Management Plan.

Option GI2: Initiate an AAP-specific approach to green infrastructure provision to support Policy HN7.

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		GI1	GI2
Land, Soil and Water Resources	<p>Extreme weather events can impact on water quality. In this context the quality of water that flows through an urban catchment can be severely impacted due pollutants and detritus collected from high speed runoff from urban surfaces and reduced infiltration of precipitation. By helping to retain rainfall, green infrastructure provision can limit discharge volumes, and limit pollutant loads. Green infrastructure can also help treat water that is not retained. Linked to this, green infrastructure provision can help support enhancements to soil quality through enhancing the capacity of the urban environment to regulate pollutants in surface water runoff.</p> <p>In this respect Option GI2 may have additional potential for shaping targeted green infrastructure enhancements which support water and soil quality in the area.</p> <p>The options are unlikely to have any difference in terms of encouraging the use of previously developed land.</p>	2	1
Community Vitality	<p>A high quality green infrastructure network will bring a range of benefits for the quality of life of residents. This includes through supporting the quality of the public realm, promoting perceptions of security, encouraging active lifestyles, and promoting accessibility. This will enhance the satisfaction of residents with their neighbourhoods as a place to live and work.</p> <p>In this context, whilst the current approach to green infrastructure provision promoted through the Local Plan will bring green infrastructure enhancements in the AAP area, Option GI1 provides a high level approach to green infrastructure provision in the area. As such, through initiating an AAP-specific approach to green infrastructure provision, Option GI2 will help direct green infrastructure enhancements to reflect the potential opportunities for multifunctional improvements which exist in the area.</p>	2	1
Health and Wellbeing	<p>A high quality green infrastructure network in the AAP area will bring a range of benefits for the health and wellbeing of residents, including through enhancing recreational and leisure opportunities, promoting walking and cycling, enhancing the quality of the public realm and built environment.</p> <p>Whilst the current approach to green infrastructure provision promoted through the Local Plan will bring green infrastructure enhancements to the AAP area, Option GI1 may be limited through the high level approach to green infrastructure provision in the area through the option. Option GI2 in contrast has the potential to initiate an AAP-specific approach to such provision, helping to direct green infrastructure enhancements to reflect the potential opportunities for multifunctional improvements which exist in the area. This may bring a wider range of benefits for health and wellbeing.</p>	2	1
Transportation and Air Quality	<p>Enhancements to green infrastructure provision will support sustainable transport use through promoting modal shift. This includes through encouraging walking and cycling by facilitating enhancements to the public realm, and (potentially) initiating improvements to pedestrian and cycle networks.</p> <p>Green infrastructure provision will also support air quality through facilitating increased absorption and dissipation of nitrogen dioxide and other pollutants, and improve noise quality through increasing absorption of noise.</p> <p>In this context the more focused approach to green infrastructure provision promoted through Option GI2 has increased potential to initiate green infrastructure improvements which will initiate enhancements to pedestrian and cycle routes and complement existing sustainable transport networks.</p>	2	1

Option GI1: Continue the approach to green infrastructure provision in the AAP area facilitated through Policy HN7 of the Development Management Plan.

Option GI2: Initiate an AAP-specific approach to green infrastructure provision to support Policy HN7.

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		GI1	GI2
Economy and Employment	<p>Enhancements to green infrastructure networks have the potential to promote the visitor economy through enhancing the quality of the public realm and promoting local distinctiveness, enhancing leisure and recreational opportunities, and supporting local character and the setting of the historic environment.</p> <p>More broadly, enhancements to green infrastructure provision in the AAP area will support the wider economy through enhancing the vitality of the area, improving permeability and supporting enhancements to the public realm.</p> <p>In this respect a more focused approach to green infrastructure provision in the AAP area through Option GI2 has increased potential to help direct multifunctional green infrastructure enhancements in the AAP area which will support both the visitor economy and wider economic vitality.</p>	2	1

Appraisal of options for leisure provision

4.30 Key leisure facilities in the AAP area include Summerfields Leisure Centre, Falaise Fitness Centre and the existing underutilised outdoor facilities (including tennis courts) at White Rock Gardens. In this context there is the potential for the reconfiguration and consolidation of leisure facilities in the area.

4.31 A key decision therefore is whether or not to deliver a new 'super-facility' which would consolidate and expand existing uses and support viability.

4.32 To explore these issues further, the SA process has considered three options, as follows:

- **Option L1:** Business as usual: Summerfields, Falaise Fitness Centre, outdoor provision at White Rock Gardens
- **Option L2:** Move Falaise Fitness Centre into Summerfields
- **Option L3:** Relocate Summerfields and Falaise into a purpose built facility

4.33 The following table presents appraisal findings in relation to the three options introduced above. These are organised by the eight SA themes.

4.34 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '3' the least favourable ranking. Where an '-' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.5: Appraisal of options for leisure provision

Option L1: Business as usual: Summerfields, Falaise Fitness Centre, outdoor provision at White Rock Gardens

Option L2: Move Falaise Fitness Centre into Summerfields

Option L3: Relocate Summerfields and Falaise into a purpose built facility

SA theme	Discussion of potential effects and relative merits of options	Rank of preference		
		L1	L2	L3
Biodiversity	<p>The likely locations for development through Options L1-L3 are not in areas of significance for biodiversity interest.</p> <p>Whilst Summerfields Leisure Centre is located close to Summerfield Woods, which comprises a significant area of deciduous woodland Biodiversity Action Plan Priority Habitat, and is designated as a Local Nature Reserve, the immediate site at Summerfields Leisure Centre is not of sensitivity for habitats and species. As such any reconfiguration of the facility is unlikely to have adverse effects on biodiversity interest in the area.</p> <p>Similarly, the likely location of a new consolidated purpose built leisure facility west of Bohemia Road is not within an area sensitive for biodiversity. Therefore a consolidation of uses at this location is unlikely to lead to significant impacts on biodiversity at this location.</p>	1	1	1
Climate Change	<p>The likely locations for development through Options L1-L3 are not in areas of fluvial, surface water or coastal flood risk. The impact of the options also depends on the location of development and the incorporation of mitigation measures such as sustainable urban drainage systems (SuDS). In terms of the wider elements relating to climate change, this also depends on the provision of appropriate infrastructure alongside new development, such as green infrastructure provision, and appropriate design and layout. A new purpose built facility through Option 3 however provides opportunities to create a hub for CHP linked to a district heat network.</p> <p>In this context, Option L1, through promoting a 'business as usual' approach, provides less opportunity for facilitating an expansion of green infrastructure provisions or other elements which can support climate change mitigation and adaptation.</p>	3	1	1
Historic Environment and Townscape	<p>Option L3 has the potential to lead to the development of a large scale leisure facility on an area currently enjoying an open perspective to the west of Bohemia Road. As reflected by potentially being (depending on location) within the setting of the Magdalen Road Conservation Area, the option has the potential to have impacts on the historic character of the area. The option also has the potential to lead to impacts on the setting of the locally listed White Rock Gardens.</p> <p>Summerfields Leisure Centre is not within an area of sensitivity for the historic environment. As such, Option L2 is less likely to lead to development which impacts on the integrity of the historic environment.</p> <p>Given the limited scope for the redevelopment of existing leisure provision, a 'business as usual' approach through Option L1 will do less to support enhancements to the setting of key features of historic environment interest in the area, including White Rock Gardens.</p> <p>Overall in terms of the three options, if design and layout is sensitive to local character, then impacts on the integrity of the historic environment should be minimised and potential enhancements secured. As such, effects depend on the design and layout of new development, the retention of distinct features contributing to local character, the location of development in relation to key viewpoints in the area, and the integration of high quality green infrastructure provision.</p>	2	1	3

Option L1: Business as usual: Summerfields, Falaise Fitness Centre, outdoor provision at White Rock Gardens

Option L2: Move Falaise Fitness Centre into Summerfields

Option L3: Relocate Summerfields and Falaise into a purpose built facility

SA theme	Discussion of potential effects and relative merits of options	Rank of preference		
		L1	L2	L3
Land, Soil and Water Resources	<p>Both Option L2 and L3 would lead to the expansion of leisure facilities, leading to the loss of some areas of open land. However, a consolidation of leisure and recreational uses through the two options has the potential to support the efficient use of land.</p> <p>In terms of water and soil quality, it is difficult to come to a conclusion regarding the potential for development at any given location to result in negative effects without an understanding of the design measures that will be put in place.</p>	3	1	1
Community Vitality	<p>There is significant opportunity for an upgrading of current leisure provision in the AAP area. This is given the scope to enhance facilities at Summerfields Leisure Centre and Falaise Fitness Centre, and an enhancement of outside sports facilities in White Rock Gardens.</p> <p>In this context Option L3, and to a lesser extent, L2 provide increased opportunities for expanding leisure provision through consolidating uses. This will promote a clustering of leisure and recreational activities, and enhance local offer. It also has the potential to reinforce the viability of leisure provision, enabling a broader offer of leisure and recreation activities to be supported. This will promote the quality of life of residents, and improve the vitality of the Bohemia part of the AAP area.</p>	3	2	1
Health and Wellbeing	<p>There is significant opportunity for an upgrading of current leisure provision in the AAP area. This is given the scope to enhance facilities at Summerfields Leisure Centre and Falaise Fitness Centre, and an enhancement of outside sports facilities in White Rock Gardens.</p> <p>In this context Option L3, and to a lesser extent, L2 provide increased opportunities for expanding leisure provision through consolidating uses. This will promote a clustering of leisure and recreational activities, and enhance local offer. It also has the potential to reinforce the viability of leisure provision, enabling a broader offer of leisure and recreational activities to be supported. This will promote the health and wellbeing of residents.</p>	3	2	1
Transportation and Air Quality	<p>There is unlikely to be a significant differentiation between the options in relation to this SA Theme since all of the options promote leisure provision in accessible locations.</p>	?	?	?

Option L1: Business as usual: Summerfields, Falaise Fitness Centre, outdoor provision at White Rock Gardens

Option L2: Move Falaise Fitness Centre into Summerfields

Option L3: Relocate Summerfields and Falaise into a purpose built facility

SA theme	Discussion of potential effects and relative merits of options	Rank of preference		
		L1	L2	L3
Economy and Employment	<p>Enhancements to leisure and recreational provision in the AAP area will support the local economy and employment opportunities. This includes through enhancing the vitality of the area. It also offers opportunities for promoting linked economic activities. Enhanced leisure provision will also provide a more attractive location for businesses and their employees to locate.</p> <p>In this context the provision of a new purpose built facility to replace Summerfields Leisure Centre and Falaise Fitness Centre through Option L3 provides opportunities for supporting additional uses on or adjoining the new facility, such as, for example, hotel uses. This will help diversify the economy and support the visitor economy. It is considered that there are fewer opportunities for similar benefits through Option L2 given the limited site at Summerfields Leisure Centre. In a similar context, continuing with the status quo through Option L1 will also undermine opportunities for expanding offer when compared to the other two options.</p>	1	2	3

Appraisal of options for the A259

- 4.35 A key objective of the AAP is to enhance permeability for walkers and cyclists across the AAP area. One of the key barriers to permeability in the area, and particularly to the seafront, is the A259. This creates a barrier for pedestrian use and cycling, made worse at some locations by poor quality crossing points across the road.
- 4.36 To explore this in more detail, the SA process has assessed two options with a view to enhancing permeability across the A259. These options are as follows:
- **Option P1:** Improve pedestrian crossings across the A259
 - **Option P2:** Facilitate comprehensive reconfiguration of the A259
- 4.37 The following table presents appraisal findings in relation to the two options introduced above. These are organised by the eight SA themes.
- 4.38 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '2' the least favourable ranking. Where an '-' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.6: Appraisal of options for the A259

Option P1: Improve pedestrian crossings across the A259

Option P2: Facilitate comprehensive reconfiguration of the A259

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		P1	P2
Biodiversity	The significance of the effects from each option on features and areas of biodiversity interest largely depends on the detailed location, scale and nature of proposals and the incorporation of biodiversity enhancement measures. As such both options have the potential to lead to impacts on biodiversity if permeability enhancements are not undertaken to support habitats and species which may be present.	?	?
Climate Change	Option P1, through enhancing crossing points along the A259, has the potential to encourage walking and cycling as an alternative to the private car. This may support some small limitations of greenhouse gas emissions from transport. Option P2, through promoting a more far-reaching approach to permeability, has increased potential to support modal shift from the private car. However given that this approach is likely to significantly change traffic flows in the town centre, with the potential to lead to additional congestion at some locations, overall impacts on greenhouse gas emissions from transport are uncertain. In this respect likely effects can only be determined with traffic modelling associated with potential options.	?	?

