

Cabinet Agenda

Monday, 4 March 2019 at 6.00 pm

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

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1.	Apologies for Absence	
2.	Declaration of Interests	
3.	Minutes of Last Meeting	
4.	Animal Welfare Licensing Policy <i>(Mike Hepworth, Assistant Director Environment & Place)</i> <i>Council Decision)</i>	1 - 28
5.	Bohemia Leisure and Cultural Facilities Study Brief <i>(Kevin Boorman, Marketing and Major Projects Manager)</i> <i>Cabinet Decision)</i>	29 - 34
	Please be aware a petition has been received regarding the old bathing pool site. The lead petitioner will be invited to speak for 5 minutes before Cabinet discusses the following item.	
6.	Site at West Marina <i>(Peter Grace, Assistant Director Financial Services & Revenues)</i> <i>Cabinet Decision)</i>	35 - 72
	Exclusion of the Public	
	To resolve that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that if members of the public were present there would be disclosure to them of "exempt" information as defined in the paragraphs of schedule 12A to the Local Government Act 1972 referred to in the relevant report.	

7.	Site at West Marina - (Part 2 Report) <i>(Peter Grace, Assistant Director Financial Services & Revenues)</i> <i>Cabinet Decision)</i>	73 - 80
8.	Notification of Additional Urgent Items	81 - 84
9.	Urgent Items (if any)	
10.	Insurance and Cash Collection Contracts <i>(Peter Grace, Assistant Director Financial Services & Revenues)</i> <i>Cabinet Decision)</i>	85 - 90
11.	Development Opportunities on Churchfields Estate <i>(Peter Grace, Assistant Director Financial Services & Revenues)</i> <i>Cabinet Decision)</i>	91 - 98
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12.	Development Opportunities on Churchfields Estate - (Part 2 Report) <i>(Peter Grace, Assistant Director Financial Services & Revenues)</i> <i>Cabinet Decision)</i>	99 - 156

Agenda Item 4



Report to: Cabinet

Date of Meeting: 4th March 2019

Report Title: Adoption of new Animal Welfare Licensing Policy

Report By: Mike Hepworth Assistant Director Environment and Place.

Purpose of Report

To consider the adoption of the council's first Animal Welfare Licensing Policy relating to the administration and enforcement of the new animal welfare licensing regime, arising from the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Recommendation(s)

- 1. Cabinet endorses the draft Animal Welfare Licensing Policy attached at appendix A; and recommends that it is adopted by Full Council.**

Reasons for Recommendations

To ensure applicants for licences and members of the Environment and Safety Committee determining licence applications, have a clear understanding of the council's policy regarding the new animal licensing regime. It should also enable the authority to defend any legal challenges to committee decisions.

Background

1. Animal licensing is a statutory duty for all local authorities and has been so for many years, it covers six different areas of work, dangerous wild animals, zoos, riding stables, animal boarding, animal breeding and pet shops. Each governed by different pieces of legislation.
2. In October 2018 the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. These regulations replaced and revoked much of the old animal licensing legislation, bringing them within the remit of one set of regulations. However, it does not cover the licensing of dangerous wild animals or zoos, which remain under their existing legislation.
3. In addition, the regulations introduced new licensing categories such as doggy day care and the keeping or training of animals for exhibition, the latter was previously the responsibility of the County Council. A transitional period was introduced by the regulations; this lasted to 31st December 2018 to allow existing licence holders under the old legislation to register their applications under the new regulations.
4. The regulations have also introduced a new risk based inspection system similar to the “scores on the doors” system for rating food premises. Officers are required to carry out inspections of premises under the new regulations, they must have had at least 1 year of experience operating the old animal licensing regime. However, they also need to become Authorised Inspectors under the new regulations by 2021, and will be required to attend a week long inspector’s course with a recognised national trainer.
5. Officers have used the transitional period to attend government briefings, inform existing licence holders of the changes and prepare all new forms, letters and licences ready for the implementation date. All existing licence holders and new applicants are currently undergoing comprehensive inspections.

Animal Welfare Licensing Policies

6. The animal welfare licensing legislation does not require Licensing Authorities to have a specific policy, but it is considered best practice. It will ensure applicants for licences and members of the Environment and Safety Committee determining licence applications, have a clear understanding of the council's policy regarding the new animal welfare licensing regime.
7. From a corporate risk management perspective it should also enable the authority to successfully defend any legal challenges to committee decisions about animal welfare licensing.
8. The licensing manager has attended a pan Sussex licensing officer’s working group established to consider the introduction of the regulations. To ensure consistency they have developed a draft policy that can be tailored to meet the individual needs of each authority. In developing this template they took account of statutory guidance and the views of organisations such as the RSPCA.

9. The Licensing manager has adapted the Sussex template and reviewed it with colleagues from Legal Services. It is attached at appendix A.

Consultation

10. The Sussex Licensing Officer Working Group consulted widely during the development of their policy template. For example with the RSPCA, the Department EFRA, and the vet assoc. The Regulations do not require Licensing Authorities to have a policy, and do not require them to consult with stakeholders if they choose to adopt such a policy.
11. In addition to this the policy takes account of statutory guidance. Therefore it is not considered necessary to consult with local stakeholders such as licensees, on the adoption of this local version of the policy template developed by the Sussex Licensing Officer Working Group.

Animal Welfare Charter

12. The council already has an Animal Welfare Charter, which was adopted in about 2001. However, the charter covers a much wider range of animal welfare issues than just licensing. One of the five key action points of the charter is that the council will “fully implement existing laws and bylaws when introduced”, and it references the existing areas of animal licensing such as for pet shops, dangerous wild animals, etc.
13. Therefore the proposal for the council to adopt a separate Animal Welfare Licensing Policy neither duplicates nor contradicts the existing Animal Welfare Charter. The animal welfare charter will be reviewed and updated shortly to reflect changes to national policies on animal welfare. The draft updated version will then be reported to Cabinet and Full Council for their consideration and adoption.

Financial Implications

14. Statutory guidance allows for the Council to recover the cost of operating the animal welfare licensing regime through the fees charged for the licences, the fees have been calculated on this basis.

Wards Affected

All Wards.

Policy Implications

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

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No

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

Additional Information

Appendix A. Draft Animal Welfare Licensing Policy.

Officer to Contact

Bob Brown Licensing Manager
bbrown@hastings.gov.uk
01424 783249

Hastings Borough Council

Animal Licensing Policy

March 2019

V1.1 MH 25/01/2019

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Consultees

In developing this policy the Council has given consideration to statutory guidance issued by the Department for Environment, Food and Rural Affairs, and worked closely with Licensing Officers from across Sussex. A Sussex Licensing Officer Working Group was formed to develop a draft policy template for use by all Sussex Licensing Authorities, and they consulted with bodies such as the RSPCA, and the British Veterinary Association.

This policy supersedes all previous policy decisions relating to the relevant areas made by the Council from the date of this policy being published.

This policy was ratified by Full Council on XX XX XX.

1.0 **How to contact us:**

1.1 All correspondence should be sent to licensing@hastings.gov.uk or:

Hastings Licensing Team,
Operational Services Directorate
Muriel Matters House,
Breeds Place,
Hastings,
TN34 3UY

If you would like to see a licensing officer you will need to make an appointment by contacting licensing@hastings.gov.uk or calling 01424 451024.

2.0 **Introduction**

2.1 In carrying out its regulatory functions, Hastings Borough Council will have regard to this policy in its capacity as Licensing Authority, when making licensing decisions regarding matters relevant to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Dangerous and Wild Animals Act 1976 and the Zoo Licensing Act 1981. Where it is necessary to depart substantially from this policy, clear and compelling reasons will be given for doing so.

2.2 Hastings Borough Council is the Licensing Authority for the purposes of discharging functions in accordance with the above mentioned legislation, and is responsible for considering applications and administering a licensing regime in respect of activities that are identified as licensable by the Regulations and Acts.

2.3 Hastings Borough Council

Hastings Borough Council is one of five districts and boroughs which make up East Sussex. Covering a mainly urban environment, comprising of Hastings and St Leonards on Sea. Whilst not the largest district in terms of size in East Sussex, it has a large population of about 90,000 concentrated in a relatively small area. It is one of the most socio-economically deprived local authority areas in the country.

The area attracts a large number of visitors many of which are day visitors, the main attractions being its association with 1066 country, being an original cinque port and a specialist sea side destination. As a result tourism is an important facet of the local economy.

2.4 Minor amendments

Minor changes to policy may be made by officers without consultation. This includes amendment of appendices.

From time to time it may be necessary to make minor amendments to this policy in the light of amended legislation and/or statutory guidance, legal case precedents, or other local determinants. Where this is necessary amendments will be drafted by the council's Licensing Manager and submitted for consideration and agreement by the Assistant Director for Environment and Place in consultation with the Lead Member for Environment and Equalities. Amendments of this nature will be made without recourse to the council's cabinet and full council.

3.0 **Aims and Objectives**

3.1 The aim of these guidelines is to ensure that the Licensing Authority and licence holders (and other relevant persons) are familiar with how the animal licensing regimes will be administered within the borough. This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving) Animals Regulations on 1 October 2018. It will be reviewed 5 years following first approval, and/or to reflect significant changes in relevant legislation or other relevant policy and practice of the Council.

3.2 Various legislation exists that gives the local district council the power to regulate animal establishments through licensing:

- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018 made under section 13 (1) of the Animal Welfare Act 2006.

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

3.3 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

3.4 In adopting this policy the Council has set out the general approach that it will take when it considers applications under the Acts detailed above. The Council confirms that each application will be considered on its merits. In view of the wide range of premises and applications, the policy cannot set out all the factors which will result in appropriate licensing objectives being achieved.

3.5 The policy aims to achieve the following objectives:

- Ensuring any person who carries on, attempts to carry on or

knowingly allows a licensable activity to be carried on holds a licence in accordance with the Regulations.

- The licence holder is not disqualified from holding a licence in accordance with the requirements of the Regulations.
- That the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision.
- The safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured.
- Each application is considered on its merits.
- That the obligations of the council’s public sector equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.

4.0 **Principles of Licensing**

4.1 Existing legislation requires licence conditions to ensure acceptable animal welfare standards. The Animal Welfare Act 2006 introduces five overarching principles of animal welfare, known as the “five needs” (see 4.3).

4.2 In addition the Council will base its licensing regime on the following four principles:

- a) Responsibility to protect the welfare of all fellow creatures;
- b) Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”;
- c) Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice;
- d) Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.

4.3 The “five needs” referred to in this policy are:

- a) The need for a suitable environment;
(by providing an appropriate environment, including shelter and a comfortable resting area)
- b) The need for a suitable diet;
(by ready access, where appropriate, to fresh water and a diet to maintain full health)

- c) The need to be able to exhibit normal behaviour patterns;
(by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate)
- d) Any need to be housed with, or apart from, other animals;
(by providing the company of an animal of its own kind, where appropriate)
- e) The need to be protected from pain, suffering, injury and disease;
(by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering).

4.4 Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018

Licensing Conditions and Codes of Best Practice

In promoting the principle of best practice detailed in these Guidelines, the Council will set general and specific licence conditions as set out in the relevant statute and accompanying guidance. Reference may also be made to the codes of best practice and industry standards produced by organisations such as, but not limited to;

- a) Chartered Institute of Environmental Health
- b) Local Government Association
- c) Secretary of State, Department for Environment, Food and Rural Affairs (DEFRA)
- d) British Veterinary Association
- e) Royal College of Veterinary Surgeons
- f) National Trade Associations
- g) DEFRA.

4.5 In promoting the Council's four licensing principles, general and specific conditions, codes of best practise and industry standards will be considered to be a minimum standard and additional conditions required to promote the "five needs" may be imposed as necessary.

4.6 Licence conditions may be reviewed where best practice codes are periodically reviewed to ensure they reflect current best practice. The Council will write to affected licensees advising them of any revised/new condition, giving them a fair and reasonable time to bring their premises and practices up to the required standard.

4.7 In exceptional circumstances, and if permitted by the relevant statute, a provisional licence may be issued where minor improvements need to be made. In these circumstances, the licence holder will be informed in writing of what action must be taken and the date for compliance. If compliance is not achieved by the prescribed date, the licence will be suspended until such time as compliance is achieved.

5.0 Licensable Activities

5.1 On 1 October 2018 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. These regulations replaced a number of pieces of existing legislation repealed at the end of 2018 and provided a new single licensing regime for a number of animal licensing activities.

Those undertaking the following activities will need to be licensed under the new regime:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs (including day care)
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

5.2 For avoidance of doubt, the above does not currently apply to rescue centres.

5.3 The Regulations replace previous licensing and registration regimes under the following legislation:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

5.4 The Zoo Licensing Act 1981 (as amended) makes provision for the licensing of zoos which members of the public have access for seven days or more within twelve consecutive months, with the objective of the conservation of animals and their welfare.

5.5 The Dangerous Wild Animals Act 1976 (as amended) specifies a list of animals that require a licence in order to be kept, to ensure public protection as well as ensuring the health and safety of the species concerned. Information regarding which species require licensing under the Act can be found on the council's web pages.

5.6 A licence is required where any of the above activities are being carried on in the course of a business, whether the operator makes a sale or carries on the activity with a view to making a profit or earns commission or fee

from the activity.

6.0 **Applicant Suitability**

6.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and associated government guidance require local authorities to consider several factors before issuing or renewing a licence.

