

# Cabinet Agenda

**Monday, 3 February 2020 at 6.00 pm**

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

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# Agenda Item 3 Public Document Pack

## CABINET

6 JANUARY 2020

Present: Councillors Chowney (Chair), Forward (Vice Chair), Batsford, S Beaney, Evans, Fitzgerald, Rogers, Lee and Patmore

### **224. APOLOGIES FOR ABSENCE**

None

### **225. DECLARATION OF INTERESTS**

None

### **226. MINUTES OF LAST MEETING**

**RESOLVED – that the minutes of the cabinet meeting held on 18<sup>th</sup> December 2019 be approved as a true record.**

**RESOLVED the chair called over the items on the agenda, all items were discussed at the meeting.**

### **227. BOHEMIA LEISURE AND CULTURAL FACILITIES STUDY**

The Director of Operational Services presented a report that updated Cabinet on the Bohemia leisure and cultural facilities options appraisal study. The report makes recommendations for the next steps in the scheme.

The study had been undertaken led by consultants Continuum. They have done a considerable amount of work and have held regular meetings with the relevant officers and lead councillors. They have consulted with a number of stakeholders including leisure and cultural sectors locally, and sport's national governing bodies, operators and local authority neighbours.

The next step is to commission detailed site and topographical surveys of the land. This would be before detailed site and building design works would commence. This would help to de-risk the project before more substantial sums are invested in detailed design work, and will make any development a more attractive proposition for investors/partners.

Councillors discussed the benefits that this would bring to the town's residents. Residents were looking forward to this development and there was a real need for access to high quality activities to improve wellbeing and health within the town. The current leisure facilities are no longer fit for purpose based on the town's needs. Repairing the facilities would actually cost more in the long term.

Councillors were pleased with the proposals but some felt that it was the wrong time to be spending the money given the Councils current financial position.

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Councillors spoke about a council that had completed a similar project which produced significant measurable positive effects for these residents including savings for other public bodies such as health services. They believe that this could negate the effects of deprivation within the town.

The proposed works aim to offset the costs. Councillors felt that spending the money for survey work was a good investment in a project that would benefit residents.

Councillor Forward proposed approval of the recommendations of the report, seconded by Councillor Batsford.

### **RESOLVED (7 for, 2 against)**

**1. To agree in principle to provide a new leisure centre and leisure water, and primary entertainment centre on the Bohemia site, significantly improving on the town's current leisure and cultural offer, with provision for adding an arts centre if capital and revenue funding can be obtained**

**2. £100 000 be set aside to commission detailed site and topographical surveys of the land, to inform and de-risk the next stage of the work; £35 000 to come from existing budgets, £65 000 to be a 'growth item' funded from general reserves**

**3. A report be brought back to cabinet in autumn 2020 reporting on the outcome of the site surveys, recommending a location for the new leisure and entertainment centre, with provision for an arts centre, which would also take into account the potential value of investing in housing elsewhere on the site. This would consider alternative models for financing the work, and include a funding/partnership/investment strategy.**

### Reasons for Recommendation

To ensure that the project can be taken forward in a sensible, cost-effective way.

### **228. TREASURY MANAGEMENT - MID-YEAR REPORT 2019-20**

The Assistant Director Financial Services & Revenues (Chief Finance Officer) presented a report that advises Cabinet of the Treasury Management activities and performance during the current year. It provides the opportunity to review the Treasury Management Strategy and make appropriate recommendations to Council to take account of any issues or concerns that have arisen since approving it in February 2019.

The Assistant Director Financial Services & Revenues discussed how the Council has had good returns on the investments it has made. These have been spread to minimise risk which is standard practice. The Council has borrowed significant amount from the Public Loans Works Board (PWLB) usually for investments in commercial property. The Council are still able to borrow more but there is a limited maximum amount. Councillors will need to consider this when looking at future borrowing.

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Councillors discussed how positive investments had been. They recognised that the Council was borrowing more but wanted the recognition that this is a result of needing to replace lost government funding. The investments had worked for the Council and the income from this has helped to reduce the Council's deficit.

Commercial property that was brought several decades ago was now helping the Council's finances and it is hoped that the more recent purchases and investments would have the same effect for the future.

The Assistant Director Financial Services & Revenues added a further recommendation to the report as;

*'Cabinet recommends that the report goes to Council and they agree the Mid-Year report.'*

Councillor Chowney proposed approval of the recommendations of the report and the meeting. This was seconded by Councillor Lee.

### **RESOLVED (Unanimously)**

- 1. Cabinet recommends that the report goes to Council and they agree the Mid-Year report.**

#### Reasons for Recommendations

The Code of Practice on Treasury Management requires, as a minimum, a mid-year review of the Treasury Management Strategy and performance. This is intended to highlight any areas of concern that have arisen since the original strategy was approved (February 2019). It is a requirement of the Code of Practice that the Mid-year review is considered by Cabinet and full Council.

### **229. TOWN DEAL**

The Assistant Director, Regeneration and Culture presented a report that sets out the purpose of the Town Fund, and both the partnership and work arrangements which need to be put in place to access the Town Fund.

The report seeks both the support for the direction of travel and authority to spend up to £173,029 'capacity' funding in delivering a successful town bid. A Town Board would be set up and its membership would include partners from local businesses and the community. A Town Investment Plan would be developed and a project team would oversee the development and implementation of these plans.

Councillors were supportive of securing this funding. They saw this as an opportunity to help draw down from other funds and that it has the potential to fit in with other schemes.

Councillors were disappointed with the short length of time they have to find members for the Town Board. They would ideally like to reach out to parts of the community that don't traditionally engage with the Council such as those from deprived wards. This looks unlikely to happen but Councillors were kind to support more focussed work

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within the community. They hoped that any consultation work would focus on gathering views and engaging people from these communities.

Councillor Chowney proposed approval of the recommendations of the report, seconded by Councillor Rogers.

### **RESOLVED (Unanimously)**

**1. To delegate authority to the Director of Operational Services or his nominee in consultation with the Lead Member for Regeneration and Culture to:**

- **Establish a Town Board and agree its membership with the relevant partners including with local businesses and the community.**
- **To procure services and expertise to develop a Town Investment Plan and agree the Town Deal using the £173,029 awarded by the government to support this initiative.**
- **To establish a project team to oversee the development of the plans and its implementation in conjunction with the County Council and other partners as appropriate.**

### **Reasons for Recommendations**

1. The government recently launched the Towns Fund with the objective of driving the economic regeneration of towns such as Hastings and delivering long term economic and productivity growth. The Towns Fund will provide up to £25 million public investment by central government through the agreement of a Town Deal.
2. There is also the possibility of additional funding which may come from other sources or branches of government and private investment, to support the implementation of a Town Deal. It offers an opportunity for Hastings to address many of the remaining social and economic challenges in the town as a whole.

### **230. BUCKSHOLE RESERVOIR**

The Assistant Director Environment and Place presented a report for cabinet to consider and agree the following:-

- The most appropriate scheme of works to improve the operation of the reservoir in accordance with the relevant statutory requirements.
- The way the project will be managed and delivered, including the appointment of specialist contractors to support the project throughout the design and construction phases.
- The budget for the project.

The Assistant Director Environment and Place discussed the needs for these works and are classed as high risk. There is a statutory requirement to modify the spillway and reduce the water level and the works need to be completed by April 2022.

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Councillors were concerned by the large amounts of money needed for this work. The funding settlement from Government does not include a budget for these works. It was recommended and agreed cross party that the LGA would be contacted to seek similar Local Authorities to write to the Environmental agency for additional funding.

Councillor Fitzgerald proposed approval of the recommendations of the report and the meeting. This was seconded by Councillor Evans.

### **RESOLVED (Unanimously)**

- 1. Cabinet agrees that the 2 options recommended by Stillwater Associates Ltd in the reports attached at appendices 1 and 2 are the most appropriate way for the council to meet the requirements of the Reservoirs Act 1975.**
- 2. Cabinet authorises the Director of Operational Services to work with the East Sussex Procurement Hub, to procure and let a contract to deliver the two options recommended in the reports attached at appendices 1 and 2.**
- 3. Cabinet authorises the Director of Operational Services to contract with Stillwater Associates Ltd to provide the main specialist technical support to the council throughout the project, including that referred to in paragraph 18. As well as contracting with any other specialist contractors that may be required.**
- 4. Cabinet increases the capital programme budget for Buckshole Reservoir from £71,000 to £837,000 and agrees the revenue implications of an additional £62,775 p.a. as detailed in paragraphs 33 to 36.**
- 5. It was agreed cross party that the LGA would be contacted to seek similar Local Authorities to write to the Environmental agency for additional funding.**

### **Reasons for Recommendations**

The works to the reservoir are a mandatory requirement enforced by the Environment Agency, and the council needs to approve a scheme of works to secure compliance with the current statutory guidance.

A specialist approved reservoirs contractor has provided the council with comprehensive reports evaluating the options and recommending those, which they believe, are the most appropriate.

Following discussions between the council's specialist reservoirs inspection contractor and the Environment Agency, the deadline for completing the works is provisionally April 2022.

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(The Chair declared the meeting closed at. 7.26 pm)



# Agenda Item 4



**Report to:** Cabinet

**Date of Meeting:** 3<sup>rd</sup> February 2020

**Report Title:** Local Nature Reserves - Byelaws

**Report By:** Mike Hepworth, Assistant Director, Environment and Place

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## Purpose of Report

To outline the procedure for approval of byelaws for Local Nature Reserves in the Borough of Hastings.

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## Recommendation(s)

- 1. To recommend to Full Council that the following byelaws are made , Filsham Reedbeds Nature Reserve, Marline Valley Nature Reserve, Hastings Country Park Nature Reserve, St Helens Wood Nature Reserve, Church Wood and Robsack Local Nature Reserve, Summerfields Nature Reserve and Old Road Gill Nature Reserve**
- 2. Following Cabinet and Full Council approval to make the byelaws, delegate to the Chief Legal Officer responsibility for following due legal process as outlined by the Department for Environment, Food and Rural Affairs for confirmation of the byelaws for Local Nature Reserves.**

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## Reasons for Recommendations

Local Authorities can create Local Nature Reserve byelaws to help stop people damaging the reserve and harming its wildlife. Adopting byelaws will help the council safeguard the reserves from damage.

