

# Cabinet Agenda

**Monday, 8 June 2020 at 6.00 pm**

This meeting will be taking place digitally on our website. A link to this will be posted nearer the time.

For further information, please contact Democratic Services on 01424 451484 or email: [democraticservices@hastings.gov.uk](mailto:democraticservices@hastings.gov.uk)

		Page No.
1.	Apologies for Absence	
2.	Minutes of Last Meeting	1 - 14
3.	Declaration of Interests	
4.	COVID-19 response update <i>(Jane Hartnell, Managing Director)</i> <i>(Cabinet Decision)</i>	15 - 34
5.	Planning Enforcement Policy Updated <i>(Andrew Palmer, Assistant Director, Housing and Built Environment)</i> <i>(Cabinet Decision)</i>	35 - 44
6.	Notification of Additional Urgent Items	45 - 46
7.	Exclusion of the Public To resolve that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that if members of the public were present there would be disclosure to them of "exempt" information as defined in the paragraphs of schedule 12A to the Local Government Act 1972 referred to in the relevant report	
8.	Dangerous Structure at 2 - 12 Battle Road <i>(Andrew Palmer, Assistant Director, Housing and Built Environment)</i> <i>(Cabinet Decision)</i>	47 - 112

This page is intentionally left blank

23 MARCH 2020

**249. DECLARATIONS OF INTEREST**

The Managing Director declared no interests.

**250. ENERGY PROCUREMENT**

The Assistant Director, Financial Services and Revenues, submitted a report to decide the preferred procurement route option for energy supply.

On 5 September 2016, Cabinet took the decision and endorsed the proposal continue to support and participate in the LASER Buying Group's flexible procurement framework for the period from September 2016 to October 2020.

Following the EU compliant tendering exercise carried out by LASER, NPower is the preferred supplier for electricity and Total Gas for the supply of gas. About 2/3rds of the Council's electricity spend is used in its main buildings (i.e. Town Hall and Muriel Matters House) and the rest is spread over approximately 60 smaller sites.

The report presented two options:

(i) LASER: Fixed Term Fixed Price Framework 2019-2023 – Ecotricity Option. Purchase of 100% green energy at a competitive cost with flexibility to change supplier early. The forecasted cost will be approximately £1,200 (or 0.5%) than we currently pay.

(ii) LASER: Flexible Framework (2020–2024) – Renewable Energy Guarantees of Origin (REGO) backed electricity from Npower. Npower will match the equivalent certificates produced with the council's consumption for the same period. Electricity is largely generated from wind, hydro, biomass, sewerage/landfill gas or solar sources. The forecasted cost is an increase of £2,000 on what we currently pay.

## MANAGING DIRECTOR DECISIONS

23 MARCH 2020

Under the emergency powers set out in Part 4 of the Council's Constitution the Managing Director made the decision in consultation with the following members of Cabinet: Cllr Forward, Cllr Fitzgerald, Cllr Batsford, Cllr S Beaney, Cllr Chowney, Cllr Evans, Cllr Rogers, Cllr Lee and Cllr Patmore.

### **RESOLVED –**

1. That the Council's preferred procurement route from the Local Authority South East Region (LASER) buying consortium options is:

LASER: Fixed Term Fixed Price Framework 2019-2023 – Ecotricity Option.  
Purchase of 100% green energy at a competitive cost with flexibility to change supplier early. The forecasted cost will be approximately £1,200 (or 0.5%) more than we currently pay.

2. To approve purchase of our gas supply through the LASER gas flexible framework.
3. To delegate authority to the lead officer or their nominee in consultation with the respective portfolio lead member, to finalise the agreements.

### **Reasons for the decision:**

The Council's Constitution, Part 9 Financial Rules Section 3, requires Cabinet approval for expenditure exceeding £200,000.

The LASER Energy Buying Group is a government approved public sector buying agency (a trading arm of Kent County Council), providing an energy procurement service to some 207 member authorities in the South East of England, with a successful track record of purchasing performance for the period April 2009 to March 2020.

## MANAGING DIRECTOR DECISIONS

23 MARCH 2020

They have requested that they need an indication of commitment by the end of March 2020 as they are unable to undertake any purchases until the contracts are in place which can take some time in terms of drafting the documentation based on each authority's individual requirements.

### **251. SELECTIVE LICENSING**

The Assistant Director, Housing and Built Environment, submitted a report to consider proposals for designating a Selective Licensing Scheme for private rented homes in six wards in the borough which contain higher than average levels of privately rented dwellings and which are suffering from poor property conditions.

The current Hastings Borough Council Selective Licensing Scheme 2015 is due to end on the 25 October 2020. Following a review of the 2015 Scheme (the "2015 Scheme") it has been determined that whilst there has been a reduction in anti-social behaviour in the 7 wards subject to licensing, there remain wards in the borough that have a large proportion of private rented properties in poor condition. Following a review of the available evidence, consultation has been carried out on the option of declaring a further scheme on completion of the current scheme in October 2020.

It is proposed that a further selective licensing scheme is introduced covering a reduced geographic area; that being the wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Tressell (the proposed "2020 Scheme"). As the proposed new scheme will cover more than 20% of all private rented accommodation in the borough it will require confirmation by the Secretary of State.

Under the emergency powers set out in Part 4 of the Council's Constitution the Managing Director made the decision in consultation with the following members of Cabinet: Cllr Forward, Cllr Fitzgerald, Cllr Batsford, Cllr S Beaney, Cllr Chowney, Cllr Evans, Cllr Rogers, Cllr Lee and Cllr Patmore.

### **RESOLVED -**

1. That Cabinet considers the evidence base and outcome of the consultation on a replacement selective licensing scheme as set out in Appendix 1 & 2 of this report

## MANAGING DIRECTOR DECISIONS

23 MARCH 2020

2. That subject to Secretary of State approval, a new 5-year selective licensing scheme (as designated under section 80(7) of the Housing Act 2004) covering all privately rented dwellings in the 6 wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Tressell is introduced on completion of the current 2015 selective licensing scheme in October 2020.
3. That the rationale for a replacement scheme is supported on the grounds of the higher than average levels of privately rented accommodation and the poor property conditions that exist in those wards
4. That Cabinet delegate to the Assistant Director Housing and Built Environment responsibility for agreeing the final document requesting confirmation of the selective licensing designation from the Ministry of Housing, Communities and Local Government (MHCLG) in consultation with the Chief Legal Officer.
5. That the licensing conditions proposed in Appendix 5 of this report are agreed.
6. That the proposed fee structure in Appendix 3 of this report is adopted.

### **Reasons for the decision:**

1. The current Hastings Borough Council Selective Licensing Scheme 2015 is due to end on the 25 October 2020. Following a review of the 2015 Scheme (the “2015 Scheme”) it has been determined that whilst there has been a reduction in anti-social behaviour in the 7 wards subject to licensing, there remain wards in the borough that have a large proportion of private rented properties in poor condition. Following a review of the available evidence, consultation has been carried out on the option of declaring a further scheme on (completion of the current scheme in October 2020).
2. It is now proposed that a further selective licensing scheme is introduced covering a reduced geographic area; that being the wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Tressell (the proposed “2020 Scheme”). As the

## MANAGING DIRECTOR DECISIONS

23 MARCH 2020

proposed new scheme will cover more than 20% of all private rented accommodation in the borough it will require confirmation by the Secretary of State.

3. In all the six wards selected for the proposed 2020 Scheme the proportion of the private rented sector homes is greater than the national average. In three of the wards (namely Castle, Central St Leonards and Gensing) more than half of the properties are privately rented. Whilst the evidence from the review of the 2015 Scheme has identified an improvement in anti-social behaviour in those wards, there remain serious issues with regards to housing conditions in the private rented sector within those wards. Over 31% of homes in the area covered by the 2015 scheme do not meet the decent homes standard and almost 14% have a category one hazard (that being a hazard to the occupants of the property that would require the council to intervene).

4. Applications to the Secretary of State for confirmation of a selective licensing scheme are required to be made in a prescribed form.

5. The Housing Act 2004 allows the council to include conditions on licenses that regulate the condition, contents, management, use and occupation of the house concerned.

6. As with the 2015 Scheme it is proposed to charge a fee to cover the cost of running the new scheme. The proposed fees have been set to achieve a balance between ensuring that the council can operate a successful, properly funded and adequately resourced scheme whilst keeping fees to the minimum level for landlords. The Council cannot by law profit from the scheme and proposes to apply the principle of full cost recovery.

### **252. CLIMATE EMERGENCY**

The Assistant Director, Regeneration and Culture, submitted a report to set out the Council's initial response to its Climate Emergency declaration and present a draft Climate Emergency Strategy and Action Plan.