Option P1: Improve pedestrian crossings across the A259

Option P2: Facilitate comprehensive reconfiguration of the A259

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		P1	P2
Historic Environment and Townscape	<p>Hastings seafront is rich in cultural heritage assets, as highlighted by the presence of, from west to east, the Eversfield Place Conservation Area, the White Rock Conservation Area, and the Town Centre Conservation Area. In some locations the A259 provides a detrimental impact to the setting of the historic environment, particularly for pedestrians.</p> <p>In this context Option P2, through facilitating the comprehensive reconfiguration of the A259 to include, for example, pedestrianisation, the rerouting of traffic and other schemes, has the potential to enhance the setting of heritage features and facilitate their access and enjoyment. However given that this approach is likely to significantly change traffic flows in the town centre, with the potential to lead to additional congestion at some locations, impacts from a rerouting of traffic on the setting of the historic environment elsewhere in the town centre (including in at locations with a rich cultural heritage resource) may arise. As such likely effects can only be determined through modelling traffic flows associated with potential options.</p> <p>Option P1 however, through taking a less radical approach to enhancing permeability across the A259 also provides the opportunity to support access to, and enjoyment of, key features and areas of historic environment interest.</p>	?	?
Land, Soil and Water Resources	No significant impacts are predicted on land, soil and water resources through either option.	-	-
Community Vitality	<p>Both options have the potential to support community vitality in the town centre and Bohemia areas through enhancing permeability across the A259. This includes by supporting the quality of the public realm, promoting perceptions of security, encouraging active lifestyles, and promoting accessibility. This will enhance the satisfaction of residents with their neighbourhoods as a place to live and work.</p> <p>Option P2, through facilitating comprehensive reconfiguration of the A259 to include, for example, pedestrianisation, the rerouting of traffic and other schemes, has increased potential to initial more radical change to the quality of the public realm. However overall impacts depend on changes to traffic flows stimulated by the option elsewhere in the AAP area (and outside), and their effect on the quality of various neighbourhoods. In this context Option P1 may offer the potential to enhance permeability across the A259 for pedestrians and cyclists with fewer associated effects elsewhere in the AAP area.</p>	?	?
Health and Wellbeing	<p>Both options have the potential to support health and wellbeing by enhancing permeability across the A259. This includes by supporting the quality of the public realm, promoting perceptions of security, encouraging active and healthier lifestyles, and promoting accessibility. Given the poor quality of existing crossing points on the A259, including underpasses which reduce perceptions of security, this will support health and wellbeing of residents and visitors.</p> <p>Option P2, through facilitating comprehensive reconfiguration of the A259 to include, for example, pedestrianisation, the rerouting of traffic and other schemes, has increased potential to initial more radical changes to the quality of the public realm. However overall impacts on health and wellbeing depend on changes to traffic flows stimulated by the option elsewhere in the AAP area (and outside), and their effect on different neighbourhoods. In this context Option P1 offers the potential to enhance permeability, road safety and perceptions of security across the A259 for pedestrians and cyclists.</p>	?	?

Option P1: Improve pedestrian crossings across the A259

Option P2: Facilitate comprehensive reconfiguration of the A259

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		P1	P2
Transportation and Air Quality	<p>Both Option P1 and P2 have the potential to encourage walking and cycling through reducing the existing role of the A259 as a barrier to the seafront. As such both options may support a degree of modal shift from the private car.</p> <p>Option P2, through promoting a more far-reaching approach to permeability, potentially has increased potential to support modal shift from the private car. However, given that this approach is likely to significantly change traffic flows in the town centre, with the potential to lead to additional congestion at some locations, overall impacts on traffic and emissions from transport are uncertain. In this respect likely effects can only be determined with traffic modelling associated with potential options.</p>	?	?
Economy and Employment	<p>In some locations the A259 provides a detrimental impact to the quality of the public realm. In this context, Option P2, through a reconfiguration of the A259 at particular locations, such in front of Hastings Pier and Schwerte Way, has significant potential to lead to a high quality public realm which promotes the location of cultural, leisure and retail facilities. This has the potential to encourage new economic activities at certain locations, contributing to a diversification of the economy and promoting economic vitality.</p> <p>Option P1, whilst likely to be less beneficial, will also support economic vitality through enhancing the quality of the public realm, improving accessibility to key locations on the seafront and supporting local character and the setting of the historic environment. This also has the potential to support the visitor economy through improving linkages to key destinations of interest on the seafront.</p> <p>Both options are likely to improve connectivity between key retail destinations within town centre and seafront. This has the potential to increase spend in the town from visitors.</p>	2	1

Appraisal of options for housing delivery at Bohemia

- 4.39 The Bohemia area has been identified as a key potential location for housing. Two potential options include focusing housing in the northern parts of the area, on the areas to the west of Bohemia Road, or alternatively on the southern parts of the area to make use of sea views.
- 4.40 In this context two options have been considered through the SA process, which seek to consider the relative merits of focusing housing growth in the area to the northern part of the Bohemia area or to the southern part.
- 4.41 The two options are as follows:
- **Option WR1:** Deliver new housing in the northern part of the Bohemia area.
 - **Option WR2:** Deliver new areas of housing in the southern part of the Bohemia area.
- 4.42 The following table presents appraisal findings in relation to the two options introduced above. These are organised by the eight SA themes.
- 4.43 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '2' the least favourable ranking. Where an '-' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.7: Appraisal of options for housing delivery at Bohemia

Option WR1: Deliver new housing in the northern part of the Bohemia area.

Option WR2: Deliver new areas of housing in the southern part of the Bohemia area.

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		WR1	WR2
Biodiversity	The area west of Bohemia Road does not have a significant biodiversity resource, with no designated sites present or Biodiversity Action Plan Priority Habitats. In this context effects depend on the detailed location of new development, and its design and layout the integration of infrastructure which supports ecological networks in the area.	?	?
Climate Change	<p>In relation to climate change mitigation, the sustainability performance of new housing development depends on elements such as the integration of energy efficient design within new development and the provision of renewable energy generation. This, however, can only be assessed on a site-by-site basis once the details of potential development become clearer (e.g. when 'pre-app' discussions take place between developers and the Council or a planning application is submitted). In terms of per capita emissions from transport, this may however be limited by the accessible location of both areas by sustainable transport modes and the potential to promote walking and cycling; in this regard it is not possible to differentiate between the options.</p> <p>In relation to flood risk, it is also not possible to differentiate between the options given this depends on the location of development and the incorporation of mitigation measures such as sustainable urban drainage systems (SuDS). It is also considered that the provisions of the NPPF and national policy will help guide development away from flood risk areas and ensure that appropriate mitigation measures are implemented. However areas at flood risk at the potential locations for development is negligible; only a very limited part of the southern half of the area is covered by a surface water flood zone, and no fluvial or coastal flood risk zones are present.</p> <p>In terms of the wider elements relating to climate change, this also depends on the provision of appropriate infrastructure alongside new housing, such as green infrastructure provision, and appropriate design and layout.</p>	?	?

Option WR1: Deliver new housing in the northern part of the Bohemia area.

Option WR2: Deliver new areas of housing in the southern part of the Bohemia area.

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		WR1	WR2
Historic Environment and Townscape	<p>For both options, potential effects on the historic environment will depend on factors such as the design and layout of new development, the retention of distinct features contributing to local character, the location of development in relation to key viewpoints in the area, and the integration of high quality green infrastructure provision. New development also offers opportunities for enhancing the fabric and setting of the historic environment, if appropriately designed. However there are some differences between the options which should be noted.</p> <p>Both Option WR1 and WR2 have the potential to lead to impacts on the Magdalen Road Conservation Area. This is given the coverage of the conservation area over the western part of the area. Similarly both options have the potential to have impacts on the fabric and setting of the features associated with the Former Convent of Holy Child Jesus and St Michael's Church. However, Option WR2 may have increased potential to lead to direct impacts on this area of heritage significance through increasing the likelihood of necessitating land take in the grounds or directly adjacent to the former convent and church.</p> <p>In terms of potential impacts on the locally listed White Rock Gardens (White Rock Pleasure Grounds), focusing housing development in the northern part of the area as proposed through Option WR1 has the potential to lead to impacts on the setting of the northern part of White Rock Gardens. However Option WR2 has increased scope for leading to direct impacts on White Rock Gardens through potentially requiring land take for housing within the park itself.</p> <p>Option WR2's focus on delivering housing to the southern part of Bohemia also has the potential to impact on the seascape of the area. This is given the location's elevated position and high visibility to and from the south of the area, including from key viewpoints such as the pier.</p> <p>In the context of the above, whilst Option WR1 has the potential to lead to some impacts on the historic environment in the north of the area, overall Option WR2 increases the scope for significant impacts on the fabric and setting of the historic environment and townscape and seascape character.</p>	1	2
Land, Soil and Water Resources	<p>Whilst both Option WR1 and Option WR2 will support the reuse and rejuvenation of underutilised land in the Bohemia area, promoting the efficient use of land, both options will also lead to the loss of existing areas of open land in the area.</p> <p>In terms of water and soil quality, it is difficult to come to a conclusion regarding the potential for development at any given location to result in negative effects without an understanding of the design measures that will be put in place.</p>	?	?
Community Vitality	<p>Both options provide scope for enabling the integration of community infrastructure to support new housing growth in the area, such as pedestrian and cycle network enhancements, green infrastructure provision and the delivery of an appropriate size and scale of provision to support the quality of the townscape and public realm.</p> <p>The northern part of the site may however have more potential to deliver a broader range of housing, including affordable housing, 3 or 4 bedroom family houses and housing of a range of types and tenures. This is given the likelihood of new housing in the south of the Bohemia area potentially being of a higher cost and less affordable, given sea views. This may encourage the development of apartment style developments rather than the affordable smaller scale family housing for which there is significant demand for in the Borough.</p>	1	2

Option WR1: Deliver new housing in the northern part of the Bohemia area.

Option WR2: Deliver new areas of housing in the southern part of the Bohemia area.

SA theme	Discussion of potential effects and relative merits of options	Rank of preference	
		WR1	WR2
Health and Wellbeing	Impacts on health and wellbeing through the options will depend on the development of high quality and well-designed neighbourhoods supported by appropriate infrastructure provision. As such it is not possible to differentiate between the options.	?	?
Transportation and Air Quality	Both the north and the south of the Bohemia area are within relatively accessible locations. Housing provision at both locations therefore provide the potential to encourage walking and cycling and public transport use, and promote modal shift from the private car. As such, the delivery of housing through both options has the potential to support the use of sustainable modes of transport.	?	?
Economy and Employment	Population growth in the area stimulated by the options' promotion of housing growth has the potential to support the economic vitality of the Bohemia area. This includes through increasing the local market for goods and services and improving the vitality of the area. In this respect it is not possible to differentiate between the two options.	?	?

Appraisal of options for Horntye

4.44 The current Local Plan allocates land for housing at part of Horntye Sports Centre (including the Cricket Ground) for 115 homes. Given the opportunities provided by the site, the SA process has explored potential different uses for the site.

4.45 In this context the SA process has considered three options, as follows:

- **Option HT1:** Horntye remains as an existing sports facility
- **Option HT2:** Horntye is redeveloped for housing
- **Option HT3:** Horntye is redeveloped for another use (e.g. employment)

4.46 The following table presents appraisal findings in relation to the three options introduced above. These are organised by the eight SA themes.

4.47 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '3' the least favourable ranking. Where an '-' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.8: Appraisal of options for housing allocations at Horntye

Option HT1: Horntye remains as an existing sports facility

Option HT2: Horntye is redeveloped for housing

Option HT3: Horntye is redeveloped for another use (e.g. employment)

SA theme	Discussion of potential effects and relative merits of options	Rank of preference		
		HT1	HT2	HT3
Biodiversity	<p>Whilst the Horntye site is located adjacent to Summerfields Woods, which comprises a significant area of deciduous woodland Biodiversity Action Plan Priority Habitat, and is designated as Local Wildlife Site and a Local Nature Reserve, the proposed development site itself is not directly sensitive for habitats and species. As such any reconfiguration of the facility is unlikely to have significant direct effects on biodiversity interest in the area.</p> <p>However, given the sensitivity of the immediate area for biodiversity, new development at this location should seek to deliver enhancements to habitats and biodiversity networks in the area, supporting linkages with Summerfields Woods. In this context development has some potential to provide space for the integration of green infrastructure provision which will support improvements to local ecological networks.</p>	2	1	1
Climate Change	<p>The provision of new housing or employment development at Horntye through Option HT2 and HT3 will increase emissions. However this is unlikely to lead to significant effects on greenhouse gas emissions if energy efficiency measures are integrated within all types of development.</p>	1	2	2
Historic Environment and Townscape	<p>The delivery of housing and employment through Options HT2 and HT3 has potential to impact on the townscape character in the surrounding residential areas, including the St Pauls and Amherst Road area. Impacts however depend on the design and layout of new development and the integration of high quality green infrastructure provision.</p> <p>The site is not within an area of significant historic interest. In this context high quality design and development will help support a high quality townscape.</p>	1	2	3

Option HT1: Horntyte remains as an existing sports facility

Option HT2: Horntyte is redeveloped for housing

Option HT3: Horntyte is redeveloped for another use (e.g. employment)