6.2 The Council will consider the conduct displayed by the applicant / licence holder to ensure that they meet the “fit and proper” test to carry out the proposed licensable activity and meet the conditions attached to the licence.

6.3 The term ‘fit and proper’ is not defined in legislation or guidance. For the purpose of this policy, the Council would consider a ‘fit and proper person’ to be an individual who can demonstrate upon application that they have:

- the right to work in the UK
- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.

6.4 Each authority can request such information as they reasonably consider necessary to enable them to determine whether the licence should be granted or not or whether special conditions should be attached to any such licence. This will include the suitability of the site for the proposed licensable activities, any previous experience or training undertaken by the applicant or staff they intend to employ at the premises and any other matter considered by the Council as appropriate in respect of the licence(s) applied for.

6.5 In the case of renewals we will consider any information received about the operation over the period of the existing licence, the Council will expect licensees to demonstrate appropriate professional conduct at all times, act with integrity and demonstrate the conduct befitting the trust that is placed on them to operate their premises and care for the animals.

6.6 In assessing this requirement the Council will require all applicants for either new licences or renewals to submit a basic disclosure and barring service check (DBS) with their application, it must be dated no more than 1 calendar month prior to the application date. This requirement will be extended to other persons, if it is intended that they are in charge of the

premises and are not the applicant. (For example a manager). This disclosure can be obtained via :-

Disclosure and Barring Service.

Website:- <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Email:- customerservices@db.s.gsi.gov.uk

Telephone: 0300 020 0190.

Officers will be able to provide further advice if required.

6.7 In determining suitability of an applicant, the authority may also request information from the police or other local authorities. Such requests will be undertaken in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998, which required that local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent crime and disorder in their area.

6.8 Schedule 8 of the Regulations is specific in respect of certain convictions, which if held, bar that person from applying for a licence under the regulations. A full list of those offences is contained at Appendix A to this policy.

In reaching a decision on whether or not to issue a licence the Licensing Authority will consider the inspector's report on the premises and will refuse to grant a licence if it:

- considers the applicant is not capable of meeting the licence conditions
- believes that granting a licence might negatively affect the welfare, health or safety of the animals involved in the activity
- believes the accommodation, staffing or management are inadequate for the animals well-being or for the activity or establishment to be run properly
- is established that the applicant has been disqualified from holding a licence as per Schedule 8 of the regulations.

6.9 Dangerous Wild Animals and Zoos

In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council:

- Will require the applicant to provide a basic disclosure (DBS) certificate issued within 1 month of the date of application; and
- May request information from the Police under our information sharing agreement about any relevant convictions an applicant may hold.

6.10 Qualifications

Where required, applicants will need to possess appropriate specified qualifications.

- 6.11 In respect of riding establishments, vocational qualifications are regulated by sector skills councils and, for the equestrian industry, the relevant council is LANTRA. LANTRA determines national occupational standards for its industries and ensures that related vocational certified qualifications are relevant and at an appropriate standard.
- 6.12 The British Horse Society (BHS) grant recognised qualifications to suitable candidates, with the British Horse Society Assistant Instructor (BHSAI) or equivalent generally accepted as being the necessary minimum level. Other relevant qualifications include Equestrian Tourism Qualifications Ride Leader at appropriate level or Equestrian Tourism Qualifications Centre Manager. It is generally held that the certified qualifications should cover a basic standard in practical horse husbandry; so, whilst an applicant may present a theory-based qualification as evidence of suitability, these are not likely to be sufficient evidence of suitability in isolation if they have little practical content.
- 6.13 Other equine qualifications such as college diplomas and NVQs may be taken into consideration as proving the suitability of an applicant or manager. The following are considered minimal and equivalent to the above qualifications:
- At least an NVQ Level 3 in Horse Care and Management
 - At least a BTEC Level 3 National Diplomas in Horse Management offered by Edexcel
 - At least a Level 3 National (Advanced National) Certificate in Management of Horses offered by City and Guilds
 - At least a British Horse Society Assistant Instructor Certificate (BHSAI);
 - British Equestrian Tourism Ride Leader Qualification
 - British Equestrian Tourism Riding Holiday Centre Manager Qualification
- 6.14 The above list is not exhaustive and may grow as other qualifying training courses and examinations become recognised. If the Licensing Authority is unsure as to an applicant's suitability, it may contact the Royal College of Veterinary Surgeons (RCVS) Riding Establishments Subcommittee for advice. Association of British Riding Schools (ABRS) tests are not currently recognised by LANTRA.
- 6.15 If a new applicant has no recognised qualifications and is relying on practical experience the Council will obtain references to support the application and the Inspector should assess them. A CV will be requested to ascertain previous relevant responsibilities held by the applicant, in addition to a professional reference from a veterinary surgeon or farrier, and the inspector should keep in mind that the object of the Riding Establishments Acts is to ensure adequate minimum standards of management.
- 6.16 If the management of a riding establishment is to be entrusted to another

person by the applicant (such as a manager), the suitability and experience of the manager must also be considered and reported upon.

7.0 **Safeguarding**

7.1 The regulations have the aims of maintaining and improving animal welfare standards. However there are other safeguarding considerations arising from licensable activities which the Council has a statutory duty to ensure, in particular surrounding the protection of children and vulnerable persons.

7.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons. For example the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals.

7.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or young persons to:

- Have a written safeguarding policy and provide training for staff; and
- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

8.0 **Application Procedures**

8.1 New/Renewal Applications

The Application is to be made via the Licensing Authority's published application forms. An additional fee will be required for more than one activity, please see our website for further information on fees.

8.2 Payment for vet inspections where required will be charged to the applicant.

8.3 Applications must be submitted a minimum of 10 weeks prior to renewal or grant. This is to allow officers time to arrange to consider the application, make enquiries and inspect premises. We will not be able to guarantee processing applications which have been made outside of this time period, or which are incomplete due to missing documentation.

8.4 Written reminders will be sent out by the Council three months prior to renewal of Licence. This will be sent by email where possible.

8.5 An application will only be accepted as a valid application if it is accompanied by the correct fee and all relevant documentation required in accordance with this policy.

8.6 The Guidance stipulates that once a Licensing Authority receives an application for the grant or renewal of a licence it must take the following steps before granting or renewing a licence:

- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.
- The Council must inspect the site of the licensable activity and assess if it's likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector present (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of regulation 10 (or in accordance with applicable legislation), to be submitted to the Licensing Authority following their inspection.
- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- Ensure that the appropriate fees have been paid, these can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations, the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and any fees in relation to the provision of information to the secretary of state.

8.7 Once a valid application has been received, an appointment will be booked with the applicant to arrange a risk rating assessment, and an inspection of the premises.

9.0 **Standards and Conditions**

9.1 Animal Welfare (Licensing of Activities Involving) Animals Regulations 2018

DEFRA has produced mandatory conditions and associated guidance for each licensable activity. These are divided into two categories namely General Conditions (stipulated in Schedule 2) and Specific Conditions from the associated Schedule of the Regulations.

9.2 Applicants/licence holders will need to meet the requirements of all the minimum standards, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (these should be predominantly administrative in nature).

9.3 In addition each licensable activity (with the exception of the keeping or training of animals for exhibition) also stipulates further optional conditions for "Higher Standards".

9.4 For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been agreed. Meeting the higher standards is optional but is the only way to gain the highest star rating. The higher standards are classified into two categories – required (mandatory) and optional. These will usually be colour coded into blue and red respectively. To qualify as meeting the higher standards the business must achieve all the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

9.5 Dangerous Wild Animals & Zoos
The Council will usually impose Defra’s standard conditions, in addition to any premises/animal specific conditions deemed to be required by the Inspecting Officer/Vet.

9.6 Risk Assessment and Rating
The result of this assessment is translated into a ‘Star Rating System’, which will be used to determine the length of the licence (between one and four years), with the exception of “Keeping or Training Animals for Exhibition” where all licences are issued for three years. Dangerous Wild Animals and Zoos do not require a risk rating.

9.7

Table 1 – The Scoring Matrix

Scoring Matrix	Welfare Standards		
	Minor Failings (existing business that are failing to meet minimum)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)

		standards)		
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

10.0 **Determining Applications**

10.1 Granting an application

Where a licence is issued the Licensing Authority will provide the following details:

- the Licence with the Star Rating;
- details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet and resulting in a “minor failing” category;
- a copy of the risk management assessment table;
- details of the appeals process and timescales.

10.2 Any fee(s) required upon the grant of the application must be paid in full prior to the grant of the licence.

10.3 Refusing an application

The Licensing Authority will consider the report from the inspector and any comments made by the applicant when deciding whether to issue a licence.

10.4 The Licensing Authority must refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

10.5 The Licensing Authority will also refuse an application if it considers that the applicant does not meet the ‘fit and proper person’ test.

- 10.6 A licence cannot be issued to an operator who is disqualified.
- 10.7 Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications.
- 10.8 The applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.
- 11.0 **Transfer, Variation, Suspension and Revocation**
- 11.1 Transfer of Licence
There is no provision for the transfer of a licence under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 11.2 Death of the Licence Holder
If a licence holder dies, the procedure in regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the Licensing Authority within 28 days of the death that they are now the operators of the licensable activity. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.
- 11.3 Additionally a local authority can extend the three month period by up to another three months if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 11.4 If the personal representative does not notify the Licensing Authority within 28 days of the death of the licence holder the licence will cease to have effect after those 28 days.
- 11.5 Variation, Suspension or Revocation of a Licence
The Licensing Authority may vary, suspend or revoke a licence without the consent of the licence holder if:
- (a) The licence conditions are not being complied with,
 - (b) There has been a breach of the Regulations,
 - (c) Information supplied by the licence holder is false or misleading,
or
 - (d) It is necessary to protect the welfare of an animal.
- 11.6 Such a suspension, variation or revocation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal in which case the Licensing Authority may stipulate that the decision has immediate effect.

- 11.7 The decision to vary or suspend the licence must be notified to the licence holder in writing, explain the reasoning for the decision, and provide information regarding when the suspension, variation or revocation comes into effect and the rights of the licence holder, as well as any specific changes that the Licensing Authority deems necessary in order to remedy the situation.
- 11.8 The decision to vary or suspend a license should be dependent on the severity of the situation, if an operator fails to meet administrative conditions or provide information when requested, then this could potentially lead to the suspension of a licence if it happens repeatedly. Revocation of a licence should occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
- 11.9 If it is necessary to protect the welfare of an animal the Licensing Authority may specify in the notice that it takes immediate effect.
- 11.10 A Licensing Authority notice must be delivered in one of three ways, in person, by leaving or sending it by post to the person's current or last known postal address or by emailing it to the person's current or last known email address.
- 11.11 Following the issuing of the notice the licence holder will then have 7 working days to make written representation. Upon receipt of this the Licensing Authority must decide whether to continue with the suspension, variation or revocation of the licence or cancel the decision to make changes to the licence. If the licence has been altered to protect the welfare of an animal then the Licensing Authority must indicate that this is the reason and whether the change is still in effect.
- 11.12 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by either the Licensing Authority upon being satisfied that licence conditions are being met, or by the First-tier Tribunal who may decide the Licensing Authority's decision was incorrect.
- 11.13 If a licence is suspended for a significant period of time then the Licensing Authority should ensure that the animals are checked on regularly to ensure that the welfare of the animals is maintained.
- 11.14 As with applications the licence holder may appeal to a First-tier Tribunal if

they do not agree with the decision made by the Licensing Authority. This must be done within 28 days of the decision.

- 11.15 Note that if representation is not responded to within 7 working days of receipt then the initial decision the Licensing Authority made is deemed to be overturned, this is also the case if a licence which is initially suspended has no further action taken on it within 28 days.

12.0 **Rating Scheme**

- 12.1 A risk based star rating system has been introduced which ultimately acts as a tool to determine how long a licence may be issued for. The only exception is the activity of "Keeping or Training Animals for Exhibition" where all licences are issued for 3 years.. The rating is determined by the animal welfare standards adopted by a business as well as their level of risk, based on elements such as past compliance. The model will be used every time a licence is granted or renewed.
- 12.2 Businesses will be rated from 1 to five stars, based on their risk rating and the results of their inspection (determining if the business meets higher or lower standards). The rating will appear on the licence issued by the Licensing Authority.
- 12.3 It is possible for a business to request a re-inspection following improvements being made and an appeal procedure exists against a rating.
- 12.4 To obtain a licence, as a minimum, the business must meet the required minimum standards for the activity/activities applied for. These standards are laid out in the Schedules of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 12.5 If an existing business has a number of minor failings with regards to the minimum standards laid down in the schedules and the guidance, they should receive a risk rating score of 1 star. These minor failings should be predominantly administrative or if they are in relation to standards, they must not compromise the welfare of the animals. If animal welfare is being compromised, a licence should not be granted/renewed or, if already in place, should be suspended or revoked.
- 12.6 Further information relating to the rating process can be found on the council's web pages.
- 12.7 Appeals to star rating
Businesses have 21 days (including weekend and bank holidays) following the issue of their licence in which to appeal the star rating, if they consider the star rating awarded does not reflect the licence history and standards found at the time of inspection.
- 12.8 Any business that has made changes since the inspection and wishes for

these to be taken into account should apply for a re-score.