The development of the plan has been aligned with national legislation and policy including the Climate Act 2008; the Industrial Strategy; the Clean Growth Strategy;

## MANAGING DIRECTOR DECISIONS

23 MARCH 2020

Road to Zero and the Future of Heating. The plan also aligns with the regional policy Energy South2East (LEP strategy) and the draft Local Industrial Strategy and has taken into account future policy drivers including the update to Building Regulations (Part L) and the Future Homes Standard.

Under the emergency powers set out in Part 4 of the Council's Constitution the Managing Director made the decision in consultation with the following members of Cabinet: Cllr Forward, Cllr Fitzgerald, Cllr Batsford, Cllr S Beaney, Cllr Chowney, Cllr Evans, Cllr Rogers, Cllr Lee and Cllr Patmore.

### **RESOLVED –**

To approve the adoption of the Climate Emergency Strategy and Action Plan to work towards delivering net – zero carbon emissions for the borough by 2030

### **Reasons for the decision:**

The report presents a draft Climate Emergency Strategy and Action Plan developed in response to the climate emergency that the Council declared last year.

# Minute Annex

## Managing Director Decision Record

Part 4 of the Council's Constitution  
Emergency Powers



**Date:** 23<sup>rd</sup> March 2020

**Item:** Energy Procurement

**Report by:** Peter Grace, Assistant Director Financial Services and Revenues

**Decision type:** Cabinet

### **Decision:**

1. That the Council's preferred procurement route from the Local Authority South East Region (LASER) buying consortium options is:

(i) LASER: Fixed Term Fixed Price Framework 2019-2023 – Ecotricity Option. Purchase of 100% green energy at a competitive cost with flexibility to change supplier early. The forecasted cost will be approximately £1,200 (or 0.5%) more than we currently pay.

2. To approve purchase of our gas supply through the LASER gas flexible framework.

3. To delegate authority to the lead officer or their nominee in consultation with the respective portfolio lead member, to finalise the agreements.

### **Reasons:**

The Council's Constitution, Part 9 Financial Rules Section 3, requires Cabinet approval for expenditure exceeding £200,000.

The LASER Energy Buying Group is a government approved public sector buying agency (a trading arm of Kent County Council), providing an energy procurement service to some 207 member authorities in the South East of England, with a successful track record of purchasing performance for the period April 2009 to March 2020.



They have requested that they need an indication of commitment by the end of March 2020 as they are unable to undertake any purchases until the contracts are in place which can take some time in terms of drafting the documentation based on each authority`s individual requirements.

**Decision made in consultation with:**

	For	Against	Abstain
Councillor Forward	X		
Councillor Fitzgerald	X		
Councillor Batsford	X		
Councillor S Beaney	X		
Councillor Chowney	X		
Councillor Evans	X		
Councillor Rogers	X		
Councillor Lee	X		
Councillor Patmore	X		

Signed:



Jane Hartnell  
Managing Director  
Hastings Borough Council

# Managing Director Decision Record

Part 4 of the Council's Constitution  
Emergency Powers



**Date:** 23<sup>rd</sup> March 2020

**Item:** Selective Licensing 2020

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

**Decision type:** Cabinet

## **Decisions:**

1. That Cabinet considers the evidence base and outcome of the consultation on a replacement selective licensing scheme as set out in Appendix 1 & 2 of this report
2. That subject to Secretary of State approval, a new 5-year selective licensing scheme (as designated under section 80(7) of the Housing Act 2004) covering all privately rented dwellings in the 6 wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Tressell is introduced on completion of the current 2015 selective licensing scheme in October 2020.
3. That the rationale for a replacement scheme is supported on the grounds of the higher than average levels of privately rented accommodation and the poor property conditions that exist in those wards
4. That Cabinet delegate to the Assistant Director Housing and Built Environment responsibility for agreeing the final document requesting confirmation of the selective licensing designation from the Ministry of Housing, Communities and Local Government (MHCLG) in consultation with the Chief Legal Officer.
5. That the licensing conditions proposed in Appendix 5 of this report are agreed.
6. That the proposed fee structure in Appendix 3 of this report is adopted.



## Reasons:

1. The current Hastings Borough Council Selective Licensing Scheme 2015 is due to end on the 25 October 2020. Following a review of the 2015 Scheme (the “2015 Scheme”) it has been determined that whilst there has been a reduction in anti-social behaviour in the 7 wards subject to licensing, there remain wards in the borough that have a large proportion of private rented properties in poor condition. Following a review of the available evidence, consultation has been carried out on the option of declaring a further scheme on (completion of the current scheme in October 2020).
2. It is now proposed that a further selective licensing scheme is introduced covering a reduced geographic area; that being the wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Tressell (the proposed “2020 Scheme”). As the proposed new scheme will cover more than 20% of all private rented accommodation in the borough it will require confirmation by the Secretary of State.
3. In all the six wards selected for the proposed 2020 Scheme the proportion of the private rented sector homes is greater than the national average. In three of the wards (namely Castle, Central St Leonards and Gensing) more than half of the properties are privately rented. Whilst the evidence from the review of the 2015 Scheme has identified an improvement in anti-social behaviour in those wards, there remain serious issues with regards to housing conditions in the private rented sector within those wards. Over 31% of homes in the area covered by the 2015 scheme do not meet the decent homes standard and almost 14% have a category one hazard (that being a hazard to the occupants of the property that would require the council to intervene).
4. Applications to the Secretary of State for confirmation of a selective licensing scheme are required to be made in a prescribed form.
5. The Housing Act 2004 allows the council to include conditions on licenses that regulate the condition, contents, management, use and occupation of the house concerned.
6. As with the 2015 Scheme it is proposed to charge a fee to cover the cost of running the new scheme. The proposed fees have been set to achieve a balance between ensuring that the council can operate a successful, properly funded and adequately resourced scheme whilst keeping fees

to the minimum level for landlords. The Council cannot by law profit from the scheme and proposes to apply the principle of full cost recovery.

**Decision made in consultation with:**

	For	Against	Abstain
Councillor Forward	x		
Councillor Fitzgerald	x		
Councillor Batsford	x		
Councillor S Beaney	x		
Councillor Chowney	x		
Councillor Evans	x		
Councillor Rogers	x		
Councillor Lee			
Councillor Patmore		x	

Signed:



Jane Hartnell  
Managing Director  
Hastings Borough Council

This page is intentionally left blank

# Managing Director Decision Record

Part 4 of the Council's Constitution  
Emergency Powers



**Date:** 23<sup>rd</sup> March 2020

**Item:** Climate Emergency Plan

**Report by:** Victoria Conheady, Assistant Director, Regeneration and Culture

**Decision type:** Cabinet

## **Decision:**

To approve the adoption of the Climate Emergency Strategy and Action Plan to work towards delivering net – zero carbon emissions for the borough by 2030.

## **Reasons:**

The report presents a draft Climate Emergency Strategy and Action Plan developed in response to the climate emergency that the Council declared last year.

## **Decision made in consultation with:**

	For	Against	Abstain
Councillor Forward	X		
Councillor Fitzgerald	X		
Councillor Batsford	X		
Councillor S Beaney	X		
Councillor Chowney	X		
Councillor Evans	X		
Councillor Rogers	X		
Councillor Lee	X		
Councillor Patmore	X		

Signed:

A handwritten signature in black ink that reads "Jane Hartnell". The signature is written in a cursive, flowing style.

Jane Hartnell  
Managing Director  
Hastings Borough Council

# Agenda Item 4



**Report To:** Cabinet

**Date of Meeting:** Monday, 8 June 2020

**Report Title:** COVID-19 response update

**Report By:** Jane Hartnell, Managing Director

**Key Decision:** No

**Classification:** Open

---

## Purpose of Report

To update cabinet on the Council's response to the Covid 19 pandemic and changes to service delivery and business operation of the council, including HBC involvement in the establishment of a community hub to respond to community needs.

---

## Recommendation(s)

- 1. That Cabinet welcome the contribution made by HBC staff, Councillors and partners to meet the needs of the community during the COVID-19 pandemic.**
- 2. To recognise the progress, performance and potential next steps in this work.**

---

## Reasons for Recommendations

1. The council has played a significant role in meeting the needs of the local community whilst the world is gripped in the current COVID-19 pandemic. The Cabinet has not met since 23<sup>rd</sup> March and therefore required a formal update on how the response has been managed.