SA theme	Discussion of potential effects and relative merits of options	Rank of preference		
		HT1	HT2	HT3
Land, Soil and Water Resources	<p>The delivery of higher densities of development at the site through Options HT2 and HT3 will support the efficient use of land.</p> <p>In terms of water and soil quality, it is difficult to come to a conclusion regarding the potential for development at any given location to result in negative effects without an understanding of the design measures that will be put in place.</p>	3	1	1
Community Vitality	<p>Through increasing the level of housing provision, Option HT2 has the potential to deliver a larger number of houses on the site. This would help meet local housing needs, including through the delivery of 3-4 bedroom houses and a broader mix of homes.</p> <p>Whilst employment land may support economic vitality, the location is less accessible than other locations in the town centre (including by rail), and such uses would not be in keeping with the surrounding residential nature of the area. This has the potential to undermine the delivery of a quality new neighbourhood which promotes the quality of life of residents and community cohesion.</p>	2	1	3
Health and Wellbeing	<p>Option H3, through delivering employment land at this location has the potential to increase traffic levels and have impacts on the quality of the public realm. This has the potential to undermine the delivery of a quality new neighbourhood which promotes the health and wellbeing of residents.</p> <p>In this respect housing development delivered through Option HT2 is likely to be more appropriate than employment uses to support the quality of life and wellbeing of residents.</p>	2	1	3
Transportation and Air Quality	<p>Horntyte is in a relatively accessible location, connected by bus routes and pedestrian networks. However it is less accessible to the railway station than other locations in the Plan area.</p> <p>Housing and employment provision at this location facilitated through Option HT3 has the potential to increase traffic levels. Employment provision also in particular has the potential to have impacts on the quality of the public realm, with the potential to undermine the delivery of a liveable neighbourhood conducive to walking and cycling.</p> <p>However, the delivery of new development at this location may help deliver new pedestrian and cycle infrastructure both off site and on site. The relative merits of the options are therefore uncertain in relation to this SA theme.</p>	?	?	?
Economy and Employment	<p>Population growth in the area stimulated by Option HT2's promotion of housing growth has the potential to support the economic vitality of the area, including the local centre of Bohemia Road. This includes through increasing the local market for goods and services and improving the vitality of the area.</p> <p>Whilst employment growth at this location through Option HT3 may contribute to increasing economic opportunities, the options has the potential to undermine the vitality and viability of the town centre through locating employment growth outside of the existing commercial and retail centre of the Borough.</p>	3	1	2

Appraisal of options for the White Rock Theatre

4.48 The White Rock Theatre is currently too small for large productions, due to its current configuration not meeting performance and audience requirements placing uncertainty on its future.

4.49 Three options have therefore been considered through the SA process relating to the future of the White Rock Theatre.

4.50 These are as follows:

- **Option WRT1:** Allocate land for a new theatre which meets appropriate standards.
- **Option WRT2:** Retain a degree of flexibility for the future of the White Rock Theatre.
- **Option WRT3:** Initiate a change of use of the site for a specific (non-theatre) use.

4.51 The following table presents appraisal findings in relation to the three options introduced above. These are organised by the eight SA themes.

4.52 For each SA theme, a commentary on the likely effects is presented. Options are also ranked numerically reflecting their relative sustainability performance, with '1' the most favourable ranking and '3' the least favourable ranking. Where an '-' is denoted in the appraisal, no impacts are envisaged. '?' denotes an uncertain ranking.

Table 4.9: Appraisal of options relating to the White Rock Theatre

Option WRT1: Allocate land for a new theatre which meets appropriate standards.

Option WRT2: Retain a degree of flexibility for the future of the White Rock Theatre.

Option WRT3: Initiate a change of use of the site for a specific (non-theatre) use.

SA theme	Discussion of potential effects and relative merits of options	Rank of preference		
		WRT 1	WRT 2	WRT 3
Biodiversity	The site of the White Rock Theatre is not sensitive for biodiversity. As such, the type and scale of development through the options are unlikely to have significant effects on habitats, species or ecological networks.	?	?	?
Climate Change	The difference between the options on greenhouse gas emissions is likely to be negligible, and it is not possible to differentiate the three options in this regards. The site of the White Rock Theatre is not at risk of fluvial or surface water flooding.	?	?	?
Historic Environment and Townscape	The White Rock Theatre is located in an area of sensitivity for the historic environment. In this context it is within the Eversfield Place Conservation Area and is located adjacent to the White Rock Conservation Area, and is within the setting of the Grade II listed Hastings Pier and the Grade II listed Boer War Memorial. As such all of the options have the potential to lead to changes in the fabric and setting of these features and areas of historic environment interest. Potential effects on the historic environment will however depend on factors such as the design and layout of new development, the retention of distinct features contributing to local character, and the situation of development in relation to key viewpoints in the area. New development also offers opportunities for enhancing the fabric and setting of the historic environment, if appropriately designed. At this level of detail therefore it is not possible to differentiate between the options in these regards.	?	?	?

Option WRT1: Allocate land for a new theatre which meets appropriate standards.

Option WRT2: Retain a degree of flexibility for the future of the White Rock Theatre.

Option WRT3: Initiate a change of use of the site for a specific (non-theatre) use.

SA theme	Discussion of potential effects and relative merits of options	Rank of preference		
		WRT 1	WRT 2	WRT 3
Land, Soil and Water Resources	<p>The options will support the reuse and rejuvenation of previously developed or underutilised land. This will support the efficient use of land in the AAP area.</p> <p>In terms of water and soil quality, it is difficult to come to a conclusion regarding the potential for development to result in negative effects without an understanding of the design measures that will be put in place.</p>	?	?	?
Community Vitality	<p>The White Rock Theatre is a key community asset. However there is significant opportunity to enhance community provision at this location, given the theatre is currently too small for large productions, including relating to the size of the stage and facilities. As such Option WRT1 provides opportunities for an enhancement in theatre offer, which will build on the existing theatre's role as a key community asset. In this context Option WRT3 has the potential to lead to the loss of the site as a community asset, depending on the change of use proposed.</p>	1	2	3
Health and Wellbeing	<p>The options unlikely lead to significant impacts on health and wellbeing. It is therefore not possible to differentiate in this regard.</p>	?	?	?
Transportation and Air Quality	<p>Whilst the White Rock theatre is in an accessible location by public transport and walking and cycling networks, there is likely to be little differentiation between the options in terms of supporting sustainable transport use or air and noise quality, depending on the nature and scale of proposals.</p>	?	?	?
Economy and Employment	<p>Option WRT1 will help support the cultural regeneration of the AAP area through supporting the provision of a new theatre facility which addresses the current constraints surrounding the existing White Rock Theatre. This will help support the wholesale regeneration of the Hastings Pier/Seafront/White Rock Gardens area through providing a key destination and focus point for the area. This will support the vitality and viability of this part of the AAP area, with the potential to provide associated benefits for the town centre.</p> <p>Option WRT2 has the potential to lead to the loss of provision in the area and reduces the scope to initiate appropriate changes which will support the cultural and economic regeneration of the area. However this depends on the proposals which come forward as a result of forthcoming discussions on the site.</p> <p>The potential impacts of Option WRT3 on economic vitality will depend on the changes of proposed use for the theatre and the proposals initiated. However a change of use provides significant opportunities if distinctive and well-designed proposals are put in place as part of the wider cultural and economic regeneration of the area.</p>	1	3	2

5. Appraisal of the Hastings Town Centre and Bohemia Area Action Plan

Introduction

- 5.1 The aim of this chapter is to present appraisal findings and recommendations in relation to the current Regulation 18 version of the Hastings Town Centre and Bohemia Area Action Plan. This chapter presents:
- An appraisal of the current version of the AAP under eight SA themes; and
 - The overall conclusions at this current stage and recommendations for the next stage of plan-making

Approach to the appraisal

- 5.2 The appraisal is structured under the eight SA themes taken forward for the purposes of the SA. For each theme the appraisal is divided into three elements:
- Policy Framework;
 - Opportunity Areas and Opportunity Sites; and
 - Conclusions.
- 5.3 This structure allows for the detailed appraisal of the different elements of the AAP, which then informs, for each SA theme, overall conclusions regarding the effects of the AAP as a whole.
- 5.4 For each SA theme, 'significant effects' of the current version of the AAP on the baseline are predicted and evaluated. The appraisal takes account of the criteria presented within Schedule 2 of the Regulations, thus considering the probability, duration, frequency and reversibility of effects as far as possible. These effect 'characteristics' are described within the assessment where appropriate. The appraisal focuses on key issues. Where no effects or significant issues/opportunities are identified, then individual policies or individual Opportunity Areas/Sites may not be specifically referred to within the theme narrative.
- 5.5 Every effort is made to identify and evaluate effects accurately; however, this is inherently challenging given the relatively high level nature of the plan. The ability to predict effects accurately is also limited by understanding of the baseline and the nature of future planning applications. Because of uncertainties involved, there is a need to exercise caution when identifying and evaluating significant effects and ensure all assumptions are explained. In many instances it is not possible to predict significant effects, but it is possible to comment on merits (or otherwise) in more general terms.

Biodiversity

Policy Framework

- 5.6 Whilst the wider Borough contains significant biodiversity and geodiversity assets of national and local importance, Summerfields Wood Local Nature Reserve (LNR) is the only designated site located within the Plan area. Policies contained within the higher level (Borough wide) planning policy framework provide protection for areas designated for their biodiversity value, including Policies EN2 to EN8 of the Planning Strategy (2014), and Policies HN7 and HN8 of the

Development Management Plan (2015). These policies seek to provide protection for biodiversity against the impacts of development, as well as achieve enhancements and/or net biodiversity gain as a result of development. As such it is anticipated that the higher level policies will ensure that development does not lead to any significant negative effects on biodiversity.

- 5.7 The AAP seeks to complement the higher level policy framework by identifying key areas within the Town Centre and Bohemia area which could be improved or enhanced to support the role and function of biodiversity across the Plan area and beyond (explored further in Opportunity Areas and Sites below). Specifically the AAP focuses on a multifunctional Green Infrastructure (GI) network, incorporating the beach and seafront, which can maximise biodiversity, heritage and recreational values. This is particularly important in Bohemia in the west of the Plan area, which contains significant areas of open space and woodland habitat. In this context Policy AAP10 supports innovative solutions to improve the GI network as well as net biodiversity gains, requiring biodiversity provision and contributions, tree planting, green roofs and biodiversity enhancements within sustainable drainage systems (providing additional context to the existing green infrastructure policies in the Planning Strategy). Therefore, the AAP provides significant opportunities for the delivery of new and improved GI provision in the Plan area, with the potential for long term positive effects on biodiversity.

Opportunity Areas and Opportunity Sites

- 5.8 Within Hastings Town Centre, Opportunity Areas (OA) 1 – 4 largely focus on delivering retail, employment and housing growth, as well as significant improvements to the public realm. Where possible, improvements to the public realm include GI enhancements such as street trees. This is likely to support an overall net biodiversity gain and improve GI connectivity in the Plan area – particularly at Opportunity Sites QR1 & QR2, which seek to deliver new street trees and a new pocket park – with the potential for long term positive effects.
- 5.9 Within the Bohemia area (OA5 –OA8) there are a number of key existing GI assets such as White Rock Gardens, Summerfields Woods and recreational grounds. The AAP identifies significant opportunities to enhance the quality and connectivity of these areas to maximise biodiversity values. OA5 is unlikely to deliver significant positive effects on biodiversity as the focus is on improving the cultural offer of the town at three key sites. However, the proposed public realm improvements will be designed to support an overall biodiversity net gain with the potential for minor long term positive effects.
- 5.10 OA6 focuses on the White Rock Sports Park, with the aim of restoring and enhancing parkland settings. The proposals include opportunities to significantly enhance biodiversity values as part of a multifunctional GI network. This includes the promotion of winter gardens, greenhouses, an arboretum, sensory gardens and picnic lawns at White Rock Gardens (Policy WRP1), as well as a green roof over the proposed new replacement sports centre at White Rock Sports Park (supporting text of Policy WRP2). As such the proposals at the Opportunity Sites are likely to support a net biodiversity gain with the potential for significant long term positive effects.
- 5.11 OA7 provides a focal point for the delivery of new housing, which is connected to parkland and the woodland at Summerfields Wood LNR. There are opportunities to relocate civic uses to increase the efficiency of land in this area, and enhance the museum and its connections to the woodland and Bohemia Walled Garden. The new housing is expected to be set within a landscaped setting with a network of green spaces and play areas. Whilst development in this OA has the potential to negatively affect the woodland habitat, particularly through disturbance, noise and light pollution, Policy B1 seeks to minimise these potential effects by requiring a suitable buffer zone which protects the woodland. Policy B2 provides further support, requiring development to minimise impacts on Summerfields Wood and include an Ecological Constraints and Opportunities Plan (ECOP) (incorporating the mitigation measures identified in the ECOP into the development proposal).