- 12.9 Prior to making an appeal, applicants are encouraged to discuss their rating with the inspecting officer should they disagree with it. This will afford the opportunity to explain the process that must be followed and may resolve matters without the business having to lodge an appeal. The business will be provided with the officers' inspection report which will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.
- 12.10 If an applicant wishes to appeal their rating, this should be done in writing by emailing the licensing team (see contact details at section 1.1). The grounds for appeal must clearly be stated (i.e. the reasons why it is felt that the rating has been applied incorrectly).
- 12.11 Businesses should not appeal if they have made improvements to their business and wish for those improvements to be reassessed. This should be achieved by an application for a re-inspection.
- 12.12 Appeals will be determined by the Licensing Manager or their appointed deputy, or by an equivalent person in another Licensing Authority. No officer directly involved with the inspection or rating will determine an appeal.
- 12.13 A decision will be issued to the applicant for an appeal within 21 days if receipt of the appeal request.
- 12.14 The Licensing Authority will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. The appeal process should be transparent. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.
- 12.15 If a business disagrees with the outcome of the appeal, they can challenge the decision by way of judicial review. The business may also make a complaint via the council's corporate complaints procedure if they consider a council service has not been properly delivered.
- 13.0 **Inspectors**
- 13.1 All inspectors must be suitably qualified. This is defined in the Guidance as:
- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and

Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity;

- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record;
- Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

14.0 **Inspections**

14.1 There will be reasons where inspections must be carried out during the term of a licence.

14.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The Licensing Authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried on before the end of the first year after the licence is granted and then each subsequent year.

14.3 Unannounced inspections can also be carried out and should be used in the case of complaints or other information that suggests licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.

14.4 During the course of an inspection the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.

15.0 **Enforcement**

15.1 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations, or issues relating to the protection of the welfare of an animal.

15.2 The service of an enforcement notice is subject to a strict process and includes for the provision of the right to representation and appeal.

- 15.3 It is an offence to breach any license condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. Samples should be as non-invasive as possible. However, inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections, and it is not expected that samples be taken by those without the training to properly and safely do so.
- 15.4 It is also an offence to obstruct an inspector who has been appointed by a Licensing Authority to enforce the Regulations. Committing either of these offences could result in an unlimited fine.
- 15.5 Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows for Local Authorities to prosecute for any offences under that Act.
- 15.6 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place whereby a person convicted of an offence under the Act is disqualified from owning, keeping, participating in the keeping of animals and from being party to an arrangement under which they can control or influence the way an animal is kept. They also may not transport or deal in animals. Breaching these disqualifications is an offence.
- 15.7 The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel a currently existing licence and disqualify a person from owning a licence for any period it sees fit if that person is convicted of an offence under the Act.
- 15.8 The Council works closely with partners in accordance with locally established joint enforcement protocols and will aim to promote the welfare of animals and safety of the public.
- 15.9 The main enforcement and compliance role for the council in terms of the Regulations will be to ensure compliance with the conditions placed upon the licence and investigate and take appropriate action on unlicensed premises.
- 15.10 In carrying out its enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council has adopted an enforcement policy, which is available on www.hastings.gov.uk
- 16.0 **Information Sharing**
- 16.1 In the interests of protecting public safety, the safety and wellbeing of animals and ensuring fitness and propriety of licence holders the Licensing Authority will share information with other enforcement agencies including the RSPCA, police and other local authorities. Information may also be shared with internal council departments

including environmental health, community safety, revenues and benefits and planning. The Council may also share information with other local authorities. All information will be exchanged in accordance with relevant statute as the law permits.

17.0 **Fees**

17.1 Fees in relation to these schemes are calculated on a cost recovery basis. Applicants and licence holders will also be required to pay vets fees for inspections where this is required.

17.2 Fees payable consist of an application fee and a compliance fee. Both may be paid in total together and the latter part of the fees will be refunded where an applicant is unsuccessful. If an applicant prefers, the fee may be paid in two parts. Licences will not be issued until the full fee has been paid, this inclusive of vets fees where applicable.

17.3 Applicants for licences under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 that require permission for more than one licensable activity should note that an additional fee will be due. Please see the council's website for further information.

17.4 If the licence is approved, any additional fees required (longer licence, vet's fees etc.) must be paid before the licence can be granted or renewed. If the licence is not approved, the licensing authority will refund part A of the application fee.

18.0 **Primary Authority**

18.1 Primary Authority enables local authorities to improve compliance and build better relationships with big businesses that have branches across a large number of areas whilst supporting local economic growth. Under Primary Authority, a local authority partners with a business or group of businesses to provide them with regulatory advice that other authorities have to respect.

18.2 Primary Authority establishes statutory duties for all local authorities when they exercise regulatory functions that are within scope of the scheme in respect of any business that has a primary authority. These duties relate primarily to:

- Following an inspection plan for the business, where one has been issued by the primary authority, and providing any feedback required.
- Notifying the primary authority of enforcement action in relation to the business.

18.3 The Council will consult the secure Primary Authority Register to identify if the business has a partnership in place, and will ensure that their officers have sufficient understanding of the responsibilities of an enforcing

authority within Primary Authority.

Appendix A.

1. A person who has at any time held a licence which was revoked under regulation 15 of these Regulations.
2. A person who has at any time held a licence which was revoked under regulation 17 of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014(a).
3. A person who has at any time held a licence which was revoked under regulation 13 of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012(b).
4. A person who is disqualified under section 33 of the Welfare of Animals Act (Northern Ireland) 2011(c).
5. A person who has at any time held a licence which was revoked under regulation 12 of the Welfare of Racing Greyhounds Regulations 2010(d).
6. A person who is disqualified under section 34 of the Act.
7. A person who is disqualified under section 40(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006(e).
8. A person who is disqualified under section 4(1) of the Dangerous Dogs Act 1991(a).
9. A person who is disqualified under Article 33A of the Dogs (Northern Ireland) Order 1983(b).
10. A person who is disqualified under section 6(2) of the Dangerous Wild Animals Act 1976(c) from keeping a dangerous wild animal.
11. A person who is disqualified under section 3(3) of the Breeding of Dogs Act 1973(d) from keeping a breeding establishment for dogs.
12. A person who is disqualified under section 4(3) of the Riding Establishments Act 1964(e) from keeping a riding establishment.
13. A person who is disqualified under section 3(3) of the Animal Boarding Establishments Act 1963(f) from keeping a boarding establishment for animals.
14. A person who is disqualified under section 5(3) of the Pet Animals Act 1951(g) from keeping a pet shop.
15. A person who is disqualified under section 1(1) of the Protection of Animals (Amendment) Act 1954(h) from having custody of an animal.
16. A person who is disqualified under section 4(2) of the Performing Animals (Regulation) Act 1925(i).
17. A person who is disqualified under section 3 of the Protection of Animals Act 1911(j) from the ownership of an animal.

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Agenda Item 5



Report to: Cabinet

Date of Meeting: 4th March 2019

Report Title: Bohemia Leisure and Cultural Facilities Study

Report By: Kevin Boorman, Marketing & Major Projects Manager

Purpose of report

To recommend undertaking a comprehensive feasibility study to identify the scale and location of the new leisure and cultural facilities in the Bohemia area, and to enter into a contract with East Sussex County Council to carry out associated feasibility works and studies

Recommendation(s)

- 1) Cabinet agrees to spend £100k to fund the commissioning of feasibility reports and related studies for the development of leisure, culture and open spaces within the Bohemia area (£10k of this to come from Arts Council England, and external funding sought; the remaining up to £90k required will be funded through existing budgets and an approved growth item of up to £19k)
- 2) Delegation is given to the Director of Operational Services or his nominee to agree the final contractual deliverables and outputs with the appointed consultant.
- 3) Delegation is given to the Director of Operational Services or his nominee to enter into contractual arrangements with East Sussex County Council to carry out feasibility works and studies as per the One Public Estate bid.

Reasons for recommendations

- 1 and 2) Our vision for the new Bohemia Quarter is to develop a distinct leisure and cultural destination and create a new living quarter for Hastings. The ambitions are considerable: new homes, new hotel(s), new leisure centre, new cultural facilities, re-vitalised outdoor leisure facilities, gardens and public spaces. The studies will focus on developing concept proposals for housing, leisure and cultural facilities in the Bohemia area.
- 3 The 'One Public Estate' grant/loan funding is awarded through East Sussex County Council

Background

1. Our vision is to reinvigorate the Bohemia area through key initiatives:
 - Build a new distinctive destination which will be an attractive and enjoyable place for residents, visitors, employers, and their staff;
 - Build new high quality homes to respond to local housing need and demand;
 - Provide new cultural, leisure and tourism activities;
 - Improve links between St Leonards, Bohemia, the town centre and the seafront;
 - Provide opportunities for employment, training and business development for local people.
2. Over the past year, officers have been developing the plans for the area, pursuing proposals and discussions with different types of potential partners (private and public) who may assist with the delivery of the plans.
3. 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, it is essential that we take a leading role in its development.

Developing proposals for new leisure and cultural centre(s) in Bohemia

4. Officers have been working with Sport England to prepare a brief to complete a 'RIBA' 1 feasibility/options appraisal on both leisure and cultural elements of the project. Sport England has funded the development of this brief and are keen to work with the council to address local sporting and health objectives.
5. The brief is based on the likely scale of developments for a large indoor/outdoor leisure facility and performance venue, and the potential sharing of some/many facilities (from car parking through to front office/back office/management).
6. Sport England has estimated it will cost approximately £100k to carry out the feasibility and options appraisal contained in the brief. Officers are exploring external funding opportunities to contribute towards the cost. For example, officers have met with Arts Council England ('ACE') to support the development of the brief and engage in the feasibility and options appraisal study, and ACE has now offered £10k towards the study, and is keen to become a partner in the project.
7. The outstanding up to £90k required will be funded through existing budgets and an approved growth item of up to £19k.
8. If the recommendation is supported, the feasibility/options appraisal will be completed by this autumn and will provide options and estimated costings for the type of leisure and cultural centre deliverable in the area, alongside an outline business case.

One Public Estate development study proposal

9. The council has been working with South East Coast Ambulance Service (SECAMB) and the 'SPACES' programme to consider options for improved facilities for the service both locally and elsewhere. This has led to a joint funding application to the One Public Estate programme to conduct a feasibility study to assess the viability and cost of relocating the 'make ready' element of the ambulance station to a larger site in the area. SECAMB is also considering the provision of an operational base for ambulance crews between calls and on break at the East Sussex Fire & Rescue Service fire station in Bohemia Road. We have been advised that the funding application has been successful and have been awarded £75k in grant and £100k in loan funding. This is awarded via East Sussex County Council.
10. Relocation of the ambulance station will enable the council (subject to negotiations with SECAMB) to bring forward housing development proposal on this site and, ultimately, the vacated existing leisure centre site too, once the new leisure centre site is built.

Timetable of Next Steps

Action	Key milestone	Due date (provisional)	Responsible
Completion of outline proposal and business case for leisure & cultural centre	<ul style="list-style-type: none"> Tender live Consultant appointed Proposal and outline business case work complete 	<p>March 2019</p> <p>May 2019</p> <p>September 2019</p>	Marketing & Major Projects Manager
Completion of feasibility studies and surveys as detailed in the OPE application	<ul style="list-style-type: none"> Tender live for feasibility and survey for identification of new Make Ready centre Tender live for feasibility & design activity for ambulance response post 	<p>Mid 2019</p> <p>Mid 2019</p>	Marketing & Major Projects Manager

Policy Implications

Equalities and Community Cohesiveness

Developing the Leisure and Cultural facilities proposals and its implementation will create opportunities for new jobs and services for the benefit of all residents in Hastings.

Crime and Fear of Crime (Section 17)

The development and design process of all facilities in the area will take into account crime and fear of crime issues.

Risk Management

A detailed risk register will be produced once the project has had approval and the partnerships / projects are understood.

Environmental Issues

Environmental assessments/studies will be conducted during the full development phase of the project after the actual concept proposals are understood.

Economic/Financial Implications

The economic and financial implications are at this stage difficult to detail until the proposals are developed further.

Organisational Consequences

Development of the Bohemia area generally requires additional resources and this has been set out as above.

Local People's Views

Consultation on the Area Action Plan provided positive responses on Bohemia White Rock Area Masterplan.

Anti-Poverty

Implementation of the Bohemia White Rock Area Masterplan offers the opportunity to create new homes, jobs, and access to improved leisure facilities which could improve local people's wellbeing.

Wards Affected

All

Implications

Relevant project tools applied?

Project tools will be developed for the Leisure and Cultural facilities as part of the tender returns and the feasibility study report.

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

Equalities and Community Cohesiveness	Y
Crime and Fear of Crime (Section 17)	Y
Risk Management	Y
Environmental Issues	Y
Economic/Financial Implications	Y
Human Rights Act	
Organisational Consequences	Y
Local People's Views	Y
Anti-Poverty	Y

Additional Information

N/A

Officer to Contact

Kevin Boorman, Marketing & Major Projects Manager,

Tel 01424 451123,

kboorman@hastings.gov.uk

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Agenda Item 6



Report to: Cabinet

Date of Meeting: 4 March 2019

Report Title: Site at West Marina

Report By: Peter Grace
Assistant Director Financial Services & Revenues
(Chief Finance Officer)

Purpose of Report

To report on objections received regarding the proposed long lease of land forming open space at West Marina and thereafter agree, if appropriate, the Heads of Terms for the long lease of the site.

Recommendation(s)

- 1. Having carried out the necessary procedures under Section 123 of the Local Government Act 1972 and having taken account of the objections received Cabinet is recommended to enter into a long lease with County Gate/Sunley on the Heads of Terms contained in the Part 2 report.**
- 2. That the Chief Finance Officer, in consultation with the leader of the Council and Chief Legal Officer, be authorised to negotiate and agree the final terms of the lease disposal.**

Reasons for Recommendations

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

The agreement of the Heads of Terms enables the Council and the developer to draw up the necessary legal agreement in order to progress a development proposal. Any such proposal will need planning permission.