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## Introduction

1. Byelaws are a way of safeguarding nature reserves from damage. The proposed byelaws aim to bring all our nature reserves under one set of consistent byelaws together with their current boundaries.
2. There are eight Local Nature Reserves (LNRs) in the borough; Hastings Country Park Nature Reserve, Pondswood Nature Reserve, Churchwood and Robsack Wood Nature Reserve, Summerfields Wood, Marline Valley Nature Reserve, Filsham Reedbeds Nature Reserve, Old Roar Gill and Coronation Wood Nature Reserve and St. Helens Woods Nature Reserve.
3. Seven of the reserves are owned by Hastings Borough Council. St Helens Woods are owned by the St Helens Park Preservation Society.
4. Pondswood was designated a Local Nature Reserve after the public consultation relating to these byelaws proposals were completed and cannot be included in this byelaw process. We will bring Pondswood LNR byelaws proposals forward for approval at a later date after this has been consulted upon.
5. Four Local Nature Reserves currently have byelaws; Filsham Reedbeds which were made by Hastings Borough Council on 25<sup>th</sup> July 1983; Hastings Country Park, made on 28<sup>th</sup> June 1974; Marline Woods, made on 12<sup>th</sup> February 1993 and St Helens Wood on 31<sup>st</sup> March 1994. These will be revoked and replaced by the new draft set of byelaws.

## Creating byelaws for Local Nature Reserves

6. The Department for Environment, Food and Rural Affairs (DEFRA) set out a procedure for the creation of byelaws for Local Nature Reserves. They published a set of model byelaws for authorities to consider when creating their own byelaws. Any deviation from the model byelaws has to be approved by DEFRA.
7. The draft byelaws for our Local Nature Reserves were subject to public consultation from December 2014 until the end of February 2015. We received 8 responses which were points of clarification. There were no objections.
8. Following consultation the council was required to send the draft byelaws to Natural England for comment and then to the Secretary of State for Environment Food and Rural Affairs.
9. It has taken until this year to obtain provisional approval from DEFRA. The delay has been due to significant numbers of staff changes in both Natural England and DEFRA, with each change in staff compounding the delay with further comments and queries.
10. The council, through the Chief Legal Officer, lodged an official complaint in 2019 to DEFRA over the unacceptable delay.

## Equalities and Community Cohesiveness

11. The byelaws were subject to full public consultation. All feedback received was considered in drafting the final set of byelaws.

## Crime and Fear of Crime

12. The implementation of byelaws is intended to reduce anti-social behaviour and protect wildlife.

## Environmental Issues

13. Byelaws for nature reserves are intended to reduce activities that could harm habitats and wildlife in our protected nature areas of the borough.

## Local People's Views

14. The byelaws were subject to full public consultation. All feedback received was considered in drafting the final set of byelaws. No objections were received. The proposed Byelaws will be subject to a further period of consultation where representations can be made to the Secretary of State for Environment Food and Rural Affairs prior to adoption.

## Procedure for adoption

15. The draft byelaws are presented to Cabinet for their endorsement. Following Cabinet's endorsement they will be presented to Full Council for approval to be made.

16. Subject to approval by Full Council the council will;

- a. Make the byelaws on 13<sup>th</sup> February 2020 and seal and sign;
- b. Advertise in the local press the fact that the bye laws have been made, giving members of the public one month within which they can comment to the Secretary of State;
- c. Consider and respond to any comments from the public passed on from DEFRA;
- d. Apply to the Secretary of State for Environment and Rural Affairs for confirmation of the byelaws by sending 2 sealed and signed copies of each byelaw.

## Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
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Byelaws made	Approvals by Full Council	12 <sup>th</sup> February 2020	Full Council
Publish Public Notice in local press	One month period on deposit at TIC	14 <sup>th</sup> February – 14 <sup>th</sup> March 2020	Chief Legal Officer
Send byelaws to DEFRA	Confirmation and effective date by DEFRA	April 2020	Chief Legal Officer and DEFRA

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### Wards Affected

All

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### Implications

Relevant project tools applied? Not applicable

Have you checked this report for plain English and readability? Yes

Climate change implications considered? No implications

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

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

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### Additional Information

Proposed byelaws for each of the Local Nature Reserves

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### Officer to Contact

Officer Name Murray Davidson  
Officer Email Address mdavidson@hastings.gov.uk  
Officer Telephone Number 01424 451107



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## **Byelaws**

### **Churchwood and Robsack Wood Nature Reserve**

## **Hastings Borough Council – Nature Reserves**

Hastings Borough Council in exercise of the powers conferred upon them by Sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserve at Churchwood and Robsack Wood in the County of East Sussex:

### **1. In these byelaws**

- a. “The Reserve” shall mean the pieces or parcels of land containing in the whole 29.32 hectares or thereabouts and in the County of East Sussex. Declared to be managed as a Nature Reserve by declarations dated the 23 day of April 2004 made by the Hastings Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
- b. “The Council” shall mean Hastings Borough Council.
- c. “Firearm” shall have the same meaning as in Section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4 , or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

### **Damage to or disturbance of things in the Reserve**

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.
- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.



**Foot notes:**

1. Amended by Natural Environment and Rural Communities (NERC) Act 2006. Telecommunications Act 1984, Water Act 1989 and Communications Act 2003.
2. Amended by the (NERC) Act 2006
3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)

### **Bringing Animals into the Reserve**

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into, or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze.
- (viii) exercising/flying any bird of prey.
- (ix) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.

**Footnote:**

The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 is in effect at Churchwood & Robsack Nature Reserve. This order details offences in relation to dogs.

### **Areas of water**

- (x) committing any act which pollutes or is likely to cause pollution of any water.
- (xi) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**

- (xii) driving, riding, propelling or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.
- (xiii) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.

### **Use of certain Equipment**

- (xiv) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- (xv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

#### **Use of firearms etc.**

- (xvi) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.
- (xvii) projecting any missile manually or by artificial means.

#### **General Prohibitions**

- (xviii) erecting, occupying or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xix) flying any model aircraft.
- (xx) erecting any post, rail, fence, pole, booth, stand, building or other structure.
  - a. neglecting to shut any gate or to fasten it if any means of doing so are provided.
- (xxi) posting or placing any notice or advertisement.
- (xxii) selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.
  - a. engaging in any activity which is causing or likely to cause a disturbance.
  - b. holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.
- (xxiii) cycling, roller skating or skate boarding.
- (xxiv) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.

(xxv) letting fall, or throwing any lighted match or lighted substance in a manner likely to cause a fire.

(xxvi) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

**3. Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

**4. Permits**

(i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

(ii) any such permit shall be issued subject to the following conditions:

(a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and

(b) that it may be revoked by the Council at any time.

**5. Byelaws**

These byelaws shall not operate so as to interfere with the exercise:

(i) by a person of

(a) a right vested in him/her as owner, lessee or occupier of land in the reserve,

(b) any easement or profit a prendre to which he is entitled,

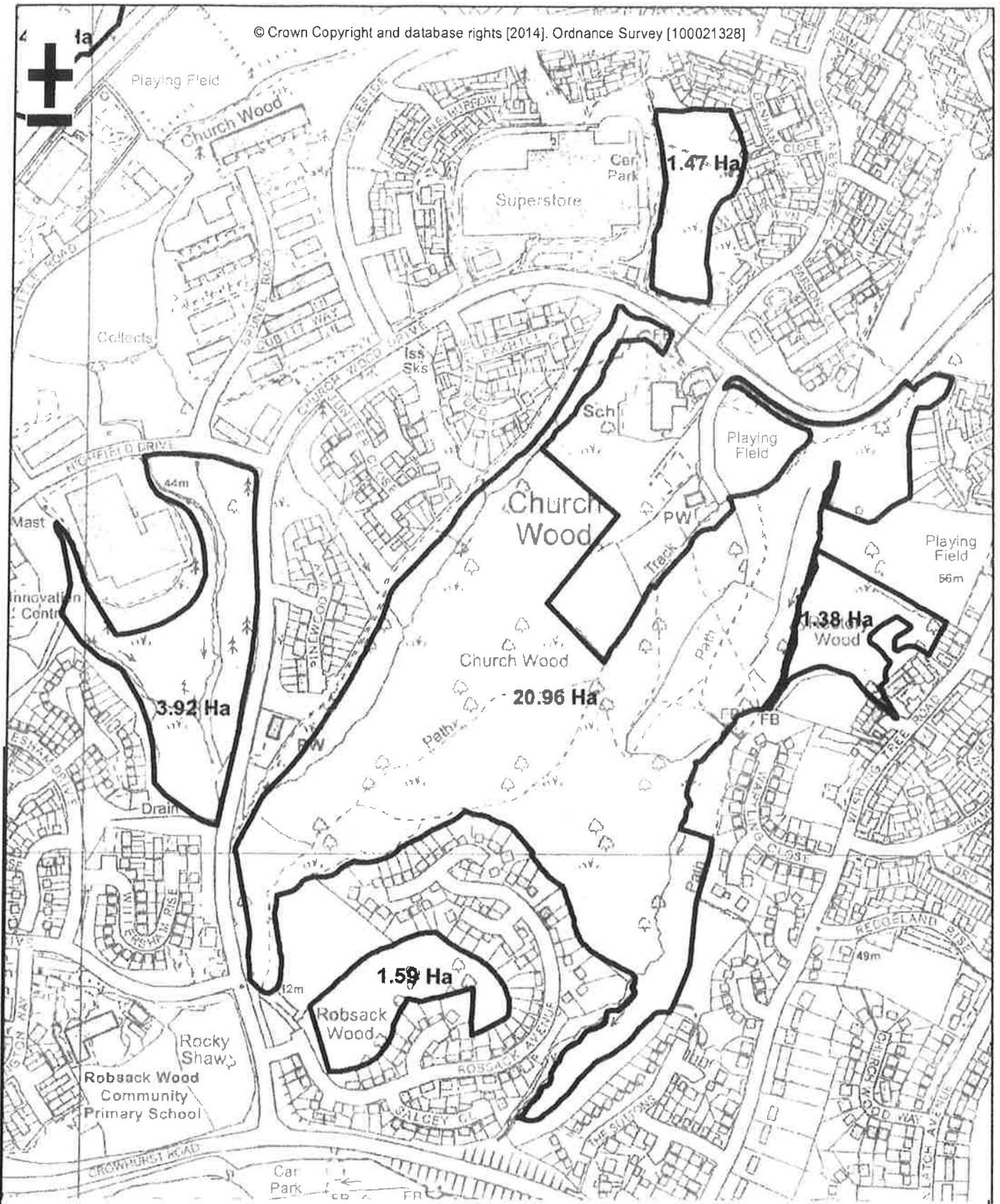
(b) any public right of way.

(ii) of any functions of a local authority, statutory undertaker or drainage authority

(iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

6. **Penalty**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.