- 5.12 The development of housing at Opportunity Site B2 (Horntye Park) is likely to reduce the extent of the existing green space at the cricket club, with the potential for minor negative effects due to the low biodiversity value of the existing cricket club. Policy B2 seeks to ensure development includes green space which links with the wider GI network as part of a comprehensive redevelopment of the site. Policy B2 further requires that development provides financial contributions to the management of Summerfields Wood LNR which can support ongoing maintenance and enhancement measures off site. Policy B3 requires development to retain the setting of mature trees at the Civic Quarter, and Policy B4 supports the restoration and management of the Bohemia Walled Garden, which provides additional protection for biodiversity in this area.
- 5.13 In the event of housing coming forward at Former Convent of the Holy Child Jesus, Magdalen Road at OA8, this would be likely to lead to residual minor negative effects due to the loss of the existing playing fields and potential habitats on site. Policy OA8 however seeks to reduce the extent of the potential negative effects by requiring high quality design that incorporates a network of green spaces.

Conclusions

- 5.14 Overall it is considered that the policy framework proposed through the AAP, and existing policy guidance within the Hastings Planning Strategy (2014) and Hastings Development Management Plan (2015) provides sufficient protection to ensure that development will not lead to any significant negative effects on biodiversity and geodiversity. The AAP however does propose the introduction of housing to parkland settings in the west of the plan area (OA7 & OA8). The loss of playing fields and potential habitats supporting the parkland is considered to have the potential for residual minor negative effects following implementation of mitigation measures. However this potential for residual minor negative effects needs to be weighed up against the potential for significant positive effects through proposals in the AAP to restore and enhance parkland settings in the area and enhance linkages to Summerfields Wood. The proposals at OA6, alongside contributions to new GI provisions across the plan area in public realm improvements, are considered to significantly support the potential for biodiversity gains. It is considered overall that there is the potential for net biodiversity gains through high quality development that maximises GI opportunities which can lead to significant cumulative positive effects.

Climate Change

Policy Framework

- 5.15 In terms of CO₂ emissions, the biggest contributor is identified in the baseline information as the domestic sector. In this context the AAP seeks to reduce emissions in a number of ways both within the domestic and transport sectors. In terms of domestic efficiency, Policy AAP3 requires that residential development in the Plan area incorporates measures to mitigate and adapt to climate change. Policy AAP9 supports '*exemplar proposals that have a net emission rate of near zero or below*', as well as community-led renewable energy projects. This policy also supports the transition to ultra-low emission vehicles, requiring residential development with off-street parking, and non-residential development where parking is required, to install charging facilities for electric vehicles. Policy AAP6 further requires high quality design with a high level of resource efficiency, considering incorporation of electric vehicle charging points, living roofs, green walls, rainwater harvesting, passive solar design and zero carbon buildings. The AAP therefore supports a move to more efficient energy generation and more efficient consumption of energy and water, with the potential for long term positive effects on climate change mitigation.
- 5.16 The AAP proposes to deliver in the region of 820 new homes (Policy AAP3) and employment uses (Policy AAP4) within the Plan area. As a central location, housing in this area is considered to support a modal shift away from the private car given the good accessibility to public

transport modes (rail and bus services), walking and cycling routes, services and facilities, and employment opportunities. This will support a continued reduction in emissions associated with traffic and transport with the potential for long term positive effects on climate change.

- 5.17 Policy AAP6 requires sustainable design that is resilient to climate change. Further to this, enhancements to green infrastructure networks promote climate change mitigation through supporting carbon sequestration and promoting walking and cycling, and climate change adaptation through helping to limit the effects of extreme weather events and regulating surface water run-off. The Hastings Planning Strategy (2014) provides policy guidance and protections to minimise the effects of flooding, including; Policy SC1 requiring development to manage flood risk and reduce potential effects of climate change; Policy SC3 requiring development to incorporate appropriate climate change mitigation and adaptation measures (including flood risk management); and Policy SC7 on flood risk which includes support for development that does not increase the risk of flooding elsewhere. Alongside the provisions contained within the National Planning Policy Framework (NPPF), the existing Hastings policy framework is considered sufficient to ensure that development will not lead to any significant negative effects in terms of flood risk.

Opportunity Areas and Opportunity Sites

- 5.18 There are areas at risk of flooding within the Plan area, running along the seafront south of the A259 and into the east around Queens Road. The proposed Opportunity Sites WR1, WP2, WP4, PM1 and QR1 are located within areas at risk of flooding, with the potential for minor long term negative effects. The emphasis for development at these sites is largely focused on retail but the policies also support mixed use development that incorporates retail, employment, leisure and residential development. Opportunity Sites WR2 and QR2 are also located adjacent to areas at risk of flooding and development will need to ensure that it does not increase risks.
- 5.19 Mitigation for these effects is however provided through the Hastings Planning Strategy (as identified in the Policy Framework section above) and NPPF and should provide sufficient protection to ensure that development does not lead to any significant negative effects. No further mitigation is provided through the AAP policies, and whilst this is not considered likely to lead to any significant negative effects, it is recognised that there may be some potential for site allocation policies to identify the relevant flood risk areas to highlight the key issues for development at these sites.
- 5.20 Policies OA6, OA7 and OA8 identify the Council's intentions to work with developers in the Bohemia area and in the Station Gateway and Priory Quarter in the town centre to implement a district heating network, supported by Combined Heat and Power. This will support renewable energy generation, which will support climate change mitigation with the potential for positive effects.
- 5.21 Public realm improvements are proposed throughout most of the OAs, which seek to improve accessibility and pedestrian experience, as well as improve the GI network. These measures alongside the delivery of housing in a central area with good public transport links and access to employment opportunities should support a modal shift away from the private car and help support air quality improvements, with the potential for long term positive effects. The emphasis on improving the GI network through increased connectivity and new provisions, as well as tree planting, should support climate change adaptation through carbon sequestration, particularly through policy guidance supporting the planting of new trees at OA2 and Opportunity Site QR1.

Conclusions

- 5.22 It is considered overall that the proposals within the AAP, alongside the existing Hastings Planning Strategy (2014) and the Hastings Development Management Plan (2015), provide sufficient protections to ensure that development will not lead to any significant negative effects

in relation to the climate change SA theme. In this context the AAP supports the delivery of positive measures to address climate change mitigation and adaptation. This includes; improvements in energy generation by promoting a district heating network supported by Combined Heat and Power; improving accessibility to support a modal shift away from the private car; and enhancing the Green Infrastructure network which supports healthy functioning ecosystems, as well as providing shading and carbon sequestration to combat the impacts of climate change. Overall therefore, it is considered likely that the AAP will lead to long term positive effects in relation to climate change.

Historic Environment and Townscape

Policy Framework

- 5.23 The Plan area is an urban townscape, supported by large areas of green space and woodland, and containing many significant heritage assets, which, along with their settings, give Hastings its distinct character and identity.
- 5.24 There are seven Conservation Areas either in or partly within the Plan area, as well as numerous Listed Buildings. Just adjacent to the eastern border of the Plan area is Hastings Castle, a Scheduled Monument, and just north of the railway line, adjacent to the north eastern corner of the plan area is Alexandra Park – a Grade II* Registered Park. Any development within the Plan area therefore is highly likely to affect the historic environment to some degree.
- 5.25 The Hastings Planning Strategy (2014) provides policy mitigation to ensure that no significant negative effects on the historic environment arise as a result of development. This includes Policy EN1 which seeks to ensure that development makes a '*positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas*', with a presumption in favour of the conservation of heritage assets and their settings. The policy requires a clear and convincing justification for any harm or loss, given that the assets are irreplaceable.
- 5.26 The Heritage Strategy for Hastings (2017) identifies four over-arching objectives, to ensure that:
- The potential of Hastings' heritage to contribute to quality of life for its residents and to attract visitors is realised
 - Heritage is a central aspect of regeneration and urban development
 - The heritage of Hastings is recognised as a priceless and irreplaceable asset
 - The heritage of Hastings is conserved appropriately.
- 5.27 The regeneration strategy (Culture-Led Regeneration: A Strategy for Hastings 2016-21) further identifies the objective to 'develop and promote a refreshed identity for Hastings which brings contemporary culture and heritage together in a coherent and marketable brand', with the following vision for achieving this objective:
- 5.28 '*Hastings and 1066 Country will have a more coherent relationship between the traditional heritage and the emerging contemporary arts sectors with an identity that celebrates both. There will be improved visibility and awareness for the area nationally and internationally attracting increased visitor numbers*'.
- 5.29 The 2015 Seafront Strategy also proposes four 'Zones of Character' along the seafront, to be enhanced with a distinctive design approach for each, so that new interventions match the zone's character and fit within an integrated design strategy covering the whole seafront. This will provide further support for proposals within the AAP in achieving high quality design and development which positively contributes to the townscape.
- 5.30 These strategies identify a positive approach to new development that complements the Town Centre and Bohemia Plan area, particularly recognising the potential for modern and

contemporary cultural values and assets to support historic environment settings, the quality of residents' lives and the visitor economy. Therefore, the AAP provides the opportunity to contribute to the realisation of these objectives, by providing locations for such new development, as well as key principles for development at each location.

- 5.31 Proposed Policy AAP5 identifies the locations for new cultural facilities, and of particular significance, promotes new cultural facilities as part of a comprehensive scheme to secure the restoration and viable reuse of Listed Buildings in OA8 (see Opportunity Areas and Opportunity Sites analysis below). This supports key aims of the various heritage and regeneration strategies in the town, and is considered likely to lead to significant long term positive effects for the historic environment by securing the long term use and maintenance of designated heritage assets and their settings.
- 5.32 Design guidance provided under proposed Policy AAP6 further seeks to enhance local heritage assets and cultural landmarks and their settings in the main gateway areas into the town centre and Bohemia. This will support the regeneration strategy vision for improving visibility and awareness as people enter the central area, with the potential for long term positive effects.
- 5.33 Proposed Policy AAP7 seeks sympathetic development that avoids harm of built heritage and identifies opportunities for enhancement by integrating heritage considerations early on in the design process. The policy identifies types of proposals that will be supported, including: opportunities for enhancements, restoration & reuse; the replacement of buildings/shopfronts/signage that detract from heritage settings; the use of traditional building materials; the retention of historic views and vistas; and high quality design solutions. This is supported by proposed Policy AAP8 which seeks to ensure that shopfronts and advertising respects the style, character and appearance of areas, and that development does not lead to the loss of traditional shopfronts that add positively to the streetscene or have a historic interest. These policies provide protection for the townscape, heritage assets and their settings. They also identify the potential of Hastings' heritage to contribute to quality of life for its residents and to attract visitors, by requiring early consideration of heritage in the design process and promoting the use (particularly cultural use) of historic buildings which can secure their long term management and contribution to the local economy. Therefore, the policies are considered likely to lead to significant long term positive effects in relation to this SA theme.
- 5.34 A significant element of AAP proposals is the delivery of enhancements to the public realm, which has the potential to affect the townscape and historic environment through shaping people's experience, legibility and awareness of place. Proposed Policy AAP11 requires all new development to make a positive contribution to the quality of the public realm, emphasising the points of arrival into the town centre, reinforcing a street hierarchy and improving the pedestrian environment. This will again support the regeneration strategy vision for improving visibility and awareness as people enter the central area, as well as the objectives within the Planning Strategy to positively contribute to sense of place, with the potential for long term positive effects for the townscape and historic environment.
- 5.35 The policy framework recognises the potential for development in this central location to support enhancement to the historic environment and townscape, and contribute to the quality of lives and visitor attraction. The AAP takes a positive approach to delivering development in this area that supports and enhances assets and their settings and capitalises on opportunities to realise heritage and townscape objectives at the site level, with the potential for significant long term positive effects.