Such objections relate to the loss of open space rather than any specific development proposals which may subsequently be forthcoming.

Background

1. Section 123 of the Local Government Act 1972 (the Act) provides that if the Council wishes to dispose (long lease counts as a disposal) of any land which falls within the definition of open space (as contained in the Town & Country Planning Act 1990) then it must first advertise to this effect in the local paper for two consecutive weeks and then consider any objections received.
2. In order to comply with the Act a Notice was placed in the Hastings & St Leonards Observer on 8 and 15 February and a copy of this is attached at Appendix 1.
3. At the Cabinet meeting on 3 September 2018 it was determined that County Gate/Sunley are the preferred bidder and to instruct our agents, Carter Jonas, to negotiate further to agree Heads of Terms in order to make a recommendation to Cabinet.
4. This report firstly considers the representations received, and if Councillors agree that the merits of a long lease outweigh the objections received then the terms of the lease are to be considered.

The Site

5. The West Marina site is in ownership of Hastings Borough Council and has been largely vacant for over 30 years, following the closure of the former lido. As a result the Council is looking to see the site developed in order to provide a mixed use development (residential and commercial) in line with the Local Development Plan (the strategic planning document already agreed for the borough). It worth emphasising that this redevelopment has been a long term aspiration and the site has been identified for development in successive Local Plans.
6. The site has the benefit of having a seafront location and is in close proximity to West St Leonards train station. It is however disadvantaged by having both sea and fluvial flooding issues and lying on the outer reaches of the Hastings sea front. The flooding issues and the infrastructure already in place restrict where development can occur on the site.
7. As the Development Plan identifies, Seaside Road is one of the few remaining significant re-development sites on the Hastings/St Leonards seafront. It presents an opportunity to create a high quality development which can help regenerate the area and act as a destination in its own right, as an addition to Hastings and the Old Town. The site will be expected to support a varied housing mix including affordable housing, and given its size is capable of providing a significant number of new homes making a valuable contribution to the town's housing requirement as set out in the Local Plan.
8. The Council will expect to see a high quality innovative design with particular regard to sustainability. The Grosvenor Gardens Conservation Area sits immediately to the east of this site. Any new development on this site must sustain and enhance the setting of the conservation area.

9. The plan makes particular mention of the “location, scale and massing of housing units should have regard to the outlook of adjacent properties in Seaside Road and Grosvenor Gardens. Opportunities should be taken where possible to exploit the sea views that the site offers. Developers will be expected to create a broad promenade for pedestrians and cyclists behind the seawall running east to west across the site. This should also act as a way of protecting views along the seafront. Improvements to the seawall will be required and the potential for vegetative shingle creation will need to be explored”.
10. The site is considered to be suitable for leisure and recreational uses, particularly those associated with the water. The site could also accommodate small scale kiosk style retail uses normally found at the seaside, a cafeteria and a public house/restaurant.
11. If the Council agrees to the disposal of the site the developer would follow the normal planning procedures now in place for an important development which would include a planning forum and public consultation.

Representations received

12. At the time of writing this report 17 objections have been received in direct response to the Notice and redacted copies of these are attached at Appendix 2. In addition a number of objections have been received prior to the notice and these are also attached for completeness.
13. In addition a petition, signed by 211 people, has been received which states, " We the undersigned petition the council to request: (A) that the Council does not proceed with proposals to erect 152 dwellings on its land at Seaside Road; and (B) that the Council actively and fully engages with the local community and other existing and potential recreational users of the site to develop an agreed plan for its future use."

Justification:

- The land is currently well used for recreational activities, including on a recently refurbished play area, by local residents and visitors to the area;
- It is the only stretch of open recreational land on the Borough seafront which is not divided from the sea by roads or carparks and has the potential for greater recreational use;
- An economic residential development of the site will be prevented by the ground conditions, including the remains of the former Lido, the age and position of underground services, the presence of SWA overspill tanks, and the constraints and costs of flood risk prevention;
- A large scale residential development would be over-bearing for the residents of Seaside Road and would result in unacceptable environmental damage from vehicular access along inadequate roads;
- Council finances and manpower should not be wasted on progressing the existing unrealistic proposals;

- Local residents should not have to put up with continuing uncertainty about the future of the site;
- Engagement with local residents and site users has been at best perfunctory and it appears that in any case no account has so far been taken of any representations that have been made.

Consideration of Representations

14. In accordance with the Act the Council must formally consider the representations received against any decision to dispose of the open space and weigh up their respective merits against the merits of a disposal.
15. A separate update of objections received up until 1 March will be provided to members of Cabinet in the run up to the meeting on the evening of the 4 March.

The points raised in the objections are considered in turn below.

(i) Lack of public consultation over the sale

We have placed a public notice in the Hastings & St Leonards Observer as required under the Act.

If the cabinet agrees to appoint Countygate/Sunley as the developer, they will carry out consultation on the detail of the plans, with a pre-application planning forum and other sessions. The principle of developing the site for commercial (including leisure) and housing use won't be consulted on though, as there was a two-year consultation on this during the development of the Local Plan. That involved workshops, drop-in sessions, online responses, advertisements in the local paper, eventually culminating in an examination in public by a government planning inspector in which everyone who had lodged a complaint or suggestion was allowed to bring this to the attention of the inspector at an examination in public. That led to the Local Plan, incorporating proposals for the Bathing Pool site, in the final plan adopted by the council.

(ii) Loss of daylight

It's unlikely there would be any undue reduction in daylight, the buildings on the site wouldn't be close enough to nearby properties to reduce light, but that would be taken into account in design. There are planning rules about making sure natural light to existing properties isn't unduly reduced by new developments.

(iii) Loss of view

It is indeed likely that there will be some loss of views from some properties. The design stages will take this into account, and as stated above there are planning rules about making sure natural light to existing properties isn't unduly reduced by new developments.

(iv) Loss of open/green/recreational space/ cycle route

There are a number of other open spaces in the area – the Combe Valley Countryside park is about 600m away, which has flat, grassed areas as well as extensive public open space stretching all the way to Crowhurst. There is also West Marina Gardens and the seafront. Recreational uses are expected to form an important part of the redevelopment.

The cycle route along the seafront would not be expected to significantly alter, save temporarily whilst construction/improvement work is undertaken.

(v) Development out of scale

There is no development scheme at this time and any scheme would have to accord with the policy FB3 in the Local Plan which says the site is for mixed use (residential and commercial).

(vi) Site not suitable for development

The developers will be undertaking the necessary due diligence at their cost.

(vii) Detrimental Environmental Impact

This will need to be addressed in any planning application,

(viii) Amount of traffic generated/lack of parking

This will need to be addressed in any planning application.

(ix) Impact on Hastings Half Marathon (as site used for parking)

Alternative options for parking will need to be explored

(x) Site should be concreted and used for park & ride

This would be contrary to the Local Plan.

(xi) Noise/disruption when site developed

Noise would be controlled by a condition of any planning consent.

(xii) Why can't you develop better alternative sites

The sites mentioned are either not capable of development (let to existing businesses) or not within the Council's control. The Council will be looking to develop land identified within the Local Plan.

(xiii) Should be developed for leisure purposes only

This would be contrary to the Local Plan.

(xiv) Impact by sea erosion

That applies to any development near the sea, which includes much of Hastings, but developments beside the sea aren't unusual – there are some in Hastings, and many other examples in other towns, so it shouldn't be difficult to take that into account.

Petition - Response to Justification Issues Raised

(i) The land is currently well used for recreational activities, including on a recently refurbished play area, by local residents and visitors to the area;

In approving any forthcoming proposals for the site, the Council will be looking for far more additional recreational facilities to be incorporated in a future redevelopment - which would include a play area.

(ii) It is the only stretch of open recreational land on the Borough seafront which is not divided from the sea by roads or car parks and has the potential for greater recreational use;

There are a number of open spaces within a short distance, not least the Combe Valley Countryside Park, West Marina Gardens, and the seafront itself.

The redevelopment of the site has been a long term aspiration and has been identified for development in successive Local Plans. It is the Council's intention and that of the Development Plan to significantly enhance the area through mixed development and additional recreational facilities making it a destination in its own right.

(iii) An economic residential development of the site will be prevented by the ground conditions, including the remains of the former Lido, the age and position of underground services, the presence of SWA overspill tanks, and the constraints and costs of flood risk prevention;

It is indeed correct that this is not a straightforward redevelopment site and there are numerous constraints as a result. There have been a number of detailed studies undertaken on the site which identify the issues. Countygate/Sunley will need to undertake further detailed studies, at their own cost, but on the basis of information available consider these constraints can be overcome.

(iv) A large scale residential development would be over-bearing for the residents of Seaside Road and would result in unacceptable environmental damage from vehicular access along inadequate roads;

There is no development scheme at this time and any scheme would have to accord with the policy FB3 in the Local Plan which says the site is for mixed use (residential and commercial) . The Development Plan wording makes specific reference to "location, scale and massing of housing units should have regard to the outlook of adjacent properties in Seaside Road and Grosvenor Gardens"

Any forthcoming planning application would need to be acceptable in terms of addressing the Transport aspects.

(v) Council finances and manpower should not be wasted on progressing the existing unrealistic proposals;

It is considered that the redevelopment of the site is capable of delivering many benefits to the locality and to the borough as well as being a viable proposition, given the increased attractiveness and interest in Hastings as a place to live work and visit. Unlike previous occasions there has been considerably more interest by larger competent developers in the site.

(vi) Local residents should not have to put up with continuing uncertainty about the future of the site;

It is accepted that the site has been included in successive local plans for redevelopment over many years but on each occasion to date no attractive or viable proposal has been forthcoming. The disposal by long lease will look to include a timeframe within which the developer will need to operate in undertaking the necessary ground surveys, consultation, and submission of any subsequent planning application.

(vii) Engagement with local residents and site users has been at best perfunctory and it appears that in any case no account has so far been taken of any representations that have been made.

Until such time as there is a properly worked up proposal to consider from a developer it is inevitable that meaningful engagement will be limited. The proposal to dispose of the land by long lease will enable the developer to proceed to the next stage and undertake necessary surveys, undertake planning forums, consult and submit detailed plans. The Cabinet meeting on the 4 March is to consider the objections, particularly of local residents, to the disposal of open space and whether they outweigh the benefits that would be forthcoming from redevelopment in line with the Development Plan.

Merits of Disposing by long Lease

16. The merits of disposing of the land by long lease are outlined below.

A Destination

- a. The purpose of the development is to create a leisure development that will benefit all Hastings residents, as well as providing much needed housing, and create an attraction that will bring tourists to the eastern end of the promenade. As the principal of developing the site for these purposes has been already been established through a lengthy process of consultation, the future consultation would be on the detail of the development, and how it can practically be achieved. At the previous open meeting, people raised all sorts of ideas, amongst which were artists' studios and a slipway, which is why those ideas will be incorporated.

Supply of Housing – Including Affordable Housing

- b. The Hastings Planning Strategy (adopted February 2014) identifies a need for a minimum of 3,400 additional housing units in Hastings by 2028. A long lease of the land would facilitate development of the site which could accommodate some 152 housing units (subject to planning permission) which would help with the need.
- c. As Planning Authority the Council must ensure that it maintains a sufficient supply of land to meet housing targets as set out in its adopted Local Plan. That means identifying sites which are suitable, available and capable of being delivered within the lifetime of the Plan. The Local Plan process has confirmed that this site is suitable for a mixed use development including housing.
- d. In bringing the site forward for development, the Council as landowner is making a valuable contribution to meeting identified housing requirements, including the provision of affordable housing which will be required as part of the housing mix. Applying this requirement would yield in the order of 38 affordable units.

Long Lease

- e. The council retains the freehold of the site, so the developer has to get landlord's consent to develop.

Conclusion

- 13. In this case the Council has two functions, firstly as Local Planning Authority and secondly as land owner which are distinctly separate. The subject consultation is only in relation to the Council as land owner and the planning merits of a future development at West Marina cannot be considered at this stage.
- 14. The recommendation is that the land should be disposed of by long lease as the merits outweigh the representations received.

Heads of Terms

- 17. Following negotiations, Heads of Terms have been agreed in principle on two options:
 - a. Option 1 – disposal of the freehold.
 - b. Option 2 – disposal on a long lease.

It is recommended that the Council proceed with Option 2 – disposal on a long lease (250 years). This offers a better return than the freehold option over the term of the lease. More importantly this option offers the Council much greater and more robust control over any proposed development and its design since any proposals would be subject to the Council's consent as Landlord (not to be unreasonably withheld).

Timetable of Next Steps

18. To progress with a long lease the next steps would be:

Action	Key milestone	Due date (provisional)	Responsible
Exchange contracts	Finalise Heads of Terms Instruct solicitors Contracts exchanged	Contracts to be exchanged 8 weeks from draft documentation being issued	Estates Manager
Developer to undertake due diligence	Completion is subject to satisfactory soil investigations, full topographical survey and detailed surveys of all services	Surveys to be undertaken within 6 months from exchange	County Gate/Sunley
Planning	Public consultation Planning application submitted Planning consent granted	Planning application to be submitted 12 months from exchange	County Gate/Sunley
Construction	Construction Practical completion	To commence within 12 months of obtaining satisfactory planning permission Commercial element to be achieved within 48 months of implementing a consent & balance within 72 months (subject to normal relevant events permitting extension of time under a build contract)	County Gate/Sunley County Gate/Sunley

Risk Management

19. These are as set out in the 3 September 2018 report. In addition there are uncertainties surrounding Brexit and the impact on the UK Economy and the consequential impact on the property market.