**Churchwood & Robsack Wood Local Nature Reserve**

**41** MAP NR1

**Date: Jul 2014**

Terms and Conditions of Use of Ordnance Survey Material i) You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available; ii) You are not permitted to copy, sub-license, distribute, sell or otherwise make available any Data to third parties in any form; and iii) Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

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**Borough Council**

## **Byelaws**

### **Filsham Reed Beds Nature Reserve**

## **Hastings Borough Council – Nature Reserves**

Hastings Borough Council in exercise of the powers conferred upon them by Sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserve at Filsham Reed Beds in the County of East Sussex:

1. **In these byelaws**
  - a. “The Reserve” shall mean the pieces or parcels of land containing in the whole 18.8 hectares or thereabouts and in the County of East Sussex. Declared to be managed as a Nature Reserve by the declaration dated the 20 day of July 1983 made by the Hastings Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
  - b. “The Council” shall mean Hastings Borough Council.
  - c. “Firearm” shall have the same meaning as in Section 57 of the Firearms Act 1968.
2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4, or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

### **Damage to or disturbance of things in the Reserve**

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.
- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

**Foot notes:**

1. Amended by Natural Environment and Rural Communities (NERC) Act 2006, Telecommunications Act 1984, Water Act 1989 and Communications Act 2003.
2. Amended by the (NERC) Act 2006
3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)

### **Bringing Animals into the Reserve**

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into, or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze.
- (viii) exercising/flying any bird of prey.
- (ix) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.

**Footnote:**

The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 is in effect at Filsham Reed Beds Nature Reserve. This order details offences in relation to dogs.

### **Areas of water**

- (x) committing any act which pollutes or is likely to cause pollution of any water.
- (xi) bathing or wading in any water in contravention of a notice exhibited beside that water by order of the Council.
- (xii) sailing model boats.
- (xiii) propelling (by any means whatever) any boat on an area or stretch of water other than a public waterway in contravention of a notice exhibited beside that water by the Council.
- (xiv) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**



- (xv) driving, riding, propelling or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.
- (xvi) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.

### **Use of certain Equipment**

- (xvii) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- (xviii) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

### **Use of firearms etc.**

- (xix) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.
- (xx) projecting any missile manually or by artificial means.

### **General Prohibitions**

- (xxi) erecting, occupying or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xxii) flying any model aircraft.
- (xxiii) erecting any post, rail, fence, pole, booth, stand, building or other structure.
- (xxiv) neglecting to shut any gate or to fasten it if any means of doing so are provided.
- (xxv) posting or placing any notice or advertisement.
- (xxvi) engaging in any activity which is causing or likely to cause a disturbance
- (xxvii) cycling, roller skating or skate boarding.

(xxviii) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.

(xxix) letting fall, or throwing any lighted match or lighted substance in a manner likely to cause a fire.

(xxx) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

### **3. Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

### **4. Permits**

(i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

(ii) any such permit shall be issued subject to the following conditions:

(a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and

(b) that it may be revoked by the Council at any time.

### **5. Byelaws**

These byelaws shall not operate so as to interfere with the exercise:

(i) by a person of

(a) a right vested in him/her as owner, lessee or occupier of land in the reserve,

(b) any easement or profit a prendre to which he is entitled,

(c) any public right of way.

(ii) of any functions of a local authority, statutory undertaker or drainage authority.

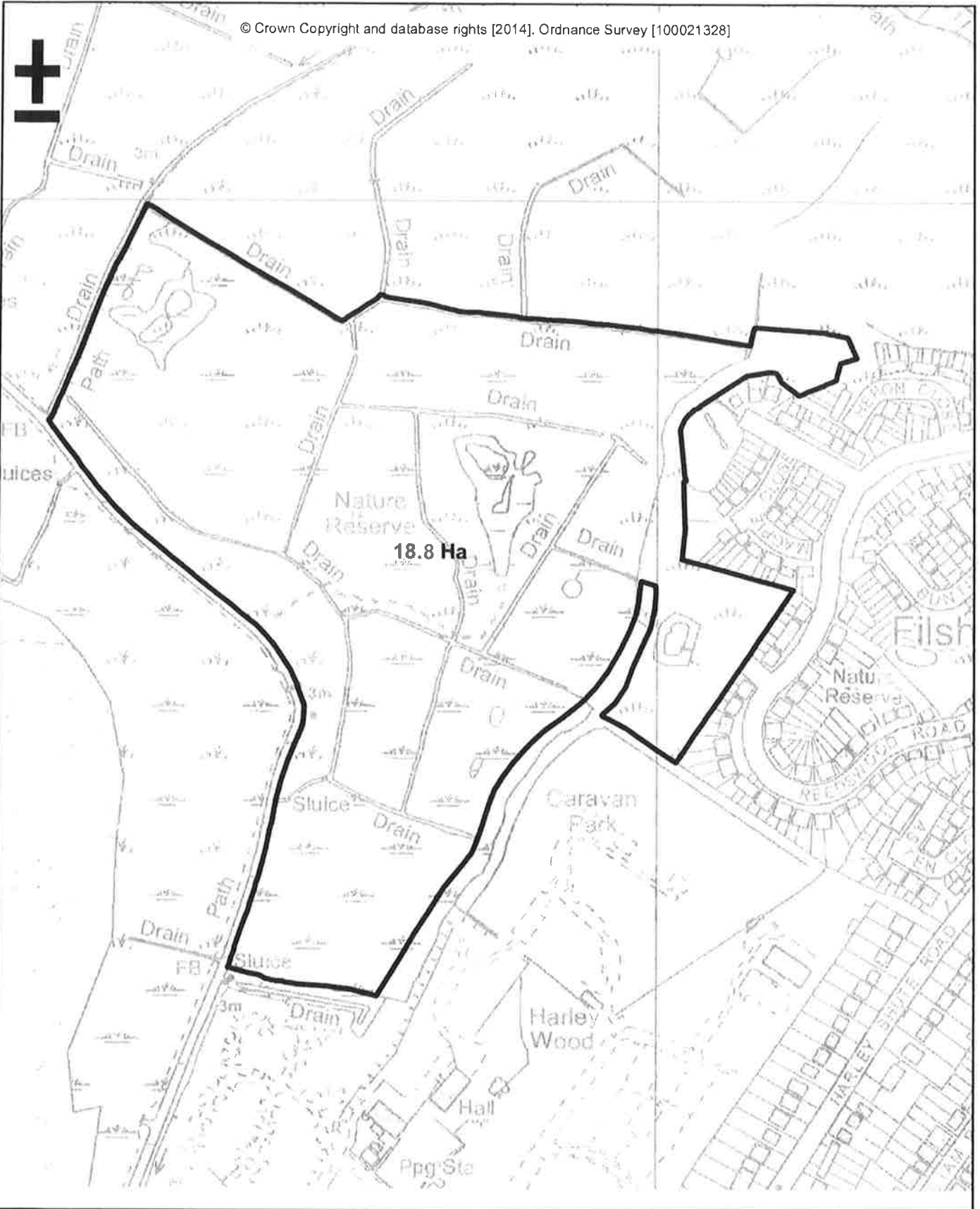
- (iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

**6. Penalty**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

**7. Revocation**

The byelaws relating to Filsham Nature Reserve which were made by the Hastings Borough Council on the 25 July 1983 and confirmed by the Secretary of State on 12 September 1983 are hereby revoked.



**Filsham Reed Beds Local Nature Reserve**

**MAP NR2**

**Date: Jul 2014**

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**Scale: 1:4,000**



# **Byelaws**

## **Hastings Country Park Nature Reserve**

## **Hastings Borough Council – Nature Reserves**

Hastings Borough Council in exercise of the powers conferred upon them by Sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserves at Hastings Country Park in the County of East Sussex:

### **1. In these byelaws**

- a. “The Reserve” shall mean the pieces or parcels of land containing in the whole 342.68 hectares or thereabouts and in the County of East Sussex. Declared to be managed as a Nature Reserve by the declaration dated the 19 day of May 2006 made by the Hastings Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
- b. “The Council” shall mean Hastings Borough Council.
- c. “Firearm” shall have the same meaning as in Section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4, or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

### **Restriction of Access**

- (i) In relation to Hastings Country Park  
Entering at any time those parts of the reserve edged grey on the attached map unless using a public right of way or unless conspicuous signage indicates a permission footpath or definitive public right of way.

### **Damage to or disturbance of things in the Reserve**

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.

- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

**Foot notes:**

1. Amended by Natural Environment and Rural Communities (NERC) Act 2006, Telecommunications Act 1984, Water Act 1989 and Communications Act 2003.
2. Amended by the (NERC) Act 2006
3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)

### **Bringing Animals into the Reserve**

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into, or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze.
- (viii) exercising/flying any bird of prey.
- (ix) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.

**Footnote:**

The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 is in effect at Hastings Country Park Nature Reserve This order details offences in relation to dogs.

### **Areas of water**

- (x) committing any act which pollutes or is likely to cause pollution of any water.
- (xi) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**

- (xii) driving, riding, propelling or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.

- (xiii) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.
- (xiv) no person shall except in case of emergency or with the consent of the Council take off or land on the ground in an aircraft or hang glider.

#### **Use of certain Equipment**

- (xv) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- (xvi) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

#### **Use of firearms etc.**

- (xvii) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.
- (xviii) projecting any missile manually or by artificial means.

#### **General Prohibitions**

- (xix) erecting, occupying or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xx) flying any model aircraft.
- (xxi) erecting any post, rail, fence, pole, booth, stand, building or other structure.
  - a. neglecting to shut any gate or to fasten it if any means of doing so are provided.
  - b. climbing any locked gate or fence or accessing any clearly signed fenced/gated restricted area.
- (xxii) posting or placing any notice or advertisement.



- (xxiii) selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.
  - a. engaging in any activity which is causing or likely to cause a disturbance.
  - b. holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.
- (xxiv) Cycling other than on designated routes
- (xxv) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.
- (xxvi) letting fall, or throwing any lighted match or lighted substance in a manner likely to cause a fire.
- (xxvii) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

### 3. **Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

### 4. **Permits**

- (i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.
- (ii) any such permit shall be issued subject to the following conditions:
  - (a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and
  - (b) that it may be revoked by the Council at any time.