---

## Introduction

1. **Please note:** In order to meet publication deadlines this report has been written in advance of 29 May. The fast-changing nature of events and our response will mean that by the time the Cabinet meeting is held several things will have changed. Verbal updates will therefore be given at the meeting.
2. The impact of the COVID-19 pandemic has had an unprecedented effect on all sectors and changed everyday life. As a council we have had to quickly refocus our priorities and the way we operate. We are working at an incredible pace on a huge range of issues to protect our staff and communities to reduce transmission of the infection, as well as continuing to deliver essential services. It has been an extraordinarily demanding period for the council, but staff have worked above and beyond coming together as one team to serve our community.
3. Councillors and officers have worked in collaboration with key local partners including East Sussex County Council (ESCC), the Voluntary and Community sector (VCS), the Local Strategic Partnership (LSP), other Boroughs and Districts, the Sussex Resilience Forum, East Sussex Housing and Homelessness Cells, and participated in national networks such as the Local Government Association, District Councils Network, liaising with relevant central Government departments and briefing the local MP.
4. Following the initial intensity of the crisis, we are continuing to adapt and react often quickly as government guidance changes. Focus is now on moving towards the re-start and recovery phases for the economy and community of the town. This is being done whilst continuing to keep our residents safe; abiding by social distancing rules; continuing to support our most vulnerable residents; supporting businesses and maintaining essential services.

### Establishment of a Community Hub

5. In late March the government announced that it would be providing a centralised response to support those most at risk if they were to catch the coronavirus – the ‘extremely vulnerable’. Help would be in the form of food, delivery of medicine and social support.
6. Local authorities were asked to establish ‘community hubs’ which would mobilise to complement and support both these clients in the short term (and when the government support was not sufficient) and to provide similar support to other categories of individuals who need help.
7. These residents fall into the following groupings: ‘vulnerable’, ‘self-isolation’, and anyone who need support, perhaps without support networks or suffering financial hardship.
8. Given the request of government, and as part of the major incident procedure, ESCC asked District and borough Councils and appropriate VCS to work together to develop local models which would be best place to respond to this need.
9. The following paragraphs on the hub have been submitted by Steve Manwaring of Hastings Voluntary Action:

### Hastings Context (external author – Steve Manwaring Hastings Voluntary Action)

10. *The work of Hastings Borough Council is, of course, part of a much wider “system” delivered by a range of partners via the Hastings Covid 19 Community Response Hub.*
11. *This brings together organisations and groups saw a ground swell of local volunteering. Most notable of these is those who are working to support local residents affected by the virus or the challenging “lockdown” arrangements which are in place. Hub meetings take place weekly chaired by Hastings Voluntary Action and enable different organisations to collaborate, share information and develop an effective way of offering local support, advice and information.*
12. *Active within the Hub are long standing organisations like the Citizens Advice Bureau together with completely new groups such as HEART (Hastings, Emergency Action Response Team), who have recruited large numbers of volunteers as a direct response to COVID 19. The hub crosses many areas of work and has the full involvement of the NHS, Hastings Borough Council, East Sussex County Council Sussex Police, Local Social Housing providers (Optivo/Orbit), charities, business support initiatives and community groups. In a short time the members of the hub have created a local “system” offering:-*
- *A designated and promoted telephone helpline/triage service (led by HBC)*
  - *A volunteer led service offering practical support requiring attendance at an address*
  - *An information service to help get key messages across combined with an internet TV offer (“isolation station”)*
  - *A telephone befriending/“checking in” service to combat social isolation*
  - *A system for creating emergency support to those with food shortages*
  - *A local relief fund and improved access to emergency funding for community groups*
13. *Each member of the hub is undertaking work in their own area but participate in this collective structure to work in genuine partnership with others so that effective support can be provided. Evidence from other emergency situations tells us clearly that although different work will be undertaken by different organisations where this work is “linked” and collaboration takes place better outcomes for the local community will result. This idea is the guiding principle behind the work of the hub and its members.*

*A series of thematic subgroups are meeting regularly bringing together a wider range of organisation to develop a systems based approach, analyse trends and issues and anticipated further interventions-*

**Mental Health** – *Examining the long term impact of self- isolation and configure response to both clients and the support needs of volunteers or staff working with those with complex needs.*

**Food** – *Creating a system to supply food to individuals in need, ensure a constant supply of donations and create a connected food system on a Borough wide basis*

**Children Families and Young People:** *joining up an approach to support families who face challenging circumstances particularly as school based support services are not/less available.*

**Referrals:** *to review progress of referrals, data sharing and pathways to acute services where these are needed.*

**Information and Communication:** *To collaborate on cascading information promote services and profile hub activity.*

*The range of services by hub partners undertaken for local residents is comprehensive:- Food parcels, shopping, prescription collection, local food hubs, transport, learning packs for children, befriending and “checking in” telephone support, leaflet delivery, energy vouchers, micro-loans, training for befrienders, production of PPE, lockdown wellbeing support, and advice. Financial advice - especially residents of working age to help with financial support (Debt Advice, Money Management, Benefits Advice (especially where linked to Debt/Arrears), Tenancy/ Wellbeing Support e.g. Optivo are running Wellbeing Hero’s – contacting residents over the age of 70 to help with isolation, shopping etc. welfare support – for independent living residents (e.g. support for low level mental health Issues) and tenancy sustainment support.*

### **Hastings Borough Council – community hub findings and statistics**

14. This new service was set up in less than a week. Staffed by reassigned staff from: regeneration, external funding, tourism, housing licencing team, waste and other areas, there was a significant learning curve for all involved.
15. Partnership work over the past number of years meant that a solutions focused service was developed and refined quickly over the initial month of operation. This has resulted in most cases being dealt with on the day the resident registered with us, though in the first 2 weeks whilst need was increasing, and we were training staff this wasn’t always the case.
16. Due to the complex needs of the case work, beyond just food requirements, additional staffing support was sought for Easter weekend from East Sussex County Council volunteers. Since late April this has become an ongoing arrangement with four colleagues from East Sussex public health team bolstering the borough council’s staff on the triage line.
17. To date (week ending 24<sup>th</sup> May) 1020 Hastings residents are registered via HBC. Please note that many more individuals are being supported across Hastings, and work is ongoing to try to pool data between the hub partners to ensure we have a clear understanding of need.
18. Emerging issues and needs of the hub continue to be recorded. The need for food, medicine collection and delivery, and general advice is most prevalent. However financial advice, issues with fuel and Universal Credit timescales. We are now seeing more cases of people with poor mental health, some impact of other services ceasing such as podiatry/chiroprody and dentistry.
19. However, the overwhelming need still continues to be for food parcels. This is not lessening and is not a case of people just not being able to access supermarket deliveries or collection, nor volunteers to shop for them. We are seeing increased food poverty and is expected that this trend will only increase during the forthcoming recession.
20. Some 1,900 residents are receiving direct food support from the government, approx. 95% of the c1,000 HBC triage service are requesting food support (demonstrating a 53% increase of referrals to the foodbank on some days in April), other organisations such as the Food Bank, Education Futures Trust, Doms Food Mission and Surviving the Streets are also seeing significant increases of direct referrals.
21. HBC has donated a supply of food boxes to the foodbank and Education Futures Trust to try to bolster the supply chain, though this is not sustainable in the long term. Hub partners are submitting a DEFRA bid of approx. £50,000 to support this need, though sustainability of the food network in Hastings needs to be resolved.

22. HBC, HVA and ESCC are discussing options around what sustainability looks like within the food network.
23. Usage statistics compiled by the HBC hub work-streams are included in Appendix A
24. Appendix B sets out details of statistics provided by partners.

### **Maintenance of a community hub service**

25. Work continues weekly with East Sussex County Council, other districts and boroughs in the county, Clinical Commissioning Groups, Community Pharmacy, Age Concern and Voluntary Sector infrastructure organisations, to work through issues and to explore alternative response initiatives.
26. The work of exploring sustainability for the community hub in Hastings is being discussed both locally and regionally. There is expectation that the need for support for our most vulnerable residents will continue well beyond lock down is fully eased, and a method of maintaining some element of response is needed.

### **Impact on HBC operation and service delivery**

27. The Covid 19 pandemic has had a significant and unprecedented impact on the day to day operation of the council. There has been wide spread impact across services due to lockdown measures imposed from March, staff have adapted and responded to changes efficiently and effectively. A summary of the key areas is set out below.

### **Customer contact and communications**

28. Face to face services for customers at the community contact centre and the tourist information centre were suspended from 23 March to protect staff and customers from the spread of COVID-19. A reduced face to face service for homeless emergencies and urgent benefit documents was implemented at Muriel Matters House to maintain safety for staff and customers. Systems and equipment were set up in very short timescales to enable contact centre staff to work from home and continue to provide telephone and email contact for customers across all service areas. A total of 14,289 calls have been dealt with from 23 March to 28 May.
29. Customer communication through our online channels has increased. A dedicated section on the website for the COVID-19 pandemic went live immediately providing up to date information on key areas such as government guidance, support for businesses, support for residents, community support and changes to council services.
30. Website traffic has increased significantly during the lockdown period. Since mid-March we have had 265,258 visits to the website, up 58,424 from the same period last year and 825,143 page views, up from 147,148 from the same period last year.
31. Social media engagement has risen tremendously. In the last 28 days Tweets from our corporate Twitter account have made 72,000 impressions. Meanwhile the average page views on our corporate Facebook account were 22,000 a day in March and 25,000 a day in April. We launched a corporate Instagram to reach a younger audience with our key messages. Since launching in late March, we have gained 807 followers. Referrals from our social media channels to the website had a striking increase to 11,346 compared to just 1695 last year.