Financial Implications

20. These are as set out in the Part 2 report.

Local People's Views

21. At such time the developers have a specific development proposal they will need to go through the usual planning consultation processes which will enable local people to put forward their views.

Wards Affected

West St Leonards

Implications

Relevant project tools applied? Yes/No

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	Y
Environmental Issues	N
Economic/Financial Implications	Y
Human Rights Act	N
Organisational Consequences	N
Local People's Views	Y
Anti-Poverty	N

Additional Information

Appendix 1 Copy of notice published in the Hastings & St Leonards Observer.

Appendix 2 Objections to the notice.

Officer to Contact

Amy Terry
aterry@hastings.gov.uk
01424 451640

Copy of notice published in the Hastings & St Leonards Observer.

**LOCAL GOVERNMENT ACT 1972
SECTION 123(1)(2A)**

**NOTICE OF INTENDED DISPOSAL OF OPEN SPACE LAND
IN ST LEONARDS-ON-SEA, EAST SUSSEX**

Notice is hereby given that Hastings Borough Council intends to dispose of a parcel of land, which is for identification purposes described in the schedule to this Notice, which consists of Open Space land.

A plan that identifies the precise location of the land in question is available to view at the Tourist Information Centre, Muriel Matters House, Breeds Place, Hastings, TN34 3UY or can be viewed on our website: www.hastings.gov.uk/publicnotices

Objections to the proposed disposal must be made in writing to be received by the Chief Legal Officer, Hastings Borough Council, Muriel Matters House, Breeds Place, Hastings, TN34 3UY by no later than noon on Friday 1 March 2019, quoting the reference HM/001082

SCHEDULE

Description - Land at West Marina, south of Seaside Road, St Leonards-on-sea

Approximate Area - 1.94 hectares

Christine Barkshire-Jones, Chief Legal Officer

Dated: 8 February 2019

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10/2/19

REF: HM/001082

Dear Sir / Madam

I am writing with strong objections to the proposed development at the old lido, West Marine, directly in front of our beautiful historic building, to build 152 dwellings.

My partner and I only moved here last July and we were so thrilled to find a corner of England unspoilt from developers & concrete monstrosities. It is beautiful, peaceful and charming.

We own a ground floor and basement apartment (maisonette). (Consequently our main source of light is the ground floor. This will be blocked. As to noise, we currently hear trains going over the sleepers half a mile away at night (bedrooms are in the basement) so imagine what months of drilling down will sound like, starting early in the morning and carrying on all day. It will be intolerable. Our flat will become impossible to sell and could devalue a lot!

Aside from this, the land was left for recreational purposes originally and I believe you should morally maintain that spirit.

Why can't you develop better alternative sites like TK Max (a hideous blot on the landscape, or a couple of other sites off Bexhill Rd. I am sure there are alternatives.

The people who treasure value to peace and beauty of their surroundings. I find it hard to believe you are prepared to ruin that and for such a large scale plan, 5 floors high which blocks all light to upper floors as well.

I am devastated and pray this proposal goes no further,



[REDACTED]
Hastings Borough Council
Muriel Matters House

Breeds Place
Hastings TN34 3UY

Your reference HM/001082

[REDACTED]
St. Leonards
[REDACTED]

15 February 2019

Dear [REDACTED]

In response to the notification in the Hastings Observer regarding the intention to dispose of open space land at Seaside Road St. Leonards. I would like to register my concerns about the secretive procedures undertaken by HBC and the lack of public consultation regarding proposals for this greenfield site.

I strongly object to this proposed land disposal.

Yours sincerely //

[REDACTED]

HASTINGS BOROUGH COUNCIL
RECEIVED
15 FEB 2019
LEGAL SERVICES

[REDACTED]

From: [REDACTED]
Sent: 13 February 2019 10:05
To: [REDACTED]
Subject: FW: Notice of intended disposal of open space land....

From: [REDACTED]
Sent: 13 February 2019 10:04
To: [REDACTED]
Cc: [REDACTED]
Subject: Fwd: Notice of intended disposal of open space land.....

PLEASE NOTE THE EMAIL BELOW, LODGING MY OBJECTION SHOULD HAVE REFERENCE NO. HM/001082 - please attach. Thank you - [REDACTED]

----- Original Message -----
From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Wednesday, 13 Feb, 2019 At 09:53
Subject: Notice of intended disposal of open space land.....

FAO [REDACTED]

I hereby give notice that I object to the councils intention to dispose of this land known as the Old Bathing Pool site. The proposals for this large site have not been presented to the public for consultation and this is unacceptable.

[REDACTED]
[REDACTED]
St. Leonard's on Sea. [REDACTED]

HASTINGS HALF MARATHON

organised by
HASTINGS LIONS CLUB
Charitable Trust No. 293745

Tel/Fax: [REDACTED]
Mobile: [REDACTED]
e-mail: [REDACTED]
www.hastings-half.co.uk



"WE SERVE"

14th February 2019
to Chief Legal Officer,
Hastings Borough Council,
Breeds Place,
Hastings,
East Sussex. TN34 3UY

Dear Chief,
Ref. Notice of intended disposal of open space land in St. Leonards on Sea, East Sussex.
Ref. Quote HM/001082

I have just read in Hastings Observer about the above proposal.
I wish to protest about the way this has been given the go ahead without prior Public Notification, and object to the Proposal.
Are we not able to attend a Council meeting and make a case against this, and the way it has been handled.
I do not believe that the Bathing Pool site will ever be suitable for building houses on, otherwise it would have been in the last Town Plan.
I do not wish to be negative, but would propose instead that the area be concreted, and turned into a base for a park and ride operation, that would link with a bus service going along to the Old Town and back, stopping off at the Theatre/Pier town Centre etc.
This would be far more useful for our Town, and perhaps there would be room for a suitable eating place on site.
I admit we have a vested interest also as the existing site is used for Parking for the Town's Biggest event, the Hastings Half Marathon. With no other parking available the Event could not continue.

I look forward to hearing further from you.

Yours sincerely

[REDACTED]

[REDACTED]

Ref HM/001082 12/2/19

Dear Sir / Madam.

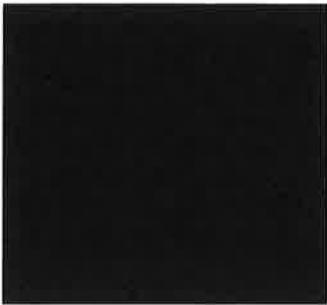
I wish to register my objection to the proposal by Hastings Borough Council to build 152 housing units on the old bathing pool site.

I live in Seaside Road having moved here a few months ago, it was a pleasant surprise to have the green space in front of the house being used by residents and locals and other people from different areas. I think the reason people are attracted to the area is that it is a unique space to be enjoyed at a quiet end of the town.

If the development were to go ahead it would cause major disruption for the residents and shop owners for months and possibly years. The local roads are narrow, there is limited parking here for residents as it is. How would construction lorries, diggers etc access the site, where would construction workers park? The constant flow of vehicles, the noise, dust, vibration from digging would cause huge inconvenience to the local residents and businesses.

I understand the need for more housing, could the site on Bexhill Road be used for housing instead of building more stores/supermarkets?

Yours sincerely.



St. Leonards-on-Sea
East Sussex



Chief Legal Officer
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings TN34 3UY

18th February 2019

Ref - HM/001082

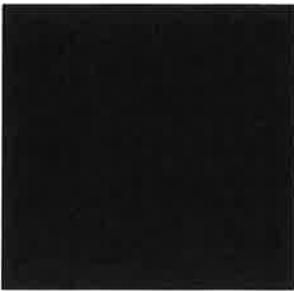
Dear Sir/Madam,

I wish to object to the proposal by Hastings Borough Council to build 152 housing units on the Old Bathing Pool Site. HBC has woefully neglected this land in the past. Now the council is only interested in filling this area with high density housing. As a sop HBC has agreed to provide leisure facilities. These facilities will be insignificant (if actually developed) and will be dwarfed by the mass of housing. The HBC has had secret meetings, and kept its plans hidden from the public, to prevent us from becoming aware of the high density housing proposed.

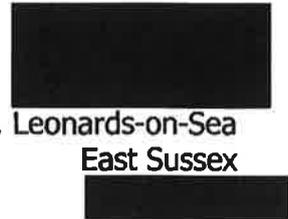
HBC state that it is unable to fund the proposed recreational facilities unless housing is built as well. It is interesting that HBC managed to fund the recreational facilities in Alexandra Park (and other leisure areas) without the necessity to put up housing. HBC have saved millions of pounds in the past by ignoring this piece of land. Now is the time to allocate funding and make amends to local residents for this sadly neglected but desirable area of open recreational land.

Yours sincerely,





St. Leonards-on-Sea
East Sussex



Chief Legal Officer
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings TN34 3UY

19th February 2019

Ref - HM/001082

Dear Sir/Madam,

I wish to register my objection to the proposal by Hastings Borough Council to build 152 housing units on the Old Bathing Pool Site. For over 30 years this area has been in all but name a village green, used by local residents for leisure purposes, such as dog-walking, kite-flying, keep-fit, school events and, of course, as essential car parking for the very popular Hastings Half Marathon. The proposed housing development will block the view of many residents in the immediate area and will be severely impacted by sea-related erosion. If this sites does need to be developed then the council should be developing it for leisure purposes only, and any housing development should be centred around the vacant and brownfield sites on Cinque Ports Way.

Yours sincerely,



[REDACTED]
**St. Leonards on Sea,
East Sussex.**
[REDACTED]

**Chief Legal Officer,
Hastings Borough Council,
Muriel Matters House,
Breeds Place,
Hastings. TN34 3UY**

18th February 2019

Dear Sir,

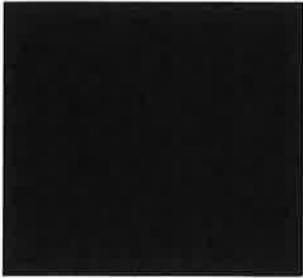
Ref: - HM/001082

Whilst we agree that housing is needed in Hastings, we feel the old bathing pool site is not ideal for 152 new dwellings. The plan must be for very small dwellings to fit into the space there., unless the plan is to give no space between each home.

We object to this plan for we feel that the area needs the open space for the local residents. Living as we do, opposite the area, we see how popular the green is for all kinds of activities throughout the year. We feel it would be more beneficial to enhance the area by having a café and some seating on the green, also to make it more attractive by putting in a few beds with shrubs and flowers in, in general, make it a very pleasant space for the community.

We also object to the scheme because of the amount of traffic 152 dwellings will bring to the restricted area. 152 homes crammed into the small space will leave very little space for a car and in this day and age, many families own two or more vehicles.

Yours truly
[REDACTED]
[REDACTED]
[REDACTED]



St. Leonards-on-Sea
East Sussex



Chief Legal Officer
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings TN34 3UY

18th February 2019

Ref - HM/001082

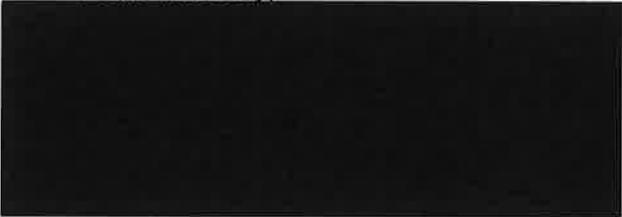
Dear Sir/Madam,

I wish to register my objection to the proposal by Hastings Borough Council to build 152 housing units on the Old Bathing Pool Site. This is a unique site in that it is the only surviving grassed area that fronts onto the sea. For over 30 years this greenfield site has been both open to local residents (and visitors) and enjoyed by them for a variety of leisure pursuits. To replace this valuable resource with high density housing, as HBC proposes, is to lose this resource forever and is totally unacceptable. The only development on this site should be for leisure purposes, including those to support the viability of the proposed slipway. So a chandlers or fishing store and a café would be regarded as a progressive measure, whilst the eastern end would be maintained as an open green space still.

Furthermore, the proposed 4-storey housing development at the eastern end of the site would deny many existing residents their current view and light. It would also result in even greater traffic density and parking congestion along roads that are already saturated. This proposed development is ill-conceived and lacks genuine support from local residents, as was proved at the last open meeting, held in the Royal Victoria Hotel, where there was vociferous opposition the previous plan (which this one closely resembles).

The brownfield and vacant sites around Cinque Ports Way offer far better alternatives for medium or even high-rise developments; and this would centre development near the proposed slipway.

Yours sincerely,





Hastings
East Sussex



15/2/ 2019



Dear Chief Legal Officer,

QUOTE ref: HM/001082

NOTICE OF INTENDED DISPOSAL OF OPEN SPACE LAND
ST.LEONARDS ON SEA, EAST SUSSEX
LOCAL GOVERNMENT ACT 1972 SECTION 123(1)(2a)

This former bathing pool site has been vacant for 30 years and used by many local residents as a recreation area will suddenly be changed into a huge housing development. Has anyone from the Borough Council approached the local residents to explain what is going to happen. The residents of Seaside Road will loose their sea views, the children's play area, car park, the small cafe and the beach hut owners some of whom have owned former bathing pool beach chalets and now the present beach huts will loose everything. Have any local residents been informed or involved in the planning of this housing development. Will walkers, cyclists, the Hastings Marathon runners have access through the site and all those who loved the beach beyond. Thousands of local people and visitors have enjoyed this small recreational area. Please re-consider carefully what you are going to do before you loose this area for ever.