Opportunity Areas and Opportunity Sites

- 5.36 OA1 lies within the Town Centre Conservation Area, and development here is required to have regard to the heritage and conservation context of the area (Policy OA1). As the main gateway into the Town Centre, the public realm improvements proposed within the Station Gateway and Priory Quarter Opportunity Area (OA1) focus on improving quality. This includes identified

- opportunities to improve the image of the Town Centre through the retention of the Former Post Office (Policy SG3), and Queensbury House (Policy SG4). The proposals for OA1 are considered likely to improve townscape, as well as contribute to achieving the recommendation within the Heritage Strategy (2017) to reinforce and enhance the town centre as point of arrival by road and rail, and the vision of the Regeneration Strategy (Culture-Led Regeneration: A strategy for Hastings 2016-21) to improve visibility and awareness of the historic environment.
- 5.37 OA2 lies within the Town Centre Conservation Area and is a focal point for retail led development; however, key aims for the area also include improving the public realm and raising the overall standard of design to create attractive and vibrant streets. Policy OA2 requires development to fully articulate the heritage significance of the townscape and key views. The proposed public realm improvements are considered likely to lead to long term minor positive effects on townscape and historic environment settings.
- 5.38 Within OA2, Opportunity Sites WP1 and WP3 are located adjacent to the listed York Buildings (Nos 3, 12 and 13) in the south, and the Grade II listed Town Hall is in the north west of Opportunity Site WP3. Both sites are separated from the many Listed Buildings in Wellington Square by Albert Road in the north east. Site WP4 is also just south east of the Listed York Buildings. Development in this area will require sensitive design that responds positively to the context surrounding the sites. Building facades at site WP1 are likely to impact upon townscape and heritage assets/settings and Policy WP1 recognises the need for active frontages to Wellington Place and Albert Road in respect of this.
- 5.39 The current buildings at Opportunity Sites WP1 and WP4 are considered to be of poor design, making a negative contribution to the streetscape and conservation area. As such, the redevelopment of these buildings can contribute to improving the townscape and heritage setting with the potential for significant long term positive effects. The AAP identifies that proposals at site WP1 will need to have particular regard to bulk, height and patterns of building blocks (given the significant level differences) so as to not compromise the significance of heritage assets.
- 5.40 Although not listed, the building at site WP3 is considered to be a distinctive building that contributes positively to the townscape, and Policy WP3 seeks to retain it in any development at the site. The policy further requires proposals to be supported by a Heritage Statement, which should ensure that development positively contributes to the townscape with the potential for minor long term positive effects.
- 5.41 Development at OA3 is focused on two key sites (the Morrisons site and Cornwallis St Car Park), and is expected to contribute to public realm improvements along Queens Road. The redevelopment of the car park and proposed public realm improvements are considered likely to lead to moderate long term positive effects for the townscape. OA3 does not lie within a conservation area, and the two Opportunity Sites do not contain and are not located in close proximity to any listed buildings. The Morrisons site (QR1) is a prominent site located along Queens Road and the railway line (albeit screened from the railway line to some degree by existing vegetation), and as such, its appearance is likely to impact upon the townscape and perceptions on arrival to the town centre from the north. Improvements at this site are likely to support the regeneration strategy vision for improving visibility and awareness as people enter the central area, with the potential for long term positive effects on the townscape. The car park and petrol filling station also front Queens Road and are considered detrimental to the existing townscape. Again, improvements here are likely to lead to long term positive effects on townscape by enhancing frontages along Queens Road. The Cornwallis St Car Park (Opportunity Site QR2) is identified through the Hastings Development Management Plan (2015) for residential development, including a 'pocket park'. The promotion of active frontages alongside new green infrastructure provisions should contribute to improving townscape in this area with the potential for long term positive effects.

- 5.42 OA4 focuses on protecting and improving the key retail role and function of the area around the Priory Meadow retail centre and promotes public realm enhancements. The Middle Street site (PM1) is located within the Town Centre Conservation Area and development of this brownfield site is likely to positively affect the townscape with the potential for minor long term positive effects.
- 5.43 OA5 focuses on expanding and improving the cultural offer of this area, and the AAP identifies further public realm improvements could create a more attractive pedestrian environment and increase footfall and dwell time. Opportunity Sites WR1 and WR2 lie within the Eversfield Place Conservation Area, and Opportunity Site WR3 lies within the Town Centre Conservation Area.
- 5.44 Hastings Pier (Opportunity Site WR1) is a Grade II listed building located adjacent to the Boer War Memorial (also Grade II listed). Opportunity Site WR2 lies just north of these listed buildings on the other side of the A259. Opportunity Site WR3 lies slightly further east adjacent to two Listed Buildings (Brassey Institute and 14 Claremont). Development at any of these sites is likely to affect townscape and heritage settings, and Policy OA5 encourages the protection, enhancement and interpretation of heritage assets in this area. The policy should help ensure that development does not detract from the designated assets and their settings.
- 5.45 The AAP seeks to expand the offer of attractions and events at Hastings Pier to support its long term viability and create a year-round attraction, whilst recognising the need to balance the importance of the heritage aspects of the pier in relation to economically viable uses. The development of further uses on the Pier has the potential to affect the designated heritage asset and its setting. To reduce the potential for negative effects on heritage values, Policy WR1 identifies the need for development to be of a high design quality in keeping with the character of the Pier and conservation area and other features of heritage importance. This should ensure that development does not lead to any significant negative effects, and help ensure the ongoing vitality of this key heritage asset. As such, through securing the economic viability and future use of the Pier, these elements support community access to and enjoyment of this important heritage asset with the potential for long term positive effects.
- 5.46 The proposed development at the White Rock Theatre (Opportunity Site WR2) seeks to expand its offer to secure its future, either through refurbishment or redevelopment. Policy WR2 requires development to be of a high quality design standard which will enhance the appearance of the White Rock and America Ground Cultural Quarter and the Conservation Area, in accordance with an agreed masterplan. This should ensure that development positively contributes to the townscape and heritage settings with the potential for minor long term positive effects. Similarly, development at Opportunity Site WR3 (the Observer Building) is required to sustain and enhance the significance and setting of the Town Centre Conservation Area and the adjacent Listed Buildings, and the restoration or reuse of this building is likely to improve the townscape setting with the potential for minor long term positive effects.
- 5.47 The focus within OA6 is on restoring and enhancing formal parkland and gardens east of Falaise Road, and consolidating leisure uses west of Falaise Road to form a new Sports Park. The OA is locally designated as a Historic Garden and lies adjacent to the convent grounds and listed convent buildings. Though the area lies just outside of the conservation area boundaries, it is largely surrounded by designated heritage settings, with Magdalen Road Conservation Area to the west, and Eversfield Place and White Rock Conservation Areas to the south, which includes Hastings Pier. The restoration of parkland and gardens in the east is likely to improve townscape and heritage settings, as well as encourage more people to access this area, and enjoy the associated benefits of these settings in terms of recreation and quality of life, with the potential for long term positive effects. Policy WRP1 identifies the potential for a hotel in this area. The development of a hotel has the potential to significantly affect the townscape and heritage setting; however, the policy recognises this potential and requires that development does not result in the loss of greenspace or impact on key views (as well as accord with other policies). The policy mitigation provided through Policy WRP1, alongside the wider AAP policies (discussed in Policy Framework Section above) should ensure that development does not lead

to any significant negative effects. A hotel of high design quality is also considered to have the potential for minor long term positive effects on the townscape and heritage settings.

- 5.48 The promotion of a sports park in the west could consolidate the existing land uses, and Policy OA6 requires development in this area to minimise impacts on heritage assets, and to be set within a landscaped setting with a network of green spaces. The concentration of uses is likely to improve legibility with the potential for minor long term positive effects on townscape. New landscaped settings are also likely to positively contribute to townscape. The policy further identifies that housing will be permitted in this area where it will not impact on the setting of the listed heritage assets, and will facilitate the enhancement of heritage assets and the parkland setting. Policy WRP2 seeks to reduce the impact of new buildings on townscape and heritage settings by locating them on the higher part of the site and The Oval. The AAP also identifies further measures that can minimise impacts and integrate new buildings successfully, including wrapping the parkland up on the roof of the new building, decked parking, and the retention of existing woodland. Given the existing and proposed policy mitigation, it is considered unlikely that development will lead to any negative effects, and the proposed enhancements are considered likely to lead to long term positive effects.
- 5.49 Development at OA7 seeks to consolidate or relocate existing uses to introduce housing into this area, in a green setting - connected to Summerfields Wood. The proposals also seek to define a Heritage Quarter incorporating Hastings Museum and Summerfields Wood. Development in this OA is subject to the relocation of existing leisure uses, and the consolidation of civic uses. The introduction of housing and consolidation of uses in this area will affect the townscape and heritage settings to some degree, and there are Listed Buildings (Roman Bath at the Summerfield Estate & Ice House) in close proximity to the proposed sites at OA7. Policy B2 requires development to sustain and enhance the significance and setting of the listed Ice House (including its insulating earth mound), and the Roman Bath site is located within, and screened by, Summerfields Wood, reducing the potential for negative effects. Considering existing policy mitigation provided through the Hastings Planning Strategy (2014), as well as mitigation provided through the AAP, it is unlikely that development will lead to any negative effects.
- 5.50 The AAP recognises the potential to significantly enhance heritage values in Opportunity Site B4 by improving the visibility and accessibility of the existing museum, as well as linking the museum with Summerfields Wood and the Bohemia Walled Garden through dedicated heritage trails. The potential enhancements support heritage objectives outlined in the planning, heritage and regeneration strategies, and are considered likely to lead to long term positive effects.
- 5.51 The restoration and reuse of the listed convent buildings in OA8 could secure the longer term viability and management of these heritage assets, with the potential for long term positive effects. Policy OA8 recognises the sensitivity of the site, and identifies that the Council will liaise with Historic England on any scheme submitted for the site – this should ensure that development does not lead to any negative effects. The restoration and reuse of these heritage assets will secure longer term management and maintenance with the potential for significant long term positive effects.

Conclusions

- 5.52 It is clear that the AAP has the potential to significantly affect the townscape and heritage settings found within Hastings Town Centre and the Bohemia area. Recognising this, the AAP takes a proactive, positive approach to delivering new development within the Plan area which complements the townscape and heritage settings, particularly recognising the potential for modern and contemporary cultural values and assets to support historic environment settings, the quality of residents' lives and the visitor economy. A number of protections for the historic environment and heritage settings are put into place, and the proposals within the AAP contribute to achieving the objectives outlined by the Heritage Strategy for Hastings 2017 and

the regeneration strategy (Culture-Led Regeneration: A Strategy for Hastings 2016-21). This will maximise the potential for coordinated positive effects. The approach to culture-led regeneration supporting the historic environment is also considered likely to lead to significant positive effects.

- 5.53 The proposals within the AAP seek to actively improve the significance, value and offer of existing heritage assets, including through the restoration and reuse of Listed Buildings. Key proposals are likely to improve heritage values associated with Hastings Pier, Hastings Museum, the convent buildings on Magdalen Road, and Historic Gardens (White Rock Gardens and Bohemia Walled Garden, including its woodland setting) in the Bohemia area. These improvements are considered to cumulatively lead to significant positive effects for the historic environment and townscape setting.
- 5.54 The proposals seek to improve the public realm and accessibility across the Plan area, including at gateway locations to the town centre, to raise the quality of the built environment, and the experience of the people using the spaces. The proposed public realm improvements, such as new street trees, seating and lighting, are likely to improve the townscape and heritage settings with the potential for long term positive effects. Further proposals will regenerate areas of previously developed land, as well as existing buildings that detract from the townscape with the potential for significant long term positive effects.

Land, Soil and Water Resources

Policy Framework

- 5.55 The AAP area is predominantly an urban town centre, supported by large areas of green space, parkland and woodland in the west of the Plan area. Proposed Policy AAP3 requires housing development to 'make the most efficient use of land and be developed at the optimum density'. This will minimise land take with the potential for long term positive effects.
- 5.56 The AAP further seeks to improve the efficiency of development in terms of water consumption. Policy AAP6 requires a high level of resource efficiency, including the consideration of features such as rainwater harvesting. Policy AAP9 further supports the efficient use of natural resources, including reducing demand for water. The policy requires that residential development must be designed not to exceed 110 litres per person per day, in line with higher 'optional' standards set out within the Building Regulations (Part G). The support for improved efficiency is considered likely to lead to long term positive effects. The proposed new housing and employment development will inevitably lead to an increased demand on water resources; however, provisions within the Southern Water Water Resources Management Plan should ensure that this does not lead to any significant effects. In this context the AAP can support the timely provision of infrastructure services through close consultation with water authorities and agreed phasing of development if deemed necessary.

Opportunity Areas and Opportunity Sites

- 5.57 Development in the east of the Plan area (OA1 – 4) focuses on the regeneration of previously developed sites, particularly at gateway locations around the central area, and this efficient use of land is considered to have the potential for long term positive effects.
- 5.58 The west of the Plan area (OA5 – 8) is largely existing open land, woodland and parkland, and mixed use / housing development in this area is likely to result in the loss of some open land with the potential for long term minor negative effects. This includes loss of open land at Hornty Park and Summerfields (adjacent to the existing Travelodge). The consolidation of leisure uses, civic uses and cultural uses will contribute to improved land efficiency by freeing up previously developed land for the provision of new housing, with the potential for minor long term positive effects. The AAP seeks to support land and soil resources however by increasing the extent

and connectivity of the green infrastructure network, with the potential for minor long term positive effects.

- 5.59 The housing development proposals seek a higher density than proposed through the Planning Strategy Policy H1 to make full and effective use of land, for example, it is identified that housing development at Opportunity Site WRP2 could achieve a density of 80 dwellings per hectare. The high densities are considered likely to lead to long term positive effects by encouraging the efficient use of land, much of which is previously developed land.

Conclusions

- 5.60 The AAP is considered to take proactive steps to minimising land take, and minimising the loss of open land. The Plan recognises the potential to deliver housing growth in this area to support housing needs, which will inevitably result in the loss of some open land, with the potential for minor long term negative effects. Minor positive effects are also considered likely through proposals to: maximise densities, regenerate areas of brownfield land; consolidate uses to free up previously developed land; and enhance the GI network. Further to this, the plan seeks a high level of resource efficiency, as well as the incorporation of features such as rainwater harvesting which are also likely to lead to minor long term positive effects for water resources.