### 5. **Byelaws**

These byelaws shall not operate so as to interfere with the exercise:

- (i) by a person of

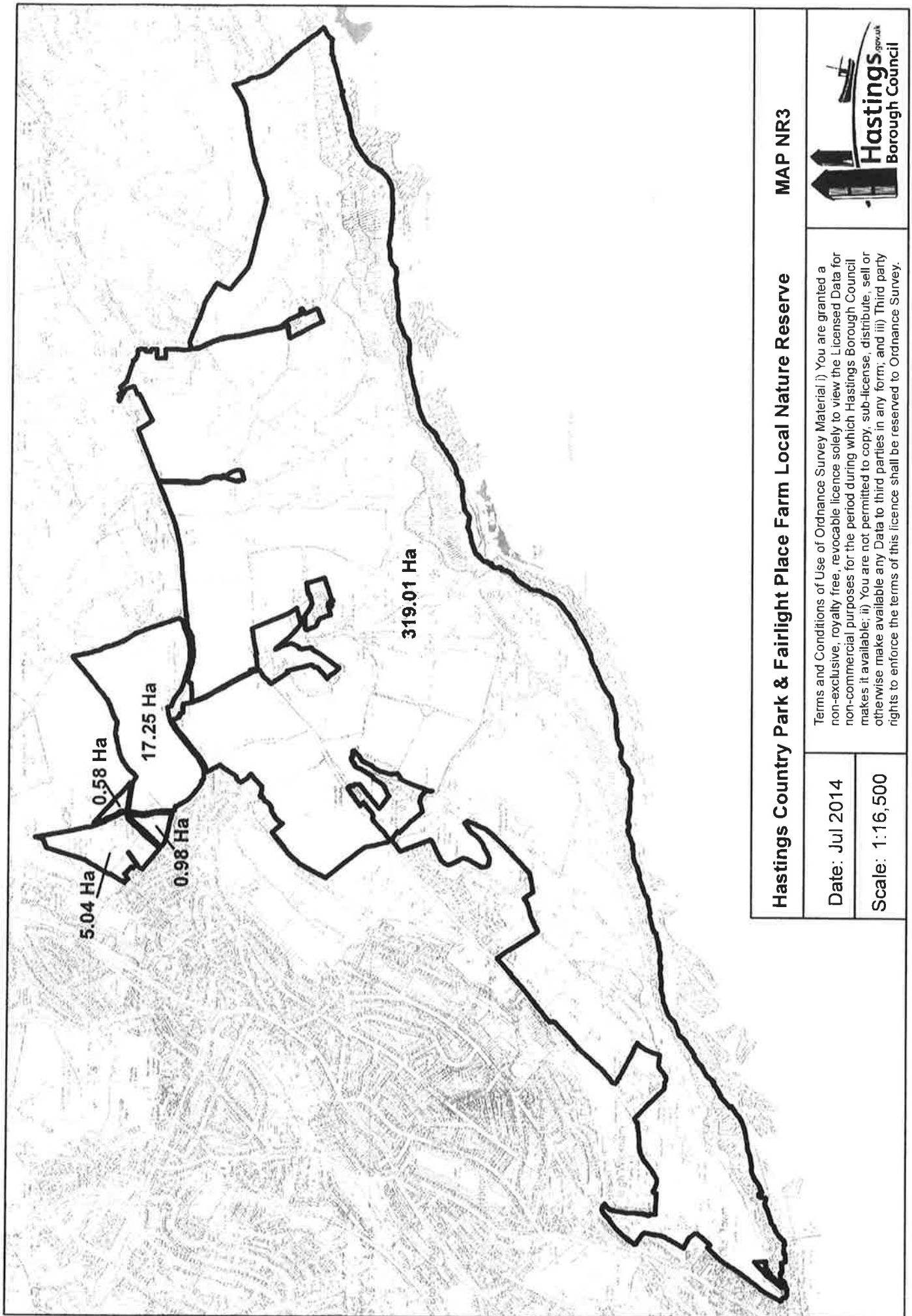
- (a) a right vested in him/her as owner, lessee or occupier of land in the reserve,
  - (b) any easement or profit a prendre to which he is entitled,
  - (c) any public right of way.
- (ii) of any functions of a local authority, statutory undertaker or drainage authority.
  - (iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

**6. Penalty**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

**7. Revocation**

The byelaws relating to Hastings Country Park which were made under S41 of the Countryside Act 1968 on 28 June 1974 and confirmed by the Secretary of State on 4 December 1974 are hereby revoked.



**Hastings Country Park & Fairlight Place Farm Local Nature Reserve**

**MAP NR3**

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**Date: Jul 2014**

**Scale: 1:16,500**



# **Byelaws**

## **Marline Valley Nature Reserve**

## **Hastings Borough Council – Nature Reserves**

Hastings Borough Council in exercise of the powers conferred upon them by Sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserves at Marline Valley in the County of East Sussex:

1. **In these byelaws**
  - a. “The Reserve” shall mean the pieces or parcels of land containing in the whole 42.2 hectares or thereabouts and in the County of East Sussex. Declared to be managed as Nature Reserve by the declaration dated the 4 day of May 1989 made by the Hastings Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
  - b. “The Council” shall mean Hastings Borough Council.
  - c. “Firearm” shall have the same meaning as in Section 57 of the Firearms Act 1968.
2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4, or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

### **Damage to or disturbance of things in the Reserve**

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.
- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

**Foot notes:**

1. Amended by Natural Environment and Rural Communities (NERC) Act 2006. Telecommunications Act 1984, Water Act 1989 and Communications Act 2003.
2. Amended by the (NERC) Act 2006
3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)

### **Bringing Animals into the Reserve**

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into, or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze.
- (viii) exercising/flying any bird of prey.
- (ix) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.

**Footnote:**

The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 is in effect at Marline Valley Nature Reserve. This order details offences in relation to dogs.

### **Areas of water**

- (x) committing any act which pollutes or is likely to cause pollution of any water.
- (xi) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**

- (xii) driving, riding, propelling or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.
- (xiii) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.

### **Use of certain Equipment**

- (xiv) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by

electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.

- (xv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

#### **Use of firearms etc.**

- (xvi) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.
- (xvii) projecting any missile manually or by artificial means.

#### **General Prohibitions**

- (xviii) erecting, occupying or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xix) flying any model aircraft.
- (xx) erecting any post, rail, fence, pole, booth, stand, building or other structure.
  - a. neglecting to shut any gate or to fasten it if any means of doing so are provided.
- (xxi) posting or placing any notice or advertisement.
- (xxii) selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.
  - a. engaging in any activity which is causing or likely to cause a disturbance.
  - b. holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.
- (xxiii) cycling, roller skating or skate boarding.
- (xxiv) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.

(xxv) letting fall, or throwing any lighted match or lighted substance in a manner likely to cause a fire.

(xxvi) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

### 3. **Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

### 4. **Permits**

(i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

(ii) any such permit shall be issued subject to the following conditions:

(a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and

(b) that it may be revoked by the Council at any time.

### 5. **Byelaws**

These byelaws shall not operate so as to interfere with the exercise:

(i) by a person of

(a) a right vested in him/her as owner, lessee or occupier of land in the reserve,

(b) any easement or profit a prendre to which he is entitled,

(c) any public right of way.

(ii) of any functions of a local authority, statutory undertaker or drainage authority.

(iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

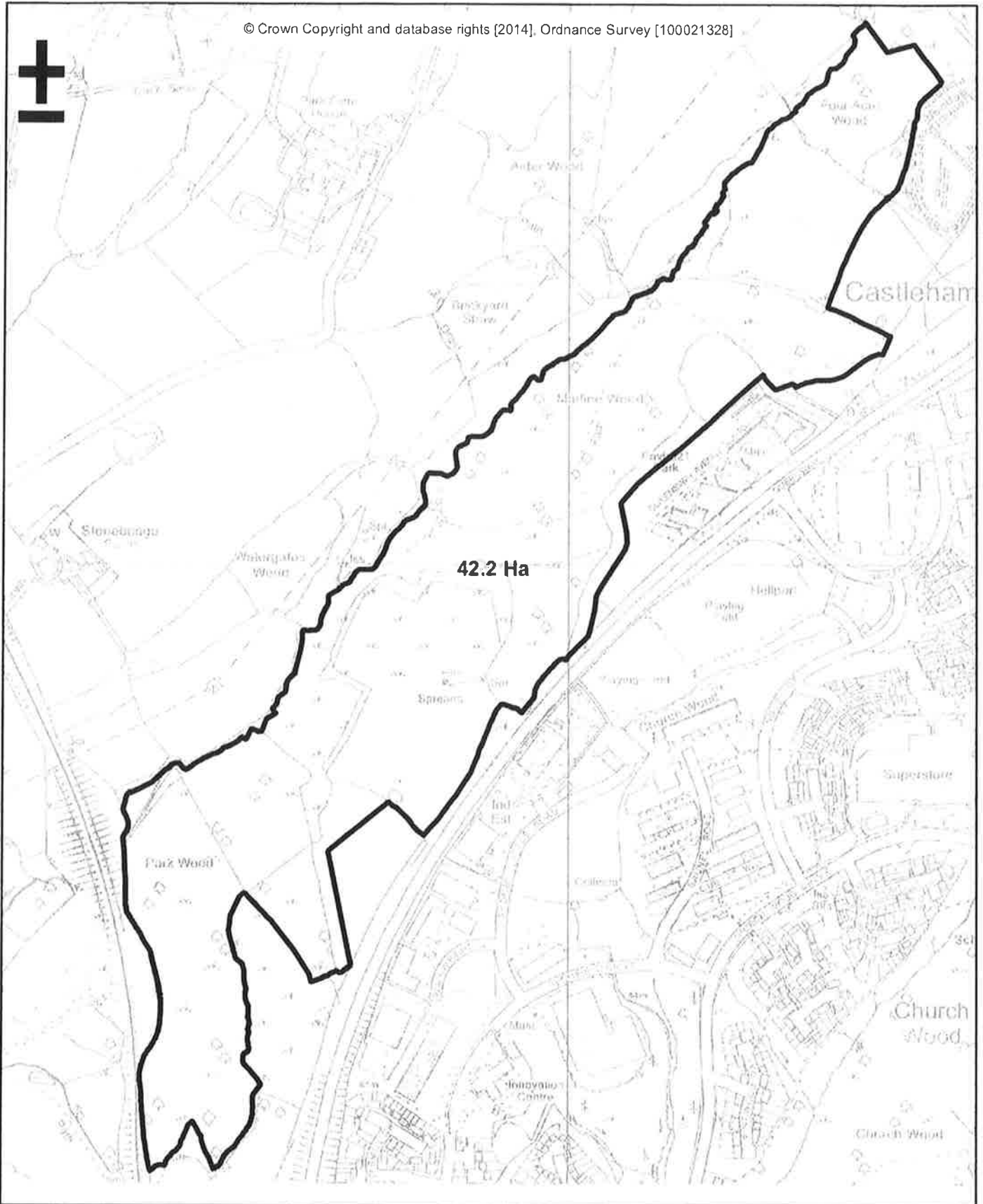
### 6. **Penalty**



Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

**7. Revocation**

The byelaws relating to Marline Valley which were made on 20 November 1992 and confirmed by the Secretary of State on 12 February 1993 are hereby revoked.



**Marline Valley Local Nature Reserve**

**MAP NR4**

**Date:** Jul 2014

**Scale:** 1:7,000

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# Byelaws

## Old Roar Gill Nature Reserve

## **Hastings Borough Council – Nature Reserves**

Hastings Borough Council in exercise of the powers conferred upon them by Sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserve at Old Roar Gill in the County of East Sussex:

### **1. In these byelaws**

- a. “The Reserve” shall mean the pieces or parcels of land containing in the whole 7.6 hectares or thereabouts and in the County of East Sussex. Declared to be managed as a Nature Reserve by declarations dated the 22 day of November 2002 made by the Hastings Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
- b. “The Council” shall mean Hastings Borough Council.
- c. “Firearm” shall have the same meaning as in Section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4, or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

### **Damage to or disturbance of things in the Reserve**

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.
- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

**Foot notes:**

1. Amended by Natural Environment and Rural Communities (NERC) Act 2006. Telecommunications Act 1984, Water Act 1989 and Communications Act 2003.
2. Amended by the (NERC) Act 2006
3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)

### **Bringing Animals into the Reserve**

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into, or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze.
- (viii) exercising/flying any bird of prey.
- (ix) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.