For comparatively little investment it could make a fantastic garden area, with a paddling pool for the kids, a little café, with imaginative tree planting around.

Your sincerely,



Chief Legal Officer,
Hastings Borough Council,
Breeds Place,
Hastings
TN34 3UY

[REDACTED]
St Leonard's-on-Sea
East Sussex
[REDACTED]

14th February 2019

Ref. HM/001082

Dear Sir or Madam

We write to object to the plans to sell off the site and surroundings of the former bathing pool at West Marina.

This will involve the loss of a sizeable stretch of seaside promenade, requiring a detour along the busy Bexhill Road. The current promenade is a unique, calming, green space and resource for the local community as it is the only section not impinged on by houses, roads or the railway. The development will completely destroy that. This short-sighted privatising and selling-off of the sea view will deprive the existing residents of our enjoyment of a precious resource.

The development itself seems completely out of scale for this suburban area and will be an alien and unsympathetic blot on the landscape. The area also lacks the infrastructure to support the number of homes and householders envisaged.

The detrimental environmental impact from this project will be immense and prolonged.

We are not aware of any demand for the further facilities mentioned and feel they are merely window-dressing by the developers.

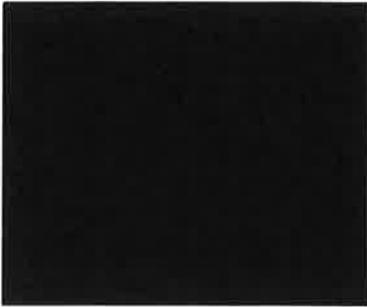
This is absolutely no merit in the pretence that this site can sustain the development proposed for it. We urge the council to reconsider its position.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]



St. Leonards-on-Sea
East Sussex



Chief Legal Officer
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings TN34 3UY

19th February 2019

Ref - HM/001082

Dear Sir/Madam,

I wish to formally object to the proposal by Hastings Borough Council to build 152 housing units on the Old Bathing Pool Site. For over 30 years, since it was grassed over, this site has been a well-loved and much used open area for leisure purposes by the local community. It must be retained as such, not just for us but for future generations. The Old bathing pool site is a unique area in that it is the last green, open space in the area fronting directly onto the sea. We should be celebrating this – not destroying it!

Yours sincerely,



CHIEF LEGAL OFF,
HASTINGS B.C.
TN34 30Y

[REDACTED]
ST LEONARDS IS
[REDACTED]

18.2.19

Dear Sir.

BUILDING ON BATHING POOL SITE

WE wish to object to this proposal. because
for 30 odd years this has been for recreation etc,
it has been quite secretive, very hard to get
information with small notices in obscure paper
ne sale of land with very vague ideas
of exact location, this also applied to the
small concreted area which was I believe,
not so much sold but seemingly transferred
to have to go to the Information Office to view
plans is wrong 4 or 5 yrs ago - VICTORIA HOTEL
with 152 units to be built. What about
the Traffic problems Seaside Rd is very narrow
& the road to get onto Box Hill Rd is not
very friendly to get ~~in~~ out off
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 21 February 2019 09:48
To: Democratic Services
Subject: Save our Bathing Pool "Open Space". Sent 21st February 2019.

I strongly object to HBC disposing the Bathing Pool site to developers to build over 100 houses etc. This "Open Space" is for recreation use. Build houses on land elsewhere NOT ON OUR SEA FRONT. Why are you even considering such a thing?????

[REDACTED]

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

19 February 2019

Chief Legal Officer
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings
TN34 3UY

Dear Sir/Madam

Re: Old Bathing Pool Site – Ref: HM/001082

I am writing to object to the sale of the of bathing pool site land for potentially high density (and if past developments in our town have shown, potentially low quality unattractive housing).

What our town needs are more good quality leisure activities on the seafront or leisure accommodation that reflect the seafront location and bring real improvements and benefits to that part of our town.

Some time ago, I read that Peter Chowney was saying that Hastings and St Leonards didn't have enough hotel bedrooms in this town compared to say Eastbourne. So surely the focus for our seafront should be leisure or accommodation.

Peter Chowney made assurances during a council meeting on 17th October 2018 that the focus for the old bathing pool site will indeed be primarily as a seafront 'destination'. However, I cannot see that if there are 152 housing units there, then there would be much room for any leisure destinations. Although I do understand that housing would possibly be needed to fund any leisure investment, the density and aesthetics of the housing needs to be carefully planned and designed to reflect the fantastic location.

However, I have great concerns about what Hastings Borough Council consider acceptable design and pleasant places to live, considering the recent hideous developments near Summerfields Woods. I believe it is called Bohemy Fields, which are far from field like and are just brown boxes with very small windows. Hardly the inspiring, modern and eco-design that the council often fanfare in their various consultations.

If anything other than a high quality mix of leisure and residential is considered for the old bathing pool site, that reflects the seafront location and other architecture in the area, it would be a catastrophe for our town and seafront that we are left with for generations to come. (Like the hideous stain that the horrendous and mostly empty Ocean House has left on our town).

Yours faithfully



19 February 2019

Chief Legal Officer
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings
TN34 3UY

Dear Sir/Madam

Re: Old Bathing Pool Site – Ref: HM/001082

I am writing to express dismay and concern about the potential sale of the old bathing pool site for a high density housing development of 152 homes.

This land has potentially great value for our town as a leisure destination due to its seafront location and I am concerned that such a large development for purely housing will be more detrimental than beneficial to the town and its residents.

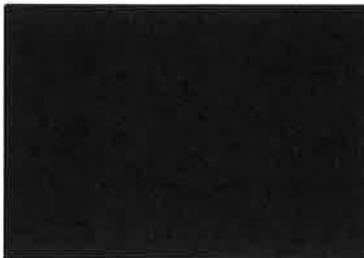
Such large scale housing developments may be more appropriate for development further in land, but not for a key seafront destination.

Peter Chowney made assurances during the council meeting on 17th October 2018 that it is intended that the focus will indeed be on the leisure aspect of the site but some housing would be needed to fund this. However, recent developments such as Bohemy Fields near Summerfields Woods, leave me very sceptical about any new developments that could be planned for our town. This housing is a far cry from the design led eco-housing that Hastings Borough Council talk about in their various consultations.

It is imperative that the Council get the right developers with a true vision for this potentially fantastic location at the old bathing pool site, otherwise our town and its residents will be left with a terrible legacy for years and generations to come.

Yours faithfully





Chief Legal Officer
Hastings Borough Council
Muriel Matters House
Breeds Place, Hastings, TN34 3UY

Ref - HM/001082

19th February 2019

Dear Sir or Madam,

I understand that , during the recent past, there have been collective objections put forward by the West St Leonards community to the above referenced proposal by Hastings Borough Council to build 152 housing units on the Old Bathing Pool Site.

However, I further understand that individuals must also write to you with their personal objections to the proposal and I am pleased to provide you with mine.

In no particular order, should this proposal go ahead, my prime objections are as follows:

- Overall negative environmental impact on the area ;
- Increased pollution (possibly an additional 300 private vehicles wending their way through the already busy and congested Grosvenor Gardens and Seaside Road);
- Personally, I deliberately chose to buy here because of my suffering from chronic asthma and medical recommendation to live in a “cleaner air” environment;
- Loss of large, open space that has been and continues to be enjoyed by local residents and visitors such as parents with their children, dog walkers, cadets’ training, surfers etc. These activities are a joy to watch from the balconies of Marina Park, an award winning development;
- The person who originally bequeathed the site to the Council did so on the understanding that it would be used for leisure purposes only (albeit this caveat has now expired);
- Throughout the actual development, there would be dreadful noise, disruption to daily lives and pollution for all local residents alike;
- The developer would need to undertake a deep clean / potential refurbishment of the properties adjacent to the project as a result;
- The local community will lose the wonderful views they currently enjoy;
- The development will have a negative impact on the value of all properties in Seaside Road and Grosvenor Gardens; the Council Tax of each would need to be reviewed and probably reduced;
- Potential for further flooding to neighbouring properties owing to the actual sea level being low and, of course, due to become even lower, (Marina Park has experienced flooding) .

Thank you for your consideration of the above and trust the right decision will be made to prevent such a large residential development being approved by the Council. An alternative, more imaginative plan should be considered that results in maintaining and even enhancing the quality & enjoyment of life in the area for all local residents and visitors alike.

Yours sincerely



[REDACTED]

From: [REDACTED]

Sent:

08 February 2019 11:16

To: [REDACTED]

Cc: [REDACTED]

Subject:

Old Bathing Pool site and proposed development

[REDACTED]

I would like to draw to your attention contextual statements made by Council Leader Peter Chowney in an interview to the Hastings & St Leonards Observer on 23rd October 2015 regarding the 'old bathing pool' site, and my observations:

"This is the last large vacant seafront site in Hastings, and we've been keen to regenerate this area for some time. We want to develop the site for mixed housing and leisure uses, with the housing paying for development of the rest of the site. Because of the large surface water holding tank in the centre of the site, and flood risk, there are constraints on how the site can be developed."

"Housing would have to go at the eastern end, and the centre part left as open space. But we are determined to improve this area, making it a place that people will want to visit, to help improve the local economy."

1. My understanding is that this area was left to HBC on trust with the condition that it was only used for social and leisure use. Would you comment on this and how that aligns with your proposed development?
2. Local residents already visit this area in good numbers. These are local people who are already ratepayers. They use this area to walk their dogs; train on it; fly model planes & kites from it; sunbathe on it and kick balls on it; the marines train regularly on it; the Hastings Half Marathon parks on it; and local schools use it for activity days out. They are utilising a grassed area that is special because it is flat, free of trees, safe at night, and in a lovely setting. What are you offering them as a substitute?
3. How are you improving the area for its residents by denying them this?

"We do understand that the site is important, and sensitive, and will ensure that any development is appropriate, and built to the quality and standard of design that such a prominent and sensitive site deserves."

4. This site is heavily exposed to salt corrosion and, currently, experiences flooding. As it is now proven that sea levels are rising, how will you guarantee that the development will be of a quality that lasts the test of time?
5. How will you overcome the reduction in daylight for existing residents in Grosvenor Gardens & Seaside Road and the subsequent light pollution at night from the proposed development?
6. How will you overcome the removal of a view from existing residents in Grosvenor Gardens and Seaside Road?

7. How will you cater for the extra parking required for the (realistic) 2 cars per new dwelling when the immediate area is already saturated?

“So we won’t just be selling the site to a developer. Rather, we will be working with a developer to make sure we have control over what gets built there, and what it looks like. That will mean involving the local community in developing detailed proposals, but meaningful consultation can really only take place as plans are developed and brought forward. So, if cabinet agrees, we will be marketing the site to look for a developer who can work with us in the way we want, and come up with proposals for how the site could be developed to achieve our plans. Clearly we are only at the very start of the process at the moment. It may take two or three years before development begins. But by starting now, we can take advantage of a grant provided by East Sussex County Council which will help to reduce our cost and risk, and ensure that this long-empty site is developed to the benefit of the local community, and to visitors.”

8. What controls are you planning to put in place to control the developer? For example, will you enforce the requirement for a high percentage of social housing, or will you let the developer renege on this when they are already financially committed to the development?

9. At which point will you seriously involve the local community in the proposed development?

a. From our side of the council benches residents, including myself, believe there is a deliberate aim to not engage with residents until it is too late to make a difference. To date, there has been an open meeting with interested parties at a local hotel to discuss the plans of the previous strategy (which are very similar to the latest); but otherwise there have been no formal open meetings in the early stages that could influence the plans. Is this because on that occasion there was a united and vociferous opposition?

b. Since then I have read of closed council meetings and restricted access to development plans for non-Labour councillors. Is this an example of local democracy or rather an example of an abuse of power in a local authority? I wonder whether Labour’s actions have crossed local authority guidelines that the Ombudsman would object to.

10. If our village green already provides a unique purpose and major benefit in providing leisure use for local residents, why are you ignoring their wishes?

11. As already indicated, this development will not benefit the existing residents who are ratepayers, voters, car parkers, and currently enjoying what has been since 1993, for all of us in West Marina, our village green. This seems to be more about fulfilling a government quota. Can I point out that the UK government itself admits there is less need than they thought for additional housing?

I wish to stress that this development is not wanted by local residents and wish to register my strong objection to the proposed desecration of what is a well-used and well-loved green area situated in a unique position by the sea. Like others, I expect HBC and its elected representatives to protect this grassed area – not destroy it!

I am assuming that the views attributed to Peter Chowney in 2015 are still held and are representative of the controlling Labour party. Therefore I think it is reasonable to request full responses to what I believe are fair and constructive points. I await replies from each of those to whom this email is addressed. I will follow this email up with printed copies and hand-deliver these if required.



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[REDACTED]
Muriel Matters House
Breeds Place
Hastings
East Sussex
TN34 3UY

[REDACTED]
[REDACTED]
[REDACTED]
St. Leonards
[REDACTED]

10 January 2019

Dear [REDACTED]

We are residents at Marina Park, overlooking the West Marina bathing pool site on Seaside Road, and have been advised of the council's plans to redevelop the site. Whilst we are very happy to see the council giving attention to the general area of West St Leonards, we are naturally concerned about any specific development of the old bathing pool site and keen to be updated on your plans.