32. My Hastings, our online self-service system, has been vital tool in ensuring customers can report issues and request services from home. In April 2020 79% of cases were reported online via self-service (compared to 64% in April 2019).
33. We have also introduced a new residents e-newsletter, My Hastings Matters, sent to over 37,000 residents to keep people up to date with our local Covid-19 response. Feedback has been good with impressive open rates, showing our residents are keen to keep informed.
34. The first virtual committee meetings will be held in May and June, testing has been completed and procedures produced for each committee to enable the public to continue to engage in the constitutional process of the council.

### **Housing and homelessness**

35. The COVID-19 pandemic has had a significant impact on our housing service and homelessness. Homelessness advice and support moved to telephone-based appointments. The government issued a 'Everyone In' instruction to councils at the start of lockdown, increasing the number of households and rough sleepers requiring temporary accommodation to be provided by the council.
36. At the end of May there were 240 households living in emergency accommodation, of these 43 are former rough sleepers. The reason for the increase is continued homelessness presentations and a lack of move-on options. Regular welfare checks are carried out over the phone to ensure people living in emergency accommodation have access to food, necessities and support.
37. We continue to receive homelessness presentations each week, often following eviction by a family member or friend. Advice from government continues to be that people at risk of homelessness should remain living where they are, provided it is safe for them to do so, to help contain the spread of the virus. It is expected that homelessness presentations will increase as lockdown measures are eased. The government is currently considering further legislation to help manage a potential influx in evictions from the private rented sector, as restrictions begin to be lifted.
38. Outreach services are continuing for rough sleepers, which are delivered by the Seaview Project in partnership with the council and Rough Sleeping Initiative. People found by the outreach team are supported to access homelessness advice through the council.
39. Partners from across homelessness, health, social care, criminal justice and voluntary sectors meet as part the homelessness cell. Sub-groups have been formed to oversee services for rough sleepers and recovery plans. We are working with partners to co-ordinate any changes to service delivery as changes to lockdown measures are introduced. The council has been leading work with colleagues from probation services, to improve access to homelessness services for vulnerable prison leavers.

### **Support for businesses**

40. The Small Business and the Retail, Hospitality and Leisure Grants system went live on 2 April. A new online automated application system had to be designed and implemented in a matter of days. Once applications are approved payments are made quickly within a couple of hours. As at 28 May, 1584 businesses in Hastings and St Leonards had received a grant, equating to £18.4 million of the grant being paid out. 84% of eligible business have applied. Council officers are making further contact with approximately 400 businesses who we believe are eligible and have not applied yet encouraging them to do so.

41. At the time of writing the scheme for the business discretionary fund is being drafted. The aim will be to have as common a scheme as is possible with other authorities in East Sussex, based on local circumstances. An expression of interest form is available on the website and further information is updated as its available.
42. A business rates holiday for 12 months was extended by government to all businesses in the retail, hospitality and leisure sector, regardless of rateable value. The Revenues team are in the process of re-billing all applicable business rate accounts.

### **Waste and street cleaning services**

43. There has been minimal impact on waste and street cleaning services for residents. Garden waste collections were only suspended for 4 weeks, and all household waste and recycling collections undertaken by our waste contractor have continued uninterrupted. The introduction of further safety and social distancing measures for our in-house street cleaning staff has enabled street cleaning services to continue, keeping the town clean and tidy. Bulky waste collections were resumed on 5 May after short period of suspension.

### **Suspended services**

44. A number of services were suspended due lockdown restrictions or to staff being reassigned to other priority areas. The cliff railways, all public conveniences, playgrounds, tennis courts, bowling greens, putting pitches, multi-use games areas and skate ramps are closed. Work on the Country Park Visitor Centre has stopped. Pest control appointments were suspended. Some regeneration projects have paused.
45. Licensing, Environmental Health Officer's and street wardens are working together to implement and enforce the new COVID-19 regulations for cafes, restaurants and pubs to ensure they remain closed. The environmental health team are supporting local businesses moving to takeaway food and drink services to continue trading during the restrictions.
46. However Active Hastings, who were unable to continue face to face physical activity and sport sessions have creatively developed alternative ways to offer a service to the community through online physical activity sessions. Five sets of classes are run each week by Active Hastings staff, along with fitness raves and pop up activity sessions for all ages to encourage people to take part in activity.
47. Hastings Digital Museum launched on Tuesday, 17<sup>th</sup> March. It aims to provide a space to reduce social isolation and loneliness by creating opportunities for people to engage in cultural activities through social media. Over the past nine weeks we have produced a range of content on Facebook, Twitter and Instagram each day, including weekends. The reach, the number of devices that our content could be seen on, is now over 740,000 (c.80,000 weekly). For comparison our normal monthly reach was around 60-80,000.
48. To support this level of output museum staff have worked with 22 freelancers, the majority based locally, to develop some of the content alongside what we've been doing in-house. Freelancer-led activities have included online immersive adventures, ethical taxidermy lectures and collaborative digital artworks. The funding to do this has come from the Chalk Cliff Trust and Arts Council England (Museum & Schools Programme). At the time ours is one of the only museums (if not the only one) actively taking on freelancers, while the majority of the non-NPO sector is cutting contracts.



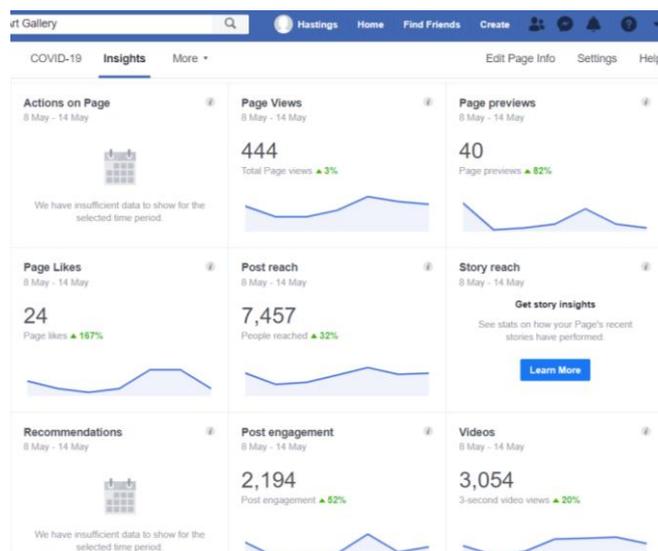
49. Alongside the digital museum, the museum has launched the Covid-19 Journal project. To date they've received expressions of interest from nearly 200 people and recruited about 100 of those to keep diaries. The project attracted interest from around the world. It is likely that this project will be developed further to collecting photographs, posters and leaflets documenting social distancing and other aspects of the 'new normal'. The museum also put together three virtual [exhibitions](#) for VE Day 75, and launched them over the bank holiday weekend to coincide with the anniversary.
50. 'Behind the scenes' the team have been working to support local groups. They have part-funded (Museums & Schools programme) art packs for [Arts on Prescription](#), part-funded art materials for their clients and are developing resources for them to work with from the collections. They have been in regular contact with local Home Education Groups, and are sending regular digests about what the museum is offering online and considering how to develop bespoke activities to support their work. In addition, museum colleagues have also offered support to Hastings & District Geological Society, Hastings Area Archaeology Group, Project Art Works, and the Syrian Resettlement Programme.

The museum has attracted significant press attention for our lockdown response. They have featured in 11 times over the past eight weeks. Alongside local and print media they have featured on BBC South East Today BBC Radio Sussex and Heart Radio.

Twitter:



Facebook:



## Our Staff

51. A COVID-19 Taskforce of senior managers and political leaders was initiated on 18 March to oversee the council's response to the COVID-19 pandemic, assess and implement government guidance and the impact on the provision of council services, staff and the community. The safety and wellbeing of our staff has been paramount throughout the crisis.
52. Anticipating the announcement of the lockdown in March the majority of office-based council staff were moved to homeworking to remove all non-essential contact. Risk assessments were carried out and personal protective equipment provided for front line staff continuing to carry out essential public facing roles.
53. Communication with staff has been key. Regular COVID-19 updates for staff are provided, initially daily given the evolving situation and now three times a week. A new user-friendly internal intranet was introduced. The implementation of Microsoft Teams was brought forward to enable staff to keep in contact with one another while working at home and hold virtual meetings. We used the new technology to hold our annual all staff meeting virtually in mid-May.
54. Information and support is being provided to staff about their mental health and wellbeing during this difficult and stressful time. Staff with caring responsibilities and those in vulnerable categories were supported by HR to continue working and have flexibility around their normal working pattern. The council's employee assistance programme is available 24 hours a day and 7 days a week for help, advice and counselling for staff and councillors.
55. Managers were asked to identify what business critical tasks staff were undertaking and who could be reassigned to priority areas in the council's response to COVID-19 such as the Community Hub, cemetery and crematorium, communications and business grant administration. To date 50 staff have been reassigned to support vital services for our community during the pandemic. Staff have shown resilience, flexibility and coped extremely well with new challenges whether that be performing their existing role in a different way, taking on additional duties or having been reassigned to a completely new area.
56. A small number of staff have been furloughed as they are not able to continue to operate in their role working from home.