Community Vitality

Policy Framework

- 5.61 The AAP has the potential to support the vitality of communities by improving access to housing (particularly affordable housing), community services and facilities, public transport, and employment opportunities. This can help to reduce deprivation and promote social inclusion, particularly through the delivery of affordable housing and community infrastructure in accessible locations.
- 5.62 The delivery of new retail and employment development (Policies AAP1, AAP4 and AAP5) will increase the range of services, facilities and employment opportunities within the central area. This has the potential for long term positive effects for communities in terms of meeting local needs and increasing accessibility to key amenities. Policy AAP4 seeks to include the delivery of affordable workspace as well as co-working space and workspace for small and start-up businesses as part of mixed use development at OA6 and OA7, and Policy AAP5 supports continued growth of cultural facilities and creative industries. Both policies are considered to have the potential for long term positive effects in relation to meeting the diverse needs of the community.
- 5.63 A significant focus for the AAP is culture-led regeneration, with a focus on retaining and improving the cultural offer of the Town Centre and Bohemia Plan area, including proposed enhancements to leisure facilities, cultural venues and historic assets (including the Pier, Hastings Museum and a new sports centre). The proposed improvements will increase the range and accessibility of available cultural facilities, with the potential for significant long term positive effects for community vitality.
- 5.64 The AAP proposes the delivery of around 820 new homes in the Plan area through Policy AAP3, largely as part of mixed use development to support the creation of sustainable neighbourhoods. The policy requires a mix of housing (to include family and affordable housing) as well as contributions towards the provision of social infrastructure. Therefore, the policy supports the delivery of a range of housing to meet local needs (including affordable housing needs to support a reduction in poverty in terms of accessing decent housing), and seeks to ensure that new communities are supported by the necessary infrastructure. Alongside Policies H1 to H3 of the Hastings Planning Strategy (2014), which supports the delivery of appropriate densities, affordable housing, and a balanced mix of housing, the proposals are considered likely to lead to long term significant positive effects. The AAP also supports the delivery of housing

over and above the figures identified in the Planning Strategy, which will help in part address recent indications of a higher required housing need.

- 5.65 The central location for new housing development supports housing delivery with a high level of accessibility given the existing public transport links, services, facilities, open space, and employment opportunities in close proximity, again with the potential for significant long term positive effects for new communities. Further to this, increased housing in the central location should boost night time activity and active surveillance, potentially supporting reduced levels of, or fear of crime.
- 5.66 Much of the proposed development seeks to bring underutilised areas into more community use, for example Summerfields Wood, Bohemia Walled Garden and White Rock Gardens. Alongside, the AAP seeks to improve the Green Infrastructure (GI) network, particularly in the west of the Plan area, and new housing is proposed adjacent to high quality green infrastructure. This will support accessibility to leisure and recreational opportunities, with benefits for the quality of lives of residents.
- 5.67 The AAP seeks public realm enhancements across the plan area, and requires high quality design. The proposed public realm improvements are likely to improve accessibility and legibility with the potential for long term positive effects for communities.

Opportunity Areas and Opportunity Sites

- 5.68 The proposed public realm improvements around the station gateway will improve access and legibility in this area, and support recent educational and healthcare development around the station, with the potential for long term positive effects for community vitality.
- 5.69 The delivery of new employment and housing (largely as part of mixed use development) is proposed across the Plan area. Proposals for employment supported by new homes in the east of the Plan area (OA1, OA2 and OA3) will be located in areas with excellent accessibility, particularly given the proximity to the train station, supermarket and retail facilities, with the potential for long term positive effects. New cultural, employment and housing development in the west of the plan area (OA6, OA7 & OA8) will have good access to the train station, but is also supported by excellent access to natural assets and leisure opportunities, which is again considered to have the potential for long term positive effects for communities, and particularly the quality of residents' lives.
- 5.70 The housing development proposals seek a higher density than proposed through the Planning Strategy Policy H1 to make full and effective use of land. For example, it is identified that housing development at Opportunity Site WRP2 could achieve a density of 80 dwellings per hectare. Affordable housing is also likely to be delivered on site given the size of the potential mixed use development and requirements outlined by Policy H3 of the Planning Strategy. The high densities and delivery of on-site affordable housing is considered likely to lead to significant long term positive effects by providing for community needs in a highly accessible area.
- 5.71 Retail development is proposed within OA1, OA2, OA3 and OA4. The delivery of additional retail in these areas (located around the Priory Meadow Shopping Centre) will support a concentrated retail core, increasing accessibility and legibility for residents with the potential for long term positive effects for local communities.
- 5.72 Employment development is similarly concentrated largely within OA1. This is an appropriate location for office and retail development given the existing clustering of uses and close proximity to the railway station. This will support a high level of accessibility and contribute to the ongoing vitality and vibrancy of the Town Centre, with the potential for long term positive effects for local communities. Further employment development is proposed within OA5 and OA7, as well as employment uses as part of mixed use development at OA7 and OA8. This is largely promoted alongside new housing development to support the creation of sustainable

neighbourhoods, with the potential for long term positive effects for communities through the high level of accessibility.

Conclusions

5.73 The AAP is considered likely to lead to significant long term positive effects for community vitality by delivering a wide range of high quality development to include employment and retail uses, enhanced cultural and historic environment venues and assets and new homes. This will take place in a highly accessible location, largely as part of mixed-use development and supported by green infrastructure networks. New retail and employment development proposed through the AAP will also increase the range of services, facilities and employment opportunities, again in a highly accessible location, meeting the diverse needs of the community with the potential for long term positive effects. The focus on culture-led regeneration is considered likely to enhance the quality of residents' lives and community vitality, and the current version of the AAP will also assist the Council in contributing to meeting the 'at least' housing target within the Planning Strategy.

Health and Wellbeing

Policy Framework

- 5.74 The 2017 Health Profile for Hastings District⁶ identifies that the health of people in Hastings is generally worse than the England average. Hastings is one of the 20% most deprived district/unitary authorities in England and around 29% (4,900) of children live in low income families. Life expectancy for both men and women is lower than the England average. Local health priorities include reducing instances of cancers, accidents/injuries, circulatory diseases and digestive diseases in order to address the life expectancy gap between the most and least deprived areas. The AAP may reduce deprivation through supporting regeneration and delivering enhanced housing, retail and employment development. This is discussed in more detail in the Community Vitality Section above.
- 5.75 A significant aspect of the proposals contained within the AAP is the development of leisure facilities and recreational opportunities in the west of the Plan area, connecting to White Rock Park and Summerfields Woods LNR. The proposals will concentrate leisure uses in a new Sports Park within the White Rock Park area, with supported improvements to pedestrian and cycle routes to improve accessibility. The proposals improve the availability and accessibility of leisure facilities with the potential for long term positive effects on health and wellbeing. The current AAP policies also have an impetus on the protection and enhancement of green infrastructure networks. This will support the health and wellbeing of residents by facilitating improvements in levels of physical activity, enhancing social interaction between residents and promoting psychological wellbeing. This will be supported by the AAP's strong focus on improving local distinctiveness, enhancements to the public realm and on the protection and enhancement of townscape and landscape quality.
- 5.76 Health and wellbeing will be supported by the policies which directly and indirectly promote healthier modes of travel, including walking and cycling. In this context, Policies AAP6, AAP9, AAP11 and AAP12 seek to encourage walking and cycling, public transport use and ultra-low emission vehicles, as well as reclaim road space and promote new pedestrian and cycle linkages in the Plan area.
- 5.77 Further measures proposed through Policy AAP9 will enhance energy and water efficiency in new development, in housing this can support health and wellbeing by helping to reduce fuel poverty.

⁶ Public Health England (2017) Hastings District Health Profile 2017 [online] available at: <http://fingertipsreports.phe.org.uk/health-profiles/2017/e07000062.pdf> [accessed 01/05/2018]

5.78 The AAP promotes good design through Policy AAP6 which seeks to improve pedestrian crossings and connections (improving accessibility and safety) and requires development to promote the principles of healthy and sustainable design. Similarly, Policy AAP11 seeks to improve the pedestrian experience including through; improved pedestrian crossings at arrival points, innovative surface redesign, improved legibility, durable and high quality materials and provision for the inclusion of public art and lighting. Policy AAP12 provides further support for improved pedestrian crossings, as well as exploring the potential for reclaiming road space for pedestrians (including on the A259 seafront road). These policies are likely to support pedestrian activity, movement, accessibility, and safety, with the potential for long term positive effects on health and wellbeing.

Opportunity Areas and Opportunity Sites

5.79 Public realm improvements across all of the OAs seek to improve the pedestrian experience of the town, and create better east-west permeability, which will support a modal shift and healthier lifestyles as well as improve safety (particularly through the introduction of new/improved pedestrian crossings at OA1, OA2, and OA5) with the potential for minor long term positive effects. The A259 seafront road is identified as a physical barrier to pedestrian movement in the plan area, and the planned increase in pedestrian crossings in this area (OA2) should improve accessibility, improve safety and promote walking and healthier lifestyles with the potential for long term positive effects for health and wellbeing.

5.80 The consolidation of leisure uses to create a new sports park in OA6 will support healthy lifestyles by improving the quality of provisions, as well as the prominence / visibility of available facilities. The AAP seeks to connect the new sports park to the surrounding parkland and proposed new housing, which will increase accessibility for new residents, as well as increase the accessibility and attractiveness of routes for pedestrians and cyclists in the wider community, with the potential for long term positive effects in terms of healthy lifestyles.

Conclusions

5.81 The proposals within the AAP seek to improve the leisure offer within the town centre. Alongside, the impetus in the AAP to protect and enhance green infrastructure networks, as well as a strong focus on improving local distinctiveness, enhancements to the public realm and on the protection and enhancement of townscape and landscape quality will support long term positive effects in relation to health and wellbeing. Further policies which directly and indirectly promote healthier modes of travel, including walking and cycling, and seek to improve the pedestrian experience and pedestrian safety are also considered likely to lead to long term positive effects.

Transportation and Air Quality

Policy Framework

5.82 There are no AQMAs within or in close proximity to the Plan area. The previous AQMA at Bexhill Road has been revoked given reduced PM concentrations remaining below annual air quality limit values as a result of the opening of the Bexhill to Hastings Link Road. The growth in housing, retail and employment provisions proposed through Policies AAP1, AAP3, AAP4 and AAP5 is likely to increase traffic levels within the centre to some degree with the potential for minor negative effects; however, the development is located within a highly accessible location, with good links to public transport (rail and bus), services and facilities. This is likely to reduce the need to travel for new residents in this area, as well as increase the accessibility of retail services and employment opportunities by public transport, walking and cycling for existing residents. This will support modal shift and have benefits for air quality, with the potential for long term positive effects and mitigating the identified negative effects to some extent (though the extent remains uncertain at this stage of assessment).

- 5.83 The East Sussex Local Transport Plan⁷ (2011-2026) has identified that Hastings is one of the areas needing greater investment for transport infrastructure to support regeneration and development. The focus for transport infrastructure improvements in Hastings include localised road improvements, promotion and infrastructure for public transport, and measures to support integrated sustainable travel such as: bus priority measures; cycle lanes; improved pedestrian routes; better rail/bus/cycle interchanges; less street clutter; and better use of technology such as Real Time Bus Information and charging points for electric vehicles.
- 5.84 Policy AAP9 supports the transition to ultra-low emission vehicles, requiring residential development with off-street parking and non-residential development where parking is required to install charging facilities for electric vehicles. This will support the transition to more sustainable forms of private travel and support improved air and noise quality, with the potential for long term positive effects.
- 5.85 Policy AAP11 seeks to improve the public realm, requiring development to: emphasise the points of arrival into the town with innovative surface redesign and improved pedestrian crossings; reinforce a clear street hierarchy and improve legibility; improve the pedestrian environment and connections between the OAs; use high quality materials; and make provisions for the inclusion of public art and lighting. This will support pedestrian and cycle movement by improving the quality of the spaces and increasing road safety. This has the potential for long term positive effects.
- 5.86 Policy AAP12 identifies the Council's intention to develop a sustainable transport strategy that assesses the potential for reclaiming road space for pedestrians, improved/increased pedestrian crossings and shared space junctions including on the A259 seafront road. This will address a key issue of permeability for pedestrians and cyclists in parts of the Plan area (including to and from the seafront), by supporting improved pedestrian movement and safety, as well as a better pedestrian experience with the potential for long term positive effects. The policy further identifies intentions to assess parking management across the town centre, again looking to reclaim space for leisure uses and improved pedestrian environments. These measures will continue to support a modal shift away from the private car, and increased pedestrian and cycle transport with the potential for long term positive effects. The measures further support the objectives of the Hastings Walking and Cycling Strategy (2014)⁸ in creating a safer, convenient, efficient and attractive walking and cycling network that supports access within and to Hastings, and ensuring that local policies facilitate access to walking and cycling for both utility and leisure purposes, with the potential for long term positive effects.