Unfortunately we have been unable to find any details of your plans online – if you could kindly point us in the right direction, we would be most appreciative.

In the absence of publicly available information, we have been examining the council's broader documents, starting with the "Hastings Local Plan" and the "Development Management Plan" ('DMP' below) and we have some observations and questions as below:

1. **The Classification of the site**

Item 6.94 of the DMP: "Site FB3 – Seaside Road, West St Leonards" states that it is a vacant brownfield site. The council's own definition of a brownfield site is:

Brownfield sites/previously developed land)

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' The definition includes defence buildings, but excludes:

- *Land that is or has been occupied by agricultural or forestry buildings.*
- *Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.*
- *Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.*
- *Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).*

It would seem to us that the last exclusion in this definition (4th bullet point, underlined) more correctly defines the old lido site, especially given the length of time (more than 25 years) since the demolition of the lido. On the basis of the council's definition, we would suggest that the specific site of the lido should be defined as greenfield, which impacts the percentage of housing that will be expected to make provision for affordable housing, increasing the requirement from 25% for developments greater than 15 dwellings or 0.50 ha to 40% (POLICY H3: Provision of Affordable Housing).

Having said that, the council's Local Plan under the Strategy for Western Area states the following:

5.8 The strategy for Western Area is to focus on its potential for employment and housing development, whilst protecting and enhancing existing areas of greenspace.

This would suggest that, as an existing area of greenspace, it would seem that the specific site of the lido should not be developed at all.

2. Housing mix

This is potentially a highly attractive location – right next to the sea, with a good part of the potential site having a sea view. Indeed, the DMP for the broader site states that *“Opportunities should be taken where possible to exploit the sea views that the site offers”*. The council clearly has a target for affordable housing, but we find it quite baffling how this could be considered a target site for cheaper accommodation.

We have noted that the council is talking about lower rents or special schemes, and is not referring to properties that could be sold at lower market prices, however we would suggest that you should be giving local residents clarification as to how property in this proposed development could fit under that classification. There are far more suitable sites in the area for such accommodation.

3. Density

The local plan sets housing density on the following basis:

8.2 Densities should generally be set at 30 dwellings per hectare (dph) across the town and potentially higher densities of 40dph and above in sustainable locations including Hastings Town Centre, where access to a good range of services and public transport, warrant a higher density development. It is recognised however, that there may be instances where particular environmental or historic issues may justify a lower density.

By our rough calculations, the full site measures between 1.60 and 1.70 hectares, so anything above 65 dwellings would put it into a high density classification. I believe the plan is for considerably more than this.

In addition to these three main points, there are some elements that we would seek clarification on, as follows:

4. **Supporting sustainable communities**

Under your Objective 5: Supporting sustainable communities, item f. states: (This will be achieved by) *enabling an increased take-up of sports, leisure and cultural activities by residents and visitors through the provision of accessible and affordable facilities and programmes.*

The space has been used a fair amount for exercising, in particular for Tai Chi, personal training, fun runners, dog walkers and by the Sea Cadets and we would strongly contend that, with the provision of suitable facilities, it could be used for more. Taking the space away acts against this stated objective in the Local Plan.

Finally, and of particular importance to us, the Site Allocations element of the DPM refers specifically to this site, and states in item 6.97 *"The location, scale and massing of housing units should have regard to the outlook of adjacent properties in Seaside Road and Grosvenor Gardens"*. Policy FB3 also states that the development should *"protect important views along the seafront"*.

Whilst we haven't seen the plans, it is extremely difficult to see how a development of any height and density can meet these requirements.

We would add that it is clearly in the interests of West St Leonards residents to see sympathetic development of the broader area, and we would urge you to engage with residents in order to ensure broad agreement to plans, encourage creative contributions to your thinking on land usage, and engender support from those that would be impacted the greatest.

Yours Sincerely,



A petition has received enough signatures for it to be heard at Cabinet on 4th March 2019.

The petition is as follows;

Title: Bathing Pool Housing Site

Statement:

We the undersigned petition the council to request: (A) that the Council does not proceed with proposals to erect 152 dwellings on its land at Seaside Road; and (B) that the Council actively and fully engages with the local community and other existing and potential recreational users of the site to develop an agreed plan for its future use.

Justification:

- The land is currently well used for recreational activities, including on a recently refurbished play area, by local residents and visitors to the area;
- It is the only stretch of open recreational land on the Borough seafront which is not divided from the sea by roads or carparks and has the potential for greater recreational use;
- An economic residential development of the site will be prevented by the ground conditions, including the remains of the former Lido, the age and position of underground services, the presence of SWA overflow tanks, and the constraints and costs of flood risk prevention;
- A large scale residential development would be over-bearing for the residents of Seaside Road and would result in unacceptable environmental damage from vehicular access along inadequate roads;
- Council finances and manpower should not be wasted on progressing the existing unrealistic proposals;
- Local residents should not have to put up with continuing uncertainty about the future of the site;
- Engagement with local residents and site users has been at best perfunctory and it appears that in any case no account has so far been taken of any representations that have been made.

Total signatures: 211

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Agenda Item 7

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

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of the Local Government Act 1972.

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Agenda Item 8

T C Webb 19/2/2018

To Councillor Webb
Chair of Overview and Scrutiny Committee

ACCESS TO INFORMATION RULES

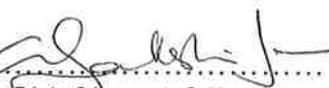
KEY DECISIONS

RULE 20 –general exceptions.

NOTICE is hereby given under Rule 26 of the Access to Information Rules contained in the Council's Constitution that the following key decision will be taken at Cabinet on: -

Cabinet: 4 th March 2019			
Development Opportunities on Churchfields Estate			
<u>Decision</u>	<u>Consultation and Timetable</u>	<u>Working Papers and files</u>	<u>Responsible Officer / Portfolio Holder</u>
Development Opportunities on Churchfields Estate <i>Part 1 + Part 2</i>			Assistant Director, Financial Services and Revenues Councillor Peter Chowney

Signed


Chief Legal Officer

Dated *19.02.19*

Note:

Rule 26.20 General Exception

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 26.20 (special urgency), the decision may still be taken if:

- the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- the Chief Legal Officer has informed the chair of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made; and
- the Chief Legal Officer has made copies of that notice available to the public at the offices of the Council; and

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Webb 20/2/2019

To Councillor Webb
Chair of Overview and Scrutiny Committee

**ACCESS TO INFORMATION RULES
KEY DECISIONS
RULE 20 –general exceptions.**

NOTICE is hereby given under Rule 26 of the Access to Information Rules contained in the Council's Constitution that the following key decision will be taken at Cabinet on: -

Cabinet: 4 th March 2019			
<u>Decision</u>	<u>Consultation and Timetable</u>	<u>Working Papers and files</u>	<u>Responsible Officer / Portfolio Holder</u>
Insurance and cash Collections			Assistant Director, Financial Services and Revenues Councillor Peter Chowney

Signed


Chief Legal Officer

Dated

20/02/2019

Note:

Rule 26.20 General Exception

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 26.20 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Chief Legal Officer has informed the chair of a relevant overview and scrutiny committee, or if there is no such person; each member of that committee in writing, by notice, of the matter to which the decision is to be made; and
- (c) the Chief Legal Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five clear days have elapsed since the Chief Legal Officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public.

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Agenda Item 10



Agenda Item No:

Report to: Cabinet

Date of Meeting: 4 March 2019

Report Title: **Insurance and Cash Collection Contracts**

Report By: Peter Grace
Assistant Director Finance and Revenues (Chief Finance Officer)

Purpose of Report

To agree the procurement arrangements through the East Sussex Procurement Hub for the Insurance and Cash Collection Contracts.

Recommendation(s)

- 1. To agree that authority be given to the Assistant Director Finance and Revenues (Chief Finance Officer) in consultation with the leader of the Council to determine final contract terms and conditions and award a contract to the suppliers that offer the most economically advantageous tenders in respect of Insurance and Cash Collection.**

Reasons for Recommendations

The current insurance contract expires on 31 March 2019 and the cash collection contract expires on 31 August 2019.

Introduction

1. Hastings Borough Council's current Insurance Contract expires on 31 March 2019. The East Sussex Procurement Hub has already gone out to tender with seven councils, including Hastings Borough Council, with a view to obtaining the most economically advantageous contract.
2. The contract will be for 5 years fixed term.
3. Hastings Borough Council's current Cash Collection Contract expires on 31 August 2019. The East Sussex Procurement Hub is looking to go out to tender with 3 other local authorities with a view to seeking the most advantageous economic tender. The contract will be for 3 or 5 years with an option to extend for a further 2 (5 or 7 years in total).
4. The procurement for the Insurance contract will result in the appointment of either one supplier across all seven councils for all areas of insurance or a mixture of suppliers across different councils and areas of insurance.
5. The successful supplier(s) will be appointed in sufficient time for transfer (if necessary) to take place in time for the service to start on 1st April.
6. The procurement for the Cash Collection will result in the appointment of one supplier across all 3 councils (Hastings, Rother and Eastbourne).
7. The successful supplier will be appointed prior to the 1st August 2019 for transfer (if necessary) to take place in time for the service to start on 1st September.
8. A separate report informing the Charity Committee will go to their 18 March 2019 meeting.

Risk Management

9. The Council needs to ensure continuity of its insurance provision after midnight 31 March 2019. This is an absolute requirement. The recommended option outlined in this report will ensure that this fundamental requirement is met.
10. The Council's various insurance schedules have been re-examined to ensure they reflect up to date data, and the risks associated have also been reviewed to address any existing or new requirements.
11. The nature of cash collection has inherent potential physical security risks particularly for the contractor. Measures can be put in place to mitigate these by the implementation of appropriate communication systems, training and utilisation of CCTV that exists in the car parks. Internal measures can be taken to ensure robust monitoring of income together with appropriate insurance provision to mitigate against the risk of potential fraud.
12. The ability to promptly bank the cash collected in to Hastings Borough Council's bank account will form part of the evaluation process.

Environmental Issues

13. The main issue revolves around the use of contractor's vehicles to collect the monies. Regrettably, this cannot be avoided, however, contractors can reduce the impact of carbon dioxide emissions by using energy efficient fuel and modern vehicles and by the Council keeping collections to a minimum consistent with operational efficiency.

Economic/Financial Implications

14. The Council spent a total of £351,000 during 2018/19 on its insurance premiums. It is hoped that the procurement process will result in a small saving.

15. The current cost of providing the cash collection service is in the region of £65,000 per year. However, it is important that the cash collection service provider will be able to promptly and reliably transfer the monies into the Council's bank account. A variation to the contract may develop reducing its value if the use of 'pay by phone' and 'contactless payments' increases substantially.

16. The East Sussex Procurement Hub has previously demonstrated that savings are possible where there has been collaboration with other local authorities, and have done well to secure the interest of others outside of East Sussex for the insurance tender.

Wards Affected

None

Area(s) Affected

None

Policy Implications

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

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

Background Information

-

Officer to Contact

Carole Mount
cmount@hastings.gov.uk
Telephone: 01424 451508



Introduction

Heading1

Heading2

17. Background Paragraph

Timetable of Next Steps

18. Please include a list of key actions and the scheduled dates for these:

Action	Key milestone	Due date (provisional)	Responsible

Wards Affected

Insert the list of wards affected

Implications

Relevant project tools applied? Yes/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

Insert a list of appendices and/or additional documents. Report writers are encouraged to use links to existing information, rather than appending large documents.

Officer to Contact

Officer Name
Officer Email Address
Officer Telephone Number



Report to: Cabinet

Date of Meeting: 4 March 2019

Report Title: Development Opportunities on Churchfields Estate

Report By: Peter Grace (Chief Finance Officer)
Victoria Conheady
(Assistant Director – Regeneration and Culture)

Purpose of Report

To agree the inclusion of the “Sidney Little Road Business Incubator Hub” within the capital programme subject to the receipt of grant funding. A decision is expected on or around the 8th March 2019.

The report further highlights the current funding requirements in order to develop the remaining two sites on Council owned land on Sidney Little Road and includes details of the potential developments that are being proposed.

Recommendation(s)

1. To agree the inclusion of the Sidney Little road Business Incubator Hub within the Capital programme with an estimated budget, including fees of £2.8m.

2. To seek external funding for the shortfalls, and/ or negotiate options with interested parties, based on the potential unit sizes.
 - (i) Plot 2 - 35 Sq ft factory unit
 - (ii) Plot 3 - 3 to 8 Factory units (flexible sizes)

3. Cabinet to note the potential Capital expenditure of £10m in total for the 3 sites should viable proposals be received or external funding bids be successful.

Reasons for Recommendations

The land is allocated for employment use in the Development Management Plan (DMP). The site is in the Council's ownership and offers opportunities for development. The schemes are sufficiently worked up to identify funding shortfalls and seek external grants, undertake negotiations to develop the sites .

Should external funding be received there is a ready made opportunity to help address unemployment and improve the economic opportunities for companies within the town, in line with Corporate Plan objectives.

The Council expects to learn the outcome of an external funding bid in early March 2019 and needs to be ready to progress the development of the site – should the Cabinet agree to make funding available.