## Financial Implications

57. The Council's financial position was difficult even prior to the current crisis. We had savings plans for 2020/21 amounting to some £1.784m and additional cost pressures of £786,000 e.g. homelessness, cliff and reservoir works. The budget shortfall in this financial year amounting to £1.182m, is to be funded from the Council's reserves (as agreed in February 2020).
58. The government have provided some much-needed support to businesses (Small business grants, rate relief, and hardship support) but none of these apply to Council owned properties. The Council has however received funding of £985,000 towards the additional COVID-19 related costs it faces e.g. supporting local people, homelessness, rough sleepers, etc.
59. However, the level of additional government funding received to date is insufficient to cover the additional costs being incurred and the loss of income from sales, fees and charges. Should there be no further funding the Council will inevitably face more challenging decisions on service levels and staff reductions, with a potential moratorium on spend.

60. We have submitted cost and income loss projections to the Ministry of Housing, Communities and Local Government (MHCLG) as part of a national return. These figures are required to be modelled on the assumption that the lockdown finishes at the end of July 2020.
61. The estimates range from a best-case scenario of some £3.65m to a worst-case scenario of some £10.1m. For the purposes of the government return the total additional costs and loss of income are estimated at some £4.9m for 2020/21. The costs and the loss of income are hard to estimate given the unknown timescales and the impact, depth, and length of any further lockdowns or recession.
62. The Council estimates loss of income to amount to some £3.37m on the basis that lockdown ends in July. Areas of income loss include, for example, car parks (including those owned by the Foreshore Trust), cliff railways, licensing, planning fees, rentals, investment income, business rates, Council Tax. The Council is incurring additional expenditure, estimated at £1.52m over this period in such areas as homelessness, leisure facilities, Council Tax – particularly the Council Tax Support scheme, plus costs associated with the setting up and operation of the Community hub – along with emergency food supplies.
63. The financial implications for the Council of COVID-19 will not necessarily fall into this financial year. Deficits on Council Tax and Business Rates collection resulting from businesses being unable to pay and more people becoming eligible for Council Tax Support will impact on the 2021/22 and 2022/23 financial years. Such deficits impact on the County Council, Police and Fire Authority. The levels of Council Tax Support claims continue to increase but those currently furloughed are generally receiving salaries or have savings that are too high to qualify at present.
64. The Council is working on closing its accounts for the last financial year and producing revised projections for 2020/21 and beyond. These will take account of revised projections on expenditure e.g. pay settlements, in-year savings, inflation, income e.g. rents, car park income, as well as revisions to the capital programme - project costs and associated borrowing implications (which will impact on the Council's revenue budget). The Council does have some reserves – but these are generally committed for specific purposes and are already approaching minimum levels after some 10 years of annual funding reductions.
65. A more detailed financial assessment will be submitted to the July Cabinet meeting. This will inform the next steps, including the requirement for, and timing of, an emergency budget should significant further government funding not be forthcoming.

## Re-start

66. From 11 May the government released new guidance on easing lockdown restrictions. We are working hard to consider the implications of the new guidance and keeping under review whether we can reintroduce suspended services safely. Our priority will remain the safety and wellbeing of our staff and residents in deciding what measures to implement locally and what is right for our town.
67. Data published by Public Health England at 28 May shows Hastings has a reported infection rate of 57.1 per 100,000, which is one of the lowest rate of COVID-19 infections in England and Wales. The council is doing all we can to keep this infection rate low and not jeopardise the incredible work that has been undertaken so far by everyone. The message we are giving to people outside our town is also clear: Hastings remains closed to tourists.
68. The government announced a Reopening High Streets Safely Fund on 24 May to get people back to work and customers back to the shops. The council can claim a grant allocation of up

to £82,026. The grant comes with strict conditions about what the funding can and cannot be used for. For example, it cannot be used to provide direct financial support to businesses to make adaptations to premises, purchase PPE, purchase goods or equipment or offset wages or other operating costs. It is intended to support a range of practical safety measures including new signs, street markings and barriers, all of which must be temporary. We are working with partners to understand the guidance and establish how this grant could best be used locally.

## Recovery

69. It is clear that many local partners and organisations, in addition to ourselves, are now thinking about recovery, be that 1066 Country, the community hub partnership, ESCC, the Local Enterprise Partnership, Chamber of Commerce and partners within the Local Strategic Partnership.
70. To correlate effort in thinking about maintenance of response to support the expected long-term need and to look at partnership and borough recovery, the Local Strategic Partnership has proposed to its members that the next 9 months of work, alongside business as usual, will focus on three thematic areas relevant to COVID-19:
  - a. The immediate response (lessons learned and preparedness for further peaks of need)
  - b. Maintenance of response to our most vulnerable
  - c. Recovery or restart – focussing on local strategic partnership approach.
71. In addition to the above the LSP will also incorporate climate change as one of their 'business as usual' threads of work.
72. Over the next few meetings of the LSP this will be fleshed out further and will be informed by activity undertaken by the county council (see the economy recovery plan below) and by other strategic partners within the town.

## Economy recovery plan

73. Colleagues at the county council are exploring recovery of the economy at a system and regional level. For context prior to lockdown the South East Local Enterprise Partnership was finalising a Local Industrial Strategy. Team East Sussex (and the county council) was due to develop an economic growth strategy for the county, which Hastings would have been involved with the development of.
74. However, due to COVID-19 and as part of the 'recovery cell' at county level the County Council is funding production of an Economy Recovery Plan (ERP) in response to the expected impact caused by the COVID-19 pandemic crisis. This will take the place of an economic growth plan for the next 12-18 months.
75. The aim of this recovery plan is to develop a 12 - 18-month action plan that sets out how best Team East Sussex, local councils, business support organisations and others can support the recovery of the county's economy in this time of crisis. It is intended to be a 'live' document which is maintained and updated as the phases of the lockdown become clearer and are implemented and the resultant economic and broader system impact and circumstances change, and opportunities arise.
76. The various stages of the plan are as follows:

- Phase 1 – establishing the context (impacts, issues and opportunities);
- Phase 2 – identifying where additional support is required;
- Phase 3 – development of the ESx Economy Recovery Plan.

77. Hastings Borough Council, the Local Strategic Partnership and Hastings Town Board have been actively providing responses to the plan during its different stages of development. Responses to Phase 1 were gathered from members of the above organisations (using SLIDO), the leader of the council and senior officers and submitted during the 2<sup>nd</sup> week of May.
78. We now have an opportunity to feedback on the Phase 2 of the ERP development process. The timelines for the response are however very tight but nevertheless we think it is important for the town to actively engage in this process.
79. The Phase 2 document set out a draft Summary ‘Ambitions’ and Proposals for the post-lockdown actions over the next 12 to 18 months was sent to partners and councillors with feedback to be provided by 1 June. Overview and Scrutiny, the Local Strategic Partnership and the Town Deal Board have all be invited to input to the response.
80. Current thematic ambitions which have come out of the 73 interviews (across East Sussex) are as follows:
- Improve digital connectivity infrastructure
  - Attract new inward investment
  - Re-Start the visitor economy
  - Reduce leakage from the economy (i.e. buy local)
  - Expand low carbon transport infrastructure
  - Maximise financial support for business
  - Increase business support capacity
  - Develop workforce skills
  - Use planning powers to support the recovery
81. There will clearly be the need for far more discussion about recovery as capacity is freed up from managing the immediate crisis situation.