**Footnote:**

The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 is in effect at Old Roar Gill Nature Reserve. This order details offences in relation to dogs.

### **Areas of water**

- (x) committing any act which pollutes or is likely to cause pollution of any water.
- (xi) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**

- (xii) driving, riding, propelling or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.
- (xiii) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.

### **Use of certain Equipment**

- (xiv) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- (xv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

**Use of firearms etc.**

- (xvi) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.
- (xvii) projecting any missile manually or by artificial means.

**General Prohibitions**

- (xviii) erecting, occupying or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xix) flying any model aircraft.
- (xx) erecting any post, rail, fence, pole, booth, stand, building or other structure.
  - a. neglecting to shut any gate or to fasten it if any means of doing so are provided.
- (xxi) posting or placing any notice or advertisement.
- (xxii) selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.
  - a. engaging in any activity which is causing or likely to cause a disturbance.
  - b. holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.
- (xxiii) cycling, roller skating or skate boarding.
- (xxiv) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.

- (xxv) letting fall, or throwing any lighted match or lighted substance in a manner likely to cause a fire.
- (xxvi) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

### 3. **Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

### 4. **Permits**

- (i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.
- (ii) any such permit shall be issued subject to the following conditions:
  - (a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and
  - (b) that it may be revoked by the Council at any time.

### 5. **Byelaws**

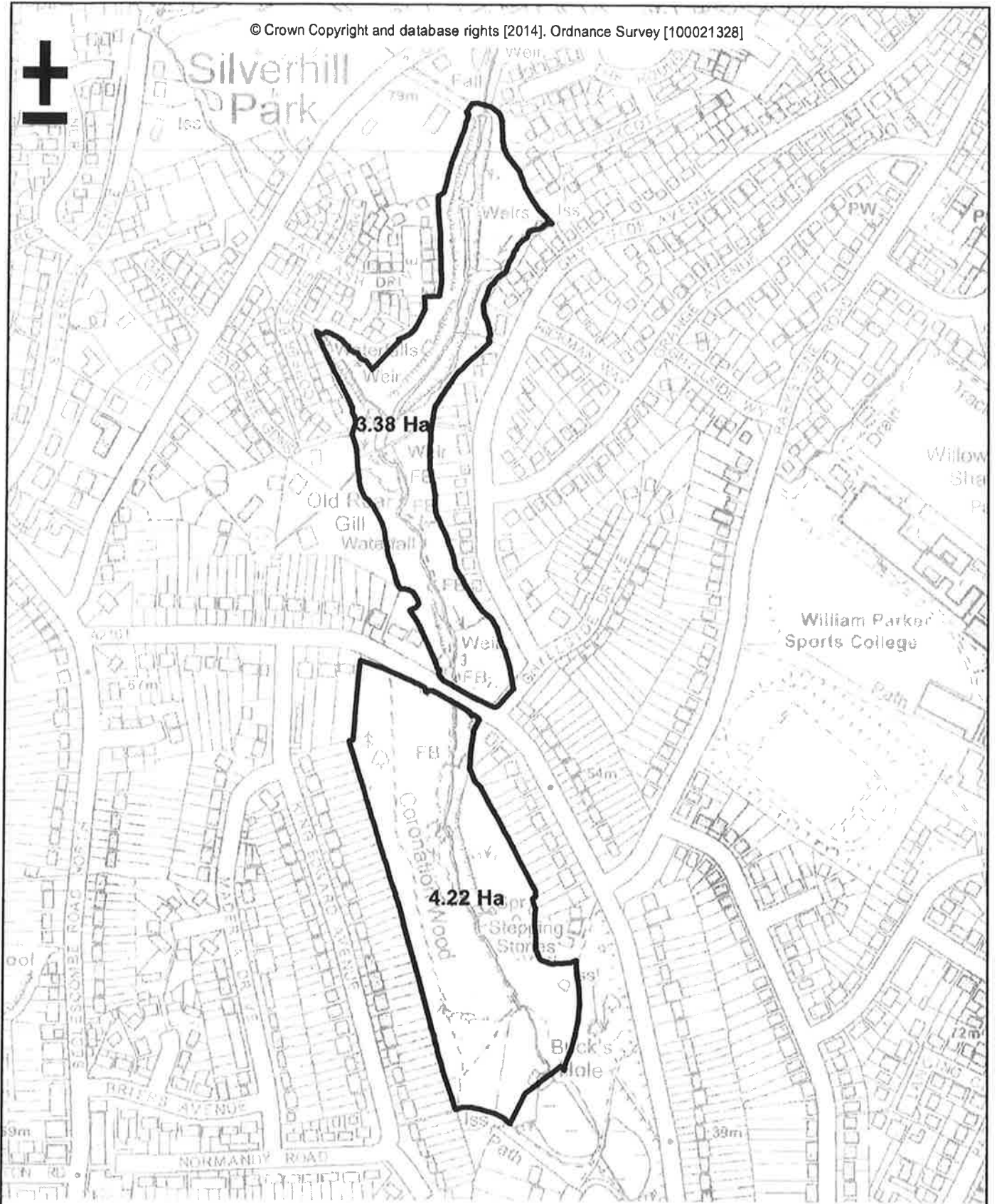
These byelaws shall not operate so as to interfere with the exercise:

- (i) by a person of
  - (a) a right vested in him/her as owner, lessee or occupier of land in the reserve,
  - (b) any easement or profit a prendre to which he is entitled,
  - (c) any public right of way.
- (ii) of any functions of a local authority, statutory undertaker or drainage authority.
- (iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.
- (iv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve

**6. Penalty**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.





**Old Roar Gill Local Nature Reserve**

**MAP NR5**

**Date: Jul 2014**

**Scale: 1:4,500**

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## **Byelaws**

### **St Helens Wood Nature Reserve**

## **Hastings Borough Council – Nature Reserves**

Hastings Borough Council in exercise of the powers conferred upon them by Sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserves at St Helens Wood in the County of East Sussex:

### **1. In these byelaws**

- a. “The Reserve” shall mean the pieces or parcels of land containing in the whole 38.79 hectares or thereabouts and in the County of East Sussex. Declared to be managed as Nature Reserve by the declaration dated the 3<sup>rd</sup> day of August 1999 made by the Hastings Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserves are for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
- b. “The Council” shall mean Hastings Borough Council.
- c. “Firearm” shall have the same meaning as in Section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4, or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

### **Damage to or disturbance of things in the Reserve**

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.
- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

**Foot notes:**

1. Amended by Natural Environment and Rural Communities (NERC) Act 2006. Telecommunications Act 1984, Water Act 1989 and Communications Act 2003.
2. Amended by the (NERC) Act 2006
3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)

### **Bringing Animals into the Reserve**

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into, or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze.
- (viii) exercising/flying any bird of prey.
- (ix) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.

**Footnote:**

The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 is in effect at St Helens Woods Nature Reserve. This order details offences in relation to dogs.

### **Areas of water**

- (x) committing any act which pollutes or is likely to cause pollution of any water.
- (xi) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**

- (xii) driving, riding, propelling or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.
- (xiii) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.

### **Use of certain Equipment**

- (xiv) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- (xv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

#### **Use of firearms etc.**

- (xvi) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.
- (xvii) projecting any missile manually or by artificial means.

#### **General Prohibitions**

- (xviii) erecting, occupying or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xix) flying any model aircraft.
- (xx) erecting any post, rail, fence, pole, booth, stand, building or other structure.
  - a. neglecting to shut any gate or to fasten it if any means of doing so are provided.
  - b. climbing any locked gate or fence or accessing any clearly signed fenced/gated restricted area.
- (xxi) posting or placing any notice or advertisement.
  - selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.
- (xxii) engaging in any activity which is causing or likely to cause a disturbance.
- (xxiii) cycling, roller skating or skate boarding.
- (xxiv) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.

(xxv) letting fall, or throwing any lighted match or lighted substance in a manner likely to cause a fire.

(xxvi) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

**3. Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

**4. Permits**

(i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

(ii) any such permit shall be issued subject to the following conditions:

(a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and

(b) that it may be revoked by the Council at any time.

**5. Byelaws**

These byelaws shall not operate so as to interfere with the exercise:

(i) by a person of

(a) a right vested in him/her as owner, lessee or occupier of land in the Reserve,

(b) any easement or profit a prendre to which he is entitled,

(c) any public right of way.

(ii) of any functions of a local authority, statutory undertaker or drainage authority.

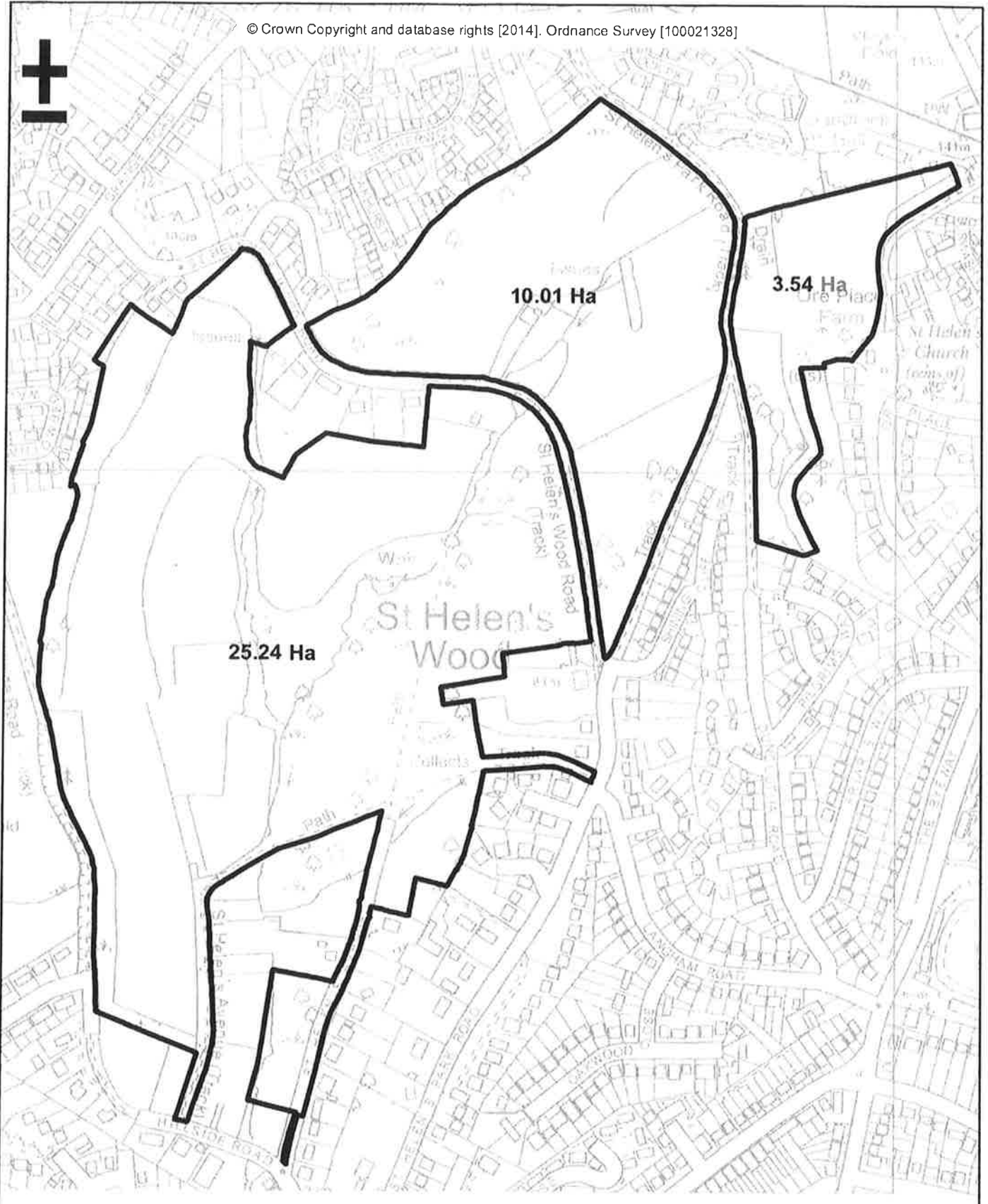
(iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

**6. Penalty**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

**7. Revocation**

The byelaws relating to St Helens Wood which were made on 31 March 1994 and confirmed by the Secretary of State on 15 June 1994 are hereby revoked.



**St Helens Woods Local Nature Reserve**

**MAP NR6**

**Date:** Jul 2014

**Scale:** 1:5,000

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# Byelaws

## Summerfields Nature Reserve

## **Hastings Borough Council – Nature Reserves**

Hastings Borough Council in exercise of the powers conferred upon them by Sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> of the National Parks and Access to the Countryside Act 1949 in accordance with Section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserve at Summerfields in the County of East Sussex:

1. **In these byelaws**
  - a. “The Reserve” shall mean the pieces or parcels of land containing in the whole 6.24 hectares or thereabouts and in the County of East Sussex. Declared to be managed as a Nature Reserve by declarations dated the 23rd day of April 2004 made by the Hastings Borough Council. In pursuance of Section 19 and 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged black.
  - b. “The Council” shall mean Hastings Borough Council.
  - c. “Firearm” shall have the same meaning as in Section 57 of the Firearms Act 1968.
2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 4, or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

### **Damage to or disturbance of things in the Reserve**

- (i) spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
- (ii) taking molesting or intentionally disturbing, injuring or killing any living creature.
- (iii) taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.
- (iv) intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

**Foot notes:**

1. Amended by Natural Environment and Rural Communities (NERC) Act 2006. Telecommunications Act 1984, Water Act 1989 and Communications Act 2003.
2. Amended by the (NERC) Act 2006
3. Amended by the (NERC) Act 2006 and the Environmental Protection Act 1990)

### **Bringing Animals into the Reserve**

- (v) intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- (vi) bringing into, or permitting to remain within the Reserve any animal other than a dog ensuring it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
- (vii) turning out any animal or poultry to feed or graze.
- (viii) exercising/flying any bird of prey.
- (ix) no person shall lead or ride any horse or pony unless it is in an area set aside and clearly signed for that purpose.

**Footnote:**

The Public Spaces Protection Order (No1) made under S.59 of The Anti-social Behaviour, Crime & Policing Act 2014 is in effect at Summerfields Nature Reserve. This order details offences in relation to dogs.

### **Areas of water**

- (x) committing any act which pollutes or is likely to cause pollution of any water.
- (xi) obstructing any flow or any drain or watercourse.

### **Use of Vehicles**

- (xii) driving, riding, propelling or leaving any mechanically propelled vehicle elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose and not exceeding 10mph.
- (xiii) any person with an agreed permit to travel within the greater reserve shall not exceed 10mph and will drive with hazard lights on and give way to pedestrians at all times.

### **Use of certain Equipment**

- (xiv) using any apparatus for the transmission, reception, reproduction or amplification of any sound, speech or images by electrical or mechanical means, except photographic equipment, apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- (xv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

**Use of firearms etc.**

- (xvi) being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.
- (xvii) projecting any missile manually or by artificial means.

**General Prohibitions**

- (xviii) erecting, occupying or using any tent, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- (xix) flying any model aircraft.
- (xx) erecting any post, rail, fence, pole, booth, stand, building or other structure.
  - a. neglecting to shut any gate or to fasten it if any means of doing so are provided.
- (xxi) posting or placing any notice or advertisement.
- (xxii) selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.
  - a. engaging in any activity which is causing or likely to cause a disturbance.
  - b. holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.
- (xxiii) cycling, roller skating or skate boarding.
- (xxiv) lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for BBQs.

(xxv) letting fall, or throwing any lighted match or lighted substance in a manner likely to cause a fire.

(xxvi) intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

### **3. Interference with Duly Authorised Officer**

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

### **4. Permits**

(i) the Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

(ii) any such permit shall be issued subject to the following conditions:

(a) that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and

(b) that it may be revoked by the Council at any time.

### **5. Byelaws**

These byelaws shall not operate so as to interfere with the exercise:

(i) by a person of

(a) a right vested in him/her as owner, lessee or occupier of land in the Reserve,

(b) any easement or profit a prendre to which he is entitled,

(c) any public right of way.

(ii) of any functions of a local authority, statutory undertaker or drainage authority.

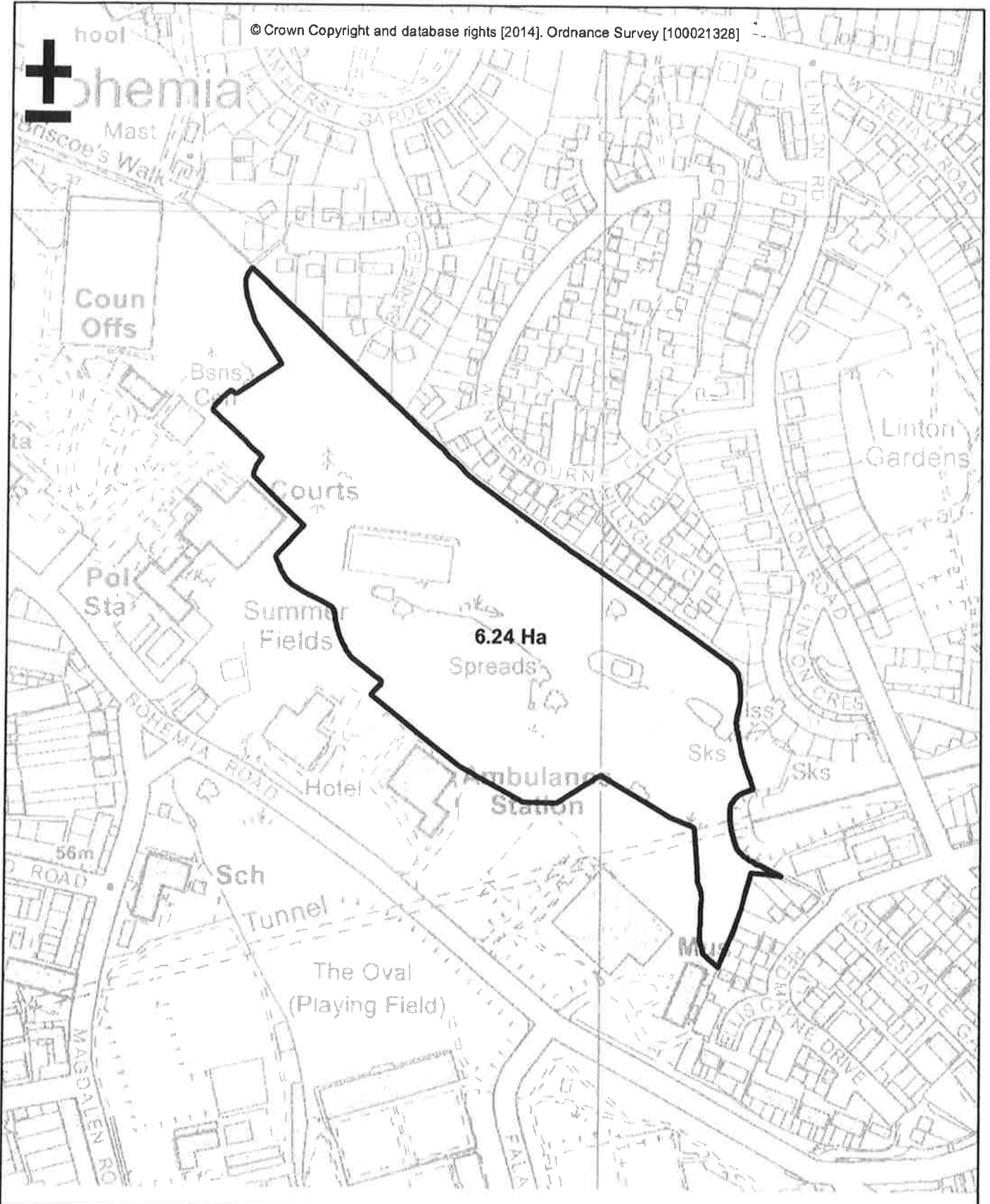
(iii) by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

(iv) using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

(v) projecting any missile manually or by artificial means.

6. **Penalty**

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.



**Summerfields Woods Local Nature Reserve**

**MAP NR7**

**Date: Jul 2014**

**Scale: 1:3,500**

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# Agenda Item 5



**Report to:** Cabinet

**Date of Meeting:** 3<sup>rd</sup> February 2020

**Report Title:** Pay Policy Statement 2020/21

**Report By:** Jane Hartnell – Director of Corporate Services and Governance

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## **Purpose of Report**

The purpose of the report is for approval of the Pay Policy Statement for 2020/2021, as required by the Localism Act 2011.

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## **Recommendation(s)**

- 1. Recommendation of the pay policy statement to full council for approval**

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## **Reasons for Recommendations**

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

---

## Introduction

1. The Localism Act 2011 requires Hastings Borough Council to prepare and publish a pay policy statement for each financial year.
2. The attached statement (Appendix 1) sets out the key policy principles that underpin the Council's requirements to provide accountability under the Localism Act. It takes into account and has due regard to guidance issued by the Department of Communities and Local Government.
3. The majority of the statement reflects current policy, practice and procedures adopted by the Council and it is cross referenced to other documents including the Council's severance scheme and transparency requirements.

### Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
No further action required	To be reviewed annually	January 2021	Verna Connolly

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## Wards Affected

Insert the list of wards affected

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## Implications

Relevant project tools applied? No

Have you checked this report for plain English and readability? Yes

Climate change implications considered? Yes

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

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No

**Economic/Financial Implications**

**Yes**

There are no additional financial implications arising from the report as resultant costs can be contained within existing budgets.

Human Rights Act	No
Organisational Consequences	Yes
Local People’s Views	No
Anti-Poverty	No

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**Additional Information**

Appendix 1 – Pay Policy Statement 2020/21

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**Officer to Contact**

Officer Name	Verna Connolly
Officer Email Address	vconnolly@hastings.gov.uk
Officer Telephone Number	01424 451707

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# Appendix 1

## Hastings Borough Council

### Pay Policy Statement for the year 1 April 2020 to 31 March 2021

#### Introduction

1. This pay policy statement under section 38 of the Localism Act 2011 shall apply for the financial year 2020 - 2021 until amended.
2. The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying:
  - the methods by which remuneration of all employees are determined, including the remuneration of its most senior staff;
  - the arrangements for ensuring the provisions set out in this statement are applied consistently throughout the Council.
3. This statement applies to all employees under the following conditions of employment:

JNC for Chief Officers of Local Authorities  
NJC for Local Government Services
4. The council defines its senior management as :

Corporate Directors  
Assistant Directors  
General Managers/Professional leads who are directly accountable to a statutory or non statutory officer in respect of all or most of their duties (excluding roles which are clerical or secretarial). Such officers are invited to provide expertise in their role as head of their profession.
5. This Pay Policy will operate subject to any requirements regarding exit payments pursuant to the Enterprise and the Small Business, Enterprise and Employment Act, 2015 and associated regulations.

#### The Council's policies for setting remuneration

6. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.
7. With the exception of Directors and Assistant Directors, the Council uses the nationally negotiated pay spine as the basis for its local grading structure. The grade of a post is determined by application of an agreed Job Evaluation process. The value of scale points changes in line with national agreements, including any "cost of living" increases, the most recent of these at the time of preparation of this policy, was a 2% increase effective from 1<sup>st</sup> April 2019.

## Grade and Salary Band (from 1<sup>st</sup> April 2019)

Grade	Salary Band
11*	£17,771 to £18,795
10	£18,795 to £19,945
9	£19,171 to £21,589
8	£20,344 to £23,836
7	£22,462 to £26,317
6	£24,799 to £29,636
5	£27,905 to £32,878
4	£31,371 to £35,934
3	£33,799 to £39,782
2	£38,813 to £44,632
1	£43,662 to £50,369

- \* Lowest hourly rate is £9.00. Accredited living wage at time of preparation of this statement will increase to £9.30 it is therefore anticipated that the nationally negotiated pay spine will be increased to reflect this.  
As we are committed to paying the Accredited Living Wage all Apprentices will be paid at this rate.
8. All other pay-related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council policy.
  9. New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where possible, the Council will ensure the requirement for such approaches is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector.
  10. There are a number of pay points within each grade. For staff not on the highest point within the band, there is a system of annual progression to the next point on the band. Faster progression is possible for posts identified and evaluated as career grades.
  11. With regard to the equal pay requirements of the Equality Act 2010, the Council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed Job Evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

### **Chief Officer Grade Range pay rate (officers who are JNC Chief Officers Terms and conditions of employment)**

12. Chief Officer pay range is £77,706 to £85,745 (value at 1<sup>st</sup> April 2019)

## **Chief Officers**

13. The Council's policy and procedures with regard to recruitment of Chief Officers are set out in the Officer Employment Procedure Rules in Part 4, Section 30 of the Council's Constitution. The

determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with this pay policy statement and other relevant policies in place at the time of recruitment. In the case of recruitment of Directors and Assistant Directors, the decision on remuneration will be taken by the Employment Committee. Any appointments at this level offering a salary in excess of £100,000 would require approval by Full Council. Where the Council is unable to recruit to a post at the designated grade, it may consider the use of temporary market forces supplements in accordance with its relevant policies.

14. Where the Council remains unable to recruit Directors or Assistant Directors under a contract of service, or there is a need for interim support to provide cover for a vacant substantive Director or Chief Officer post, the Council will, where necessary, consider engaging individuals under 'contracts for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate value for money from competition in securing the relevant service.

### **Additional payments**

15. In addition to the basic salary for the post, staff are or may be eligible for other payments under the Council's existing policies. Some of these payments are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties:

**Lease car provision**, the Council no longer offers subsidised lease cars to new employees. A small number of staff remain eligible under historical contracts of employment;

**Benefits allowance**, employees who are not entitled to a lease car but are required to travel in order to carry out their duties may receive a benefits allowance to cover motor costs of travel including mileage except for journeys over 50 miles.

**Reimbursement of mileage**, Employees can claim mileage travelled in the course of council business. Hastings Borough Council mileage rates are paid dependant on which scheme the employee is in.

This could be:-

NJC rates which are based on the engine size, fuel type for protected employees in post prior to 27<sup>th</sup> November 2001

HMRC Company Advisory Fuel Rates for lease cars.

HMRC Approved Mileage Rates for all other employees. Passenger rate is also paid if appropriate;

**Professional fees**. The Council will meet the cost of a legal practicing certificate for all those employees where it is a requirement of their employment; and professional body subscriptions for staff who are studying providing sponsorship has been agreed by the Council.

**Long service awards**. The Council allows staff to purchase a gift to a maximum amount if they have completed 25 years of service;

**Honoraria**, in accordance with the Council's policy on salary and grading. Generally, these may be paid only where a member of staff has performed a role at a higher grade. Deputy returning officers are paid an honorarium.

**Fees for returning officer and other electoral duties**, such as acting as a presiding officer of a polling station, excluding deputy returning officers. These are fees which are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda;

**Pay protection**, where a member of staff is placed in a new post and the grade is one grade below that of their previous post, for example as a result of a restructuring, pay protection at the level of their previous post is paid for the first 18 months;

**Childcare vouchers** are available to all eligible employees via the HMRC-approved salary sacrifice scheme. There is no direct subsidy towards childcare costs by the Council;

**Standby and/or call-out payments**, employees who are required to be on standby at times which are outside their normal working week and/or who may be called-out to attend to an issue at the Council's premises or other location may receive an additional payment in accordance with the provisions of the relevant Council policy;

**Provision of mobile telephones**, mobile telephones are provided to employees on the basis of business need where they are necessary to enable them to undertake their duties effectively. The Council funds the provision of the phone and business calls.

**Discounted loans**, permanent employees who have satisfactorily completed their probationary period have access to discounted loans for:

- The purchase of cars/bicycles; and/or
- The purchase of season tickets for travel;

Interest is charged on Car and Bicycle loans at current PWLB (Public Works Loan Board) rates plus 1.25%. For a small number of employees employed before 27<sup>th</sup> November 2001 no interest is chargeable under historical contract of employment terms. Travel season ticket loans are interest free;

**Employee assistance programme**, is a 24/7 confidential support service for information and guidance on a range of work-life topics funded by the Council and made available to all staff.

**Lifestyle scheme** is an online benefits scheme that works with well-known retailers, both online and on the high street, to provide market-leading offers and discounts to all staff.

### **Performance-related pay and bonuses**

16. The Council does not operate a scheme of performance-related pay or bonuses for its staff.

### **Lowest-paid employees**

17. The Council's definition of lowest-paid employees is people employed in Grade 11 of the Council's grading structure. This is because it is the lowest pay band operated by the Council for permanent staff. Hastings Borough Council ensures its lowest paid employees are paid the current published UK Accredited Living Wage or higher.

### **Relationship between remuneration of chief officers and remuneration of employees who are not chief officers**

18. The Council's ratio of pay at the top, to pay at the median is currently 1:3.4. The Council will look to ensure the ratio does not exceed the national average for the public sector. This ratio is based on basic salary only, excluding variable pay and benefit in kind.

### **Payments on termination etc.**

19. The Council's approach to statutory and discretionary payments on termination of employment is set out within its Early Termination of Employment – Compensation Policy which includes the



written statement in accordance with regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. At the time of preparation of this policy statement, the policy is:

- to pay statutory redundancy payments in accordance with the Employment Relations Act 1998, which provides for a maximum calculation of up to 30 weeks' pay, multiplied by two. The payment will be based on an employee's actual weekly salary rather than the figure set by the Government.
20. The Council's policy is normally not to make any awards under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011: this constitutes its written policy statement under the regulations.
21. Any large severance payments will be considered by the Employment Committee and referred to full Council for approval. Large payments would be those in excess of £95,000 including salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid. The basis of any exit payment is subject to a maximum salary of £80,000.
22. Employees re-employed by a relevant body, as specified in the Modification Order, within 12 months of receiving of an exit payment in excess of £80,000 will be required to repay an amount of the payment. Tapering provisions will be implemented using Government guidelines when they become available.

## **Publication of information**

23. This statement will be published on the Council's Website [www.hastings.gov.uk](http://www.hastings.gov.uk) In accordance with regulation 7 of the Accounts and Audit (England) Regulations 2011, for posts where the remuneration in a year is £50,000 or more, the Council's Annual Statement of Accounts will include a note setting out the total amount of - salary, fees or allowances paid to or receivable by the person in the current and previous year;
- any sums payable by way of expenses allowance that are chargeable to UK income tax;
  - any compensation for loss of employment and any other payments connected with termination;
  - any benefits received that do not fall within the above

The statement of accounts is available on the Council's website.

24. The Council also publishes information about remuneration of JNC Chief Officers and staff in the transparency section of its website. [http://www.hastings.gov.uk/my\\_council/transparency/](http://www.hastings.gov.uk/my_council/transparency/) This information is updated from time to time and includes a list of Directors and Assistant Directors as defined in the Localism Act 2011.

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# Agenda Item 6



**Report to:** Cabinet

**Date of Meeting:** 3 February 2020

**Report Title:** Review of HMO Licensing Fees

**Report By:** Andrew Palmer, Assistant Director Housing and Built Environment

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## Purpose of Report

The high court case of R (Gasking) v Richmond-upon-Thames London Borough Council has held that licensing schemes made under the Housing Act 2004 are authorisation schemes within the meaning of the EU services directive. This has necessitated a re-assessment of the fees charged for the councils HMO licensing scheme.

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## Recommendation(s)

1. That Cabinet approve the revised fee structure for HMO licensing to take into account a 'Hemmings' (two part) fee structure.
2. That the revised fee structure in appendix 1 is introduced on 1 April 2020

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## Reasons for Recommendations

In order to comply with the provisions of the services directive housing licence fees are required to be charged in two parts. As the Council is presently consulting on a new Selective Licensing scheme (Housing Act 2004 Part 3) to replace the existing scheme in October 2020 which includes details on two part fees for this scheme this report only proposes changing the HMO Licensing Scheme (Housing Act 2004 Part 2) fees in April 2020.

## Introduction

1. On 31 July 2018, the High Court, as a result of *R (Gaskin) v Richmond-upon-Thames LBC* [2018] EWHC 1996 (Admin), held that schemes for the licensing of houses in multiple occupation ('HMOs') under Part 2 of the Housing Act 2004 ('the 2004 Act') are authorisation schemes, within the meaning of EU Directive 2006/123/EC ('the Directive') and regulations incorporating the Directive in domestic law: the Provision of Services Regulations 2009 ('the 2009 Regulations').
2. The consequence of the above decision is that the fee for an HMO licence under Part 2 of the 2004 Act and for a licence to let other accommodation under Part 3, must be levied in two, separate parts, in accordance with the type A scheme endorsed by the Supreme Court in *R (Hemming, t/a Simply Pleasure Ltd) v Westminster CC* [2015] UKSC 25; [2015] AC 1600 (referred to as a 'Hemmings' fee structure);
  - Part 1 – a fee levied at the point of application, to cover the costs of the scheme's 'authorisation procedures and formalities', i.e. the costs of processing the application; and
  - Part 2 – if the application is successful, a further fee to cover the costs of running and enforcing the scheme.
3. In July 2017 the Local Government Association published guidance to help councils understand the breadth of the issues that need to be considered when setting local licence fees. This guidance made reference to Hemmings but as the outcome of the Gaskin case was still outstanding it was unconfirmed at that time whether the guidance applied in full to housing licensing. In addition to setting out how a two part application fee may be levied it clarified that using a surplus from one licensing scheme to subsidise another or for any fee income to be drawn into the council's general fund is unlawful.
4. The present fee structure for the mandatory licensing of certain categories of HMOs, and the discretionary additional HMO and selective licensing schemes in Hastings are not currently a 'Hemming' two part fee structure. Following the Gaskin case therefore it is now appropriate to consider all the councils Housing Act 2004 licensing fees in light of the LGA guidance.

## Hastings Selective Licensing Scheme 2015

5. The present Selective Licensing Scheme (which commenced in October 2015) is due to cease in October 2020. To date this scheme has received over 8,000 applications. Although applications are still being received for this scheme the rate is now much reduced and is expected to continue at this low level until the end of the scheme.
6. The Council is presently consulting on a new scheme to replace the existing scheme from October 2020. The consultation for the new scheme includes details on a 'Hemmings' two part fee. It is not proposed that the council amend the existing fees for the Selective Licensing 2015 scheme and that a single fee is retained until the end of the scheme in October 2020.

## Hastings Additional HMO Licensing Scheme 2018

7. The new additional HMO licensing scheme commenced in April 2018. The fees for this scheme were based on the experience of administering the previous additional HMO licencing scheme (which ceased in September 2016).
8. The present fee structure for the additional HMO licensing scheme is consistent with the fee structure for mandatory HMO licensing that being £ 400 per application unless the HMO was previously unlicensed when the fee rises to £ 1,000. A selective licensing surcharge may also be payable if one or more of the units of accommodation in the HMO required a selective licence prior to the building becoming a licensable HMO.
9. When the new additional scheme was adopted the fees for those HMO's required to be licenced as mandatory under the Housing Act were also amended to be consistent to the additional scheme.
10. Since the beginning of the 2018 HMO licensing scheme we have received 489 applications and issued 303 licences. As opposed to the selective scheme a number of HMO licenses have been granted for less than the maximum 5 year term and as such there are renewal fees payable within this scheme.

### 'Hemmings' Fee Structure

11. A review of the HMO licensing scheme costs in Hastings has been undertaken to attempt to identify what the Part A and Part B fees would be. The Part A fee covers the actual time taken to receive and process a licence to decision (grant or refuse). This fee can be charged on application as the present fee is. The Part B fee covers the cost of maintaining the wider schemes (such as ICT costs, management overheads) and any enforcement costs. The Part B fee can only be charged when licences are approved (if a licence is refused the Part B fee cannot be charged but the Part A fee can be retained).
12. A breakdown of the calculation of the fees is included in appendix 2. In summary;

<b>Part 2 HMO Licensing (inc. Mandatory and Additional)</b>					
New Application	Part A Fee	Part B Fee	Total Fee	Previous Fee (unlicensed)	Difference
	£ 414	£ 566	£ 980	£ 1,000	-2%
Renewal Application	Part A Fee	Part B Fee	Total Fee	Previous Fee (licenced)	Difference
	£ 414	Nil	£ 414	£ 400	+3%

### Financial impact of proposed fee structure

13. Based upon the modelling we have so far undertaken, the new fee structure proposed for HMO licensing might result in a small net increase in income received in respect of the councils HMO licencing scheme operating costs over the remaining

4 years of the scheme. However, this should be treated with caution as it is based on an assumption of the number of applicants that renew promptly (and receive the £ 414 renewal fee as opposed to being treated as a new applicant and being charged £ 980). It is also assumed in this estimate that all Part B fees will be paid by landlords once they have received their licence which from previous experience of charging upon grant of licence in the previous licensing scheme is not always the case.

14. Another outcome of the Hemmings case was it made clear that local authorities must not utilise surplus fee income from one licensing scheme to fund other council activities. Fees are required to be kept under constant review and should the scheme look to be operating at a deficit at the end of its five year duration the expenditure of the scheme will be reduced accordingly. Conversely if, at review, the scheme appears to be operating in surplus consideration will need to be made in respect of refunding landlords a proportion of their fees.

## **Operational impact of proposed fee structure**

15. Following the experience of the 2014 Additional HMO Licensing Scheme (which was predominantly paper based) the 2018 Additional HMO Licensing Scheme was introduced through an online only application process to keep the cost of the applications to landlords as low as possible. The introduction of the 2 part fee process means the full fee cannot be charged up front at application and therefore upon grant of licence an invoice is required to be raised and sent with the licence approval documentation.
16. Licence fees for the old 2014 Additional HMO Licensing Scheme were payable in full upon grant of licence. In some instances landlords did not continue to pay invoices sent out with licences leaving the authority in the position whereby a licence had been granted but the fee remained unpaid. As the licence had been issued the landlord could not be pursued under the Housing Act and non-payment of the fee could only be recovered through normal debt recovery processes.
17. A move to a 2 part application will require a full reassessment of the application process, including updating the online application form. In particular effort will be required to combat the issue of landlords avoiding paying part B fees when they have received their licence.

## **Risks**

18. Neither the MHCLG nor the LGA have issued any specific guidance on fee setting for licensing schemes made under the Housing Act. The adoption on a 'Hemmings' fee structure nationally is sporadic. Locally most Sussex authorities have amended their fee structure and the remainder are planning to do so from April 2020.
19. Should the council not adopt a 2 part fee structure there is a risk of legal challenge from landlords. While there is still a significant amount of time to run on the HMO licensing scheme it is appropriate to adopt the fee structure for this scheme however the risk of challenge with regards to the selective licensing scheme is reduced significantly due to the fact this scheme is nearing its natural end.

## Timetable of Next Steps

Action	Key milestone	Due date (provisional)	Responsible
New fee introduced	Adaption of online application form and associated procedures	1 April 2020	Matthew China

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### Wards Affected

Braybrooke, Castle, Gensing, Ore, Old Hastings, Tressell, Central St Leonards

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### Implications

Relevant project tools applied? ~~Yes~~/No – not relevant

Have you checked this report for plain English and readability? Yes/~~No~~ – Readability score of 41.0

Climate change implications considered? ~~Yes~~/No – not relevant

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 – As detailed in the report at paragraphs 14 and 15

Human Rights Act

Organisational Consequences – As detailed in the report at paragraphs 16 to 18

Local People's Views

Anti-Poverty

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### Additional Information

Appendix 1 – Proposed fee structure for licensing under Housing Act 2004

Appendix 2 – Fee calculation background

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### Officer to Contact

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## **Appendix 1 – HMO Licensing (Housing Act 2004 Part 2) Schedule of Fees**

The following fees are not liable to VAT. Renewal application is only applicable if application to renew is made within 3 months of the expiration of the previous licence. Any application outside these 3 months will be treated as a new application.

Licenses are non-transferable. Any new owner is required to make a new application

### **Housing Act 2004 Part 2 (HMO) – New Application**

Part A Fee (payable on application) - £ 414

Part B Fee (payable within 14 days of grant of licence) - £ 566

### **Housing Act 2004 Part 2 (HMO) – Renewal Application**

Part A Fee (payable on application) - £ 414

Part B Fee (payable within 14 days of grant of licence) - £ Nil

### **Miscellaneous Fees**

Surcharge for Part 2 Additional HMO Licence where applicant owns units of accommodation within the HMO that do not have an extant existing Part 3 Selective Licence under the Hastings Borough Council Selective Licensing Scheme 2015 - £ 665 per dwelling

Fee for assistance in making application - £ 50 per application

Discount for charities registered with the Charity Commission in England and Wales – 100%



## Appendix 2 – Fee Calculations

	Time taken (mins)	Who (A/O/M)	Cost £
<b>Application process:</b>			
Application verified	60	A	16.81
Correspondence on declarations	120	A	33.62
Draft licence prep	120	A	33.62
Draft licence checked	60	O	28.21
Land registry (average 3 searches)			9.00
Draft licence distribution	60	A	16.81
Prepare representations report	120	A	33.62
Review representations	60	O	28.21
Review representations	60	M	43.63
Prepare final licence	60	O	28.21
Check final licence	30	M	21.82
<b>Inspection:</b>			
Inspection prep	120	O	56.42
Inspection	120	O	56.42
<b>Associated costs:</b>			
Virtual mailroom		Total cost 6000	7.50
<b>PART A TOTAL</b>			<b>413.90</b>

PART A

<b>Enforcement costs:</b>			
Identification of unlicensed properties (0.5FTE)	46620	O	21,919.17
Determination of enforcement action (0.01FTE)	932.4	M	678.01
Advice on licensing need (1FTE)	93240	A	26,122.74
<b>Associated costs:</b>			
Maintenance of scheme - including complaint investigation (0.1FTE)	9324	M	6,780.10
Annual scheme review (5 days)	2250	M	1,636.13
Final scheme review (15 days)	6750	m	4,908.38
Software licence costs		Total cost	3,000.00
ICT Equipment		Total cost	7,000.00
Officer training and CPD (£ 500 per officer per year)		Total cost	7,500.00
Scheme development / consultation		Total cost	20,000.00
Online application form cost		Total cost	35,000.00
Publicity / advertising (inc. formal adoption notices)		Total cost	18,000.00
Legal support charges		Total cost	50,000.00
Corporate support costs (inc. legal and finance)		Total cost	250,000.00
<b>Total</b>			<b>452,544.52</b>
<b>PART B TOTAL</b>			<b>565.68</b>

PART B

Hourly rate inc on costs	
A Admin	16.81
O Officer	28.21
M Manager	43.63

Part A	Part B	Total
£ 414	£ 566	£ 980

Number of licences issued by authority	800
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