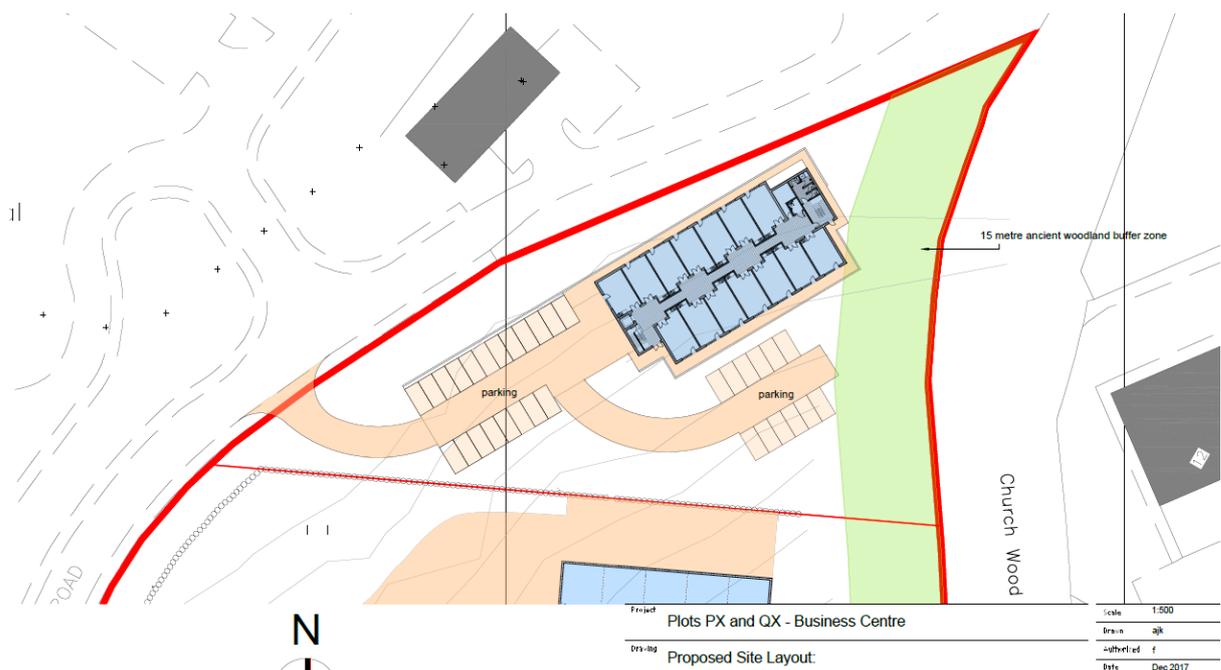
Introduction

1. The Council acquired Plots PX and QX in 2016/17. The sites adjoin an existing HBC site and unlock further development potential – thus enabling a more imaginative and ambitious use of the land.
2. The levels of rent that have been achievable in Hastings to date have not covered the full cost of new build factories without public subsidy. To build the factories, even with the historically low cost of borrowing would result in a substantial ongoing cost for the Council. However, given that the costs of rental outside of Hastings are higher there remains interest in developments within Hastings if the Council is prepared to undertake these and accepting that there will be limited financial return for itself in the short term.
3. The purpose of this report is to highlight that the Council is ready to deliver new industrial premises and starter units, given that it has the land, the demand for the premises and the need – especially given the borough's deprivation and unemployment levels.
4. To help achieve this a bid has been submitted, by the Regeneration team to the Local Growth Fund (LGF) in respect of Site 1 (Incubator units) and also to Connecting Hastings and Rother Together (CHART) Programme – Community led Local Development (CLLD). In terms of grant value to the Council, the LGF bid is for £500,000 and the CHART funding request is for £250,000. A decision on LGF is expected on 8th March 19 and CHART in spring 19. If both applications are successful, the total grant funding will amount to £750,000.
5. Positive discussions have taken place with one company who initially confirmed that they would be prepared to pay a slightly higher rent but fixed for a longer period – which could make the building out of Site 2 (35,000 Sq ft factory) viable, if the original land acquisition costs were not included. This company has subsequently withdrawn given uncertainties on economic outlook, but may yet be interested if the right deal were to become available.

Financial Implications

Site 1 (Incubator Units)

- This is the proposed Business Centre for PX/QX with 28 units totalling 9,558 sq. ft. (887m²). The overall development cost is £2,774,000 (incl fees & exc. VAT) and the assumed rent is £12.08 psf (inclusive).

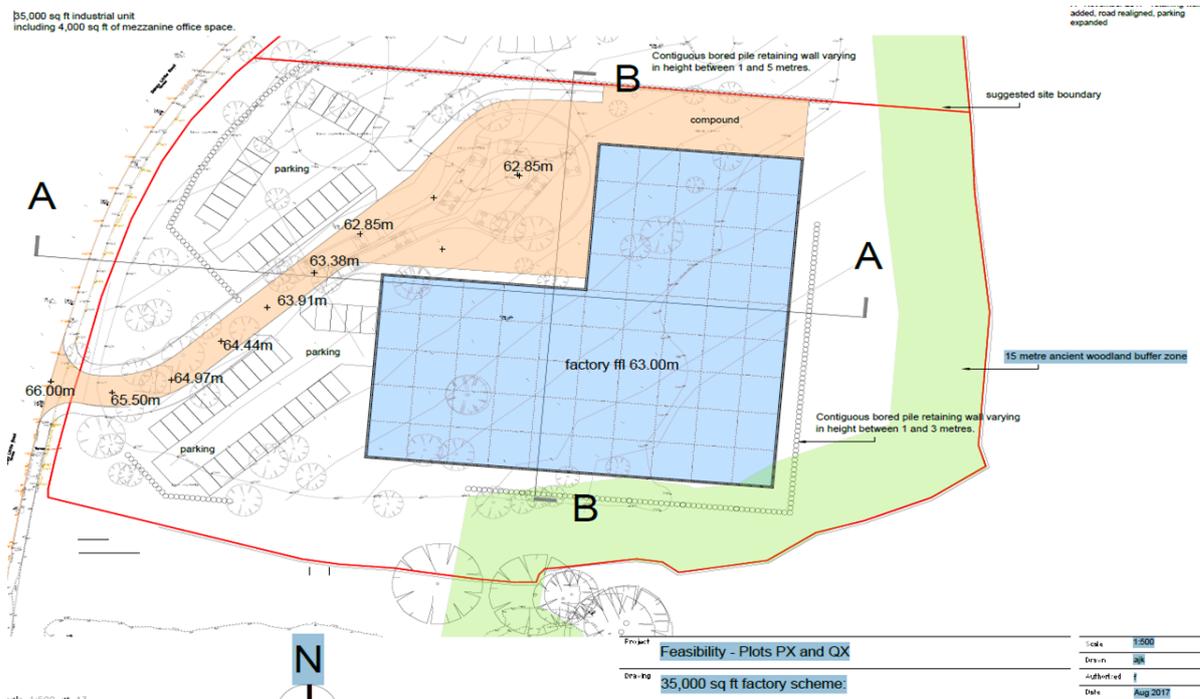


- Once developed, the business units would be run on a similar model to the Council's existing successful Castleham units at Stirling Road i.e. easy in easy out. It is predicted that some 74 jobs would be created by the development in the first five years.
- An external funding bid for £500,000 has been made by the Regeneration team to the Local Growth Fund and would contribute towards the achievement of South East Local Enterprise Partnerships's (SELEP) Strategic Economic Plan. The outcome of the funding application is expected on or around the 8 March 2019.
- A further bid of £250,000 has been made by the Regeneration team for CHART – CLLD funding. The outcome of the funding bid remains unknown at the time of writing but a decision is expected in spring 2019.

10. There is a very short window to achieve the development, with a project opening date of February 2021. The project should be able to proceed (financially viable) if only the LGF grant of £500,000 is approved.
11. The funding of the development costs by the Council would be by grant and by borrowing. If just one grant application is successful (in full) there would be upfront revenue costs incurred when borrowing in the period 2019/20 to 2020/21, before income is received. The revenue cost is estimated to peak at some £87,000 in year 2. Over the first 5 years as the build progresses and occupancy increase the Council total cost of carry is estimated at around £250,000 (based upon one successful grant application). This could be partially offset by business rate retention and any future energy generation schemes should the second grant application be successful.
12. A tender exercise has been conducted for lead architects and is ready to be let as and when grant funding is known.

Site 2 (35,000 Sq ft Factory unit)

13. The overall development cost is £4.54m (inc. fees & exc. VAT) for a 35,000 sq. ft. factory and the assumed rent is £5 sq.ft, rising by 5% after year 3.



14. The projected income at £5 sq.ft amounts to £175,000 p.a.. The borrowing costs for an annuity loan over this period amount to £187,520 p.a. (assuming an interest rate of 2.75% p.a. This results in an ongoing deficit of some £12,500 p.a. plus the financing costs of the build (before occupation). The interest rate is likely to be significantly higher by completion stage and there is also the build period and fit out period to finance before any income is received.

The deficit could be reduced by :-

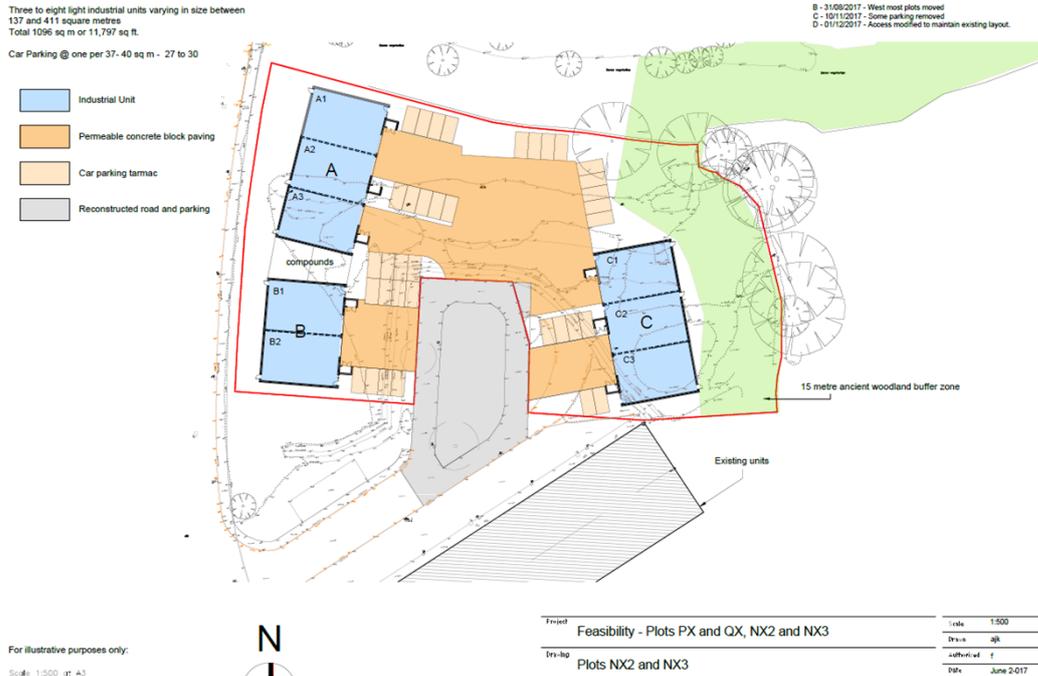
(1) incorporating solar panels and selling the electricity to the tenant (at a mutually beneficial price). This would add an estimated £30k to the Capital cost, but could reduce the annual deficit by some £4,000 per annum. As an alternative the tenant could receive the benefit of the electricity in return for an increase in the rent – a simple option. Plus,

(2) Negotiating an increased rental at the outset, some £6.50 sq ft but fixing this for say a period of 5 years, with a minimum initial lease period of 10 years.

15. Discussions have taken place with a business who may be interested in pursuing this option. The Council would in all probability not look to build this size of unit if there was not a party willing and able to take on the lease. In any event the Council would wish to design the unit to be capable of being re-sized with as minimal cost as possible i.e. being capable of being sub- divided into say 3 smaller units.
16. It is recommended that external funding will be sought where opportunities arise.

Site 3 – Three to Eight Industrial Units

17. This is the proposed scheme for NX2 & 3 comprising light industrial units varying in size with a total area of 1,096 sq. m. or 11,797 sq. ft.
18. The overall estimated development cost is £2.5m (incl. fees & exc. VAT) and the assumed rent is £5.00 sq.ft.



19. The cost of borrowing exceeds the rental income by some £44,000 p.a. – assuming rental income of £5 sq ft. To make this viable the rental would need to be in the region of £9 sq.ft, or an additional £1m of public subsidy/grant be obtained.
20. This size of the proposed units appears to be the most in demand.
21. It is again recommended that external funding will be sought where opportunities arise.

Financial Implications

22. These are outlined in the respective sections of the report and the funding bid.
23. The Council's existing borrowing limits as determined by full Council would be sufficient if Cabinet agrees to include the scheme within its Capital programme. However this would leave reduced headroom for new Capital schemes that would need to be financed from borrowing without agreement of full Council and amendment to the borrowing limits, prudential indicators and Capital Strategy.

Conclusion

24. The acquisition of this land and subsequent development provides future job opportunities and economic development and could provide the Council with an additional long term income stream. Funding bids have been submitted and further opportunities will be explored.

25. There remains a risk that there is an economic downturn and that development costs are excessive. There is also a risk that the development of sites within Bexhill depresses the rental stream – at least in the near future.
26. With base rates at a historical low there is a window of opportunity to develop such sites.

Wards Affected

Hollington.

Policy Implications

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

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

Additional Information

Part 2 report

Officer to Contact

pgrace@hastings.gov.uk
01424 451503

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Agenda Item 12

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
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