---

## Wards Affected

All

---

## Policy Implications

Reading Ease Score: 36.6

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

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

---

**Additional Information**

Appendix A: HBC-only hub statistics

Appendix B: Service Demand – Reports submitted by partners

---

**Officer to Contact**

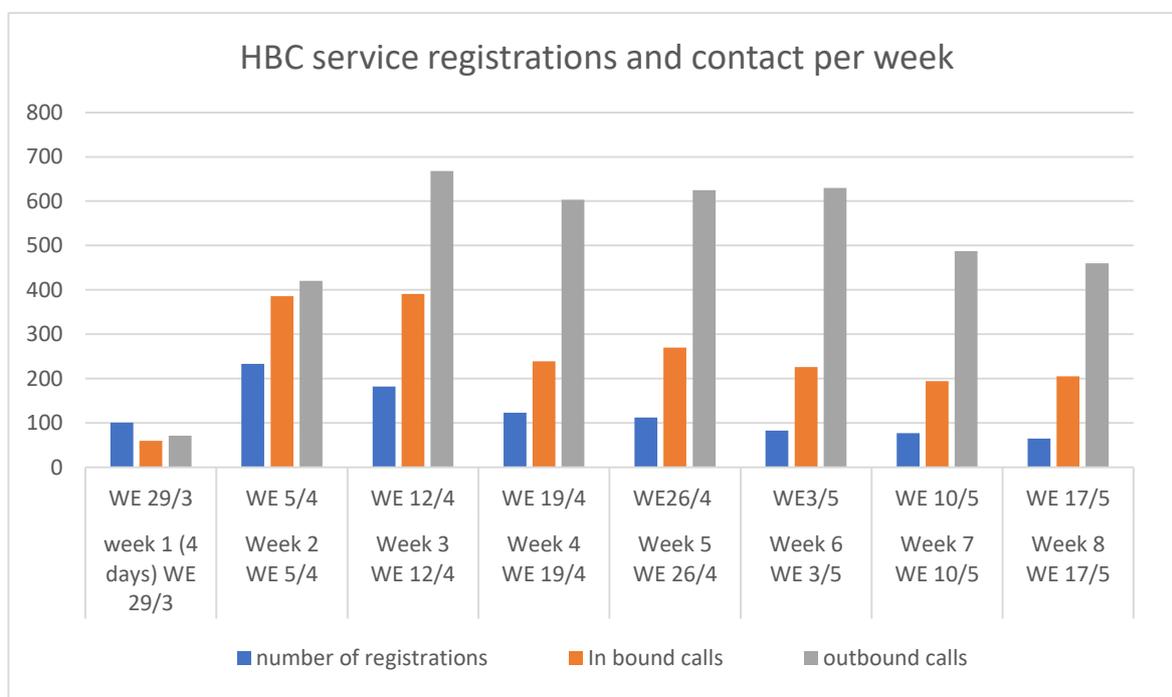
Officer: Jane Hartnell

Email: [jhartnell@hastings.gov.uk](mailto:jhartnell@hastings.gov.uk)

Tel: 01424 451844

**HBC-only hub statistics:**

Please note 'Unknown' relates to those who live just outside the borough or in temporary accommodation)

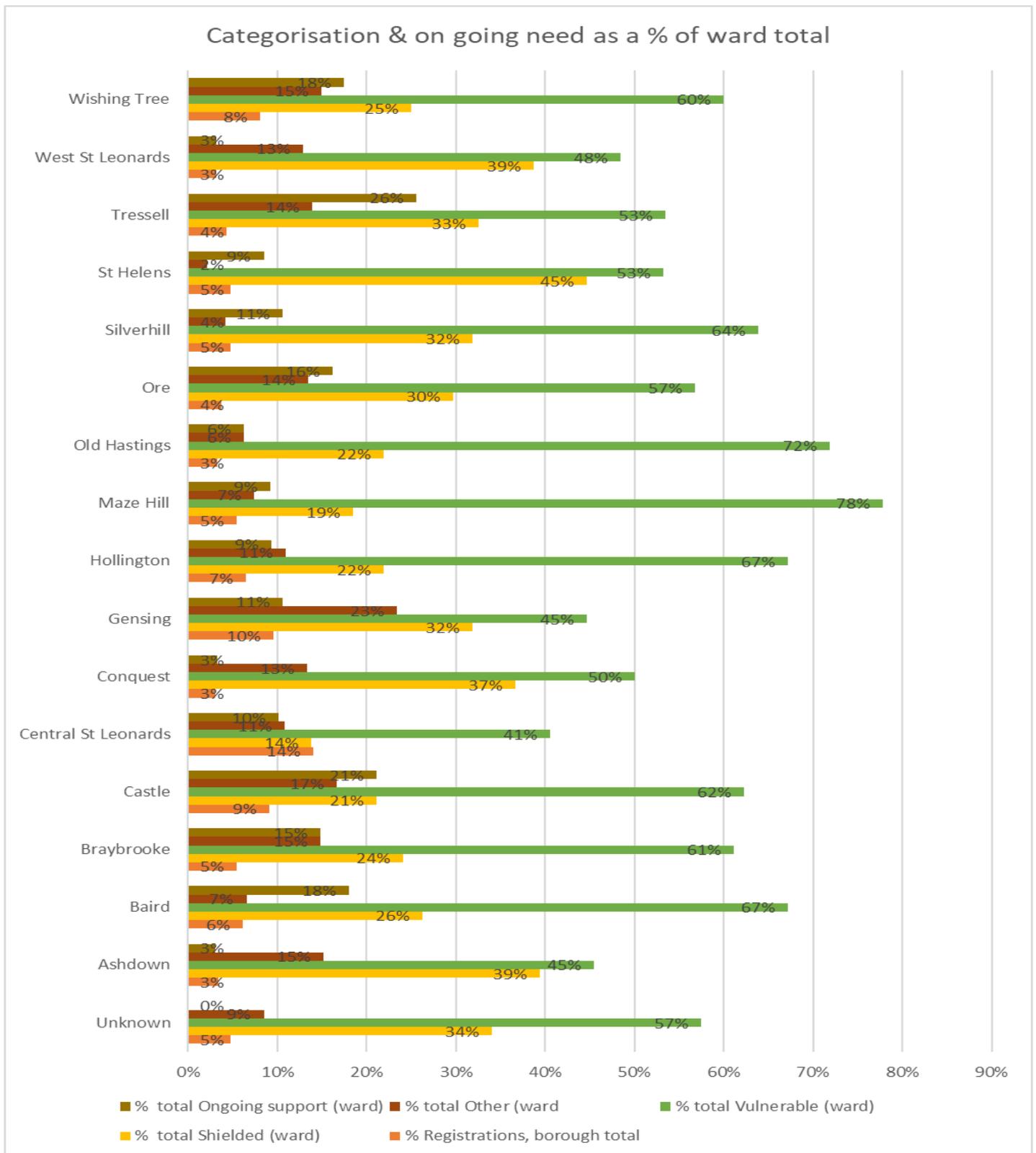


During week 9, ending on the 24<sup>th</sup> May we made 457 calls - 145 in bound calls and 312 outbound calls, compared to 665 calls in the previous week.

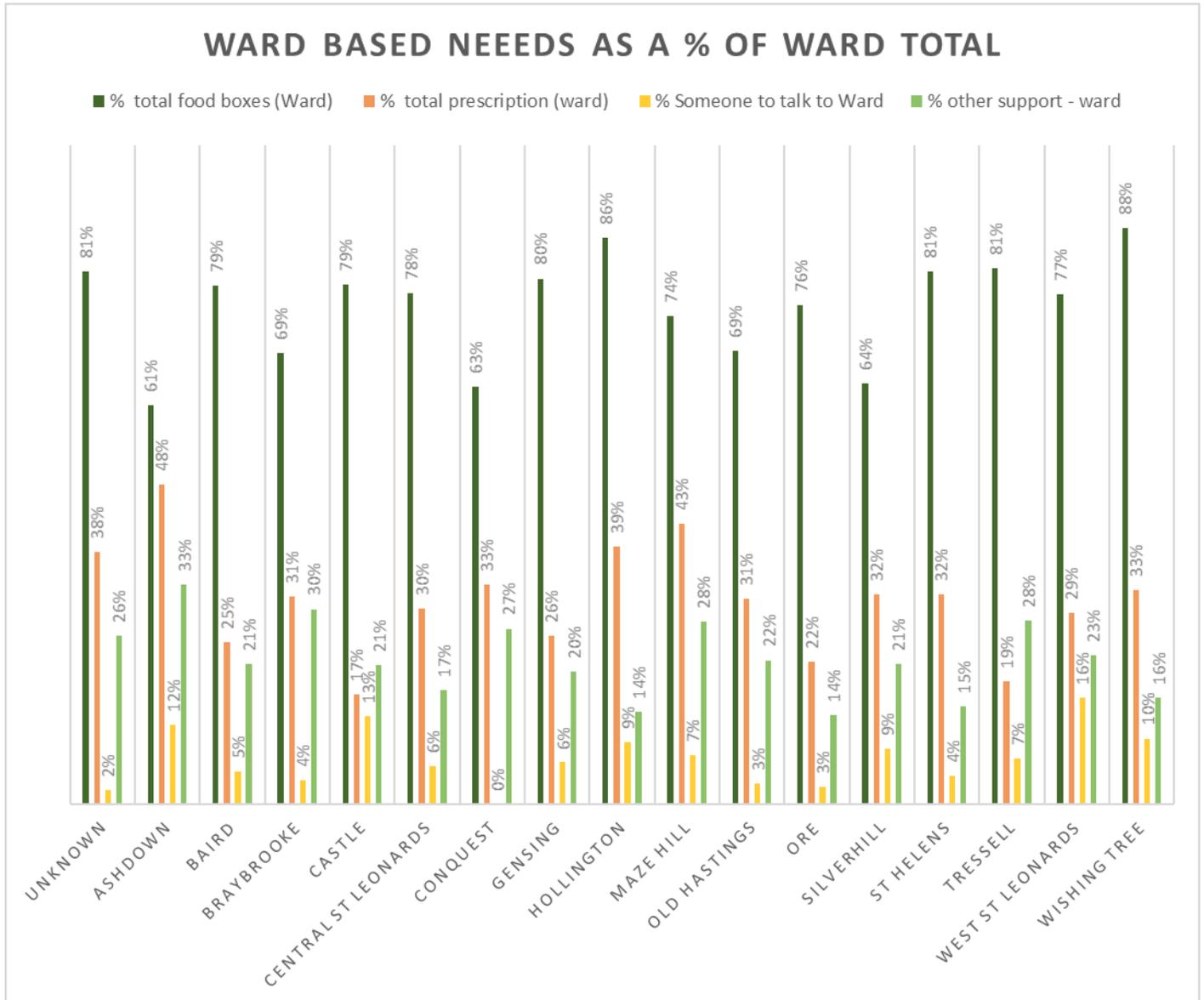
## HBC – Ward based statistics:



Ward level - % shielded, vulnerable and isolated. Also shows ongoing support needed as a % of ward total.



Levels of need per ward (Food, Prescriptions, Befriending, Other) as a % of ward total



## Service Demand – Reports submitted by partners:

### Kings Church Food Bank: April Statistics:

- In April 2019 we received 340 referrals. In April 2020, this rose to 908. That's an 167% increase.
- That represents 2,196 people receiving food from us in April 2020 – but some came more than once. (Our average repeat referral rate in April 2020 was 1.54.)
- Of the 2,196 – 807 were aged 0-16 and 169 aged 17-24 – so 44% of those referred are under 25.
- Referrals in April 2020 came from all wards in the borough, but of the 908 referrals the highest numbers were from Central St Leonards (138), Castle (109), Baird (80), Gensing (78), Tressell (66), Hollington (63), Wishing Tree (62) and Braybrooke (51).
- 46% of all April 2020 referrals came from the Hastings Community Hub Covid-19 crisis helpline. But this rose as the month went on. Since 20 April 2020, it's 53% (figures not yet in for most of May).

### Hastings Emergency Action Response Team

- HEART has seen 600 referrals and dealt with 100 urgent call outs

### Hastings Voluntary Action

- 60 befriending matches ongoing check in service

### Citizens Advice 1066

- CA is seeing increasing demand on services which is illustrated below:

	March 23 - 31	April	May 1 -28	Totals
<i>clients</i>	139	511	497	1147
<i>issues</i>	227	1248	1397	2872
<i>contacts</i>	164	986	1212	2362

### Issues

	Issues	Clients
Benefits & tax credits	182	117
Benefits Universal Credit	444	188
Consumer goods & services	365	209
Debt	224	53
Discrimination & Hate & GVA	7	6
Education	3	2
Employment	173	85
Financial services & capability	107	76
Health & community care	25	19
Housing	126	78
Immigration & asylum	11	6
Legal	35	22
Other	357	222
Relationships & family	84	40
Tax	3	3
Travel & transport	10	5
Utilities & communications	678	268
<b>Grand Total</b>	<b>2,834</b>	

- We refer for finance advice/ support – benefits/ income maximisation as well as fuel poverty – and access to a fuel voucher – part of a county wide scheme that support residents with their fuel costs.

#### Education Futures Trust

- Cumulative up to 15<sup>th</sup> May 2020 (8 weeks), 355 hampers delivered comprising
    - 1238 individuals
    - 702 were children
    - 536 were adults
- 471 individuals in 10% most deprived areas (44%)  
602 individuals in 30% most deprived (56%)

Of these we served

- 146 unique households (repeat of 2.43, which is higher than the Foodbank of 1.7. Not surprising as we are working with keyworker/coach caseload, so some of the most vulnerable in the borough. We have tried not to use the foodbank to reduce pressure on them and to avoid duplication)
- 528 unique individuals

Monthly figures (won't add up to the total as March not included)

	Adults	Children	Total	Households	New H/h	New indiv
April	259	344	603	174	86	316
May until (15 <sup>th</sup> )	181	235	416	119	33	119

#### Hastings Community Transport

- Client transport to shops for food or medicine collection & food parcel deliveries: 213, miles travelled 479

This page is intentionally left blank

# Agenda Item 5

**Report to:** Cabinet

**Date of Meeting:** 8 June 2020

**Report Title:** Planning Enforcement Policy Updated

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

**Key Decision:** No

**Classification:** Open

---

## Purpose of Report

1. To advise of draft revisions to the Council's Planning Enforcement Policy.

---

## Recommendation

1. To approve the Revised Planning Enforcement Policy.

---

## Reasons for Recommendations

The existing Planning Enforcement Policy was approved by CMG in 2017 and sets out how the service will respond to complaints regarding alleged breaches of planning control. The policy has recently been updated and amended following a review and restructure within Planning Services.

## Changes

- The policy prioritises by complaint type, each priority with a time frame within which the site is visited. The existing 3 point priority framework has been replaced by a 5 point scheme This includes a new priority to aim to carry out emergency site visits within 2 days and replaces the existing 3 day target . This ensures that the service will be more proactive in emergency cases. The new priority 1 will apply in respect of dangerous structures, felling of TPO trees and demolition of heritage assets;
- Timescales for Priorities 2- 5 have been adjusted accordingly and allow between 5 days (priority 2) to a max of 20 days (priority 5)
- The policy introduces a new section to explain when enforcement action will not be appropriate and what information is needed when a complaint is submitted. The policy also now provides a link to the on-line 'report a breach' form.
- The policy is generally edited to make it more accessible for its readers.

## Conclusion

That the recommendations of this report are agreed.

This page is intentionally left blank

# HASTINGS BOROUGH COUNCIL

---

## PLANNING ENFORCEMENT POLICY

---



## Our Aims

1. To provide a high quality, fair, proportionate, consistent, open and efficient planning enforcement service to protect the local environment, economy and the interests of local residents, businesses and visitors to the Borough in accordance with the Council's core values.
2. To ensure that the planning process is not undermined by unauthorised developments and changes of use whilst underpinning planning decisions and the policies of the Local Plan.
3. To work in a joined up fashion with other Council Departments and external agencies in the interests of upholding the law and improving the Borough.
4. To undertake enforcement in accordance with national guidance.

## Priorities

Cases are carefully prioritised. The highest priorities are as follows:

- **Priority 1: aim to visit within 2 working days**
  - Unauthorised felling of trees covered by a Tree Preservation Order (TPO);
  - Demolition of a listed buildings or structure;
  - Dangerous structures, premises and/or buildings;
- **Priority 2: aim to visit within 5 working days**
  - Unauthorised works to trees covered by a TPOs;
  - Unauthorised work to trees in Conservation Areas;
  - Unauthorised works to designated heritage assets (other than demolition);
- **Priority 3: aim to visit between 5 to 10 working days**
  - Unauthorised occupation of land;
  - Commencement of major developments before pre-commencement conditions have been discharged;
- **Priority 4: aim to visit between 10 and 15 working days**
  - Commencement of non-major developments before pre-commencement conditions have been discharged;
  - Untidy sites identified under the Grotbuster initiative and being located in the following areas:-
    - Seafront
    - Old Town
    - Central St Leonards
    - Hastings Town Centre, including Queens Road
    - Secondary shopping areas, including Silverhill and Bohemia Road

(Grotbuster priority areas will be reviewed periodically).

- **Priority 5 – aim to visit between 15 and 20 working days-**

- Untidy sites identified under the Grotbuster initiative and located other than in the areas identified in Priority 4 above;
- Display of unlawful advertisements;
- Fences;
- Other breaches of planning control (such as unauthorised changes of use and Householder extensions/outbuildings);

The Planning Enforcement Team will seek to resolve breaches of planning control, where appropriate, as quickly as possible. There are several key ways in which this is achieved:-

- The Senior Enforcement Officer has fully delegated powers to sign and serve enforcement notices.
- All planning permissions carry the caveat that enforcement action may be taken without further warning in the event of a condition being breached.
- By taking enforcement action, if the circumstances dictate it, in the event of any undue delay or lack of co-operation on the part of the responsible party.