Opportunity Areas and Opportunity Sites

- 5.87 Development in OA1 seeks to improve the main transport interchange gateway into the Town Centre and enhance connections between the station, town centre and seafront. This will improve legibility and support pedestrian and cycle movement through the town with the potential for long term positive effects.
- 5.88 The proposals within OA1 (Opportunity Sites SG1 and SG2) seek to redevelop the car parks at Priory Street and the station to improve the efficiency of land use and the pedestrian experience in Station Approach. The proposals are not expected to significantly impact upon parking within the Town Centre given Policy SG2 requirements to provide a new multi-storey car park. An improved pedestrian experience around Station Approach will however promote pedestrian and cycle use with the potential for minor long term positive effects.

⁷ East Sussex County Council (2011) Local Transport Plan 2011 – 2026 [online] available at: https://www.eastsussex.gov.uk/media/2336/lt3_main_doc_2011-2026.pdf [accessed 03/05/2018]

⁸ East Sussex County Council et al (2014) Hastings Walking and Cycling Strategy [online] available at: https://www.hastings.gov.uk/content/planning/planning_policy/local_plan/evidence_base/pdfs/information/hastings_A4_cycling_strategy.pdf [accessed 16/05/2018]

- 5.89 There is the opportunity within OA2 to improve connectivity and enhance this gateway location between the town centre and the seafront. The AAP identifies aspirations at Opportunity Site WP1 to create shared space linking Wellington Square with Wellington Place to support improved connectivity, with the potential for minor long term positive effects.
- 5.90 OA3 (i.e. Queens Road) is another gateway location into the Town Centre, and key objectives of the AAP include improving the public realm and vitality of the Queens Road corridor. The car parks at Morrisons and Cornwallis Street are proposed for redevelopment – with a view to decreasing land take at Morrisons by delivering decked parking, and through providing new space for housing at Cornwallis Street. The proposals seek to improve the pedestrian experience of this area of the town centre, which is considered likely to lead to minor long term positive effects for transportation and air quality by reducing the presence of cars, supporting increased pedestrian presence, as well as reducing the need to travel by private car.
- 5.91 Within OA5 the AAP identifies the junction between Robertson Street and Carlisle Parade for investment within the public realm improvements programme. In addition, two junctions (Harold Place/Denmark Place and Albert Road/Denmark Place) within OA2 have been identified for improvement. Together with traffic calming measures along the A259, these public realm improvements are identified within the Plan as key actions to improve connectivity and access to the town centre from the Pier and seafront, and are considered likely to lead to long term positive effects. This will be supported by localised improvements to the promenade, including traffic calming measures and enhancements to the pedestrian environment. These have been identified within the Plan as key actions to improve connectivity and access to the town centre from the Pier and seafront, and are considered likely to lead to long term positive effects.
- 5.92 The AAP further proposes to enhance the pedestrian route along the front of White Rock Gardens, which *'has an elevated view of the seafront linking back into St Margarets Road as it rises to the east and west'*. Through creating a direct physical and visual connection between the Pier and White Rock Gardens, this will promote pedestrian movement and support the pedestrian experience, with the potential for significant long term positive effects. Proposals at Opportunity Site WR2 seek to improve the facilities currently provided by the White Rock Theatre, and with the possible closure of Schwerte Road and White Rock Road to create a new civic space, this priorities pedestrian activity over car movements, with the potential for long term positive effects.
- 5.93 Within the west of the Plan area (OA6, OA7 and OA8), the focus is largely on improving pedestrian and cycle access with improved links to the central retail areas and seafront. This includes new pedestrian and cycle links around White Rock Park connecting to Bohemia Road and the seafront. The new and improved routes will promote pedestrian and cycle movement, promoting modal shift away from the private car. Within OA7, proposals to improve Bohemia Road, including new crossing points and improved frontages, are likely to improve pedestrian experience, safety and accessibility with the potential for minor long term positive effects.
- 5.94 Public realm improvements are proposed throughout most of the OAs, which seek to improve accessibility, legibility and pedestrian experience, as well as improve the GI network. These measures, alongside the delivery of employment and housing in a central location should support a modal shift away from the private car, and thus indirectly improved air quality, with the potential for long term positive effects.

Conclusions

- 5.95 The growth in housing, retail and employment provision proposed through the AAP is likely to increase traffic levels within the Plan area to some degree with the potential for minor negative effects. However, development is proposed in highly accessible locations, with good links to public transport (rail and bus) and services and facilities. This is likely to reduce the need to travel, and promote sustainable transport options, helping to mitigate the negative effects to

some degree. However, the potential extent of the negative effects remains uncertain at this stage.

- 5.96 The AAP actively seeks to support a transition to more sustainable forms of travel, including electric vehicle charging points and significant efforts to improve the pedestrian environment. Proposals include street widening, new crossings, reclaiming road space for pedestrians, improvements along the A259, and new and improved pedestrian and cycle routes in the west of the Plan area. Alongside public realm improvements at gateway locations and the redevelopment of car parks, the proposals prioritise pedestrian movements and seek to minimise impacts of the private car on the built environment. This has the potential for significant medium and long term positive effects.

Economy and Employment

Policy Framework

- 5.97 As the commercial and retail heart of the Borough, supporting the economic performance of the Town Centre is a key driver for the AAP. The town centre has been undergoing significant change through planned regeneration initiatives since the 1990s. More recently the Council and partners have been focusing on culture as an instrument of social change and economic growth. In this context the town centre presents significant opportunities for enhancements to its cultural offer, and boosting economic performance.
- 5.98 The AAP proposes new retail development across a number of locations (explored in Opportunity Areas and Opportunity Sites section below) in Policy AAP1, as well as new business employment floorspace in Policy AAP4. The delivery of new retail and employment space in the AAP area will help support economic performance in the town through widening the range and offer of the town in terms of such new space.
- 5.99 The AAP also provides support for emerging cultural and creative industries through Policy AAP5, which seeks to protect existing cultural venues and facilities and supports the provision of new venues. It also identifies new locations for the provision of workspace for creative industries. In this context the Policy is considered to support the creation of a range of employment opportunities to meet diverse local needs, with the potential for long term positive effects. The proposals to improve the cultural offer and public realm of the town centre and Bohemia area are also considered likely to bolster the visitor economy with the potential for long term positive effects.
- 5.100 The AAP further protects shopping frontages to ensure that retail remains the dominant use within the core of the town centre, including through the designation of primary and secondary shopping frontages in Policy AAP2. A concentrated retail core will support accessibility and legibility, and promote a further clustering of uses, with the potential for long term positive effects.
- 5.101 The delivery of high quality design, required through Policy AAP6, as well as the management of shopfronts and advertising proposed through Policy AAP8 and the green infrastructure and public realm enhancements required through Policies AAP10 and AAP11 will ensure that the accessibility, legibility, character and image of the town centre is strengthened to support its investment appeal. Enhancements to the quality of the public realm and townscape will also support the visitor economy, with the potential for long term positive effects.

Opportunity Areas and Opportunity Sites

- 5.102 Retail development is proposed within OA1, OA2, OA3 and OA4. The delivery of retail in these areas (located around the Priory Meadow Shopping Centre) will support a concentrated retail core, increasing accessibility, legibility, clustering and retail performance with the potential for long term positive effects.

- 5.103 Employment development is similarly concentrated largely within OA1, adjacent to the main retail area and in close proximity to the railway station. This will support a high level of accessibility with the potential for long term positive effects relating to an existing need for high quality employment space. Further employment development is proposed within OA5 and OA7, as well as employment uses as part of mixed use development at OA7 and OA8. However this is largely designated to sit alongside new housing development to support the creation of sustainable neighbourhoods.
- 5.104 Development of the cultural and creative industries is largely focused within the White Rock and America Ground Cultural Quarter (OA5), with the aim of restoring and integrating parkland to maximise the opportunity for interlinked and multifunctional green infrastructure which supports the cultural industries and associated activities. Hastings Museum (in OA7) is also linked to the objective for this area to support the creation of a cultural hub around White Rock and the Bohemia Lands. The delivery of this type of workspace will diversify the range of opportunities to meet local demand, as well as support the visitor economy, with the potential for significant long term positive effects.

Conclusions

- 5.105 The proposals within the AAP to deliver new retail and employment development are considered likely to lead to significant positive effects by improving economic performance and improving retail and employment offer in a highly accessible location. The promotion of mixed-use development will further support accessibility and the creation of sustainable neighbourhoods. The AAP's focus on retaining and enhancing retail and offices as the dominant use within the core of the town will help protect economic vitality and viability as well as the role and function of the town centre.
- 5.106 The focus on culture-led regeneration through supporting enhancements to cultural venues, leisure facilities and heritage assets will support culture-led economic regeneration and is also considered likely to bolster the visitor economy. This will be further supported by proposed enhancements to the quality of the public realm and townscape character. This will support investment appeal, with the potential for long term positive effects.

Overall Conclusions

- 5.107 Overall, the appraisal has not identified the potential for likely significant negative effects as a result of the implementation of the current version of Town Centre and Bohemia Action Plan.
- 5.108 Whilst the proposed delivery of around 820 new homes and new employment and retail development in the AAP area has the potential for residual minor negative effects in relation to the Biodiversity, Land, Soil and Water Resources and Transportation and Air Quality SA themes, these are likely to be offset by a range of policy approaches which will help secure benefits in relation to these themes.
- 5.109 In this context the AAP is considered to have the potential for a number of significant positive effects. A key focus of the AAP relates to the Historic Environment and Townscape theme. A number of protections for the historic environment and heritage settings are put into place, and the proposals within the AAP seek to maximise the potential for facilitating enhancements to townscape quality and the fabric and setting of the historic environment. The AAP's focus on culture-led regeneration is also likely to lead to significant positive effects in this regard. As such key heritage assets in the AAP area, including Hastings Pier, Hastings Museum, the convent buildings on Magdalen Road, and White Rock Gardens will be supported through enhancements to their viability. Further proposals will regenerate areas of underutilised land, as well as existing buildings that detract from the townscape. Supporting the integrity of the historic environment and local distinctiveness, this has the potential for significant long term positive effects.

- 5.110 Significant positive effects for the Community Vitality and the Economy and Employment themes are associated with the delivery of new employment, retail and housing development, and the AAP's contribution to regeneration in the town centre and Bohemia areas. The proposed transport and public realm improvements (particularly pedestrian prioritisation) and green infrastructure enhancements are also considered to have the potential for significant positive effects in relation to the Transportation and Air Quality SA theme.
- 5.111 Proposals to restore and enhance parkland, woodland and garden settings in the Bohemia area are considered likely to lead to long term significant positive effects for ecological networks in the AAP area, and alongside proposals across the Plan area to enhance green infrastructure networks, this will support the potential for significant positive effects in relation to the Biodiversity SA theme through the achievement of biodiversity net gain.

6. Next steps

Next steps for plan making / SA process

- 6.1 This SA Report accompanies the current consultation on the AAP (*Hastings Town Centre and Bohemia Area Action Plan Preferred Approaches for Public Consultation*).
- 6.2 Following the receipt of consultation responses, the AAP will be updated and released by Hastings Borough Council for Regulation 19 consultation with an updated SA Report.
- 6.3 Once the period for representations on the Regulation 19 version of the AAP document / SA Report concludes, the main issues raised will be identified and summarised by the Council, who will then consider whether, in light of representations received, the plan can still be deemed 'sound'. If this is the case, the AAP will be submitted for Examination, alongside a statement setting out the main issues raised during the consultation. The Council will also submit the SA Report.
- 6.4 At Examination, the Inspector will consider representations (alongside the SA Report) before then either reporting back on the AAP's soundness or identifying the need for modifications. If the Inspector identifies the need for modifications to the Plan these will be prepared (and undergo SA) and then be subject to consultation (with an SA Report Addendum published alongside).
- 6.5 Once found to be 'sound', the AAP will be formally adopted by the Hastings Borough Council. At the time of Adoption, an SA 'Statement' must be published that sets out (amongst other elements) 'the measures decided concerning monitoring'.

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Agenda Item 7



Report to: Cabinet

Date of Meeting: 4 June 2018

Report Title: Cabinet Appointments to Committees, Working Groups and Partnerships

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

Purpose of Report

To consider the nominations received and to make appointments to committees, working groups and partnerships etc. and to appoint the Chairs and Vice Chairs to the committees of Cabinet.

Recommendation(s)

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

Reasons for Recommendations

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.

1. The group leaders were circulated with updated schedules of the committees, working groups, partnerships and representative bodies to which Cabinet appoints. Nominations were sought to fill the places available. The schedules showing the nominations received are appended to this report. Further nominations may be made at the meeting.

2. Like Cabinet, committees of Cabinet are not required to be politically balanced and this is a matter for Cabinet decision. The allocations shown are, therefore, advisory.

3. Members are appointed until the Borough elections in May 2019.

4. Cabinet appointments committee was dissolved last year, so that Cabinet could decide where appointments were to be made without having a prior meeting.

Wards Affected

None

Implications

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

Equalities and Community Cohesiveness Yes

Risk Management No

Environmental Issues No

Economic/Financial Implications No

Organisational Consequences Yes

Local People's Views No

Anti-Poverty No

Additional Information

Appendix A- Schedule of Nominations
Appendix B – Schedule of Nominations

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**CABINET
APPOINTMENTS TO COMMITTEES, WORKING GROUPS, PARTNERSHIPS ETC. JULY 2018**

COMMITTEES, WORKING GROUP / PARTNERSHIPS

COMMITTEES	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2018/19		APPOINTMENTS for 2018/19		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Museums Committee	Up to 10	6	2	Forward –Chair O’Callaghan Vice-Chair Bishop Levane Sinden Webb	K Beaney Patmore	A Chair and Vice Chair is required for this committee Lead Member is chair.
Charity Committee	3	3		Beaney (Chair) Batsford (Vice-Chair) Rogers		Chair to be non-portfolio holder member of Cabinet for the majority group
Discretionary Rate Relief Appeal Panel	Up to 7	5	2	Batsford S Beaney Fitzgerald Forward Rogers	Lee Patmore	All Members of Cabinet, excluding the Leader, to be appointed to the Panel

APPENDIX A

Licensing Committee (Scrap Metal Dealers)	Up to 7	5	2	Batsford S Beane Fitzgerald Forward Rogers	Lee Patmore	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.
Income Generation Board	3	2	1	Chowney Forward	Rankin	Leader and Deputy Leader of the Council and Chair of the Audit Committee

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WORKING GROUPS ETC	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2018/19		APPOINTMENTS for 2018/19		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Working Arrangements Group	5	4	1	Webb – Chair Levane Scott	Beaver	Opposition member is Vice-Chair
Member Training and Development Group	4	3	1	Rogers – Chair Sinden – Vice Chair Webb	Lee	Lead Member is chair
Hastings Country Park Management Forum	5	4	1	Fitzgerald – Chair Bishop – Vice-Chair Evans Bacon	Edwards	Lead Member is chair

APPENDIX A

Order of 1066	4	3	1	Sinden - Mayor Bacon – Dep. Mayor Rogers	Marlow-Eastwood	To comprise Mayor, Deputy Mayor & 1 member from each Political Group
Joint Waste Committee	2	2		Chowney Fitzgerald		Leader of the Council and Lead Member for Env & Highways
Personnel Consultative Group	4	3	1	Chowney Forward Rogers	Lee	

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PARTNERSHIPS	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2018/19		APPOINTMENTS for 2018/19		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Stade Partnership	2	2		Bacon Poole		Old Hastings members
Hastings Overseas Student Advisory Council	3	2	1	Roberts O'Callaghan	Patmore	Known as HOSAC
Hastings Local Strategic Partnership	2	1	1	Chowney	Lee	

APPENDIX A

Safer Hastings and Rother Partnership	1	1				Relevant Lead Member
Jt. Advisory Cttee. the High Weald AONB	1	1		Evans		
Combe Haven Community Interest Company	2	2		Cox Evans		
Hastings and Rother Task Force Steering Group	1	1		Chowney		Leader of the Council
William Parker Community Athletics Arena Management Committee	2	1	1	Batsford Rogers	Foster	
Optivo Hastings Area Panel	1	1		Batsford		Relevant Lead Member
Police & Crime Panel	1	1		Fitzgerald		Lead Member
East Sussex Health Overview & Scrutiny Committee	1	1		Turner		Needs to be a non-executive Member.
East Sussex Community Safety Partnership	1	1		Fitzgerald		Needs to be either the Chair of the Safer Hastings Partnership or a member of the Sussex Police and Crime Panel.
Hastings and Rother Transport Action Group	1			Forward		Relevant Lead Member

CABINET – JULY 2018**APPOINTMENT OF MEMBERS TO REPRESENTATIVE BODIES**

ORGANISATION	SEATS TO BE FILLED	APPOINTMENTS FOR 2018/19
East Sussex Energy Infrastructure and Development Ltd (Sea Change) (This is a directorship)	1	Lead Member for Regeneration - Forward
Love Hastings (formerly Hastings & St Leonards Town Centre Management Group)	1	Leader – Peter Chowney
Hastings Health Improvement Network	1	Rogers
Health & Wellbeing Board	1 (not Health O & S Cttee member)	Cox
Local Gov. Assoc. – National Body	1	Leader – Peter Chowney
Local Gov. Assoc. – Urban Commission	1	Lead Member for Regeneration – Kim Forward
Local Gov. Assoc. – Coastal Issues Group	1	Lead Member for Regeneration – Kim Forward
South East England Councils	1 (The Leader of the Council)	Chowney

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Agenda Item 10



Report to: Cabinet

Date of Meeting: 4 June 2018

Report Title: Hastings Fish Brand Project

Report By: Kevin Boorman, Marketing & Major Projects Manager

Purpose of Report

To provide summary information on Hastings Fish Brand Project

To recommend that authority is delegated to the Director of operational services or his nominee to sign the funding agreement with the Marine Management Organisation (MMO) for the Hastings Fish Brand project and any other HBC-led Fisheries Local Action Group funded projects.

Recommendation(s)

1. **That authority be delegated to the Director of Operational Services or his nominee in consultation with the lead member for regeneration:**
 - **to sign the funding agreement for the Hastings Fish Brand with the Marine Management Organisation,**
 - **to enter into the MMO funding agreements for any further HBC-led FLAG funded projects, including those summarised in Appendix 1.**

Reasons for Recommendations

Hastings Fish Brand has been formally approved by the MMO and we can now proceed with immediate delivery of the project, as set out in the submitted application form and business case. The delay in the MMO approving the funding means that urgency provisions have been used, set out in rule 26.20 of the constitution, and Cabinet is asked to note these.

Introduction

Hastings Borough Council has been successfully approved by the MMO for funding for a Hastings Fish Brand via the Fisheries Local Action Group (FLAG) programme. Summary detail on the FLAG programme and delegated authority to act as lead partner for management and delivery was approved at Cabinet in August 2016.

The initiative will develop, launch and roll-out a Hastings Fish Brand in three phases over 18 months from June 2018 – January 2019.

The project will be delivered in three phases;

1. Research, design of brand, development of social media campaign/merchandising products: June – September 2018
2. Launch of brand at Seafood and Wine Festival: September 2018
3. Roll out of brand September 2018 – January 2019

Budget profile

The project is 100% grant funded, totalling £84,469. This includes staffing, marketing and merchandising products, as set out in the table below.

	Grant amount	
2018/19	£50,533	Management overhead Project coordinator Social Media campaign & advertising, including brand launch at the Seafood and Wine Festival Merchandising products Graphic design
2019/20	£33,936	Management overhead Project Coordinator Social media & advertising Merchandising products

Project summary

The key objective of the project is the development of a brand which offers a 'stamp of approval' for the fish products landed by the Hastings fleet; engaging fishmongers, the fleet, Hastings Fishermen's Protection Society, restaurants and hoteliers in its development to ensure a coordinated and sector- supported product.

The small scale nature of our fleet, the seasonal and unpredictable nature of the catch and the demand from restaurants and consumers wanting to purchase the same product continue to be barriers to growth in sales of Hastings landed fish products.

Hastings Fish Brand will market the fish landed as a premium, sustainable and local product using a simple and unique logo (see image in Appendix 2). The marketing will focus on education and understanding around seasonal produce, using this as a unique selling point.

The brand is projected to;

- Increase understanding amongst restaurants and consumers around seasonal fish,
- Directly benefit 30 businesses
- Create a locally/national recognised sustainable Hastings Fish Brand, that will increase sales by 2% in the medium/long term.

HBC-led FLAG Projects

Hastings Borough Council is lead partner for a number of other proposed FLAG projects, see Appendix 1 for summary of these.

Each project will require council to enter into the project specific MMO funding agreement. It is recommended that delegated authority is given to the Director for Operational Services, or his nominee, in consultation with the Lead Member for Regeneration for any further HBC-led FLAG projects. Consultation with the Chair of the foreshore trust will also be sought, with those projects which are on Foreshore Trust land, where the Foreshore Trust is a partner, and where HBC officers are acting on their behalf and/or where there is a financial commitment from the trust. The Charity Committee will have additional responsibility to approve Foreshore Trust commitment for any FLAG project, if required.

Delegating authority for these projects will enable them to swiftly commence delivery, without delay.

Timetable of Next Steps for Hastings Fish Brand

Action	Key milestone	Due date (provisional)	Responsible
Fish Brand project officer in post	Employment contract signed (Wage will be backdated to grant approval date)	June 2018	Regeneration manager / POD
Commence development of the Fish Brand	Brand design and associated marketing agreed Engagement with stakeholders	September 2018 Ongoing from May 2018	Regeneration manager / project officer

Brand launch	Launch at Seafood & Wine Festival	September 2018	Marketing & major projects manager/ Regeneration manager / project officer
Brand roll out	Social media campaign commences	August 2018	Regeneration manager / project officer
	Merchandising produced (such window stickers, cool bags, cool bags, fish wrappers/stickers)	August 2018	
Project completion		January 2019	Regeneration manager/project officer

Wards Affected

All

Implications

Relevant project tools applied? Yes (Business case, financial cash flow and application form)

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

Equalities and Community Cohesiveness –

the project will improve local and national knowledge of fish landed in Hastings

Risk Management

business case and cash flow developed as part of bid to mitigate risk

Environmental Issues

The successful project will develop a sustainable fish brand

Economic/Financial Implications

the implications are set out above

Organisational Consequences

employment of Fish Brand project officer, management support. Marketing team commitment

Local People's Views

engagement with fishmongers, wholesalers, fleet, restaurants and community will be key to the success of the project

Anti-Poverty – the successful project has the potential to increase tourism, benefit local business and increase fish sales

Additional Information

Appendix 1 – Summary of proposed FLAG projects

Appendix 2 – Fish brand logo

Officer to Contact

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Appendix 1 – Proposed HBC-led FLAG projects

Project Name Lead or Department	Project description	Project progress	Other partners	Total Budget (g grant +Match)	HBC match	Grant value to HBC
Fish Brand Regeneration/ Marketing Page 583	<p>Due to the unsustainable cost of MSC certification, the FLAG support the development of a sustainable fish brand.</p> <p>Hastings fishing fleet use traditional, sustainable methods to catch fish but the value of this often goes unrecognised. The brand would be a 'stamp of approval' so customers will know the fish they are buying is local and sustainable, with a premium product feel. This is as important for residents as for visitors.</p> <p>The brand will be promoted primarily through social media, CJ Jackson as brand ambassador (focusing on the national market) and at fish festivals. Strong relationships will be made with the fishermen, fishmongers, restaurants and wholesalers to ensure the correct message is spread about the brand and how it will benefit all involved. The brand will support year-round employment.</p>	Application approved by MMO	Fleet and supply chain, HFPS, Little Gold, CJ Jackson,	£84,468	£0.00	£84,468

Project Name Lead or Department	Project description	Project progress	Other partners	Total Budget (Grant + Match)	HBC match	Grant value to HBC
Hastings Fishing Fleet: Past, Present & Future Hastings Museum & Art Gallery	<p>This project came from a pilot programme on Intangible, cultural heritage and will capture the knowledge and experience held within the fishing community of Hastings – fishermen, women related to fishers.</p> <p>Fishermen will be interviewed and share past knowledge and current issues. This will be archived in the museum and will be an invaluable source for the future of the fishing fleet and its sustainability.</p> <p>Women's voices within the industry aren't often heard. They will work with the museum on outreach projects and understand how to diversify and make money for the industry through tourism.</p> <p>This will culminate in an exhibition and an academic paper will be produced that could inform policy and the future of the fleet.</p>	<p>Being reviewed- New academic being sourced</p> <p>Match funding needs to be found</p>	HFPS	£75,000 (estimate)	£18,750	£56,250
Replacement vehicle barriers, Parking Services	<p>Replace the existing Royal National Lifeboat Institution (RNLI) Barrier and the East Hastings Sea Angling Association (EHSSA) gate with two new electronic barriers.</p> <p>The current barrier needs replacing and new fobs will be issued that will restrict access to the beach and mean a new system can be administered.</p>	Application submitted- waiting approval	HFPS, EHSAA, RNLI	£25,128	£6,282	£18,846

Project Name Lead or Department	Project description	Project progress	Other partners	Total Budget (Grant +	HBC match	Grant value to HBC
Rock a Nore Car Park & road feasibility study Parking Services	Feasibility to look into resurfacing the car park and possibly creating more spaces. It will also assess the traffic management of what can be a very congested road that affects tourism and trade in the area.	EOI approved. Gathering information for application, sourcing match funding	ESCC, HFPS	£15-20,000	£3750-£5000	£11,250- £15,000
Marine Plastics no current lead	Speaking with various stakeholders about ideas to tackle marine waste (specifically plastics). This could be a medium-large project as match-funding is available through the Foreshore Trust.	Pre- application stage	In development	In development	£20,000	In development

Glossary of Terms

ESCC – Eas Sussex County Council

HFPS – Hastings Fishermen’s Protection Society

ESHAA – East Hastings Sea Angling Association

RNLI – Royal National Lifeboat Institute

MMO – Marine Management Organisation

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Appendix 2 - Hastings Fish Brand logo



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