#### Anonymous Allegations

5. Anonymous allegations of breaches of planning control are not investigated unless there appear to be absolutely exceptional and extraordinary circumstances why they should be. This is to ensure that complaints made are not malicious, being born of factors such as neighbour disputes or rivalries between competing businesses. Name, address and telephone number are therefore required.
6. Planning Enforcement Officers will not pursue complaints which are obviously malicious and/or vexatious.

#### Instances when Enforcement Action is not appropriate

7. Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan, any other material considerations and the public benefit that would result. Where the balance of public interest lies will vary from case to case and will be at the discretion of the Enforcement Officers to determine. Enforcement action should be proportionate to the breach of planning control to which it relates.
8. The National Planning Practice Guidance sets out instances where it will not be appropriate to take enforcement action, these are listed below:
  - There is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
  - Development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;

- That an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed;
- In the case of the ‘Grotbusters’ scheme, where there are no public views of the areas raised in the complaint;

9. We will write to inform you when enforcement action is not considered appropriate.

#### What we require from you

10. In order for us to investigate your breach we ask you to:

- State clearly the address of the site you are referring to;
- State clearly what is the nature of the works you are concerned about?
- State clearly what harm is the works are causing?
- Set out when you first noticed the works?
- Advise us who you think is responsible for the works?
- **Provide photographic evidence to assist us with our investigations.**

All this information can be provided using our [on-line form](#).

#### After the Initial Investigation

11. Once you have provided us the information requested in paragraph 10 above, and in cases where we do consider enforcement action may be appropriate we will undertake a site visit in accordance with our priorities noted above. We will then make an assessment of what further action may be needed.

12. The complainant will receive updates on the progress of the investigation in accordance with our service offer (see below).

13. This assessment may lead to the following courses of action:

- Case is closed because the investigation identifies that no breach of planning control has occurred.
- Case is closed because an alleged breach of planning has been identified but then resolved by negotiation.
- A planning application or other form of application is submitted following the investigation.
- A breach of planning control is identified and a retrospective application is requested but not submitted within the required timeframe. An assessment has been made that it is not expedient to take formal enforcement action.

- A breach in planning control is identified and an assessment is made that it is expedient to take formal enforcement action. Formal action may be in the form of notices issued and/or legal proceedings.

## Our Service Offer – How Will We Respond?

14. We will acknowledge your initial complaint in 5 working days. Our acknowledgment will:

- let you know if the complaint will be investigated;
- If being investigated, let you know the priority it has been given and who is your enforcement officer;

15. For those cases where a breach of planning control has occurred and an assessment is made that formal enforcement action is the most appropriate approach we will:

- contact you if we need further information;
- We will keep you informed – at key stages of the investigation such as a site visit, the submission of an application, the service of an enforcement notice, the submission of an appeal, an appeal decision. We will not provide updates in instances where no key stages have changed from that of the last update;
- let you know the final outcome of your complaint;
- As far as is possible we will treat your complaint sensitively and where possible confidentially. However it may be difficult to preserve confidentiality in every single case e.g. if we need to go to court we may ask you to give us further help with the case.

16. In respect of the person(s) responsible for the alleged breach of planning

- provide identification whenever we visit;
- provide the name of the officer carrying out the investigation;
- investigate the complaint thoroughly before making any decision on what action to take;
- we **aim** to inform the person(s) responsible for the breach within 10 working days of the site visit of the nature of the problem and the course of action necessary to remedy matters. It is possible that the nature of enforcement action may change over the course of time having regard to how a case develops and the person(s) responsible for the breach will be kept informed of any such developments;
- explain what you need to do to put matters right, how long you have to do this and what the consequences might be if this does not happen;
- inform you if we decide to issue an Enforcement Notice or start legal action;

## **General Principles of Enforcement**

17. Each case is unique and must be considered on its own merits. However, there are general principles that apply to the way each case must be approached.
18. Standards – Clear standards for level of service and performance which the public and businesses can expect to receive.
19. Openness – Information and advice provided in plain language.
20. Transparency – This is important in maintaining public confidence in the Council’s ability to regularly make clear why an officer intends to or has taken enforcement action. An explanation of that intention will be provided to the person(s) responsible for the breach of planning control within 10 working days of the site visit at the latest.
21. Written explanation of any rights of appeal will be made clear at the time formal enforcement action is taken) this would normally be issued with the enforcement notice
22. Helpfulness – The Council will provide a courteous, helpful and efficient service and our staff will identify themselves by name where it is appropriate to do so.
23. Proportionality – Enforcement action will be proportionate to the risks posed and to the seriousness of any breach of the law. The Council will ensure that where a caution or prosecution is being considered officers will apply the Code for Crown Prosecutors and any other relevant guidance. Prosecutions and or works in default will be pursued where the circumstances are such that this course of action is in the public interest, proportionate and reasonable. Prosecutions will normally be pursued where an enforcement notice has not been complied with.
24. Consistency – Enforcement officers will be expected to exercise judgment and discretion. Consistency means taking a similar approach in similar circumstances to achieve similar aims. The Council recognises however that consistency does not mean simply uniformity. Officers need to take account of many variables, the scale of impact and the history of previous incidents or breaches. Decisions on enforcement are a matter of professional judgement. Council officers need to exercise discretions. The Council expects all developments with planning permission to proceed in full accordance with approved drawings, conditions and legal agreements.
25. Targeting - Means making sure that regulatory effort is directed primarily towards those whose activities give rise to or risk of serious social physical or economic environmental damage or affects personal health or safety, where the risks are least well controlled or against deliberate or organised crime.
26. Action will be primarily focused on lawbreakers or those directly responsible for the risk and who are best placed to control it.

## **Human Rights and Equality Issues**

27. The Council will recognise the fundamental principles of the Human Rights Act 1989 and, in particular, Article 6 and Article 8. As such, enforcement investigations

and any related action will be conducted in a manner which does not conflict or undermine the fundamental principles of that Act.

28. Article 6 – The Right to a Fair and Public Trial Within a Reasonable Time. The Council will ensure that its approach to enforcement is compatible with Article 6 of the Human Rights Act and affords the right of access to a court or tribunal and the right to a fair hearing. Where enforcement action is to be taken the Council will also ensure that, in so far as the Council has control, any hearing is held within a reasonable time and avoid delays.
29. Article 8 – The Right to Respect for Private and Family Life, Home and Correspondence. The Council will ensure that in its enforcement activity is consistent with Article 8 of the Human Rights Act and only interferes with a person's private life where it has lawful authority to do so. Council officers will also satisfy themselves that the action is necessary in a democratic society in the interests of public safety, the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morale, or for the protection of the rights and freedom of others.
30. Officers will satisfy themselves that the enforcement action taken is proportional to the nature of the offence.
31. The Council is committed to equality in all respects and its officers will ensure that enforcement action is taken consistently and fairly without any discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (Article 14). The Council also recognises its duties and responsibilities under the Race Relations (Amendment) Act 2000. In particular the Council will develop links with minority ethnic groups to ensure that there is effective communication and understanding of the need for and reasons behind enforcement action it takes.
32. For a copy of Hastings Borough Councils full equalities policy please go to [http://www.hastings.gov.uk/my\\_council/transparency/equalities/equalities/](http://www.hastings.gov.uk/my_council/transparency/equalities/equalities/)

### **Costs**

33. The Council will always seek to recover the costs of investigation and Court proceedings.



# Agenda Item 6

To Councillor Davies  
Chair of Overview and Scrutiny Committee

## ACCESS TO INFORMATION RULES

### KEY DECISIONS

#### RULE 20 –general exceptions.

**NOTICE** is hereby given under Rule 26 of the Access to Information Rules contained in the Council's Constitution that the following key decision will be taken at Cabinet on: - 8 June 2020

Cabinet			
<u>Decision</u>	<u>Consultation and Timetable</u>	<u>Working Papers and files</u>	<u>Responsible Officer / Portfolio Holder</u>
Cabinet agree that the Council should undertake works in relation to the dangerous structure at 2 – 12 Battle Road should an Order served on the owners of the premises under section 77 of the Building Act 1984 not be complied with		Report from EAR SHEPPARD Consulting Civil & Structural Engineers	Andrew Palmer / Cllr Kim Forward

Signed .....C Barkshire-Jones.....Dated 26<sup>th</sup> May 2020

#### **Note:**

##### Rule 26.20 General Exception

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 26.21 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Chief Legal Officer has informed the chair of a relevant overview and scrutiny committee, or if there is no such person, each member of

- that committee in writing, by notice, of the matter to which the decision is to be made; and
- (c) the Chief Legal Officer has made copies of that notice available to the public at the offices of the Council; and
  - (d) at least five clear days have elapsed since the Chief Legal Officer complied with (b) and (c).
- Where such a decision is taken collectively, it must be taken in public.

# Agenda Item 8

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank