



Council Meeting

**Wednesday, 23rd
October, 2019**

HASTINGS BOROUGH COUNCIL

Dear Councillor

You are hereby summoned to attend a meeting of the Hastings Borough Council to be held at the Council Chamber, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY, on Wednesday, 23rd October, 2019 at 6.00 pm at which meeting the business specified below is proposed to be transacted.

Yours sincerely,

Chief Legal Officer

Muriel Matters House
Breeds Place
Hastings

15 October 2019

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the last meeting held on 24th July 2019
3. Declarations of Interest
4. Announcements from the Mayor and Leader
5. Questions (if any) from:
 - a) Members of the public under Rule 11
 - b) Councillors under Rule 12
6. Motion (Rule 14)
Councillor Rogers to propose:

"This council notes:

- Government has endured central government funding cuts of nearly 50% since 2010.
- Between 2010 and 2020, councils will have lost 60p out of every £1 they have received from central government.
- The 2019 LGA survey of council finances found that 1 in 3 councils fear they will run out of funding to provide even their statutory, legal duties by 2022/23. This number rises to almost two thirds of councils by 2024/2025 or later.
- The LGA estimates councils will face a funding gap of £8 billion by 2025.
- Faced with these cuts from central government, the local government workforce has endured years of pay restraint with the majority of pay points losing 22 per cent of their value since 2009/10.
- At the same time as seeing their pay go down in real terms, workers experience ever increasing workloads and persistent job insecurity. Across the UK, an estimated 876,000 jobs have been lost in local government since June 2010 – a reduction of 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector.
- There has been a disproportionate impact on women, with women making up more than three quarters of the local government work force.

This council believes:

- Our workers are public service heroes. They keep our communities clean, care for those in need, and keep our towns and cities running.
- Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.
- Government funding has been cut to the extent that a proper pay rise could result in a reduction in local government services.
- The government needs to take responsibility and fully fund increases in pay; it should not put the burden on local authorities whose funding been cut to the bone.

This council resolves to:

- Support the pay claim submitted by Unite, GMB and UNISON on behalf of council and school workers for a £10 per hour minimum wage

and a 10% uplift across all other pay points in 2020/21.

- Call on the Local Government Association to make urgent representations to central government to fund the National Joint Council (NJC) pay claim.
- Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.
- Meet with local NJC union representatives to convey support for the pay claim.
- Communicate with all local government workers encouraging them to join a trade union.”

7. Motion (Rule 14)

Councillor Chowney to propose:

“Hastings Borough Council agree to:

Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply’s (CIPS) online course on Ethical Procurement and Supply. We also call on East Sussex County Council to adopt the same protocols...

1. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
2. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
3. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
4. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
5. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
6. Review its contractual spending regularly to identify any potential issues with modern slavery.
7. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
8. Refer for investigation via the National Crime Agency’s national

referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.

9. Report publicly on the implementation of this policy annually.”

8. Membership of Committees

To give effect to any request received from a political group for a change in their representation on committee(s).

9. Reports of Committees

- a) To resolve that the public be excluded from the meeting during the discussion of any items considered while the public were excluded by the relevant committee because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in the respective paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the minutes of the relevant committee.
- b) To receive and consider the recommendations and any decisions of the following committees.

Minute No.	Subject	Cabinet Member / Chair
AUDIT COMMITTEE – 30 JULY 2019		
63.	Audit Committee Report to Full Council	Rankin
CABINET – 2 SEPTEMBER 2019		
195.	Medium Term Financial Strategy and 2019/20 Mid-Year Financial Review	Chowney
196.	Management Response to Overview & Scrutiny Review of Regeneration Funding	Forward
197.	Central St Leonards Renewal Area Exit Review	Batsford
198.1	12/13 York Buildings (Part 1)	Chowney
198.2 (E)	12/13 York Buildings (Part 2)	Chowney
CABINET – 7 OCTOBER 2019		

202.	Update on the Social Lettings Agency	Batsford
203. (C)	Polling Places Review 2019	Rogers
204.	Land at Whitworth Road	Chowney
205.	Acquisition of land in Ore Valley	Chowney
206.	Churchfield Business Centre	Chowney
207.	Old Town Hall	Chowney
208.	Cornwallis Street Car Park - Potential Development	Chowney
209. (C)	Constitutional Amendments	Rogers
210.	Museum Committee Recommendations	Forward

Notes:

1. The Mayor will call over the minutes and members will rise and indicate those items which they wish to have discussed.
 2. No discussion shall take place at this stage upon part II minutes covered by the resolution 9a) above. Any such discussion shall be deferred to item 10 on the agenda.
10. To consider the recommendations and decisions of committees (if any) which the Council has resolved should be discussed after the exclusion of the public from the meeting.

Appendix - Cabinet Agendas 2 September & 7 October 2019

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

Agenda Item 2 Public Document Pack

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Present: Councillors Sinden (Chair), Bacon (Vice-Chair), Barnett, Batsford, Battley, S Beaney, Berelson, Bishop, Charman, Chowney, Cox, Davies, Evans, Fitzgerald, Forward (from 7.59pm), Levane, O'Callaghan, Rogers, Sabetian, Scott, Turner, Webb, Louise (from 6.55pm), Lee, Patmore, K Beaney, Beaver, Edwards, Foster, Marlow-Eastwood, and Rankin.

71. APOLOGIES FOR ABSENCE

Apologies for absence were noted for Councillor Roberts. Apologies for lateness noted for Councillors Forward and Louise.

72. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE LAST MEETING HELD ON 15 MAY 2019

RESOLVED that the minutes of the Full Council meeting held on 15th May 2019 be approved and signed by the Mayor as a correct record of the proceedings.

73. DECLARATIONS OF INTEREST

Councillor	Committee	Minute	Interest
Cox	Cabinet – 8 th July 2019	184 – Lower Tier Residential Development	Personal – Chair of Coombe Valley CIC

74. ANNOUNCEMENTS FROM THE MAYOR AND LEADER

The Mayor led a minute's silence to mark the death of Sir Kenneth Warren, Member of Parliament for Hastings 1970 – 1983 and Hastings & Rye 1983 – 1992.

Following the closure of the University of Brighton Hastings Campus the Leader of the Council thanked campus staff for their work and the opportunities the campus has brought to people in Hastings.

75. QUESTIONS (IF ANY) FROM:

75.1 Members of the public under rule 11

A written question was received from Ms Barbara Lowe asking if Hastings Borough Council had a 5G strategy. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

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Ms Lowe asked a supplementary question inquiring when Hastings Borough Council anticipates rolling out 5G in the borough and whether there been approaches by any telecoms company or any other authorities about 5G rollout.

Councillor Chowney responded that there hasn't been any approach to the council regarding 5G rollout and the council wouldn't be involved in the rollout as the telecommunications network is privatised. Hastings doesn't appear to be one of the locations where 5G is going to be introduced. The council will have a peripheral role in assessing any planning applications relating to 5G rollout.

A written question was received from Ms Liz Bygrave regarding the respective roles and responsibilities of Hasting Borough Council and East Sussex County Council in dealing with planning applications for 5G small cell antennae. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

In a supplementary question Ms Bygrave asked if the council knows whether the LED lampposts already rolled out in the borough are 5G enabled.

Councillor Chowney confirmed that as East Sussex County Council is responsible for street lighting he is unable to provide an answer.

A written question was received from Mr Welch regarding the criteria Hastings Borough Council will use to evaluate planning applications for 5G small cell antennae. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

In a supplementary question Mr Welch asked if the Leader of the Council could confirm that planning permission would still be required if 5G antennae were placed on street furniture.

Councillor Chowney said he would provide a written response.

A written question was received from Ms McCleary regarding income generation in relation to 5G small cell antennae. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

Ms McCleary did not ask a supplementary question.

A written question was received from Mr Joel Brook regarding the development of a 5G strategy. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

Mr Brook did not ask a supplementary question.

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A written question was received from Mr Nigel Farrow regarding the energy consumption of 5G technologies. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

Mr Farrow asked a supplementary question. Noting that Glastonbury and Frome councils are funding research into the environmental impact of 5G Mr Farrow asked Councillor Chowney if he would engage with those authorities about their research.

Councillor Chowney replied that he would take a look at what Glastonbury and Frome councils are doing, but any serious objective research has to be done on a national basis.

A written question was received from Ms Gemma Cotsen regarding the felling of trees to facilitate the transmission of a 5G signal. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

In a supplementary question Ms Cotsen asked if Hastings Borough Council has any policies to protect trees from 5G radiation.

Councillor Chowney replied that there are no such policies in place and all telecommunications planning applications are determined by the national planning policy framework. Councillor Chowney said he would not want council owned trees to be cut down.

A written question was received from Mr Vincent Phillips regarding the Council's duty of care to workers and residents in relation to 5G radiation. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

Mr Phillips asked a supplementary question inquiring how local residents and the Council might work together on this issue.

Councillor Chowney acknowledged that there are a lot of concerns and a lot unanswered questions and that more objective research is needed. He added that it would be worth considering what powers the Council has around this and how the Council and residents could work together.

A written question was received from Ms Penny Beale asking if Councillors had appraised themselves of scientific bio-effects research regarding 5G. Copies of the question and response were circulated to Councillors and members of the public.

Ms Penny Beale did not ask a supplementary question.

A written question was received from Ms Emily McMorran regarding the health and environmental effects of microwave radiation from 5G technology. Councillor Chowney

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provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

Ms McMorran asked a supplementary question inquiring what pressure the Council will put on government to ensure the proper research in relation to the health effects of 5G is adhered to. Councillor Chowney replied that he wants to see the Government commission objective research separate from the telecommunications industry.

A written question was received from Mr John Briggs regarding the provision of “white zones” to mitigate the effects of microwave radiation within the Borough. Councillor Chowney provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

In a supplementary question Mr Briggs asked if the Council had considered any measures to help reduce exposure to 5G radiation amongst children and teenagers. Councillor Chowney noted that Hastings Borough Council has no control over local schools. The Council are in a position of not knowing whether there is any harm or not and that is why the Council would want to see more objective research.

A written question was received from Mr Robert Sorrenti. Councillor Batsford provided a written response to the question. Copies of the question and response were circulated to Councillors and members of the public.

In a supplementary question Mr Sorrenti asked why there has been no consultation on proposals for the bathing pool site before the site has been handed over to the developer.

In response Councillor Batsford confirmed the Council are about to sign a 250 year lease with the developer who has 5 years to bring forward a plan. Councillor Batsford gave assurances that before the planning proposal comes forward there will be opportunities to be involved and share ideas. Councillor Batsford said he would ensure that there is consultation at every stage.

75.2 Councillors under rule 12

Questions to the Leader, Deputy Leader and cabinet portfolio holders were asked and answered in accordance with Rule 12.1 as follows:

Questioner	Subject	Reply given by
Councillor Lee	<u>White Rock Fountain</u> – Can you provide an update on where we are with the white rock fountain project? Councillor S Beaney responded that work is just beginning on the project.	Councillor S Beaney
Councillor Davies	<u>RNLI lifeguards</u> – Do you agree that the seafront is looking spectacular this tourist season and	Councillor S Beaney

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	<p>visitors to the beach are safe swimming in the sea thanks to the RNLI lifeguards?</p> <p>Councillor S Beaney agreed that the lifeguards have been doing a fantastic job and the Council is very grateful to the RNLI.</p>	
Councillor Scott	<p><u>Rough sleeper data</u> - Many councils are refusing to disclose the personal data of rough sleepers to the Government in case it results in their deportation. Can you confirm Hastings Borough Council's position on this?</p> <p>Council Batsford confirmed that the Council does not disclose information which might identify individuals as illegal immigrants.</p>	Councillor Batsford
Councillor Patmore	<p><u>Ark Castledown</u> - During the transition period from a local authority maintained school to an academy Ark Castledown was pelted with eggs. Does the Leader of the Council condemn this and congratulate school on its achievement?</p> <p>Councillor Chowney replied that it seemed like a waste of eggs. It is good that the school is improving, but it should be noted that this is also happening in other schools. Maintained schools and academies can both achieve.</p>	Councillor Chowney
Councillor Turner	<p><u>DSO progress report</u> – Can you provide a progress report on the in-house street cleaning service?</p> <p>Councillor Fitzgerald informed the Council that the DSO street cleaning service was delivered on time and within agreed budgets. The new staff are positive and happy and taking pride in their work. The Council encourages Councillors and residents to use MyHastings as much as possible to report issues.</p>	Councillor Fitzgerald
Councillor Edwards	<p><u>Street drinking</u> – We are all aware of the street drinking problem. Can you advise us on the present situation and what can be done?</p> <p>Councillor Fitzgerald said the Council will fulfil its obligations in relation to Public Space Protection Orders. The Council is trying to strike a balance between supporting those on the streets and</p>	Councillor Fitzgerald

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	<p>making sure people feel safe in the town. In some instances some of the behaviour encountered by street wardens is particularly dangerous. Wardens are now fully police vetted and numbers have reduced because of this.</p>	
<p>Councillor Sabetian</p>	<p><u>Refugee programme</u> – This Council signed up to vulnerable person refugee programme, under which we agreed to take 100 refugees. Can the Leader of the Council update us on progress?</p> <p>Councillor Chowney confirmed that over 100 refugees have been homed in the Borough under the programme. This achievement has been recognised and the Council has been asked by the Home Office to detail how this was achieved. The work of volunteers and the local buddy programme has been vital to the success.</p>	<p>Councillor Chowney</p>
<p>Councillor O’Callaghan</p>	<p><u>Summer kids activities</u> – What summer activities for kids will be taking place over the school holidays?</p> <p>Councillor Batsford confirmed a full programme of activities has been organised by officers, the majority of which will be free.</p>	<p>Councillor Batsford</p>
<p>Councillor Bacon</p>	<p><u>May bank holiday</u> - Next year the May bank holiday has been moved to align with VE day. Does the Leader of the Council agree there should be two bank holidays in 2020 and will you write to the Secretary of State for Business, Energy and Industrial Strategy and Amber Rudd MP to ask for this?</p> <p>Councillor Chowney confirmed that he would be happy to write a letter in support of the campaign. Bank holiday Monday is the busiest day of the year for the town.</p>	<p>Councillor Chowney</p>

76. MOTION (RULE 14)

Councillor Batsford proposed a motion, as set out in the agenda, which was seconded by Councillor O’Callaghan.

Councillor Patmore proposed the following amendment to the motion:

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Add at the end '3. Calls for Section 8 of the Housing Act 1988 to be reviewed and adapted to help those good landlords against rogue tenants.'

Councillor Batsford accepted the proposed amendment. The motion as amended became the substantive motion debated by Councillors.

RESOLVED (unanimously) that the Council do accept the motion as set out below:

Over the last four years, Hastings has seen a huge rise in the numbers of households threatened with homelessness through the increased use of 'No-Fault Section 21 Notices' of the 1988 Housing Act, which allows landlords to carry out 'no fault' evictions.

Over 27% of all accepted homelessness applications in Hastings now result from 'No-Fault Section 21 Notices' evictions.

This widespread use of 'No-Fault Section 21 Notices' results in insecurity for private tenants and disruption to family life, as well as affecting job security, educational performance in children, and mental health, with families continuously under the threat of potential eviction proceedings.

In Hastings, which has the largest proportion of private rented housing in the south east, it also creates instability in local communities, with transient populations who are never able to settle.

There is not only a personal cost for Hastings but a financial one as well. Temporary accommodation for those who are accepted as homeless now costs the council over £1m.

Abolishing 'No-Fault Section 21 Notices' would provide increased security for tenants, as well as reducing the homelessness burden on local authorities, particularly if coupled with the government's proposals to extend the minimum period for shorthold tenancies from six months to three years.

This Council:

1. Calls for the end of the use of 'No-Fault Section 21 Notices' evictions.
2. Instructs the Leader of Hastings Council to write on behalf of the council to the Secretary of State for Housing, Communities and Local Government, asking him to repeal 'No-Fault Section 21 Notices' of the Housing Act 1988 and to speedily implement their proposals for three year fixed term tenancies.
3. Calls for Section 8 of the Housing Act 1988 to be reviewed and adapted to help those good landlords against rogue tenants.

77. MOTION (RULE 14)

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Councillor Chowney proposed a motion, as set out in the agenda, which was seconded by Councillor Berelson.

Councillors debated the motion.

RESOLVED (by 23 for, to 8 against) that the Council do accept the motion as set out below:

Since 2002 people seeking asylum have only been able to apply for the right to work after they have been waiting for a decision on their asylum claim for over a year. Even then they can only be employed into one of the narrow, highly-skilled professions included on the Government's Shortage Occupation List.

People seeking asylum are left to live on as little as £5.39 per day, struggling to support themselves and their families, and left vulnerable to destitution, isolation, and exploitation.

The potential economic gain for the UK economy of allowing people seeking asylum to work is estimated to be £42.4million via increased taxable income and reduced payments of accommodation / subsistence support.

71% of people polled agreed with the statement: *"when people come to the UK seeking asylum it is important they integrate, learn English and get to know people. It would help integration if asylum-seekers were allowed to work if their claim takes more than six months to process"*.

In Hastings, there are up to 120 people seeking asylum in receipt of Section 95 support.

We believe that:

- (i) people seeking asylum want to be able to work so that they can use their skills and make the most of their potential, integrate into their communities, and provide for themselves and their families;
- (ii) restrictions on the right to work can lead to extremely poor mental health outcomes, and a waste of potentially invaluable talents and skills both for the economy of Hastings, Rye, East Sussex and the UK;
- (iii) allowing people seeking asylum the right to work would therefore lead to positive outcomes for those seeking asylum in Hastings and for the local and national economy.

This council:

- (i) Agree to join the Lift the Ban Coalition, which is campaigning to restore the right to work for everyone waiting for more than 6 months for a decision on their asylum claim.

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(ii) Call on East Sussex County Council to also join the Lift the Ban Coalition as above.

(iii) Call on the UK Government to give people seeking asylum the right to work unconstrained by the shortage occupation list after they have waited six months for a decision on their initial asylum claim or further submission.

78. MOTION (RULE 14)

Councillor Rankin proposed a motion, as set out in the agenda, which was seconded by Councillor Beaver.

Councillor Chowney proposed the following amendments:

Insert at the beginning 'As well as maximising our opportunities for sustainable energy generation'

Remove 'or managed hay meadows'

Add 'seeking funding to' before 'plant trees to increase'

Councillor Rankin accepted the proposed amendment. The motion as amended became the substantive motion debated by Councillors.

RESOLVED (unanimously) that the Council do accept the motion as set out below:

As well as maximising our opportunities for sustainable energy generation HBC will consider the carbon reducing impact of planting trees on council land and where appropriate seek funding to plant trees to increase carbon sequestration as set out in The Royal Society Greenhouse Gas Removal report of October 2018. We call on ESCC to implement this policy on a wider scale.

79. MOTION (RULE 14)

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

Councillors debated the motion.

RESOLVED (unanimously) that the Council do accept the motion as set out below:

Recent evidence shows that poverty in Hastings has worsened significantly in the last few years. More adults live in poverty, more children live in poverty, and those that do so are likely to die even sooner, at all age groups. Especially shocking is that infant mortality has increased for the first time in 60 years, so poorer parents are now more likely to see their new baby die before that baby is one year old.

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For those in poverty, the early role out of Universal Credit has led to further disadvantage, with many denied previous benefits or forced to abandon training and higher education. The recent United Nations report concludes that austerity policies have clearly contributed to this growth in poverty and deprivation.

Demand for temporary accommodation has increased dramatically as housing becomes increasingly unaffordable.

The Child Poverty rate for Hastings is now 38%, by far the highest in the South East.

Many children are not attending school regularly, and are increasingly obese by the age of 11.

The increasing attractiveness of Hastings as a place to move to, with a buoyant creative economy, cuts little ice with those who see their standard of living falling further and further behind the better off.

Rather, they see many support services failing to provide adequate support, with schools, GP's and other health services, voluntary sector groups and the local authorities all struggling with increased demand and reduced budgets.

This council is determined to address poverty in whatever ways are possible, and agrees to:

- Press government for an end to short term funding through competitive grants (ie Homelessness provision) and other initiatives, such as Hastings Opportunity Area, and a return to adequate longterm support based on local needs.
- Ask the Overview and Scrutiny Committee to consider the impact of the anti-poverty strategy 2016-21 and for it to undertake to monitor key indicators of poverty on a regular basis.
- Call for a community conference to consider how best to tackle poverty in the next anti-poverty strategy, and to consider making this strategy a longer term (10 year) one to encourage partners to plan joint action more strategically.
- The council is already committed to fund and support voluntary sector advice and support agencies (HARC, CAB and Credit Union) for 2020/21, but we'll do all we can to protect funding to commission effective advice and support services in future years.
- Sign up to become affiliated to the Child Poverty Action Group.
- Support and encourage others to support the day of action on child poverty in Hastings on August 1st, led by Unite the Community and other local voluntary organisations.

80. MEMBERSHIP OF COMMITTEES

There were no proposed amendments to the membership of any committees.

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81. REPORTS OF COMMITTEES

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

Meeting	Minute	Councillor
Cabinet, 8 th July 2019	184 – Lower Tier Residential Development	Beaver
Cabinet, 8 th July 2019	185 – Proposed Variation of the Anti Social Behaviour Public Spaces Protection Order	Foster
Cabinet, 8 th July 2019	187 – Final Accounts	Lee
Cabinet, 8 th July 2019	188 – Corporate Plan Retrospective Report on Performance During 2018/19 and Proposed Performance Indicator Targets for 2019/20.	Lee

Minute 182 of Cabinet on 8th July 2019, Constitution Change July 2019, was a matter on which the Council was required to make a decision. Under rule 13.3, the minutes were approved without being called for discussion.

Minute 183 of Cabinet on 8th July 2019, Sex Establishments Policy Review, was a matter on which the Council was required to make a decision. Under rule 13.3, the minutes were approved without being called for discussion.

Minute 191 of Cabinet on 8th July 2019, Annual Treasury Management Outturn Report 2018/19, was a matter on which the Council was required to make a decision. Under rule 13.3, the minutes were approved without being called for discussion.

Councillors debated minutes 184, 185, 187 and 188 of Cabinet on 8th July 2019. These matters did not require approval of Full Council.

No motions for reference to Overview and Scrutiny Committee or reference back to Cabinet were approved in respect of the items reserved for discussion and they were therefore received.

(The Mayor declared the meeting closed at 9.47pm)

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Questioner	Question	Answer
1.	<p>Two FOI requests were submitted by members of the public, one on 15 November 2018, and one on 13 May 2019, asking if Hastings Borough Council has a 5G strategy. The reply to both questions was that 'Hastings Borough Council 'holds no information in respect of this request'.</p> <p>Can you confirm that this statement meant that HBC has no 5G strategy and further that this is still the case? If the situation has changed, please give details of your 5G strategy (or where to find these details), and also any strategy you may have in connection with smart cities, smart transport, smart business and The Internet of Things.</p>	<p>Councillor Chowney:</p> <p>This statement does mean Hastings Borough Council has no 5G strategy and this is still the case.</p>

<p>2.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 2</p>	<p>In answer to Question 5 in the 15 November 2018 FOI on the council website: 'Are you planning to roll out or have rolled out LED street lighting?', Hastings Borough Council answered that 'Street Lighting is dealt with by East Sussex County Council.'</p> <p>However, in reply to my email enquiry about 5G and LED street lighting earlier this year, my local councillor reported back that 'Our planning department have confirmed that in the event of 5G roll out and the use of lamp posts there would need to be a planning application made by the company. This would obviously be a public document. They also confirmed that in such cases they would contact the county council and ask for their comments upon any such application.' This answer from the planning department implies that HBC may in actual fact have some role or input re LED lighting.</p> <p>Could you therefore clarify what the respective roles and responsibilities are of HBC and ESCC around planning applications for the use of lampposts for 5G small cell antennae?</p>	<p>Councillor Chowney:</p> <p>Hastings Borough Council are responsible for the assessment of the planning application and in assessing they will consult with ESCC for their comments.</p> <p>Separately ESCC may own the lamppost as part of their street furniture. If that is the case, they will need to be served notice as part of any application submission. They also may have a separate process by which they give authority for attaching structures/equipment onto their lampposts.</p>
<p>3.</p>	<p>Please clarify by providing in the language of the law the authority of HBC around planning applications for so-called "small cell" 5G antennae at sites other than lampposts: such as manhole covers, street furniture and on buildings and from where the authority derives.</p>	<p>Councillor Chowney:</p> <p>Class A of part 16 of the General Permitted Development Order 2015 as amended, states that development is permitted as follows:-</p> <p>A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's</p>

electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

There follows in the regulations several pages of specific limitations to those permissions depending on what is proposed and in each case, prior approval should be sought through the submission of a planning application to the council.

However, this permitted development depends on a requirement that the works be done by or on behalf of a communications code operator and on land which they control.

As this query relates to lampposts on highway land it is likely this would not apply and therefore a full planning application would be required.

However we would need specific detail of the proposal to provide clear and definitive advice.

<p>4.</p> <p>Page 8</p>	<p>Will Hastings Borough Council stand to gain any revenue from the siting of 5G small cell antennae, whether on lamp posts or elsewhere, or from any other aspect of the rollout of 5G, smart city /smart transport /smart business technology or The Internet of Things, and if so how much?</p>	<p>Councillor Chowney:</p> <p>Our estates team are not aware of any enquiries or approaches about using council land or buildings for any of the things mentioned. We would not benefit financially from any installations on lamp posts, as we don't own them.</p> <p>If we did receive an approach for attaching equipment to council-owned buildings we would consider this at the time, and if it was agreed to proceed, we would then negotiate appropriate terms.</p>
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<p>5.</p>	<p>When considering any strategy around 5G, smart technology and The Internet of Things, would the council take into account</p> <ul style="list-style-type: none"> 1) the huge global opposition to the 5G rollout . 2) the 5G Appeal petition to the EU (5gappeal.eu), as of 2 July 2019 signed by 244 scientists and doctors from EU and European nations . 3) the EMF Scientists Appeal to the UN and WHO, as of 15 June 2019 signed by 248 EMF scientists, all of whom have either published peer-reviewed papers on the biological and health effects of microwave radiation, or have published in related fields and have contributed in a sustained manner to increased understanding about EMF science and the need for more protective policies 4) the very substantial body of scientific bioeffects research showing non-thermal biological harm to both humans and the wider environment from existing levels of microwave radiation (very often at significantly lower levels than the thermal guidelines set by organisations such as the European International Commission for Non-Ionising Radiation Protection (ICNIRP) and the US Federal Communication Commission (FCC)) 5) that various councils and regions have put a moratorium on 5G deployment – these include Glastonbury and Frome councils in the UK; Brussels, various municipalities in Italy, and the cantons of Geneva, Vaud, Jura and Neuchatel in Switzerland in Europe; Louisiana in the US 	<p>Councillor Chowney:</p> <p>We may consider developing a 5G strategy in the future, if it appears that 5G is to be rolled out beyond the initial proposed areas. We would do that by looking at both national guidelines and other evidence, including potential health impacts of 5G, and general mobile phone coverage in Hastings (there are parts of Hastings that have no phone signal at all, and 4G is somewhat limited).</p> <p>Local residents and businesses views would also be taken into consideration as part of the consultation process.</p> <p>However, the Council currently has no plans at the moment to develop a strategy document in relation to any of the technologies referenced in the question.</p>
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6.

According to a 2017 article by environment correspondent John Vidal 'Tsunami of data' could consume one fifth of global electricity by 2025' the information and communications technology (ICT) industry 'has encouraged the idea that the digital transformation of economies and large scale energy efficiencies will slash global emissions by 20% or more'.

However, the article argues that in fact the opposite is in danger of happening. "The situation is alarming," said [Swedish researcher] Anders Andrae, who works for Chinese communications technology firm Huawei. "We have a tsunami of data approaching. Everything which can be is being digitalised. It is a perfect storm. 5G...is coming, IP...traffic is much higher than estimated and all cars and machines, robots and artificial intelligence are being digitalised, producing huge amounts of data which is stored in data centres."

Vidal states 'The communications industry could use 20% of all the world's electricity by 2025, hampering global attempts to meet climate change targets and straining grids as demand by power-hungry server farms storing digital data from billions of smartphones, tablets and internet-connected devices grows exponentially.'

Given HBC's commitment to take action over climate change, does the above information give cause for concern about the proposed national and local rollout of 5G, smart technology and Internet of Things; and may it prompt the council to do further research into the potential energy consumption of 5G technology?

Councillor Chowney:

The Council is currently undertaking work to assess how it can best meet its ambitious carbon reduction targets.

As a single district council, there would be no point in Hastings undertaking its own research on 5G, when this is a national issue, and when there's no funding for such research. But we would encourage local government representative bodies, such as the Local Government Association, to commission research, in so far as it affects councils and their involvement with new data technologies.

7. Does HBC have any plans to cut down trees to facilitate the transmission of the 5G signal, taking into consideration, for example, documents such as the Feb 2018 ordinance survey report (The effect of the built and natural environment on millimetric radio waves) which indicates 'that foliage can cause loss of power where small cells are concerned ' and also the university of Surrey 5G white paper, 'Meeting the challenge of "Universal" coverage, Reach and Reliability in the coming of 5G Era's Section 3.1 which states that 'Having adjacent trees and or buildings at comparable heights to the masts can reduce coverage by as much as 70% in that direction.

Councillor Chowney:

Hastings Borough Council has no plans to cut down trees or vegetation to facilitate the transmission of a 5G signal in the Borough. We would not cut down council-owned trees under any circumstances, unless we were required to do so by national legislation.

8. HBC adheres to the Human Rights Act (1998) and to the Health and Safety at Work Act (1974) and has a legal duty of care to its residents and workers. Has it considered yet how to exercise this duty of care towards its residents and workers with regard to the environmental pollutant that is microwave radiation, especially the radiation associated with 5G, smart cities, smart transport, smart business, the Internet of Things etc. If so what has been decided?

Councillor Chowney:

The Council will await and be guided by national guidance on 5G rollout from such organisations as the Health and Safety Executive (HSE), Health Protection Agency (HPA) and Public Health England (PHE) and any action will be based on that guidance, but we'll also keep an eye on other research into the health effects of 5G radiation, and the objective data available.

From a planning policy perspective, the decision on planning applications relating to 5G technologies would have to be compliant with the National Planning Policy framework (2019). The current iteration of this document sets out the national planning position in relation to communications in section 10 paragraphs 112 to 116.

Paragraph 116 states that:

“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.”

9.

In the light of the fact that 5G, smart infrastructure and The Internet of Things are likely to be rolled out at some point in Hastings, have the councillors appraised themselves of the scientific bio-effects research showing non-thermal biological damage from existing microwave radiation to (but not limited to): fertility, oxidative stress, increase in harmful free radicals, cell apoptosis, neurological, neuropsychiatric and neurodegenerative effects, stem cell effects, DNA single and double strand breaks, hormonal effects, cardiovascular disease, diabetes, excessive intracellular calcium and excessive calcium signalling, plus the adverse effects on local wildlife including trees, plants, birds, pollinators, bacteria, microbes etc?

Councillor Chowney:

I cannot answer for each individual councillor, although I have spent a bit of time researching the safety or otherwise of 5G radiation, and the conflicting arguments about it, and I'll continue to keep an eye on that as more objective research takes place.

10.

In light of the fact that 5G will be partially rolled out using millimetre wave technology and that 'few studies have examined prolonged exposure to low-intensity MMWs [millimetre waves], and no research has focused on exposure to MMWs combined with other radio Frequency radiation' and that 'even local and short-term exposures were reported to produce marked effect' (see Sally Beare – 5G Full Facts, copy of document available on request); and also in light of the fact that, when questioned by Senator Richard Blumenthal at the February 7th 2019 US Senate Commerce, Science, and Transportation Committee, industry representatives failed to produce any evidence regarding independent research into the bio effects of 5G deployment: will HBC be asking the mobile networks, and any other relevant organisations, for solid evidence of independent research into the (non-thermal) health and environmental effects of the microwave radiation from 5G technology, smart technology and The Internet of Things, including the effects of the microwave radiation emitted from the above technology when combined with existing sources of microwave radiation, before any such technology is rolled out in Hastings?

Councillor Chowney:

From a planning policy perspective, the decision on planning applications relating to 5G technologies would have to be compliant with both local and national policies on Telecommunications Technology. The currently adopted Hastings Development Management Plan includes Policy DM2 relating to telecommunications technology which states:

“In accordance with Government advice, if a proposed installation meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure then it will not be necessary to consider further health aspects and concerns.”

Furthermore, the current iteration of the National Planning Policy Framework (2019) sets out the national planning position in relation to communications in section 10 paragraphs 112 to 116.

Paragraph 115 states that:

“Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when

operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.”

Paragraph 116 states that:

“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.”

To include anything other than that in our local planning policies that did not align with the National Planning Policy Framework would simply mean that the policies would not be endorsed by the Planning Inspectorate and would not be enforceable.

Therefore, currently, we would require that any application for 5G technology in Hastings meet the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure, as per current local and national planning guidance, but would not ask for further evidence in line with current local and national policy.

<p>11.</p>	<p>Electro-hypersensitivity (EHS) also known as electro-sensitivity (ES) is a condition, in which the sufferer is severely affected by microwave radiation, suffers tangible physical symptoms and may not be able to function, to a greater or lesser degree, around electromagnetic fields. It's currently estimated, according to the UK-based EM Radiation Research Trust, to affect between 2.5% to 8% of the population. In light of this fact, and also the following points:</p> <ol style="list-style-type: none"> 1. that electrosensitivity comes under the United Nations' Convention on the Rights of Persons with Disabilities of 2007 as a functional impairment, and that in Sweden EHS is a recognised medical condition. 2. that the European Parliament resolution of 2nd April 2009 called on member states to recognise ES as a disability 3. that in 2011 the Council of Europe advised each member state to provide 'White' zones for EHS people (a white zone being an area free of microwave radiation) 4. that white zones may become essential for electro-hypersensitives if 5G is rolled out, given the likely increase in overall microwave radiation given for instance the enormous increase and proximity of antennae, the more highly pulsed nature of the 5G signal, and that it will be rolled out in addition to existing sources of microwave radiation, not instead of them) <p>Has HBC looked at making provision for white zones in order to help mitigate the effects of microwave radiation on local residents and workers suffering from electro-hypersensitivity?</p>	<p>Councillor Chowney:</p> <p>The planning policy team are not aware that the council has ever considered making provisions for white zones and are not aware of how this would be implemented in relation to current national policy guidance in the National Planning Policy Framework.</p> <p>Any EU or international requirements would need to be reflected in UK government legislation before we could implement them.</p>
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12.

Please confirm that the Council will insist that any putative developer of the bathing pool site consults and fully engages with the local community before and during design work, prior to any pre-planning forum and before the submission of any application for planning approval.

Councillor Batsford:

I totally understand the want of the local community, users of the space and Hastings residents to start the exciting process of developing the old bathing pool site. A full programme of public consultation will be announced in due course. Further details will be provided once negotiations have concluded.

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30 JULY 2019

Present: Councillors Rankin (Chair), Levane (Vice-Chair), Berelson, Charman and Chowney.

57. APOLOGIES FOR ABSENCE

None received.

58. DECLARATIONS OF INTEREST

None received.

59. MINUTES OF THE LAST MEETING

RESOLVED – (unanimously) that the minutes of the meeting held on 14 March 2019 be approved.

60. ANNUAL TREASURY MANAGEMENT OUTTURN REPORT 2018/19

The Chair brought this item forward on the agenda.

The Assistant Director, Financial Services and Revenues (Chief Finance Officer), presented a report to provide the Committee with an opportunity to scrutinise the Treasury Management activities and performance of the last financial year.

The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2018/19.

The Assistant Director informed the Committee that no recommendations have been made to amend the current Treasury Management Strategy though there may be in-year changes following the mid-year review of 2019/20 activity.

In response to a question regarding the increase in the Council's borrowing the Assistant Director advised that the Final Accounts 2018/19 include a breakdown of the capital expenditure in the year.

The Chair noted that with many large capital expenditure items being Part II it is difficult for backbench Councillors to understand where borrowing is being spent. In response the Assistant Director confirmed that more information can be provided in reports to Committee on the Capital Expenditure.

RESOLVED (unanimously) that:

To consider the report – no recommendations are being made to amend the current Treasury Management Strategy as a result of this particular review.

Reasons:

AUDIT COMMITTEE

30 JULY 2019

To ensure that members are fully aware of the activities undertaken in the last financial year, that Codes of Practice have been complied with and that the Council's strategy has been effective in 2018-19.

Under the Code adopted the Full Council are required to consider the report and any recommendations made.

61. FINAL ACCOUNTS 2018/2019

Items 61 and 62 were discussed by the Committee together.

The Assistant Director, Financial Services and Revenues (Chief Finance Officer) presented a report to approve the Statement of Accounts (2018-19) on behalf of the Council in accordance with the Accounts & Audit Regulations 2015.

The Accounts & Audit Regulations 2015 require the Council to approve the Statement of Accounts by the 31st July each year. The Audit Committee has delegated authority to approve the accounts on behalf of the Council.

The Chair thanked the finance team for their work.

RESOLVED (unanimously) that:

The draft Statement of Accounts be approved and a copy signed by the Chair of the Audit Committee in accordance with the Accounts & Audit Regulations 2015.

Reasons:

Compliance with statutory requirements and good practice. The Council is accountable for the use of public money and continuously seeks to improve Value for Money.

62. GRANT THORNTON AUDIT COMPLETION REPORT- AUDIT FOR THE YEAR ENDED 31 MARCH 2019

The Assistant Director, Financial Services and Revenues (Chief Finance Officer) submitted a report to consider the matters raised by the Council's external auditors, Grant Thornton, in respect of their Governance Report. This includes the audit opinion of the Council's 2018/19 accounts and their value for money assessment of the Council.

Darren Wells, Engagement Lead, Grant Thornton presented the external auditors report and took questions from the Committee. Darren thanked the Hastings Borough Council finance team for their patience in dealing with Grant Thornton's lines of inquiry. Darren explained that work is still in progress on some areas where further clarification is required. The Chief Accountant, Simon Jones, confirmed that the finance team had provided full responses to further queries.

The Committee discussed the audit completion report alongside the Final Accounts

AUDIT COMMITTEE

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2018/19 (item 61).

The Chair asked why the funding shortfall was predicted to spike in 2020/21 and then decrease. The Assistant Director explained that the peak is primarily due to one-off costs, e.g. HBC elections, and income streams from 2020/21 onwards also contribute to the decrease in the funding shortfall.

In response to a question regarding the disabled facilities grant (DFG) reserve the Assistant Director informed the Committee that there is a need for the grant and that, whilst the process has been sped up, it still appears to take a very long time to provide the necessary assistance to those in need.

In response to a question regarding business rate relief for NHS hospitals the Assistant Director confirmed that an initial court hearing is set to be heard in early November 2019. If NHS hospitals are able to claim charitable status it will have a significant financial impact on local authorities and the claim for business rate relief would also be backdated.

In response to a question about the pension fund deficit the Assistant Director highlighted that the £41.6 million deficit is arrived at through a pre-determined methodology. The pension revaluation (undertaken every 2 years) is determined on another set of criteria and affects the annual contribution payable by the council. This valuation continues to recover any deficit identified.

RESOLVED (unanimously) that:

That the report and action plan be accepted.

Reasons:

The Council's external auditors are required to submit a report to the Council's Audit Committee on any matters that are identified during their audit.

63. AUDIT COMMITTEE REPORT TO COUNCIL 2019

The Chief Auditor presented a report to agree the Audit Committee report to Council on its annual review of the effectiveness of Internal Audit.

Regulation 6 of the Accounts and Audit Regulations (England) 2015 requires Local Authorities to conduct a review at least once a year of the effectiveness of its system of internal control and publish a statement on internal control each year with the authority's financial statements.

This Chief Auditor's report, which follows the format recommended by the Chartered Institute of Public Finance and Accountancy, sets out the review of internal control and the assurance gathering process as required by the statute and accompanying guidance.

The Chief Auditor explained that due to the timings of the accounts, it would be beneficial to include the Council's accounts for 2018/19, to provide Full Council with

AUDIT COMMITTEE

30 JULY 2019

the latest version when they next meet in October.

RESOLVED (unanimously) that:

The Audit Committee Report 2018/19 is approved for presentation to Council (to include 2018/19 minor amendments).

Reasons:

Regulation 6 of the Accounts and Audit Regulations (England) 2015 requires relevant bodies to conduct an annual review of the effectiveness of its system of internal audit and for a committee of the body to consider the findings.

64. OPERATIONAL RISK REGISTER- UPDATE REPORT

The Chief Auditor presented a report to assure the Audit Committee that the Operational Risk Register will be submitted to the following meeting of the Committee.

The Operational Risk Register has been mainly updated but there are still areas requiring checking and review. A contributory factor in this delay is that there have been some changes in the Council recently, for example, the setting up of the Direct Service Organisation (DSO) and the change of waste contractor.

A review will take place again shortly before the next meeting to ensure they are current.

RESOLVED (unanimously) that:

That the report is noted.

Reasons:

It was agreed at the Audit Committee meeting held on 14 March 2019 under minute 53, that the Operational Risk Register would be brought back to the July meeting. Whilst it has been largely updated, there are just a few parts still to be reviewed.

65. CHIEF AUDITOR'S SUMMARY AUDIT AND RISK REPORT

The Chief Auditor presented a report to inform the Audit Committee of the key findings from the National Fraud Initiative (NFI) Data Matching Exercise.

The purpose of the National Fraud Initiative data matching exercise is to prevent and detect fraud, whilst also identifying potential errors caused by duplicate payments made to suppliers.

The NFI data matching exercise is conducted every two years and compares computer records held by Hastings Borough Council with data from organisations such as the Department for Work and Pensions (DWP), National Health Service, Companies House and other local authorities.

AUDIT COMMITTEE

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RESOLVED (unanimously) that:

That the Audit Committee accepts the report.

Reasons:

To monitor levels of control within the organisation.

(The Chair declared the meeting closed at 8.01 pm)

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Report to: Council

Date of Meeting: 23 October 2019

Report Title: Audit Committee Report to Council 2019

Report By: Tom Davies
Chief Auditor

Purpose of Report

Report from the Audit Committee to Council on its annual review of the effectiveness of Internal Audit.

Recommendation(s)

1. That the Audit Committee Report to Council 2019 is accepted

Reasons for Recommendations

Regulation 6 of the Accounts and Audit Regulations (England) 2015 requires relevant bodies to conduct an annual review of the effectiveness of its system of internal audit and for a committee of the body to consider the findings.

Background

1. Regulation 6 of the Accounts and Audit Regulations (England) 2015 requires Local Authorities to conduct a review at least once a year of the effectiveness of its system of internal control and publish a statement on internal control each year with the authority's financial statements.
2. This report, which follows the format recommended by the Chartered Institute of Public Finance and Accountancy, sets out the review of internal control and the assurance gathering process as required by the statute and accompanying guidance.
3. In addition, Regulation 6 of the Regulations requires relevant bodies to conduct an annual review of the effectiveness of its system of internal audit and for a committee of the body to consider the findings. Proper practices in relation to internal audit for relevant bodies may be found in the "Public Sector Internal Audit Standards". We have carried out a self-assessment and believe we are generally compliant.

Principal statutory obligations and organisational objectives

Responsibility for Statutory Obligations

4. The Council has formally established responsibilities for its statutory obligations through the Constitution that sets out individual officer and member responsibilities, delegations to officers and committees, and committee terms of reference. These records are accessible on the Council's website and through the Monitoring Officer.
5. Detailed officer responsibilities are set out in job descriptions and structure charts.
6. Directors are accountable for ensuring that responsibilities, authorities and any limits to authorities are appropriately and clearly established within their directorates. The Audit Committee receives internal and external audit reports and ensures that any non-compliance is remedied through appropriate recommendations, and where necessary, requires assurance that recommendations have been implemented.

Organisational objectives and priorities

7. The multi-functional nature of the Council means that there are a large number of mandatory and discretionary requirements and powers. Hastings Borough Council took action to identify its priority objectives resulting in a list of principles and priorities underpinning the Corporate Plan. The priority areas were then devolved through Directors to Service Managers in the form of Work Plan Summaries.
8. There is a Local Code of Corporate Governance. Audit Committee Terms of Reference clearly assign responsibility for the scrutiny of corporate governance arrangements to the Audit Committee.

Performance against planned outcomes

9. The Authority knows how well it is performing against its planned outcomes through a comprehensive and effective performance management system. This system monitors performance against plans, targets, and financial budgets, with quarterly reports to the Overview and Scrutiny Committee.

Identifying principal risks to achieving the objectives

10. 'Risk' is any obstacle, or potential obstacle, to the achievement of the Council's priority objectives or statutory duties. The purpose of risk management is to ensure the achievement of the Council's objectives with efficient use of resources.
11. By identifying high-risk groups or areas, corporate policies and service resources can be targeted on those groups or areas.
12. The Council has a formal Risk Management Framework that was approved by Cabinet. The Framework is designed to encourage managers to 'own' the risks associated with their areas of responsibility. Managers use a corporately agreed matrix for identifying and assessing risks and controls.
13. The council continues to ensure the identification of key risks from both a strategic and operational perspective. Using a process of self-assessment, senior management re-assessed the strategic risks (those to service provision, statutory compliance, and reputation) and services assessed operational risks (financial, physical and contractual risks).
14. During 2018/19 both the Strategic Risk Register and Operational Risk Registers were regularly updated.
15. Council has approved Terms of Reference for the Audit Committee giving it a clear remit to,

"Review, evaluate and approve: The effectiveness of the Council's process for assessing significant risk exposures and the measures taken by management to mitigate risks to an acceptable level".
16. A large part of the internal audit plan is risk-driven.

Key controls for managing principal risks

17. To ensure that its controls are fully up to date with the current operating environment, Financial Operating Procedures provide the framework within which Members and Officers must operate and compliance is routinely checked through audit reports to the Audit Committee.
18. In addition, the Council has these controls in place:
 - a. The Council has adopted the CIPFA Code on Treasury Management to ensure compliance with the Prudential Code.
 - b. An Anti-Fraud and Anti-Corruption Strategy (Fighting Fraud Locally).

- c. A Whistle-blowing Policy.
- d. Codes of Conduct for Members and Officers.
- e. Registers of Interests for Members and Officers.
- f. Risk Registers (reviewed by Audit Committee) are updated on an ongoing basis.
- g. Performance is monitored through quarterly Performance Reviews.
- h. A Corporate Health and Safety system of monitoring and review is in place.
- i. A Corporate compliments and complaints procedure operates.

Sources of assurance

19. Sources of assurance on the adequacy and effectiveness of the Council's controls over key risks include:
20. a. An Audit Committee that is a fully constituted Committee of the Council.
- b. An Internal Audit and Investigations service that is independent in planning, operating, and reporting, and that reports to the Audit Committee.
- c. A Chief Finance Officer with responsibility for ensuring the proper administration of the Council's financial affairs.
- d. Processes for maintaining internal control include a framework of regular management information, Financial Rules and Finance Operating Procedures, administrative procedures (including segregation of duties), management supervision and a system of delegation and accountability.
- e. A performance management system that includes commentary on service-level risk, the setting of targets for service delivery and monitoring of performance against targets and plans.
- f. A strategic Corporate Plan setting out the Council's priorities, which cascades to operational plans at service and project level, including consideration of risks.
- g. An annual budget and quarterly reviews of actual expenditure to budget.
- h. A Local Code of Corporate Governance agreed by Cabinet.
- i. A project management methodology for major projects.
- j. A Risk Management Framework.
- k. Declaration of related party transactions forms for members.
- l. Codes of Conduct for Members and Officers.
- m. A Staff Health & Safety Group that monitors insurable and public liability risks.

- n. A Corporate Risk Management Group that meets periodically.
- o. Risk management processes designed to ensure that Directors and Managers retain ownership of the risks and internal controls associated with their areas of responsibility. Directors and Managers are therefore an important source of assurance on the effectiveness of controls for managing risks.
- p. The Internal Audit service carries out audit and risk reviews of high-risk areas to provide assurance that major risks have been identified and are being actively managed, and that the internal control environment is adequate.
- q. The Assistant Director Financial Services and Revenues in his role provides a source of assurance that the requirements of the Local Government Act 1972 Section 151 are being met.
- r. The Monitoring Officer, undertakes the relevant statutory duties and provides a source of assurance that the Council's affairs are conducted in compliance with relevant legislation and Codes of Conduct.
- s. External audit provides a source of assurance on the operation of internal controls in that BDO inspects internal audit work at each annual external audit.

Evaluation of assurances and identification of gaps

Internal Audit

- 21. On the basis of the audits reported to the Audit Committee by Internal Audit, the audit conclusion is that during the year 2018/19, all of the Council's operations that were audited incorporate control systems that are 'Satisfactory' or better.
- 22. In financial systems, the audit aims to evaluate the strength of controls for ensuring the proper administration of financial resources. In the audit of non-financial areas, the audit aims to evaluate the strength of controls for ensuring that external obligations are met and that the success criteria of the activity under review are achieved. The following table shows the audit conclusion for each of the main audits carried out in 2018/19.
- 23.

Audit Conclusion	No of Audits
A: Good More than the key controls are in place and work effectively. While improvement may be possible, there are no significant audit concerns	4
B: Satisfactory The key controls are in place and work effectively. Improvement is possible but there are no significant audit concerns	4

C: Adequate but with reservations in some areas Some controls in place are adequate but there are audit concerns in some areas	0
D: Poor Controls are not adequate or not present or not adequately complied with. Improvement is essential	0
Total audits	8

24. This compares with previous years as follows:

Audit Conclusion	2015-16	2016-17	2017-18	2018-2019
	No of audits	No of audits	No of audits	No of audits
A, B: Good / Satisfactory	8	5	7	8
C, D: Adequate / Poor	0	0	0	0

25. The Internal Audit Service was unable to complete the whole audit plan before 31 March 2019 mainly due to 1 member of staff working on the 'Income Manager' project. The non-completed work has either now been completed or is in progress. It expects to be fully on profile by the end of quarter 2, 2019/20.

26. The audit conclusions are defined in the service's own Internal Audit Manual.

27. Based on the audit work undertaken by Internal Audit, the Authority's overall internal control system is considered to be satisfactory.

External Audit

28. External audit is carried out by Grant Thornton UK LLP is an important source of assurance on the adequacy of the Council's arrangements for ensuring proper arrangements for its financial affairs. During 2018/19 the Audit Committee received the following reports:

29. Report Title	Date Issued
The Audit Findings for Hastings Borough Council	July 2019

30. Grant Thornton UK LLP gave an unqualified opinion on the Council's accounts for 2018/18 and an unqualified opinion on value for money.

Areas of audit concern arising from internally conducted audits

31. There were no major concerns arising from internally conducted audits.

Areas of audit concern arising from External Audit (BDO)

32. The key findings can be found in their report at:

<https://www.hastings.gov.uk/my-council/transparency/budgets/>

Risk Management

33. This report has referred to the way that the council manages its risks.

Wards Affected

None

Policy Implications

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

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

Additional Information

The Audit Findings for Hastings Borough Council - Year ended 31 March 2019

Officer to Contact

Officer Name: Tom Davies
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Public Document Pack

CABINET

2 SEPTEMBER 2019

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

192. APOLOGIES FOR ABSENCE

None.

193. DECLARATION OF INTERESTS

None.

194. MINUTES OF LAST MEETING

RESOLVED – that the minutes of the Cabinet meeting held on 8th July 2019 be approved as a true record.

RESOLVED the chair called over the items on the agenda, under rule 13.3 of the council's constitution, the recommendations set out in minute number 198b were agreed without being called for discussion.

195. MEDIUM TERM FINANCIAL STRATEGY AND 2019/20 MID-YEAR FINANCIAL REVIEW

The Assistant Director, Financial Services and Revenues presented a report outlining the Medium Term Financial Strategy.

The council looks to forecast its financial position over the medium term in order to ensure it can align corporate objectives with available resources.

The Medium Term Financial Strategy (MTFS) seeks to identify the financial risks that will affect the annual budgets for each of the next 5 years (with projections to 2028/29) in order that key priorities can be matched to expected funding.

The Assistant Director informed the Cabinet that there remains uncertainty on the level of resources that will be available to the Council beyond next year. Further detail should be set out in the forthcoming spending review with a funding settlement expected in December.

In response to a suggestion that the Council should increase its capital asset disposal programme the Assistant Director confirmed that assets are reviewed on a regular basis and there are plans to dispose of assets, however not all disposals are large enough to come to Cabinet for approval.

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

CABINET

2 SEPTEMBER 2019

The Chair agreed to vote on each recommendation separately, as shown in the resolution below.

RESOLVED:

1. Approve the Medium Term Financial Strategy. (by 7 for, to 2 against)

2. The Council take the robust actions necessary in this financial year and throughout the 2020/21 budget processes to achieve a sustainable budget. (unanimously)

Reasons for the decision:

The council matches its available resources to its priorities across the medium term.

The Council needs to achieve savings of some £3.2m in order to achieve a sustainable budget in 2020-21. To date some £1.81m savings have been identified and there are estimated to be some £548,000 of reserves that could be used to help in the transition to a lower spending Council - subject to significant savings being achieved in 2019/20.

This leaves some £1.496m of savings still to identify. The report provides the opportunity to assess the council's resources to assist the review of corporate priorities. The Council must be prepared for continued ongoing reductions in funding, greater volatility in its income streams, economic uncertainty and the need to continually ensure limited resources are properly aligned to targets.

196. MANAGEMENT RESPONSE TO OVERVIEW & SCRUTINY REVIEW OF REGENERATION FUNDING

The Director of Operational Services presented a report to provide a response to the Overview and Scrutiny Committee review of regeneration funding.

The Director noted that the report includes Maze Hill as an affected ward which isn't the case.

The council is currently working together with East Sussex County Council (ESCC) and Rother District Council (RDC) to review the impact of regeneration programmes and to identify the priorities for the next period.

The Council's financial position remains extremely difficult and Councillors will face tough choices around next year's budget. Any increase in activity not funded by new external funding will need to be found by achieving savings elsewhere. In this kind of context, it is critical to be clear that sustainable benefits to residents are expected to accrue from any new activity and to be precise about what these might be.

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Councillor Barnett, chair of the scrutiny regeneration review addressed the meeting. Councillor Barnett noted that the report was agreed unanimously by the Overview and Scrutiny Committee. The review highlighted that whilst there has been a lot of success in the town over the past ten years there is evidence to show that the poorest residents are relatively worse off. The focus needs to be building on the good work already done to support those living in the poorest areas.

Councillor Chowney proposed amending recommendation 4 to make clear the Council will investigate the possibility of maintaining a focus on specific areas through area champions.

Councillor Forward thanked Councillor Barnett, the review team and all officers involved.

Councillor Chowney proposed approval of the report, subject to the amendment to recommendation 4, seconded by Councillor Forward.

RESOLVED (unanimously):

- 1. Cabinet thanks the review team for their report.**
- 2. Recommendation 1 is agreed, but that it is noted that actions that grow the wider Hastings economy will be critical to creating new opportunity for economic inclusion.**
- 3. Recommendation 2 is agreed.**
- 4. To accommodate recommendation 3 the Council will investigate how a greater focus could be given to representing local neighbourhoods through officer area champions.**
- 5. Recommendation 4 is agreed. A “project board” drawn from Cabinet members will have oversight of the programme to be adopted in the forthcoming budget.**
- 6. Overview & Scrutiny members are invited to comment upon the Hastings and Rother Task Force review.**

Reasons for the decision:

The kind of action that will address long term symptoms and causes of poverty are lack of employment opportunities added to factors like education, health and skills.

The council is actively engaged in trying to stimulate growth. The council can contribute to both growth and economic inclusion. Through partnership with the Clinical Commissioning Group (CCG) and others it supports health initiatives and its housing programmes focus upon dealing with both the causes and consequence of poverty.

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Previous neighbourhood based work was part of a nationally funded programme aimed at the UKs most disadvantaged local authority areas. Hastings programme included funding for staff to support neighbourhood provision together with a programme of area based grants. The Local Strategic Partnership had oversight of this programme with 21 key targets aimed at “gap closing” on key performance figures. Additionally, Hollington had a Greater Hollington Neighbourhood Pathfinder operating in the previous decade.

Since this funding ceased the council has faced year on year reduction of its budgets. Additionally The Connecting Hastings & Rother Together (CHART), Community Led Local Development (CLLD) and Opportunity Area are significant programmes and the council should focus on how these might be built upon and extended into the future.

The current budget of the council does not easily permit new areas of unfunded work to be developed. It is likely there will be less staff and financial resources available in 2020/21 and moving forward.

197. CENTRAL ST LEONARDS RENEWAL AREA EXIT REVIEW

The Assistant Director, Housing & Built Environment submitted a report to present the results of the exit review for the St Leonards Renewal Area.

The report was presented by the Housing Renewal Manager.

Cabinet declared the Central St Leonards Renewal Area on the 18 December 2003. Following a review of the area in 2013, which identified significant progress, the project was extended for a further five years to November 2018.

An exit review was undertaken for the Central St Leonards Renewal Area by RJFP Resourcing (who also undertook the review in 2013) in order to highlight successes.

Councillor Cox spoke as the ward councillor for Central St Leonards. On behalf of herself and Councillor Webb she welcomed the report laying out the improvements to the area since 2003 and thanked those involved. Councillor Cox asked for a commitment that if funding was restored by the Government renewal area status would be reapplied to Central St Leonards. Furthermore she requested that a watching brief on the area is maintained by the Leader of the Council, portfolio holders and officers.

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

RESOLVED (unanimously):

1. That the contents of the report are noted.

Reasons for the decision:

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Following the end of the 15 year St Leonards Renewal Area an exit review has been undertaken. The results of this review are presented as an appendix to the report.

198. URGENT ITEMS

198.1 12/13 York Buildings (Part 1)

The Assistant Director Financial Services & Revenues presented a report to seek approval for additional capital funding to convert the upper floors to six flats.

The Assistant Director informed the Cabinet that costs had risen by £89,000. However, borrowing costs have decreased which makes the scheme slightly more viable. If the additional funding is not approved there will still be costs involved in retaining and repairing the building.

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

RESOLVED (by 7 for, to 2 against):

To increase the capital budget to convert the upper floors to 6 flats to £846,000 (was previously £757,000).

Reasons for the decision:

Following delays with obtaining consent to discharging conditions of the listed building consent and changes required to the original specification the project costs have increased. However with the historically low interest rates there is still a window of opportunity to convert the derelict upper floors in this grade 2 listed building (which has high conversion costs), to create much needed new residential accommodation and generate additional income for the Council. The estimated additional income increases from that reported in July 2018 despite the cost increase; this is the result of reductions in overall borrowing costs.

198.2 12/13 York Buildings (Part 2)

The Assistant Director Financial Services & Revenues presented a report to seek approval for additional capital funding to convert the upper floors to six flats.

The Assistant Director informed the Cabinet that costs had risen by £89,000. However, borrowing costs have decreased which makes the scheme slightly more viable. If the additional funding is not approved there will still be costs involved in retaining and repairing the building.

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

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2 SEPTEMBER 2019

RESOLVED (by 7 for, to 2 against):

To increase the capital budget to convert the upper floors to 6 flats to £846,000 (was previously £757,000).

Reasons for the decision:

Following delays with obtaining consent to discharging conditions of the listed building consent and changes required to the original specification the project costs have increased. However with the historically low interest rates there is still a window of opportunity to convert the derelict upper floors in this grade 2 listed building (which has high conversion costs), to create much needed new residential accommodation and generate additional income for the Council. The estimated additional income increases from that reported in July 2018 despite the cost increase; this is the result of reductions in overall borrowing costs.

(The Chair declared the meeting closed at. 7.46 pm)

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

199. APOLOGIES FOR ABSENCE

None.

200. DECLARATION OF INTERESTS

Councillor	Minute	Interest
Forward	208	Prejudicial – Owns a property close to the site

201. MINUTES OF LAST MEETING

RESOLVED – that the minutes of the Cabinet meeting held on 2nd September 2019 be approved as a true record.

RESOLVED the chair called over the items on the agenda, under rule 13.3 of the council's constitution, the recommendations set out in minutes number 202, 203, 205, 208, and 209 were agreed without being called for discussion.

202. UPDATE ON THE SOCIAL LETTINGS AGENCY

The Assistant Director, Housing and Built Environment submitted a report outlining the revised business case for the Social Lettings Agency.

The report was presented by the Assistant Director and the Strategic Housing and Projects Manager.

The Social Lettings Agency (SLA) was set up with the primary purpose of helping to improve access to good quality, well managed, accommodation in the private rented sector. Households are accommodated in properties leased by the council from private landlords.

The revised model for the SLA has 3 main elements; expanding the private sector leasing scheme as an alternative to emergency accommodation, property management services for council-owned temporary accommodation and property management services for properties owned by Hastings Housing Company.

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

The Chair agreed to vote on each recommendation separately, as shown in the resolution below.

RESOLVED

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- 1. That Cabinet supports the revised business case for the Social Lettings Agency and the next steps to implement the new model (by 7 for, to 2 against).**
- 2. Cabinet approves the investment strategy for the Social Lettings Agency (by 7 for, to 2 against).**
- 3. To continue to explore options to generate additional income through the social lettings agency, including providing management services to other local authorities (by 7 for, to 2 against).**
- 4. To approve capital funding of £2,575,000 for additional investment in temporary accommodation (unanimously).**

Reasons for the decision:

The purpose of the SLA is to improve access to good quality, well managed accommodation in the private rented sector for homeless households. The council needed to review the business case for the SLA, following changes to government funding for temporary accommodation and revised growth forecasts for the councils Housing Company.

Under the new model, the existing private sector leasing scheme will be expanded, to help reduce the council's use of emergency accommodation. The SLA will continue to provide management services for council-owned temporary accommodation. The SLA will also manage one of the properties owned by Hastings Housing Company, with the expectation that this role will be expanded in the future, as and when the company acquires more properties.

203. POLLING PLACES REVIEW 2019

The Director of Corporate Services and Governance submitted a report on the findings and evaluation of the recent review and the Acting Returning Officer's subsequent recommendations.

The Electoral Administration Act 2006 (Section 16, EAA 2006) introduced a duty for all UK parliamentary polling districts and polling places to be reviewed by the end of 2007 and thereafter to be reviewed periodically.

The polling district boundaries in 6 of the 16 wards were reviewed in order to achieve, where possible, a more equal number of electors. This will mean a number of polling station changes for electors within the borough.

The wards affected are:

- Ashdown (A1, A2, A3)
- Gensing (G1, G2, G2A)
- Old Hastings (J1, J2)
- St Helens (L1, L2)
- Silverhill (M1, M1A, M2, M2A, M2A, M2B)

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- Wishing Tree (P1, P1A, P2)

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED

1. To recommend that Council adopts the Acting Returning Officer's recommendations (as appended to this report) and publish the results of the review.

2. Delegate authority to the Director of Corporate Services and Governance to amend any decisions made under this review with regard to polling places or polling stations, should there be an urgent or necessary need.

Reasons for the decision:

The council must regularly review the division of its parliamentary constituency area (within the borough boundary) into polling districts and the places where electors are asked to vote. The council must comply with the requirements of the Electoral Administration Act 2006 (Section 16, EAA 2006) and complete regular reviews of all polling districts and polling places. The council has a duty to ensure that the most suitable premises are used as polling places with regard to the needs of the electorate, subject to availability.

204. LAND AT WHITWORTH ROAD

The Assistant Director, Financial Services and Revenues submitted a report to seek approval to proceed with marketing the land at Whitworth Road.

The land is allocated for Employment B use classes in the Local Plan: site reference LRA8 - Land in Whitworth Road, The Ridge West.

The Council has received proposals to develop the land, but the uncertainty around development costs does not make it attractive for the Council to develop the site itself.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED

1. To add the land to the Council's Land and Property Disposal Programme.

Reasons for the decision:

This land is not straight-forward to develop, and is considered surplus to Council requirements.

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Adding the land to the Land and Property Disposal Programme will allow the Council to progress with marketing to hopefully achieve a sale of the freehold.

205. ACQUISITION OF LAND IN ORE VALLEY

The Assistant Director, Financial Services and Revenues submitted a report to seek approval for Hastings Borough Council to take ownership of areas of green space in the Ore Valley.

The report was presented by the Director of Corporate Services and Governance and the Estates Manager.

In July 2017 Cabinet resolved to take ownership of the Former Power Station site and green space in the Ore Valley from Hastings & Bexhill Renaissance Ltd (HBRL) subject to the outcome of due diligence.

HBRL are now marketing the site inviting offers.

The land comprises 2 parcels of land east and west of Broomgrove Road and measuring approximately 3.66 hectares and 1.27 hectares.

Due diligence has been undertaken and both the Council and HBRL wish to proceed with the transfer of the green space land as it is intended that HBRL is wound up.

It was noted that the Council may consider looking at ways to protect the land from future development.

Councillor Chowney proposed approval of the recommendations, seconded by Councillor Evans.

RESOLVED (unanimously):

- 1. To purchase the freehold of the land.**
- 2. To fund the initial repairs and maintenance costs from the Council's reserves (Ore Valley Reserve), estimated at some £57,000 (excluding VAT).**
- 3. The Director of Operational Services considers options for the long term management and maintenance arrangements of this area of land and brings forward a further report if necessary.**
- 4. The Ore Valley reserve is used to fund the ongoing maintenance and inspection costs of the land transferred until the long term arrangements are in place.**

Reasons for the decision:

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To enable the social and economic regeneration of Ore Valley and the surrounding area.

There are significant responsibilities in owning land, and the initial costs of making the land accessible can be funded from a reserve set aside for this particular purpose. The Assistant Director, Financial Services and Revenues submitted a report to seek approval for Hastings Borough Council to take ownership of areas of green space in the Ore Valley.

The report was presented by the Director of Corporate Services and Governance and the Estates Manager.

In July 2017 Cabinet resolved to take ownership of the Former Power Station site and green space in the Ore Valley from Hastings & Bexhill Renaissance Ltd (HBRL) subject to the outcome of due diligence.

HBRL are now marketing the site inviting offers.

The land comprises 2 parcels of land east and west of Broomgrove Road and measuring approximately 3.66 hectares and 1.27 hectares.

Due diligence has been undertaken and both the Council and HBRL wish to proceed with the transfer of the green space land as it is intended that HBRL is wound up.

It was noted that the Council may consider looking at ways to protect the land from future development.

Councillor Chowney proposed approval of the recommendations, seconded by Councillor Evans.

RESOLVED (unanimously):

- 1. To purchase the freehold of the land.**
- 2. To fund the initial repairs and maintenance costs from the Council's reserves (Ore Valley Reserve), estimated at some £57,000 (excluding VAT).**
- 3. The Director of Operational Services considers options for the long term management and maintenance arrangements of this area of land and brings forward a further report if necessary.**
- 4. The Ore Valley reserve is used to fund the ongoing maintenance and inspection costs of the land transferred until the long term arrangements are in place.**

Reasons for the decision:

To enable the social and economic regeneration of Ore Valley and the surrounding area.

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There are significant responsibilities in owning land, and the initial costs of making the land accessible can be funded from a reserve set aside for this particular purpose.

The potential transfer of responsibilities for the land to a “conservation group” could help to enhance and protect the biodiversity of the area, particularly given the very limited resources that the Council has and expects to have in the future.

Until such time as the long term future of the site is secured there will be regular inspection and maintenance costs incurred e.g. trees, paths, drainage, signage, and particularly fences.

206. CHURCHFIELD BUSINESS CENTRE

The Assistant Director, Financial Services and Revenues submitted a report to seek an increase in the budget for Churchfields Business Centre.

At Cabinet on 4 March it was agreed to include Sidney Little Road Business Incubator Hub (now known as Churchfields Business Centre) within the Capital programme with an estimated budget, including fees, of £2.8m. This was subject to Local Growth Funding of £500,000 which has since been granted.

The consultants have worked up detailed designs and the estimated costs are now £3.3m.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED:

To agree to increase the budget from £2.8m to £3.3m subject to receiving £300,000 funding from Connecting Hastings and Rother Together (CHART) Programme – Community led Local Development (CLLD).

Reasons for the decision:

As outlined in the body of the report the overall cost of development has increased at detailed design stage.

207. OLD TOWN HALL

The Assistant Director, Financial Services and Revenues submitted a report to seek approval for Hastings Borough Council to consider the disposal of the Old Town Hall, High Street, Hastings.

The report was presented by the Director of Corporate Services and Governance and the Estates Manager.

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The property became vacant in October 2018 as the lease was surrendered due to the tenant encountering financial difficulties.

Dyer & Hobbis were appointed to market the property for lease in November 2018. There has been very little interest and only one offer received to date which was well below the revised guide rent.

If the Council retain the building there are various costs that will need to be met over and above the day to day holding costs.

Councillor Chowney proposed approval of the recommendations, seconded by Councillor Forward.

RESOLVED (unanimously):

Dispose of the Old Town Hall

Reasons for the decision:

The property is considered surplus to Council requirements and has significant holding costs.

In the absence of interest in renting the building at a commercial rental, the Council has considered a number of options. These have included disposal, refurbishment, rental for alternative use and to seek a change of use from Planning. The property is listed as an asset of community value.

208. CORNWALLIS STREET CAR PARK - POTENTIAL DEVELOPMENT

Councillor Forward left the chamber during discussion of this item due to a prejudicial interest.

The Assistant Director, Financial Services and Revenues and the Assistant Director, Regeneration and Culture submitted a joint report to consider the potential development of a hotel on Cornwallis Street car park.

The report was presented by the Director of Corporate Services and Governance, the Assistant Director, Regeneration and Culture and the Estates Manager.

The Council has been approached by a developer/hotel chain for the redevelopment of the Cornwallis Street car park with a new hotel.

A conditional offer has been made (subject to board approval, planning, and contract) for an 80 room hotel on the site on the following basis:

- 80 bed hotel and restaurant
- 25 year lease
- Substantial rent

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The council has an obligation to test the market and ensure best value. It is proposed that in order to minimise timescales the Council will undertake initial surveys of the site.

The Assistant Director highlighted that Hastings has fewer serviced beds than neighbouring seaside towns and the development would support growth in the local tourism economy.

It was noted that the site is allocated for residential development within the Development Plan (Site Ref HTC2).

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

RESOLVED (unanimously):

- 1. Agree to market the site, in accordance with EU procurement rules, on the basis that the Council develops the site for a hotel operator and lets the site on a long lease (20 years or more). The works only to commence once lease terms are agreed.**
- 2. Agree to include the potential development of the site, at an estimated cost of £7m within the Capital programme when determining the Capital Programme, Capital Strategy, and Treasury Management Strategy as part of the 2020/21 budget setting process.**
- 3. Agree to undertake the surveys required now for the subsequent development of the site at an estimated cost of up to £30,000 - funded from the General Reserve.**
- 4. Agree to appoint an external legal firm now to draw up the procurement documents and necessary legal documentation at an estimated cost of up to £40,000 - funded from the General Reserve.**

Reasons for the decision:

The site is within the local development plan, earmarked for residential and retail.

The site presents a significant opportunity to further economic development and tourism within Hastings and St Leonards and to attract a major hotel within the town centre has been an aspiration for the Council for some time.

A viable option has been presented to the Council for a development and if the Council wishes to take the opportunity, it will need to move quickly. The EU procurement rules are complex, as will be the lease arrangements, and therefore external expertise in this instance is required.

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209. CONSTITUTIONAL AMENDMENTS

The Chief Legal Officer submitted a report to recommend amendments to the Council's Constitution.

The Council's Constitution is the basis for the Council's Corporate Governance. It needs amending on a regular basis either as a result of discussions at Working Arrangement Group and/or changes in legislative provisions or working practices.

The proposed amendments are as a result of updating and tidying up of the Constitution. Changes are being proposed to Parts 1, 2, 4, 6, 8 and 9 of the Constitution.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED:

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

Reasons for the decision:

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

210. MUSEUM COMMITTEE RECOMMENDATIONS

The Assistant Director, Regeneration and Culture submitted a report to seek approval for the recommendations of the Museum Committee meeting held on 9 September 2019.

Cabinet is required to consider the recommendations of the Museum Committee as the Committee has no formal decision making powers and acts as an advisory committee of Cabinet.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED:

That Cabinet note and approve the recommendations of the Museum Committee meeting held on 9 September 2019.

Reasons for the decision:

The Museum Committee has no formal decision making powers and acts as an advisory committee to Cabinet.

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(The Chair declared the meeting closed at. 7.21 pm)

Report to: Cabinet

Date of Meeting: 7 October 2019

Report Title: Review of Polling Districts and Polling Places 2019

Report By: Jane Hartnell
Director of Corporate Services and Governance

Purpose of Report

To report the findings and evaluation of the recent review and the Acting Returning Officer's subsequent recommendations.

Recommendation(s)

- 1. To recommend that Council adopts the Acting Returning Officer's recommendations (as appended to this report) and publish the results of the review**
- 2. Delegate authority to the Director of Corporate Services and Governance to amend any decisions made under this review with regard to polling places or polling stations, should there be an urgent or necessary need.**

Reasons for Recommendations

The council must regularly review the division of its parliamentary constituency area (within the borough boundary) into polling districts and the places where electors are asked to vote. The council must comply with the requirements of the Electoral Administration Act 2006 (Section 16, EAA 2006) and complete regular reviews of all polling districts and polling places. The council has a duty to ensure that the most suitable premises are used as polling places with regard to the needs of the electorate, subject to availability.

Introduction

1. The Electoral Administration Act 2006 (Section 16, EAA 2006) introduced a duty for all UK parliamentary polling districts and polling places to be reviewed by the end of 2007 and thereafter to be reviewed periodically.
2. The Council's last full review under the legislation was completed and approved in February 2013. An interim review was completed and approved in January 2017. This was necessary due to changes made following a ward boundary review as completed by the Local Government Boundary Commission for England (LGBCE).
3. Due to the changes made as part of the boundary review, it has been necessary to review the polling districts in some wards as there is a large disparity in electorate numbers between each polling district. The polling district boundaries in 6 of the 16 wards were reviewed in order to achieve, where possible, a more equal number of electors. This will mean a number of polling station changes for electors within the borough. The wards affected are:
 - Ashdown (A1, A2, A3)
 - Gensing (G1, G2, G2A)
 - Old Hastings (J1, J2)
 - St Helens (L1, L2)
 - Silverhill (M1, M1A, M2, M2A, M2A, M2B)
 - Wishing Tree (P1, P1A, P2)
4. We have taken into consideration logistical issues within the polling district, e.g. public transport links and natural geographic terrain. We have also endeavoured to ensure that electors are not greatly disadvantaged by any move in polling district boundaries.
5. The Council must seek to ensure that, until the next full review, all electors within the borough boundary of the Hastings and Rye parliamentary constituency, have such reasonable facilities for voting as are practicable in the circumstances, and to ensure that, as far as is reasonable and practicable, the polling places are accessible to all electors, including those who are disabled.
6. The arrangements made for UK parliamentary elections are also used at other elections.
7. The final proposals will be reported to Full Council on 23 October 2019. Assuming the proposals are agreed, the revised electoral register will be published on 1 December 2019.
8. The Electoral Commission has no role in the review process itself. However, it can consider comments if people do not think the review has met the reasonable requirements of electors or taken sufficient account of the needs of disabled electors.

9. The following are not covered by the review:

- Boundaries of UK parliamentary constituencies;
- Borders and names of local authorities and electoral areas within local authorities; and
- Electoral ward boundaries

Local People's Views

10. The consultation has actively sought comments from people who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Any elector within the Hastings and Rye parliamentary constituency may make representations. Although not specifically required in law, the consultation carried out by the Council has included local political parties and elected representatives.

Equalities and Community Cohesiveness

11. Electoral Services staff have previously visited every polling place to carry out an access audit, taking account of the needs of disabled voters. Questionnaires were also issued to each polling place under consideration, in order to provide us with a detailed overview of facilities and accessibility.

The Review Process

12. The timetable for the Review is set out as:

- Notice of start of review: 15 July 2019
- ARO's Representations published: 15 July 2019
- Closing date for representations: 26 August 2019
- Final proposals heard by Cabinet: 7 October 2019
- Recommendations considered and decision made by Full Council: 23 October 2019
- Revised electoral register published: 1 December 2019

13. The council consulted the Acting Returning Officer (ARO), Jane Hartnell, who is also the Returning Officer for all other elections and referenda.

14. A cross party review group was set up with Councillors Patmore and Rogers, Jane Hartnell (ARO and Director of Corporate Services and Governance), Chris Barkshire-Jones (Chief Legal Officer), Katrina Silverson (Electoral Services Manager) and Sam Townshend (LLPG & GIS Technician). The group has met at regular intervals; they have considered representations received and reviewed proposals for polling district boundary changes. Their comments and recommendations have been taken into account and incorporated where appropriate over the course of the review.

15. Following the conclusions of the review group, the council consulted the ARO in respect of the proposed polling district boundary changes and one potential polling

station change. She agreed with the proposals made and would further .investigate the use of the proposed alternative polling station.

Conclusion of the review / publishing stage

16. Due to the disparity in electorate numbers between some polling districts, as highlighted above, the review group and ARO have proposed the following changes in the 6 affected wards:

- Ashdown ward - move approximately 660 electors from polling district A1 to polling districts A2 (475 electors) and A3 (185 electors)
- Gensing ward - move approximately 600 electors to from polling district G1 to polling district G2
- Old Hastings ward - move approximately 540 electors from polling district J1 to polling district J2
- St Helens ward - move approximately 200 electors from polling district L1 to polling district L2 and approximately 30 electors from polling district L2 to polling district L1
- Silverhill ward - move approximately 770 electors from polling district M2 to polling district M1
- Wishing Tree ward - move approximately 700 electors from polling district P1 to polling district P2

17. A list of streets and properties affected by the proposed changes can be found appended to this report.

18. The ARO is proposing to keep the existing polling place arrangements and to make changes only where circumstances require. An alternative polling station suggestion was raised by Councillor Patmore towards the end of the review and this will be investigated as soon as possible. The venue suggested is:

- Polling district M2 (currently St Luke's United Reformed Church Hall, Alma Terrace to Church of Jesus Christ of Latter Day Saints, Ledsham Avenue)

19. Throughout the review, any working papers, correspondence, etc. have been available for public inspection through the Electoral Services office at Muriel Matters House. All relevant items (correspondence, representations, notes of meetings, ARO's proposals etc.) will be published when the review has been completed.

20. Once the council has agreed on the proposals they will be published on the council's website.

The ARO's representations and other representations, including risk management

21. In addition to contacting the various stakeholders, the council consulted the ARO for the Hastings & Rye constituency. The ARO is required to make representations to the authority and in doing so must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed). Rother

District Council has consulted the ARO in respect of those wards within Rother that form part of the Hastings and Rye constituency. Rother District Council will make a decision in respect of those.

22. The ARO must also take account of the following:

- The council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
- The council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.
- Ideally, the polling place should be in its own polling district.
- Ideally, no polling place should be shared by two wards.
- Where possible, “natural” boundaries should be used, e.g. railways, major roads, etc.
- All properties in a minor road or estate should, ideally, be in the same polling district.
- Polling places should be “logical”; that is, electors should not have to pass another polling place to get to their own polling place.

23. Appended to this report is a summary of the ARO's comments and recommendations to the council.

24. Each polling district has one or more polling places allocated to it and the polling place is the premises, including the exterior access points, in which polling stations are situated. During this review, most existing polling places were found to be satisfactory.

25. The paragraphs below highlight areas where concerns have been identified or about which comments have been received. In each case every effort has been made to identify an alternative location or to resolve the problem.

26. In M2 polling district (Silverhill ward), the ward councillors raised concerns over the location of the polling station, citing difficulty in parking and also a fair distance from electors in the polling district. An alternative venue has been recommended and will be investigated as soon as possible.

27. In D3 polling district (Castle ward), the county councillor suggested that electors in the lower part of the polling district may be better served by the D2 polling station as it gave easier accessibility. The review group considered this suggestion, in consultation with the ARO, but concluded that the current boundary was satisfactory.

28. In L2 polling district (St Helens ward), the ward councillor suggested that a small number of properties in St Helen's Park Road, sited between Fearon Road and Keppel Road, should be moved into polling district L1 as the polling station for this polling district is sited within a very short distance. The review group, in consultation with the ARO, were happy to accept this proposal.

29. Any risk associated to changing a polling district boundary, polling place or polling station has been taken into account as part of the review and the ARO has been consulted at each stage of the process. None of the proposals offered within this are considered high risk in the context of the review and its remit.

Challenging the outcome of the review

30. Following the conclusion of the local authority's review, certain persons have a right to make representations to the Electoral Commission. There are only two grounds on which a representation may be made. These are that the local authority has failed to meet the reasonable requirements of the electors in the constituency and that insufficient account of accessibility to disabled persons of the polling station(s) within a polling place has been made.

31. More detailed information is available on the Electoral Commission website - www.electoralcommission.org.uk

Wards Affected

All wards

Implications

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

Additional Information

Proposal document, including ARO recommendations
List of properties affected by proposed polling district boundary changes
Ward maps for areas affected by proposed polling district boundary changes

Officer to Contact

Katrina Silverson, Electoral Services Manager
ksilverson@hastings.gov.uk
01424 451747

Report to: Cabinet

Date of Meeting: 7th October 2019

Report Title: Amendments to the Council's Constitution

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

Purpose of Report

Cabinet is asked to consider the constitutional amendments.

Recommendation(s)

- 1. To recommend that the amendments to the Council's Constitution be adopted by Full Council.**

Reasons for Recommendations

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

Introduction

1. The Council's Constitution is the basis for the Council's Corporate Governance. It needs amending on a regular basis either as a result of discussions at Working Arrangement Group and/or changes in legislative provisions or working practices.
2. Amendments that the Chief Legal Officer is bringing to this meeting are as a result of updating and tidying up of the Constitution. Changes are being proposed to Parts 1, 2, 4, 6, 8 and 9 of the Constitution.
3. The changes were discussed by Working Arrangements Group on 10th September 2019. A few minor changes were made by WAG following that meeting which have been incorporated. WAG requested that the proposed change to the number of motions on the agenda for Council be taken off and further discussion had between officers and Councillors on the most effective way of controlling this. Changes are shown as tracked changes in red.
4. Part 1 - Executive Summary – Tidying up and clarification.
5. Part 2 - Articles of the Constitution – Article 2 addition of wording where 'all out' election and election of Councillors for 4 or 2 years. Article 3 addition of paragraph entitled 'Citizen's responsibilities' which states that Citizens must not be violent, abusive or threatening to Councillors or Officers. Article 9 – clarification of role of Independent Person on Standards Committee.
6. Part 4 - Rules of Procedure – Tidying up and clarification of the sections on Petitions and Questions.
7. Part 6 – Councillors allowances. Updating of Table of Councillor's Allowance Scheme as of 15th May 2019.
8. Part 8 - Standing Instructions to Authorised Officers – Part 3b – para 43E amendment to allow minor changes to the terms of a draft S106 Agreement in consultation with the Chair of the Planning Committee. Para 46 - Approval of any matters required to be submitted pursuant to conditions imposed on any permission, consent or approval given under the Town and Country Planning Acts deletion of paragraph as all such applications are always determined under delegated authority given their technical nature. Para 45 removal of prior determination for telecommunication applications. Deletion of paragraph as all such applications are determined under delegated authority given the strict time limitations.
9. Part 9 – Financial Rules – changes requested by the Chief Finance Officer.

Timetable of Next Steps

1. [Please include a list of key actions and the scheduled dates for these:](#)

Action	Key milestone	Due date (provisional)	Responsible
Report to Cabinet		7 th October 2019	Chief Legal Officer
Report to Full Council		23 rd October 2019	Chief Legal Officer

Wards Affected

All Wards

Implications

Relevant project tools applied? Yes

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

Organisational Consequences

Additional Information

Parts 1, 2, 4, 6, 8 and 9 of the Constitution shown as tracked changes

Officer to Contact

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 cbarkshire-jones@hastings.gov.uk
 01424 451731

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The Constitution

Part 1 Executive Summary



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The Council's Constitution

1. [Hastings Borough Council agreed a revised Constitution at its meeting on 13th February 2019. The Constitution is kept up to date by regular review.](#) This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
2. The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What is in the Constitution

- 2.3. Article 1 of the Constitution set out its purpose. Articles 2 to 15 explain the rights of citizens and how the key parts of the Council operate. These are:
 - Councillors of the Council (Article 2)
 - Citizens and the Council (Article 3)
 - The Full Council (Article 4)
 - Chairing the Council (Article 5)
 - [Scrutiny of Policies and Decisions](#) (Overview and Scrutiny Committee) (Article 6)
 - The Cabinet (Article 7)
 - Regulatory and other Committees (Article 8)
 - The Standards Committee (Article 9)
 - Joint arrangements (Article 10)
 - Officers (Article 11)
 - Decision making (Article 12)
 - Finance, contracts and legal matters (Article 13)
 - Review and revision of the Constitution (Article 14)
 - [Suspension, interpretation and publication of the Constitution](#) (Article 15)

How the Council operates

- ~~3.4.~~ The Council is composed of 32 councillors, one half elected every other year from May 2004. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- ~~4.5.~~ Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee ~~trains and~~ advises them on the Code of Conduct.
- ~~5.6.~~ All Councillors meet together as the [Full Council](#). Meetings of the [Full Council](#) are normally open to the public.
- ~~6.7.~~ The Council appoints the Leader of the Council, whilst the Leader of the Council appoints the Deputy Leader and other Cabinet members and allocates portfolios to Cabinet members.
- ~~7.8.~~ Full Council is the main policy arena for the authority. Whilst the budget and many plans and strategies will be produced by the Cabinet, [Full Council](#) has complete freedom in deciding whether to accept or amend these proposals, or indeed replace them completely. The [Full Council](#) meeting is also the main setting for holding the Cabinet to account, providing an opportunity for members of the Cabinet to be questioned by Councillors or, indeed, members of the public.

How Decisions are made

- ~~8.9.~~ The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader of the Council, the Deputy Leader and between one and eight other councillors as the Leader shall, from time to time, determine. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. Cabinet meetings are generally open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide, or in accordance with this Constitution.

Overview and Scrutiny

- ~~9.10.~~ There are as many Overview and Scrutiny Committees as the Council shall, from time to time determine, who complement the work of the Cabinet and the Council as a whole. The Overview and Scrutiny Committee allows citizens to have a greater ~~say/role~~ in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committee also monitors the decisions of the Cabinet. It can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

11. The Council has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol (in part 5 of this Constitution) governs the relationships between Officers and Councillors.

~~10.~~ Citizens' Rights

~~11.~~12. Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

~~12.~~13. Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- present a petition to the Council;
- attend meetings of the Council and its committees or boards except where confidential or exempt matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- ask questions at ordinary meetings of the Council. A period of up to 30 minutes is allowed for questions to be put by members of the public who live or work in the Borough;
- contribute to investigations by the Overview and Scrutiny Committee if invited to do so;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or a committee of the Cabinet, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council [if they are dissatisfied with the action or lack of action taken by the Council on a matter which is the Council's responsibility about the provision of any of its services in accordance with the Council's Complaints Procedure;](#)
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct, and
- inspect the Council's accounts and make their views known to the External Auditor.

13.14. The Council has a policy of open access to files and other records. The Council also holds as many meetings as possible in public, giving access to agenda, reports and many background documents. Whilst the Council adopts a strong policy of openness, there are safeguards to protect individuals' privacy and in relation to legal, commercial, financial or otherwise sensitive information and so some documents may not be publicly accessible.

15. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Monitoring Officer, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY.

14.16. [All documents may be inspected on request at the Reception at the Council Offices, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY during office opening hours 8.30am to 5.00pm Monday to Friday. Documents are also available to view on the Council's website: \[www.hastings.gov.uk\]\(http://www.hastings.gov.uk\)](#)

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The Constitution

Part 2 **Articles of the Constitution**

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Article 1 – The Constitution

Powers of the Council

- 1.1 The Council will exercise all its powers and duties in accordance with the law and this Constitution.

The Constitution

- 1.2 This Constitution, and all its appendices, is the Constitution of the Hastings Borough Council.

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- b. support the active involvement of citizens in the process of local authority decision-making;
- c. help Councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

Interpretation and Review of the Constitution

- 1.3 The Council will be guided by the purposes stated above in all its decision making. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Members of the Council

Composition and eligibility

2.1

- a. Composition. The Council comprises 32 members, otherwise called Councillors. Two Councillors are elected by the voters of each ward in accordance with an order made by the Local Government Boundary Commission for England.
- b. Eligibility. Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

Election and terms of Councillors

- 2.2 Half of all Hastings Councillors will be elected every other year from 2004. The terms of office of Councillors is four years starting on the fourth day after being elected and finishing on the fourth day after the date of the next regular election. If there is a requirement for an 'all out' election for example a boundary change, then of the two Councillors in each ward, the one that receives the highest number of votes will, be elected for a period of 4 years. The other Councillor in each ward will be elected for a period of 2 years to maintain the Council's 2 yearly electoral cycle. four years later.

Roles and functions of all Councillors

2.3

- a. Key roles. All Councillors will:
 - i. collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - ii. represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - iii. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - iv. balance different interests identified within the ward and represent the ward as a whole;
 - v. be involved in decision-making;
 - vi. be available to represent the Council on other bodies; and
 - vii. maintain the highest standards of conduct and ethics.
- b. Rights and duties
 - i. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - ii. Councillors will not make public, information which is confidential or exempt or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
 - iii. For these purposes, "confidential" and "exempt" information are defined in the Access to

Information Rules in Part 4 of this Constitution.

Conduct

- 2.4 Councillors will at all times observe the Councillors' Code of Conduct and the Protocols set out in Part 5 of this Constitution.

Allowances

- 2.5 Councillors will be entitled to receive allowances in accordance with the Councillors' Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and The Council

Citizens' rights

- 3.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:
- a. Voting and petitions. Citizens on the electoral roll for the Borough have the right to vote in elections and to petition a request for a referendum for an elected mayor form of Constitution.
 - b. Information. Citizens have the right to:
 - i. attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - ii. attend meetings of the Cabinet when key decisions are being considered;
 - iii. find out from the forward plan what key decisions will be taken by the Cabinet and when;
 - iv. see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
 - v. inspect the Council's accounts and make their views known to the External Auditor.
 - c. Participation. Citizens have the right to participate in the Council's question time and may contribute to investigations by the Overview and Scrutiny Committee if invited to.
 - d. Complaints. Citizens have the right to complain to:
 - i. the Council itself under its complaints procedure;
 - ii. the Ombudsman after using the Council's own complaints procedure;
 - iii. the Monitoring Officer about a breach of the Councillors' Code of Conduct.

3.2 Citizen's responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers.

Article 4 – The Full Council

Meanings

4.1

- a. Policy Framework. The policy framework means the following plans and strategies:-
 - i. The Corporate Plan;
 - ii. Crime and Disorder Reduction Strategy;
 - iii. Plans and strategies which together comprise the Local Plan
 - iv. Plan and strategies which together comprise the Housing Strategy
 - v. The Pay Policy

Such other plans and strategies as the Council shall, from time to time, determine that shall form part of the policy framework.

- b. Budget. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement and the control of its capital expenditure, and the control of its investments.

Functions of the Full Council

4.2 Only the Council will exercise the following functions:

- a. adopting and changing the Constitution, with the exception of minor amendments, including legislative updates, which will be delegated to the Chief Legal Officer;
- b. approving and adopting the policy framework and the budget
- c. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with, the budget;
- d. appointing the Leader of the Council;
- e. agreeing and/or amending the terms of reference for Committees of Council, deciding on their composition and making appointments to them;
- e-f. adopting or amending the Councillors' Code of Conduct;
- f-g. agreeing the mechanism for appointments to outside bodies;
- g-h. adopting an allowances scheme under Article 2.5;
- h-i. changing the name of the Borough, conferring the title of honorary alderman or freedom of the Borough;
- j. confirming the appointment and dismissal of the Head of Paid Service, and the dismissal of the Monitoring Officer and Section 151 Officer having taken account of:
 - i. any advice, views or the recommendations of the Employment Committee;
 - ii. the conclusions of any investigation into the proposed dismissal; and

~~i-iii.~~ any representations from the relevant Officer.;

~~i-k.~~ making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or bills;

~~j-l.~~ all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and

~~k-m.~~ all other matters which, by law, must be reserved to Council.

Council Meetings

4.3 There are four types of Council meeting:

- a. the annual meeting;
- b. ordinary meetings;
- c. special meetings such as that to set the annual budget;
- d. extraordinary meetings.

And they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

Responsibility for functions

4.4 The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

Article 5 – Chairing the Council

Role and function of the Mayor

- 5.1 The Mayor and Deputy Mayor will be elected by the Council annually from amongst the Councillors. The Mayor and in his / her absence, the Deputy Mayor will have the following responsibilities:
- a. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 - c. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold it to account;
 - d. to promote the Borough and public involvement in the Council's activities;
 - e. in order to promote the Borough, to attend such civic and ceremonial functions as the Council and he/she determines.

Article 6 – Overview and Scrutiny Committee

Terms of reference

6.1 At the Annual Meeting the Council shall appoint such Overview and Scrutiny Committee as it sees fit. It will discharge the functions conferred by Section 21 of the Local Government Act 2000.

General role

6.2 Within the terms of reference, the Overview and Scrutiny Committee will:

- a. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- b. make reports and/or recommendations to the Full Council and/or the Cabinet in connection with the discharge of any functions;
- c. consider any matter affecting the area or its inhabitants;
- d. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet; and
- e. exercise such other functions as shall be allocated to it from time to time by statute or subordinate legislation.

Specific functions

6.3 Policy development and review

The Overview and Scrutiny Committee may:

- i. assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
 - ii. conduct research, community and other consultation in the analysis of policy issues and possible options;
 - iii. advise the Cabinet on mechanisms to encourage and enhance community participation in the development of policy options;
 - iv. question members of the Cabinet and Chief Officers about their views on issues and proposals affecting the area; and
 - v. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- b. Scrutiny

The Overview and Scrutiny Committee may:

- i. review and scrutinise the decisions made by and the performance of the Cabinet and Council Officers both in relation to individual decisions ~~and overtime~~;
- ii. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii. question members of the Cabinet and Chief Officers about their decisions and

performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

- iv. make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
 - v. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
 - vi. question and gather evidence from any person (with their consent).
- c. Finance
- The Cabinet is required to meet reasonable requests for funding from the Overview and Scrutiny Committee. Funding should be used for specific activities in support of the functions outlined in the Terms of Reference under 6.1. If the Cabinet refuses funding then the Overview and Scrutiny Committee can ask the Full Council to determine whether or not the funding should be granted.
- d. Officers
- Officer support for Scrutiny Project Groups and other Officer support for the overview and scrutiny function will be arranged by the Continuous Improvement and Democratic Services Manager.
- e. Annual report: The Overview and Scrutiny Committee may report annually to Full Council on its workings and may make recommendations for consideration of their future work programmes and amended working methods, if appropriate.

Proceedings of Overview and Scrutiny Committee

- 6.4 The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 – The Cabinet

Role

- 7.1 The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

Form and composition

- 7.2 The Cabinet will consist of the Council Leader (who shall be the Chair of the Cabinet), the Deputy Leader, and at least one, but not more than eight, Councillors appointed annually to the Cabinet by the Leader.

The Local Government Act 2000 provides that the political balance rules do not necessarily apply to a Cabinet or Committees of a Cabinet.

Leader and Deputy Leader

- 7.3 The Leader will be a Councillor elected to the position of Leader by the Council at the annual meeting or if there is a vacancy in the position of Leader of the Council, the Council shall, at its next meeting, elect a Leader of the Council. The Leader will hold office:
- a. For a term of office which starts on the day of his/her election as Leader, and ends on the day of the post-election annual meeting which follows his/her election as Leader; or until
 - i. he or she resigns from the office; or
 - ii. he or she is no longer a Councillor; or
 - iii. he or she is removed from office by resolution of the Council; or
 - iv. he or she is otherwise disqualified by law ~~or by the Court.~~
 - b. The Leader shall appoint one of the members of the Cabinet to be the Council's Deputy Leader at the post-election annual meeting. The Deputy Leader shall hold office until:
 - i. the end of the term of the Leader; or
 - ii. the Leader removes the Deputy Leader from office giving written notice of the removal to the Chief Legal Officer; or
 - iii. he or she resigns from office; or
 - iv. he or she is no longer a Councillor; or
 - v. he or she is removed from office by resolution of the Council; or
 - vi. he or she is otherwise disqualified by law ~~or by the Court.~~
 - c. If for any reason there shall be a vacancy in the position of Deputy Leader, the Leader shall appoint another Deputy Leader from among the members of the Cabinet.
 - d. If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/her place.
 - e. If for any reason the Leader is unable to act or the office of Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant the remaining

members of the Cabinet must either act collectively in the Leader's place or they must arrange for a Cabinet member to act in the place of Leader.

Other Cabinet Members

- 7.4 Other Cabinet members will be Councillors who shall hold office until:
- a. they resign from office; or
 - b. they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - c. they are no longer Councillors; or
 - d. they are removed from office by the Leader, who must give written notice of the removal to the Chief Legal Officer
 - e. they are otherwise disqualified by law.

Proceedings of the Cabinet

- 7.5 Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

Responsibility for functions

- 7.6 The Leader will maintain the list in Part 3 of this Constitution setting out which individual members of the Cabinet, Committees of the Cabinet, Officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

Decision Making

- 7.7 Decisions made in Cabinet are made collectively on a vote of a simple majority.

Article 8 – Regulatory and other Committees

Regulatory and other Committees

8.1 The Council will appoint the Committees set out in Part 3 of this Constitution under the heading Responsibility for Council Functions to discharge the functions described.

Composition of the Planning Committee, Environment and Safety Committee and Licensing Committee.

8.2

- a. A member of the Cabinet with portfolio will not be able to serve on the Licensing Committee, Environment and Safety Committee or Planning Committee or any other regulatory Committee.
- b. No member of these Committees shall take part in any debate or vote on any matter in relation to which the member has predetermined his/her decision on the matter.
- c. Members whose professional or personal interests might create regular conflict of interest in matters coming before the Planning Committee should not be appointed to the Planning Committee. A member who is about to act in a professional or private capacity in any matter in which the Council has an interest should give notice of such intention to the Monitoring Officer.
- d. The Planning Protocol contained in Part 5 of the Constitution applies to Planning Committee Members.
- e. For all Regulatory Committees, in cases where the Chair or Vice Chair is not available to Chair the meeting (or part of), the Legal Officer advising the Committee will ask for a nomination for Chair for the duration of the meeting (or part of). The nomination must be of a permanent member of that Committee and not a substitute. The nomination must be seconded and a majority vote taken by those Councillors sitting on that Committee.

Article 9 – The Standards Committee

Standards Committee

9.1 The Council will establish a Standards Committee.

Composition

9.2 Membership.

- a. The Standards Committee will be composed of five members of the Council. At least one Independent Person will be invited to attend. The Political Balance Rules do not strictly apply to the Standards Committee, but will be applied to the Councillor membership of the Committee. No more than one Councillor member of the Standards Committee may be a member of the Cabinet and that member may not be the Leader of the Council.
- b. The appointment of Independent Person(s) must be approved by a majority of the members of the Council.
- c. A meeting of the Standards Committee will not be quorate unless at least three members are present for its duration.
- d. Members of the Standards Committee may on written application to the Monitoring Officer (or Deputy Monitoring Officer) at least three working days prior to the meeting of the Standards Committee appoint substitutes for that meeting, only if in the opinion of the Monitoring Officer (or Deputy Monitoring Officer) in consultation with the Chair or Vice Chair of the Standards Committee, sitting Councillors have a conflict of interest in any matter to be considered by the Standards Committee at that meeting.

9.3 Independent Persons. The Council must appoint at least one Independent Person to carry out the following advisory functions:

- a. to give the Standards Committee their view on any allegations it has decided to investigate, before a decision is reached;
- b. to give the Standards Committee their view on any sanctions to be imposed, before a decision on sanctions is reached;
- c. to provide support as necessary to the Councillor against whom a standards complaint is made.

Role and function

~~9.39.4~~ The Standards Committee will have the following roles and functions:-

- a. promoting and maintaining high standards of conduct by Councillors and co-opted members;
- b. assisting Councillors and co-opted members to observe the Councillors' Code of Conduct:-
- c. advising the Council on the adoption or revision of the Councillors' Code of Conduct.
- d. monitoring the operation of the Councillors' Code of Conduct;
- e. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Councillors' Code of Conduct (this function is also available to the Monitoring Officer):-
- f. hearing and determining standards complaints made against Councillors in accordance with Council procedure and imposing or recommending sanctions where appropriate:-

Article 10 – Joint Arrangements

Arrangements to promote well being

- 10.1 The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:
- a. enter into arrangements or agreements with any person or body;
 - b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - c. exercise on behalf of that person or body any functions of that person or body.

Joint arrangements

10.2

- a. The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c. Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members may, but need not, reflect the political composition of the local authority as a whole.
- d. The Cabinet may appoint members to a joint committee from outside the Cabinet if the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a councillor for a ward which is wholly or partly contained within the area;

The political balance requirements may, but need not, apply to such appointments.
- e. Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

Access to information

10.3

- a. The Access to Information Rules in Part 4 of this Constitution apply.
- b. If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- c. If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

Delegation to and from other local authorities

10.4

- a. The Council may delegate its functions to another local authority
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council.

Contracting out

10.5 The Council and / or the Cabinet may contract out their respective functions to another body or organisation where such functions

- i. which may be exercised by an Officer and
- ii. which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994; or
- iii. under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles,
provided there is no delegation of the Council's discretionary decision-making.

Article 11 – Officers

Management Structure

11.1

- a. General. The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions. Appointment of staff cannot be the responsibility of the Cabinet. Appointment of staff below the level of Corporate Director must be the responsibility of the Head of Paid Service or his/her nominee.
- b. Chief Officers. The Council (by a committee or sub-committee) will engage persons for such posts, as it may from time to time decide, who will be designated Directors, collectively described as “Chief Officers” in this Constitution.
- c. The Council will designate the following posts as:-
 - i. One of the Directors – Head of Paid Service
 - ii. Chief Legal Officer – Monitoring Officer
 - iii. One of the Assistant Directors – Chief Finance Officer

Such posts will have the functions described in Article 11.2 - 11.4 below.

- d. Structure. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out at Part 7 of this Constitution. Changes made to this Structure do not constitute amendments to this Constitution.

Functions of the Head of Paid Service

11.2

- a. Discharge of functions by the Council. The Head of Paid Service will, from time to time, report to Full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.
- b. Restrictions on functions. The Head of Paid Service may not be the Monitoring Officer but, if a qualified accountant, may hold the post of Chief Finance Officer.

Functions of the Monitoring Officer

11.3

- a. Maintaining the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, staff and the public.
- b. Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the Full Council, or to the Cabinet in relation to Cabinet functions, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c. Supporting the Standards Committee. The Monitoring Officer will contribute to the

promotion and maintenance of high standards of conduct through provision of support to the Standards Committee

- d. Conducting investigations. The Monitoring Officer will conduct investigations or arrange for investigations into complaints alleging breach of the Code of Conduct and make reports or recommendations in respect of them to the Standards Committee in accordance with procedures adopted by the Council.
- e. Proper Officer for access to information. The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- f. The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- g. Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- h. Restrictions on posts. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Functions of the Chief Finance Officer

11.4

- a. Ensuring lawfulness and financial prudence of decision making. After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council, or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. Administration of financial affairs. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- c. Contributing to corporate management. The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d. Providing advice. The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- e. Give financial information. The Chief Finance Officer may provide financial information to the media, members of the public and the community.

Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

- 11.5 The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in the opinion of these officers sufficient to allow their duties to be performed.

Conduct

- 11.6 Officers will comply with the Officer's Code of Conduct and the Protocol on

Officer/Councillor Relations set out in Part 5 of this Constitution.

Employment

- 11.7 The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 12 – Decision Making

Responsibility for decision making

- 12.1 The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 3 and 8 of this Constitution.

Principles of decision making

- 12.2 All decisions of the Council will be made in accordance with the following principles:

- a. proportionality (i.e. the action must be proportionate to the desired outcome);
- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights (see below for further details);
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes; and

- f. reasonable and based only upon relevant information.

e. —

12.3 An and explanation of what options were considered and the reasons for the decisions will be included as part of the record of any decision taken.

Types of decision

- 12.3

- a. Decisions reserved to Full Council.

Decisions relating to the functions listed in Article 4.2 will be made by the Full Council and not delegated.

- b. Key decisions

- i. A key decision means a Cabinet decision which is likely to involve expenditure or savings in excess of £250,000 or which is likely to have a significant effect on communities living or working in an area comprising two or more wards.
- ii. A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

Decision making by the Full Council

- 12.4 Subject to Article 12.8, The Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

Decision making by the Cabinet

- 12.5 Subject to Article 12.8, The Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

Decision making by the Overview and Scrutiny Committee

12.6 The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

Decision making by other Committees and Sub-Committees

12.7 Subject to Article 12.8, Other Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

Decision making by Council bodies acting as tribunals

12.8 The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights and the Human Rights Act 1998.

Decision making by Ward Councillors

12.9 The Council and Cabinet are able to delegate authority to individual Ward Councillors to make decisions in relation to matters affecting their ward. Where delegation has been given, the Ward Councillor is required to produce a record of decisions, which are accessible by the public for six years. The Ward Councillor is required to act in accordance with a protocol agreed by the Council or Cabinet when exercising the power.

Call-over

12.10 The Council, Cabinet and Committees may operate a call-over process to determine which matters on the agenda are to be discussed and those that are to be agreed without discussion. The Chair of the meeting may undertake the call-over and all matters which are not called are the subject of a motion from the Chair to agree all matters not called.

Article 13 – Finance, Contracts and Legal Matters

Financial management

- 13.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Rules set out in Part 9 of this Constitution.

Contracts

- 13.2 Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 9 of this Constitution.

Legal proceedings

- 13.3 The Chief Legal Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Legal Officer considers that such action is necessary to protect the Council's interests.

Authentication of documents

- 13.4 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Legal Officer or other person authorised by the Chief Legal Officer unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Common Seal of the Council

- 13.5 The Common Seal of the Council will be kept in a safe place in the custody of the Chief Legal Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Legal Officer or some other person authorised in that regard by the Chief Legal Officer.

Common Seal of Hastings Housing Company

- 13.6 The Common Seal of the Hastings Housing Company will be kept in a safe place in the custody of the Chief Legal Officer. A decision of the Hastings Housing Company, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Legal Officer or some other person authorised in that regard by the Chief Legal Officer.

Article 14 – Review and Revision of the Constitution

Duty to monitor and review the constitution

14.1 The Council's Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of constitution by the Monitoring Officer

14.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- a. observe meetings of different parts of the Councillor and Officer structure;
- b. undertake an audit trail of a sample of decisions;
- c. record and analyse issues raised with him/her by Councillors, Officers, the public and other relevant stakeholders; and
- d. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

14.3 Changes to the Constitution will be approved by the Full Council. However, minor changes, not affecting the substance of the Constitution, such as correction of typographical errors, updating of legislation, or changes in job titles or the management structure, may be made by the ~~Directors with the approval of~~ the Monitoring Officer ~~and~~ in consultation with the Leader of the Council and the Chair of Working Arrangements Group.

Article 15 – Suspension, Interpretation and Publication of the Constitution

Suspension of the Constitution

15.1

- a. Limit to suspension. The Articles of this Constitution may not be suspended.
- b. Procedure to suspend Standing Orders. The procedure to suspend Standing Orders is set out in Part 4 of this Constitution. The extent and duration of suspensions will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

Interpretation

15.2 The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

Publication

15.3

- a. The Monitoring Officer will make available a copy of this Constitution to each Councillor of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council
- b. The Monitoring Officer will ensure that copies are available for inspection on request at the Council offices, and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- c. The Monitoring Officer will ensure that ~~the summary of~~ the Constitution is made readily available within the area and is updated as necessary. The Constitution can be found on the Council's Website at www.hastings.gov.uk.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Cabinet) and the Cabinet Procedure Rules;
3. Article 10 (Joint Arrangements);
4. Article 12 (Decision Making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).

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The Constitution

Part 4 Rules of Procedure



The Constitution, Part 4 - Rules of Procedure

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1. Annual Meeting of the Council

Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will normally take place in May.

The Annual Meeting will:

- i. elect a person to preside if the Mayor and Deputy Mayor are not present;
- ii. elect the Mayor of Council;
- iii. elect the Deputy Mayor of Council;
- iv. approve the minutes of the last meeting;
- v. receive any announcements from the Mayor;
- vi. elect the Leader where a vacancy has occurred ;
- vii. receive the Leader's report on the appointment of the Deputy Leader of the Council and the number of and the names of the members of Cabinet;
- ix. receive the Leader's report on the Cabinet portfolios and their allocation to members of the Cabinet;
- x. appoint an Overview and Scrutiny Committee, a Standards Committee, a Licensing Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- xi. appoint to those Committees in accordance with the political balance rules where applicable except where the appointment is exercisable only by the Cabinet;
- xii. to consider the following motion to be proposed by the Leader of the Council and seconded by the Deputy Leader:-

"That the Council agrees the programme for the ensuing municipal year as proposed by the Leader of the Council" to which no amendment may be moved."

2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:

- i. elect a person to preside if the Mayor and Deputy Mayor are not present;
- ii. approve the minutes of the last meeting;
- iii. receive any declarations of interest from Councillors;
- iv. receive any announcements from the Mayor and/or Leader;
- v. receive questions from, and provide answers to, the public;

[vi.](#) deal with any business from the last Council meeting;

[vii. consider motions;](#)

[vi.—consider any changes to the membership of Committees](#)

~~vii-viii.~~ receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;

~~viii-ix.~~ receive reports about and receive questions and answers on the business of joint arrangements and external organisations.

~~ix.i. consider motions;~~

x. consider any other business specified in the summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committee for debate; and

xi. [membership of Committees.](#)

3. Extraordinary and Special Meetings

Calling extraordinary meetings

3.1 Those listed below may request the Chief Legal Officer to call Council meetings in addition to ordinary meetings:

i. the Council by resolution;

ii. the Mayor of the Council;

iii. the Monitoring Officer; and

any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Special Meetings

3.2 Special meetings are set in the programme for meetings at the commencement of the municipal year.

3.3 The only business which may be considered at an extraordinary or special meeting is the business for which the meeting was called or set as the case may be.

3.4 Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

4. Appointment of Substitute Members of Committees and Sub-Committees

4.1 There shall be no substitution of members of the [Standards Committee,](#) Licensing Committee or the Cabinet. Members of the Cabinet may not be substitutes on Overview and Scrutiny Committee. [The Leader may not](#)

[substitute on Standards Committee.](#)

- 4.2 The political groups may appoint substitute members in accordance with this Rule on Committees and Sub-Committees. Only Councillors who have undergone related training may be substituted to [Standards Committee](#), [Planning Committee](#), [Charity Committee](#) and Environment and Safety Committee. Only members of Cabinet may be substituted to Charity Committee.
- 4.3 Substitute members will have all the powers and duties of any ordinary member of the Committee.
- 4.4 Substitute members may attend meetings in that capacity only:
- i. to take the place of the ordinary member for whom they are the designated substitute;
 - ii. where the ordinary member will be absent for the whole of the meeting or, in the case of the Charity Committee, for such item or items as shall be notified to the Chief Legal Officer under iii. below; and
 - iii. after notifying the Chief Legal Officer no later than the commencement of the relevant meeting in the form supplied.

5. Time and Place of Meetings

The time and place of meetings will be determined by the Chief Legal Officer and notified in the summons. [All Council meetings unless otherwise determined shall be held in Muriel Matters House, Breeds Place, Hastings.](#)

6. Notice of and Summons to Meetings

The Chief Legal Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Legal Officer will send a signed summons by post or electronic mail to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. Chair of Meeting

The ruling of the Mayor as to the construction or application of any of these rules, or as to any proceedings of the Council, shall be final. Subject to the requirement that the election of Mayor is to be the first item for discussion at Annual Council the Mayor shall have power to adjust the order of items on the agenda where he or she considers that it would be in the interests of the proper conduct of the meeting.

The Mayor may adjourn a meeting of the Council for such period as he or she considers appropriate. In the event of an adjournment, the Mayor may, at the time of the adjournment or subsequently, fix a date and time for the meeting to resume. If no date and time is fixed the outstanding business shall be dealt with at the next ordinary meeting of the Council.

The person presiding at the meeting may exercise any power or duty of the Mayor. Where

these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chair of Committees and Sub-Committees.

In the absence of the Mayor and Deputy Mayor, the [Chief Legal Officer](#)~~proper officer~~ shall call on any Councillor present at a Council meeting to move that a Councillor can chair the meeting. If discussion arises, the [Chief Legal Officer](#)~~proper officer~~ shall exercise the powers of the person presiding to regulate that discussion, and to maintain order at the meeting. This rule shall apply to Committees and Sub-Committees in the same way except that members of Cabinet are not excluded by virtue of this Rule alone.

8. Quorum

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor [or Chair](#) counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor [or Chair](#). If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

The quorum for Committees is one quarter of the membership, subject to a minimum of three.

The Standards Committee and Cabinet have their own rules as to quorum. These are set out in Article 9 of Part 2 and in the Cabinet Procedure Rules.

9. Duration of Meeting

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for four hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. Petitions Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can bring their concerns to the attention of the Council. The subject of any petition to be presented must relate to a matter for which the Council has powers, duties or functions or which affects the Borough or part of it or its inhabitants. However, the Council will not deal with a petition which in the opinion of the Monitoring Officer is vexatious, abusive or otherwise inappropriate to be considered under this rule.

There are different types of petition as set out below.

Ordinary petitions

10.1 These are petitions which relate to matters for which the Council has [powers, duties and responsibilities](#) [or which affects the Borough or part of it or people who live or work in the Borough](#). These petitions should be presented to the Mayor or to the Chief Legal Officer at Muriel Matters House, Breeds Place, Hastings, TN34 3UY.

10.2 A petition shall comply with the following:-

- (a) The wording of the petition will appear at the head of each page of signatures.
- (b) The petition shall bear the signatures of ten or more persons who live, work or study in the Borough.
- (c) The petition presented shall be the original and shall bear the signatures, name and address of each signatory.
- (d) By signing the petition the petitioner is agreeing to have their personal information published in the public domain.

10.3 A petition shall NOT be presented if it relates to:

- (a) matters relating to an individual or relating to a current housing, planning, licensing or grant application;
- (b) matters which are the subject of legal proceedings or an appeal to a tribunal or government minister or an investigation by the Local Government Ombudsman or the Standards Committee or through the Council's Corporate Complaints Procedure;
- (c) matters relating to a Council Officer or the conduct of a Councillor; or
- (d) any other matter which would require the release of any exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972.

~~The Scheme does not relate to petitions alleging misconduct by a councillor Councillor or councillor Councillors (complaint to Standards Committee), relating to a Council officer or Service (Corporate Complaints Process / Disciplinary), or to matters relating to an individual e.g. a taxi driver's licence application or to petitions relating to a current planning application.~~

~~Ordinary petitions should be presented to the Mayor or to the Chief Legal Officer at the Muriel Matters House, Breeds Place, Hastings, TN34 3UY~~

Consultation petitions

10.4 These are petitions compiled in response to consultation by the Council on a proposal such as a planning application, licensing application, proposed policy or strategy. Such petitions should be returned to the address in the consultation and will be considered by the Committee or body with responsibility for making the decision or recommendation.

Governance Petitions

10.5 These petitions are outside the Petitions Scheme. These relate to such matters as a call from electors for the Council to hold a referendum on whether to have an elected Mayor or for the establishment of a parish or community council in part of the Council's area. The legislation governing e-petitions has not yet been extended to such petitions.

Petitions for Debate

10.6 A petition which can require a debate at a meeting of the Council must comply with rule 10.23 above except that it must have at least 1,500 signatures or more of persons who live, work or study in the Borough.

This rule does not apply where the petition requires that an Officer be called to account.

A petition for debate at Council will be reported to the next available ordinary meeting of the Council, when the petition organiser will be given 5 minutes in which to address the Council, followed by questions from Councillors. Council will then discuss the subject of the petition for no more than 15 minutes.

The Council then has the following options:-

- a. where it is a decision on which it can make a decision, to make a decision;
- b. where the decision is one which only Cabinet can make, to refer the matter to Cabinet for consideration with or without Council's recommendations; or
- c. refer the matter to another committee with responsibility, such as an Overview and Scrutiny Committee for investigation and, possibly, further report.

Petitions for debate should be addressed to the Council as for Ordinary Petitions.

Petitions to call an officer to account

- 10.1 There may be exceptional circumstances where a petition is used to call a relevant officer of the Council to account so that he or she is required to attend before the Overview and Scrutiny Committee to give evidence and to answer questions on a particular matter.

The petition must satisfy the requirements of rule 10.3, except that it shall bear at least 750 signatures of persons who live, work or study in the Borough. The petition must also identify the officer to be called to account either by name or job title. The petition must also give grounds for the request which relate to the discharge of functions for which the officer is responsible.

Relevant officers who may be called to account by such a petition are the Chief Officers.

On receipt of such a petition, the Overview and Scrutiny Committee will exercise its powers under Section 21(13) (a) Local Government Act 2000 to require the relevant person to appear before it to answer questions relevant to the petition. It may decide that an officer other than that officer identified in the petition would be more appropriate to attend for questioning and the Head of Paid Service, will be consulted on this before another officer is asked to attend.

Only members of the Committee may address questions to the officer and the Chair may pose questions provided by the petition organiser to the Chief Legal Officer at least three working days before the meeting.

Following such attendance and questioning, the Committee will then make a report or recommendations to the Council or Cabinet, as appropriate, and send a copy of the report or recommendations to the petition organiser.

Petitions to call an officer to account should be addressed to the Council as for ordinary petitions.

E-petitions

- 10.2 The Council also accepts e-petitions. The E-petition facility is facilitated by Modern.Gov and can be accessed using the link on the Hastings Borough

Council or East Sussex County Council websites. The minimum number of signatures required by for an e-petition to be considered under this rule is ten for ordinary and consultation petitions, 750 for petitions calling officers to account and 1500 for petitions for debate. The same rules and procedures apply as for paper petitions and the signatories must all live, work or study in the Borough. E-petitions are not accepted for petitions alleging misconduct by a Councillor or Councillors (complaint to Standards Committee), relating to a Council officer or Service (Corporate Complaints Process / Disciplinary), or to matters relating to an individual e.g. a taxi driver's licence application or to petitions relating to a current planning application.

How will the Council respond to petitions?

10.3 An acknowledgement will be sent to the petition organiser within 10 working days of receipt of the petition, notifying how it is intended to deal with the petition and indicating when the petition organiser will be contacted again. This might include setting out the Council's views about the request in the petition

If the Council can do what the petition requests immediately, the Council will acknowledge that it has received the petition and tell the petition organiser that the Council has taken the action requested and the petition will be closed.

Otherwise the Council's response to a petition will depend on what a petition asks for and how many people have signed it. This could include one or more of the following: -

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's appropriate overview and scrutiny committee
- writing to the petition organiser setting out the Council's views about the request in the petition
- no further action and the petition will be returned to the sender.

If the petitioner is heard at any meeting of the Council they will be given up to 5 minutes in which to address the meeting followed by questions from Councillors (if applicable). Only one member of the delegation presenting the petition should be allowed to speak and must be someone who resides or works in the Borough.

Conclusion of the petition process

10.4 Once the petition has been dealt with in accordance with this rule, the

petition organiser will be advised in writing within 10 working days of the outcome of the petition if they were not present at the meeting where the petition was discussed.

Review of steps taken in response to the petition by the Overview and Scrutiny Committee

- 10.5 If the petition organiser is not satisfied that the petition has been dealt with properly, the petition organiser may request that the Overview and Scrutiny Committee reviews the adequacy of the steps taken or proposed to be taken in response to the petition.

On receipt of a request for a review, the Overview and Scrutiny Committee shall consider the request at its next available meeting or as soon as practicable thereafter.

The Council shall within 10 working days of the decision on review inform the petition organiser of the outcome of the review.

11. Public Question Time

General

- 11.1 Members of the public who reside or work in the Borough may at ordinary meetings of the Council, in accordance with these rules, ask questions of the Leader and Portfolio Holders ~~(, including the Chair of Charity Committee), at ordinary meetings of the Council,~~ on any matter within the Borough Council's powers, duties or functions. Public question time will last no longer than 30 minutes. A question asked within the 30 minutes will be answered.

Order of questions

- 11.2 Questions will be asked in the order in which they are recorded as being notice of them was received by the Chief Legal Officer, except that the Mayor may group together similar questions.

Notice of questions

- 11.3 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Legal Officer no later than five clear working days before the day of the meeting. Each question must give the name and address of the questioner.

Number of questions

- 11.4 At any one meeting no person or organisation may submit more than one question ~~and no more than one such question may be asked on behalf of one organisation.~~

Scope of questions

- 11.5 The Chief Legal Officer may reject a question [and the ruling shall be final](#) if:
- it is not about a matter for which the local authority has a responsibility, [power, duty or function](#) or which affects the Borough;
 - it is defamatory, frivolous or offensive;
 - it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - it requires the disclosure of confidential or exempt information;
 - its purpose is not primarily to seek information.
 - [it is about a matter which is the subject of legal proceedings or an appeal to a tribunal or to a government minister or an investigation by the Local Government Ombudsman or the Standards Committee, or through the Council's Corporate Complaints Procedure;](#)
 - [the preparation of the answer would require the expenditure of a disproportionate amount of time, money or effort.](#)

Copies of questions

- 11.6 Copies of all questions [received together](#) with the [written](#) reply from the Leader or relevant Portfolio Holder will be circulated to all Councillors and will be made available to [members of](#) the public attending the meeting. The question and answer will be taken as read.

Supplementary question

- 11.7 A questioner who has [submitted](#) ~~put~~ a question ~~in person~~ may also [ask](#) ~~put~~ one supplementary question, without notice, to the [Cabinet](#) member who has replied to his or her original question. [Questions shall be put and answered without debate.](#) A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 11.5 above.

Written answers

- 11.8 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the [Cabinet](#) member to whom it was to be put, will be dealt with by a written answer [within 10 working days of the Council meeting at which the question was asked.](#)

12. Questions by Councillors

Questions on notice at Full Council

- 12.1 A Councillor may also submit one written question to the Chief Legal Officer five clear working days before the relevant meeting.

A member of the Council may ask:

- the Mayor;
- [the Leader or](#) a Portfolio Holder; [or](#)

- the Chair of any Committee or Sub-Committee

one question on any matter in relation to which the Council has powers ~~or~~ duties or functions or which affects Hastings Borough. The Chief Legal Officer may reject a question and the ruling shall be final if it:

- It is not about a matter for which the local authority has a responsibility power, duty or function or which affects the Borough;
- It is defamatory, frivolous or offensive;
- It is substantially the same as a question which has been put at a meeting of the Council in the past six months; ~~or~~
- It requires the disclosure of confidential or exempt information;
- It is about a matter which is the subject of legal proceedings or an appeal to a tribunal or to a government minister or an investigation by the Local Government Ombudsman or the Standards Committee, or through the Council's Corporate Complaints Procedure; or
- the preparation of the answer would require the expenditure of a disproportionate amount of time, money or effort.

Response

12.2 An answer may take the form of:

- a direct oral answer;
- where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Supplementary question

12.3 A Councillor who has submitted asking a question ~~on notice~~ may ask one supplementary question, without notice, of the Councillor to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 11.5 above.

Questions to the Leader, Deputy Leader or other Portfolio Holder

12.4 At each ordinary meeting of the Council a maximum period of 30 minutes shall be set aside for oral questions by Councillors to ~~of~~ the Leader, Deputy Leader or other Portfolio Holder, ~~(including the Chair of Charity Committee).~~

12.5 The Leaders of the opposition group/s are entitled to ask the first questions, such questions to be received in order of group size.

12.6 All other Councillors may, subject to the time limit, ask a question. The Mayor shall determine the order of these questions. If time permits Councillors may ask a further question.

12.7 When asking a question the Councillor must shall try to identify the Councillor to whom the question is addressed.

- 12.8 The Mayor may disallow a question on any of the following grounds:-
- it is not relevant to the functions, powers and duties of the Council
 - it is wholly or partly frivolous or derogatory to the dignity of Council
 - it is not put with reasonable brevity
 - it comprises more than one part
 - it is identical or moderately similar to another question [which has already been](#) put during question time.
- 12.9 No supplementary questions are permitted.

On reports of the Cabinet or Committees

- 12.10 A member of the Council may ask the Leader, Deputy Leader or a Portfolio Holder any question without notice upon an item of the report of the Cabinet when that item is being received or under consideration by the Council.

Ward Councillors to Speak at any Meeting

- 12.11 A Councillor may speak on an item particularly affecting their ward at any meeting of Council bodies of which he or she is not a member, subject to any limitations imposed by law or this Constitution.

13. Reports and Minutes of Cabinet and Committees

- 13.1 At ordinary meetings of the Council when the appropriate agenda item is reached the Mayor will ask the Councillors to state the numbers of the items on which they wish to speak. This process is known as "call-over". Such items are called "reserved items".
- 13.2 When an item is reserved, any other item before the Council ruled by the Mayor to be related to it shall be deemed to be reserved.
- 13.3 No discussion shall take place on any items which have not been reserved. Items not reserved, including items requiring Council decision, shall be deemed adopted without discussion.
- 13.4 Where the decision to be taken is a decision for the Council, the Leader and Chairs of Committees (starting with the Leader or relevant Cabinet Member) shall move in turn the adoption of the recommendations as set out in the items in the report or minutes of the Cabinet or Committee, which have been reserved, in the order which they appear on the agenda, save that reserved matters requiring Council decision will be called first.
- 13.5 In the absence of the Chair of a Committee or relevant Cabinet member, the Vice Chair or another Member nominated by the Chair may move the recommendations.
- 13.6 A motion to adopt the recommendations of Cabinet or Committee need not be seconded.
- 13.7 Where the Cabinet and Overview and Scrutiny Committee are reporting or making recommendations on the same subject matter, their reports or minutes shall be considered together and, if in the opinion of the Mayor, there is a

material difference between the recommendations, the Chair of the Overview and Scrutiny Committee (or nominee) shall move its recommendations as an amendment to the recommendations moved under Rule 13.4 as soon as these have been moved. This amendment need not be seconded and shall then be open for debate.

- 13.8 Where the reports or minutes on a reserved item do not contain any recommendations to the Council, the Mayor shall call the Councillor who reserved the item or their nominee to speak first. The Leader or relevant Cabinet member or Chair of the Committee concerned shall have the right of reply at the end of debate on the reserved item. No motion may be moved in respect of that matter other than to refer it back to the Cabinet for review or to the Overview and Scrutiny Committee for review and report. A motion to refer back a report or minute of the review of a decision previously referred back under this Rule or called-in under Rule 29.15 (unless as part of the call-in process) shall be out of order.

14. Motions on Notice

Notice

- 14.1 Motions must be about matters for which the Council has [statutory powers, duties or functions](#) ~~a responsibility~~ or address the built or natural environment of the Borough of Hastings or address a matter of local, regional or national policy that affects the lives of people in the Borough of Hastings. The ruling of the Monitoring Officer in consultation with the Mayor shall be final as to the relevance of the motion.

Further, a motion may not be tabled in any of the following circumstances:-

- a. any matter relating to an individual or individuals which relates to the application or use of any of the Council's powers, past or present, in respect of that individual, other than in relation to admission to the honorary freedom of the Borough or in relation to an individual as a Councillor holding office in the Council;
- b. a matter which is the subject of legal proceedings or an appeal to a tribunal or to a government minister or an investigation by the Local Government Ombudsman or the Standards Committee, or through the Council's Corporate Complaints Procedure;
- c. the appointment, promotion, dismissal, salary or other payments, superannuation or conditions of employment or the conduct or ability of any individual employed by the Council or the conduct of a member of the Council;
- d. any other matter which would require the disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

- 14.2 Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least one Councillor, must be delivered to the Chief Legal Officer not later than 8 clear working days before the date of the [Council](#) meeting. These will be entered in a book open to public inspection.

Motion set out in agenda

14.3 Motions for which notice has been given will be listed on the agenda in the order in which notice [of the motion](#) was received [and the motion accepted](#), unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

[14.4](#) The agenda for each Council meeting, other than the Annual Meeting, shall include all notices of motions which relate to Council functions proposed to be moved at that meeting which have been received in time, [accepted by the Chief Legal Officer](#) and have not been withdrawn in writing by the proposer. Motions which are the responsibility of Council will be dealt with in the order upon which they are received.

~~14.4~~[14.5](#) If a motion set out in the summons is not moved either by a Councillor who gave notice thereof or by some other Councillor on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

~~14.5~~[14.6](#) Motions which relate to matters which are not the responsibility of Council (e.g. Cabinet functions) will be referred by the Chief Legal Officer to the responsible body for consideration at its next available meeting. The proposer and seconder (or some other Councillor on their behalf) of the motion are entitled to speak to the motion at the meeting of that body. Only members of that body may move or second a proposition at the meeting of that body.

~~14.6~~[14.7](#) No notice of motion, which if adopted, will, in the opinion of the Mayor, rescind, or substantially reverse the effect of a Council resolution made within the previous six months, shall be proposed unless the notice is signed by a majority of the members of the Council.

~~14.7~~[14.8](#) The Chief Legal Officer will, if requested, help Councillors with the wording of motions.

~~14.8~~[14.9](#) No notice of motion shall be accepted which in the opinion of the Chief Legal Officer relates to a quasi judicial matter before the Council.

15. Motions Without Notice

The following motions may be moved without notice:

- a. to appoint a Chair of the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;
- c. to change the order of business in the agenda;
- d. to refer something to an appropriate body or individual;
- e. to appoint a Committee or Councillor arising from an item on the summons for the meeting;

- f. to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- g. to withdraw a motion;
- h. to amend a motion;
- i. to proceed to the next business;
- j. that the question be now put;
- k. to adjourn a debate;
- l. to adjourn a meeting;
- m. that the meeting continue beyond four hours in duration;
- n. to suspend a particular Council procedure rule;
- o. to exclude the public and press in accordance with the Access to Information Rules;
- p. to not hear further a Councillor named under Rule 22.3 or to exclude them from the meeting under Rule 22.4; and
- q. to give the consent of the Council where its consent is required by this Constitution.
- r. questions by Councillors under Rule 12.1;
- s. to move into Committee under Rule 16.14.

16. Rules of Debate

No speeches until motion has been seconded

- 16.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded other than a motion to adopt the recommendations of Cabinet or a committee under Rule 13.4.

Right to require motion in writing

- 16.2 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

Seconders' speech

- 16.3 When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

Content and length of speeches

- 16.4 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed three minutes except:-
1. the Mayor's address to the Annual Council;

2. on the motion to adopt a programme for the year when the time limit for speeches by the Leader of the Council and the Leader of each Political Group having three or more Councillors, shall be 15 minutes;
3. on the motion to approve the capital programme and revenue budget for the next financial year, when the time limit for speeches by the Leader of the Council and the Leader of each Political Group having three or more Councillors shall be 15 minutes;
4. on a motion to adopt the Corporate Plan when the time limit for speeches by the Leader of the Council and the Leader of each Political Group having three or more Councillors, shall be 15 minutes;
5. when the Council (following a vote without debate) allows a Councillor's speech to continue for one further period of up to one minute.
6. the proposer of a motion to Council or item for Council decision will have 5 minutes to propose and 5 minutes for their right of reply. (This does not apply to call over for Cabinet minutes).

When a Councillor may speak again

- 16.5 A Councillor who has spoken on an item may not speak again whilst it is the subject of debate, except:
- a. to speak once on an amendment moved by another Councillor;
 - b. to move a further amendment if the motion has been amended since he/she last spoke;
 - c. if his/her first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
 - d. in exercise of a right of reply;
 - e. on a point of order; and
 - f. by way of personal explanation.

Amendments to motions

- 16.6
- a. An amendment to a motion must be relevant to the motion and will either be:
 - i. to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - ii. to leave out words;
 - iii. to leave out words and insert or add others; or
 - iv. to insert or add words

as long as the effect of ii. to iv. is not to fully negate the motion.
 - b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of
 - c. If an amendment is not carried, other amendments to the original motion may

- be moved.
- d. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of motion

16.7

- a. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting and the seconder. The meeting's consent will be signified by a vote without discussion.
- b. A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion
- c. Only alterations which could be made as an amendment may be made.
- d. Where a proposed amendment is acceptable to the proposer of the original motion the consent of the seconder is required.

Withdrawal of motion

- 16.8 A Councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of reply

16.9

- a. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

- 16.10 When a motion is under debate, no other motion may be moved except the following procedural motions:
- a. to withdraw a motion;
 - b. to amend a motion;
 - c. to proceed to the next business;
 - d. that the question be now put;
 - e. to adjourn a debate;

- f. to adjourn a meeting;
- g. that the meeting continue beyond four hours in duration
- h. to exclude the public and press in accordance with the Access to Information Rules; and
- i. to not hear further a Councillor named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

Closure motions

16.11

- a. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
 - i. to proceed to the next business;
 - ii. to amend a motion
 - iii. that the question be now put;
 - iv. to adjourn a debate; or
 - v. to adjourn a meeting
- b. In a motion to proceed to next business, if the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c. In a motion that the question be now put, if the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- d. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

- 16.12 A Councillor may raise a point of order at any time. The Councillor must indicate the rule or law and the way in which he/she considers it has been broken. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The ruling of the Mayor, who shall hear the Councillor immediately, will be final.

Personal explanation

- 16.13 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation

will be final.

Council proceeding as if in committee

- 16.14 When the Council is debating some matter requiring a decision by the Council and the Council feels it is appropriate, it may resolve to proceed for all or some of that item as if it were a committee. This will enable the Council to take advice from officers, and such other persons as it sees fit, in order to inform its decision making. On closure of the debate in committee, the Mayor will invite Council to move to a vote on the matter in accordance with Rule 18.

17. Previous Decisions and Motions

Motion to rescind a previous decision

- 17.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by a majority of Councillors.

Motion similar to one previously rejected

- 17.2 A motion or amendment in the same or similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by a majority of Councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18. Voting

Majority

- 18.1 Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Councillors voting at the time the question was put. For the avoidance of doubt, an abstention from voting does not constitute a vote and the majority, or such greater proportion otherwise required by law or this Constitution, shall be calculated from those voting for or against the motion.

Mayor's casting vote

- 18.2 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction or assumption made on how the Mayor chooses to exercise a casting vote.

Show of hands

- 18.3 Unless a recorded vote is demanded under Rules 18.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the

meeting.

Recorded vote

- 18.4 If six or more Councillors present at the meeting stand and request it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Right to require individual vote to be recorded

- 18.5 Where any Councillors requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments

- 18.6 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19. Minutes

Signing the minutes

- 19.1 The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary and special meetings

- 19.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting) or a Special Meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

Form of minutes

- 19.3 Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

20. Record of Attendance

A record of attendance shall be kept at every formal council meeting.

21. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

22. Councillors' Conduct

Standing to speak

- 22.1 When a Councillor speaks at full Council they must stand and address the meeting through the Mayor. If more than one Councillor stands, the Mayor will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation. The Mayor may excuse a Councillor from standing at his/her discretion.

Mayor standing

- 22.2 When the Mayor stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must be silent. Councillor not to be heard further

Member not to be heard further

- 22.3 If a Councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

- 22.4 If the Councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without discussion.

General disturbance

- 22.5 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

23. Disturbance by Public

Removal of member of the public

- 23.1 If a member of the public interrupts proceedings or behaves in an inappropriate manner the Mayor may warn the person concerned. If they

continue to interrupt or behave inappropriately the Mayor may order their removal from the meeting room.

Clearance of part of meeting room

- 23.2 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.
- 23.3 Members of the public may not bring placards or banners into a meeting room.

24. Suspension and Amendment of Council Procedure Rules

Suspension

- 24.1 All of these Council Rules of Procedure except Rule 16.6, save to permit all proposals to be considered together when the Council is considering the budget and the corporate plan, and 17.2 may be suspended by motion on notice or without notice if at least two thirds of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

Amendment

- 24.2 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

25. Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of full Council. Rules 9, 10, 12.11, 13.3, 16.1, 16.3, 16.6, 16.7, 16.8, 16.9, 16.10, 18, 19, 20, 21, 22.3, 22.4, 22.5, 23 and 24 apply to Cabinet. Rules 4-10 and 16, 18-21, 22.3, 22.4, 22.5, 23-25 apply to meetings of committees and sub-committees.

26. Access to Information Procedure Rules

Scope

Cabinet Arrangements

- 26.1. These rules apply to all meetings of the Council, overview and scrutiny committee, the Standards Committee and regulatory committees and public meetings of the Cabinet (together called meetings).

Additional Rights to Information

- 26.2. These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

Rights to Attend Meetings

- 26.3. Members of the public may attend all meetings subject only to the exceptions in these rules.

Notices of Meeting

- 26.4. The Council will give at least five clear days notice of any meeting by posting details of the meeting at Muriel Matters House and on its website.

Access to Agenda and Reports before the Meeting

- 26.5. The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. It will also be circulated to Councillors.

Supply of Copies

- 26.6. The Council will supply copies of:
- a. any agenda and reports which are open to public inspection;
 - b. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - c. if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item
- to any person on payment of a charge for postage and any other costs.

Access to Minutes etc after the Meeting

- 26.7. The Council will make available copies of the following for six years after a meeting:
- a. the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - c. the agenda for the meeting; and
 - d. reports relating to items when the meeting was open to the public.

Background Papers

List of background papers

- 26.8. Council officers will set out in every report a list of those documents (called

background papers) relating to the subject matter of the report which in his/her opinion:

- a. disclose any facts or matters on which the report or an important part of the report is based; and
- b. which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 26.11) and in respect of Cabinet reports, the advice of a political advisor.

Public Inspection of Background Papers

26.9 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Summary of Public's Rights

26.10 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at Muriel Matters House. These rules constitute that written summary

Exclusion of Access by the Public to Meetings

Confidential information – Requirement to Exclude Public

26.11 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Exempt information – discretion to exclude public

26.12 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Meaning of confidential information

26.13 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Meaning of exempt information

26.14 Exempt information means information falling within the following paragraphs (with Paragraphs 7a-7c being applicable only to the Standards Committee), but subject to the qualifications set out under 8-10 below.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person: or
 - b. to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
 - a. Information which is subject to any obligation of confidentiality.
 - b. Information which relates in any way to matters concerning national security.
 - c. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of the Localism Act 2011.

Qualifications:-

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –
 - a. the Companies Act 1985;
 - b. the Friendly Societies Act 1974;
 - c. the Friendly Societies Act 1992;
 - d. the Industrial and Provident Societies Acts 1965 to 1978;
 - e. the Building Societies Act 1986; or
 - f. the Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10. Information which –
 - a. falls within any of paragraphs 1 to 7 above; and
 - b. is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of

the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Exclusion of Access by the Public to Reports

26.15 If the Chief Legal Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 26.11 and Rule 26.12, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

Application of Rules

26.16 The Access to Information rules apply to all council committees and the Cabinet.

Procedure Before Taking Key Decisions

26.17 Subject to Rule 26.20 (general exception) and Rule 26.21 (special urgency), a key decision may not be taken unless:

- a. a notice (called here a forward plan) has been published in connection with the matter in question;
- b. at least five clear days have elapsed since the publication of the forward plan; and
- c. where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 26.4 (notice of meetings).

The Forward Plan

Period of Forward Plan

26.18 Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

Contents of Forward Plan

26.19 The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers or under joint arrangements in the course of the discharge of Cabinet functions during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- a. the matter in respect of which a decision is to be made;
- b. where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;

- c. the date on which, or the period within which, the decision will be taken;
- d. the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- e. the means by which any such consultation is proposed to be undertaken;
- f. the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- g. a list of the documents submitted to the decision taker for consideration in relation to the matter.

The forward plan must be published at least 28 days before the start of the period covered.

Exempt information need not be included in a forward plan and confidential information cannot be included.

General Exception

- 26.20 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;
 - 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.

Special Urgency

- 26.21 If by virtue of the date by which a decision must be taken Rule 26.20 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a

relevant overview and scrutiny committee, or if the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the Mayor or, in his/her absence, the Deputy Mayor will suffice.

Report to Council

When the Overview and Scrutiny Committee can require a Report

- 26.22 If the overview and scrutiny committee thinks that a key decision has been taken which was not:
- a. included in the forward plan; or
 - b. the subject of the general exception procedure; or
 - c. the subject of an agreement with the Overview and Scrutiny committee Chair, or the Chair/Vice Chair of the Council under Rule 26.21;

the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Chief Legal Officer who shall require such a report on behalf of the committee when so requested by the Chair or any two members of the committee. Alternatively the requirement may be raised by resolution passed at a meeting of the overview and scrutiny committee.

Cabinet's Report to Council

- 26.23 The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within eight clear working days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

Half Yearly Reports on Special Urgency Decisions

- 26.24 In any event the Leader will submit half yearly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 26.21 (special urgency) in the preceding six months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

Record of Decisions

- 26.25 After any meeting of the Cabinet or any of its committees, whether held in public or private, the Chief Legal Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

Notice of Meeting of the Cabinet

- 26.26 Members of the Cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

Overview and Scrutiny Committee Access to Documents

Rights to copies

- 26.27 Subject to Rule 26.28 below, the overview and scrutiny committee will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to
- a. any business transacted at a public or private meeting of the Cabinet or its committees; or
 - b. any decision taken by an individual member of the Cabinet.

Limit on rights

- 26.28 The overview and scrutiny committee will not be entitled to:
- a. any document that is in draft form;
 - b. any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision the committee is reviewing or scrutinising or intends to scrutinise.

Additional Rights of Access for Councillors

Material relating to previous business

- 26.29 All Councillors will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless (a) below applies:
- a. it contains exempt information falling within paragraphs 1 to 7 of the categories of exempt information.

Material relating to key decisions

- 26.30 All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless Rule 26.29a above applies.

Nature of rights

- 26.31 These rights of a Councillor are additional to any other right he/she may have.

27. Budget and Policy Framework Procedure Rules

The framework for Cabinet decisions

- 27.1 The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

Process for developing the framework

- 27.2 The process by which the budget and policy framework shall be developed is:
- a. The Cabinet will publicise, by including in the Forward Plan and any other appropriate means depending upon the circumstances, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.
 - b. Before a plan/strategy/budget needs to be adopted, the Leader or relevant Portfolio Holder will publish initial proposals for the budget and policy framework in a manner suitable to the matter under consideration.
 - c. The initial proposals shall be referred to the relevant overview and scrutiny committee for advice and consideration. The views of local stakeholders will also be canvassed. The overview and scrutiny committee shall report to the Cabinet on the outcome of its deliberations. The overview and scrutiny committee shall have four weeks to respond to the proposals of the Cabinet.
 - d. Having considered the report of the overview and scrutiny committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council for consideration.
 - e. The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from any relevant overview and scrutiny committee.
 - f. The Council's decision will be published and a copy shall be given to the Leader to the Council. The notice of decision shall be dated and shall state either that the decision shall be effective immediately, if the Council accepts the Cabinet's proposals without amendment or, if the Cabinet's proposals are not accepted without amendment, that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.
 - g. If the Leader objects to the decision of the Council, he/she shall give written notice to the Chief Legal Officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Legal Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

- h. The Council meeting must take place within eight working days of the receipt of the Leader’s written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- i. The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.
- j. Where before 8 February in any financial year, Cabinet submits to Council for its consideration in relation to the following financial year
 - 1. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 Local Government Finance Act 1992 (“the calculation”);
 - 2. estimates of other amounts to be used for the purposes of the calculation;
 - 3. estimates of such a calculation; or
 - 4. amounts required to be stated in a precept under Chapter IV of Part I Local Government Finance Act 1992

and Council objects to such estimates, Council shall, before it makes the calculation, take the following action. It shall inform the Leader of its objections and require Cabinet to reconsider the estimates and amounts in light of those objections, specifying a period of no less than eight working days, beginning with the date on which the Leader receives the instruction, within which the Leader may

- submit revised estimates or amounts to Council with Cabinet’s reasons for the amendments; or
- inform Council of any disagreement Cabinet has with Council’s objections and giving its reasons.

At the end of the period for objection, when considering the calculation, Council shall take account of Cabinet’s responses.

(This paragraph does not apply to calculations made in accordance with Section 52I, 52J, 52T or 52U Local Government Finance Act 1992.)

- k. In approving the budget and policy framework, the Council will also specify the degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with Rule 27.5. Any other changes to the budget and policy framework are reserved to the Council.

Decisions outside the budget or policy framework

27.3

- a. Subject to the provisions of the rules on virement contained in Financial Rules, the Cabinet, committees of the Cabinet, and any officers, or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 27.4 below

- b. If the Cabinet, committees of the Cabinet, any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief finance officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 27.4 (urgent decisions outside the budget and policy framework) shall apply.

Urgent decisions outside the budget or policy framework

27.4

- a. The Cabinet, a committee of the Cabinet, individual members of the Cabinet or officers or joint arrangements discharging Cabinet functions may take a decision which is outside the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken if the chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.

The chair of the relevant overview and scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant overview and scrutiny committee the consent of the Mayor and in the absence of both the Deputy Mayor will be sufficient.

- b. Following the decision, the decision taker will provide a full report to the next available Cabinet meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

In year changes to policy framework

27.5 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, officers, or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- a. which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- b. necessary to ensure compliance with the law, ministerial direction or government guidance;
- c. in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

Call-in of decisions outside the budget or policy framework

27.6

- a. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Chair of the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within five days of the request by Chair of the overview and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer. The Council may either:
 - i. endorse a decision or proposal of the Cabinet as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

or

- ii. amend the council's financial rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

or

- iii. where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer/chief finance officer.

28. Cabinet Procedure Rules

How the Cabinet operates.

Who can make Cabinet decisions

28.1 The arrangements for the discharge of Cabinet functions are set out in the arrangements adopted by the Council and explained in Part 3 of the Constitution. The arrangements may provide for executive functions to be discharged by:

- i. the Cabinet as a whole;
- ii. a committee of the Cabinet;
- iii. an individual member of the Cabinet;

- iv. an officer;
 - v. a neighbourhood forum;
 - vi. joint arrangements with another local authority;
 - vii. another local authority.
- 28.2 The Council appoints the Leader. The Leader appoints the Deputy Leader and members of the Cabinet. The Leader is also the Chair of Cabinet meetings. The Leader allocates portfolios to Cabinet members.

Delegation of Cabinet Functions

- 28.3 The Cabinet may delegate its functions to a committee of the Cabinet and may delegate decisions on matters of urgency to an individual Member of the Cabinet.

Where the Cabinet or a committee of the Cabinet is responsible for a Cabinet function, they may delegate further to an officer.

Conflicts of Interest

- 28.4 Any conflict of interest by a member of the Cabinet will be dealt with in accordance with the Council's Code of Conduct for Councillor in Part 5 of this Constitution.

Cabinet meetings

- 28.5 The Cabinet shall meet at Muriel Matters House, Breeds Place, Hastings, TN34 3UY, or another location to be agreed by the Leader.

Cabinet meetings will be held in public, in accordance with the Council's principles of openness in decision making set out in Article 12 of this Constitution, Part 2. The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

Quorum

- 28.6 The quorum of the Cabinet will be three.

The Conduct of Cabinet Meetings

Chair

- 28.7 If present, the Leader will chair the meeting. In his/her absence, the Deputy Leader will chair the meeting. In the absence of the Leader and the Deputy Leader a member appointed to do so by those present shall chair the meeting.

Attendance

- 28.8 These details are set out in the Access to Information Rules in Part 4 of this Constitution. Meetings are usually open to the public. A Councillor (who is not a member of Cabinet) may speak at meetings of the Cabinet where a decision affects that Councillor's ward. Petitioners also have an opportunity to address Cabinet where the subject of the petition relates to a Cabinet function. Councillors who have proposed a motion on notice which has been referred to Cabinet, may address Cabinet on their motion. The seconder of the motion may also speak at Cabinet.

Cabinet business

- 28.9 At each meeting of Cabinet the following business will be conducted:
- i. consideration of the minutes of the last meeting;
 - ii. declarations of interest, if any;
 - iii. matters referred to Cabinet (whether by an overview and scrutiny committee or by the Council) for reconsideration by Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
 - iv. consideration of reports from overview and scrutiny committees; and
 - v. matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

Items for the Cabinet agenda

- 28.10
- a. Agenda items for meetings of Cabinet will be agreed by the Leader of the Council and the Director of Corporate Resources & Governance or, in his/her absence, one of the other Directors. The advice of the Council's Monitoring Officer and Chief Finance Officer will also be relevant in considering what items should be put on the agenda by the Chief Legal Officer.
 - b. The Chief Legal Officer will make sure that an item is placed on the agenda of the next appropriate meeting of Cabinet where the overview and scrutiny committee or the full Council have resolved that an item be considered by Cabinet.
 - c. The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Legal Officer to call such a meeting in pursuance of their statutory duties.
- 28.11 The conduct of Cabinet meetings is at the discretion of the Chair and the following council procedure rules apply: 9, 10, 12.11, 16.1, 16.3, 16.6, 16.7, 16.8, 16.9, 16.10, 18, 19, 20, 21, 22.3-5, 23 and 24.

29. Overview and Scrutiny Procedure Rules

Arrangements for Overview and Scrutiny Committee

29.1

- a. The Council will have one Overview and Scrutiny Committee: It will perform all overview and scrutiny functions on behalf of the Council.
- b. The terms of reference of the Overview and Scrutiny Committee will be:
 - i. the performance of all overview and scrutiny functions on behalf of the Council relating to the service areas specified in Article 6 (The Constitution, Part 2);
 - ii. To agree an annual overview and scrutiny work programme for the Overview and Scrutiny Committee in consultation with the Directors and Chief Legal Officer;
 - iii. To ensure that referrals from overview and scrutiny to the Cabinet, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in this Constitution;
 - iv. in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made.
 - v. To receive requests from the Cabinet and/or the full Council for reports from Overview and Scrutiny Committee.
 - vi. To call in decisions of the Cabinet, made but not implemented, where those decisions are within the scope of the Terms of Reference of the Overview and Scrutiny Committee.
 - vii. To review the performance of the Council's departments in delivering services which are relevant to the work of the Overview and Scrutiny Committee.
 - viii. To consider Scrutiny Reviews and make recommendations to the Cabinet and/or Council
 - ix. To appoint elected Members to the Review Groups.
 - x. The Overview and Scrutiny Committee is the Council's crime and disorder committee for the purposes of Section 19 Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.
 - xi. The committee can exercise its function in relation to the Charity Committee, a committee of the Cabinet.

Membership of Overview and Scrutiny Committee

- 29.2 There will be eleven members on the Overview and Scrutiny Committee. All Councillors except members of the Cabinet, the Mayor and Deputy Mayor may be members of the Overview and Scrutiny Committee. However, no member

may be involved in scrutinising a decision in which he/she has been directly involved.

All members appointed to Overview and Scrutiny must commit to be trained in order to perform the specialist role required.

Co-optees

- 29.3 The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

The Hastings and St Leonards Museum Association may appoint persons who are for the time being members of the Association to attend any meeting of an Overview and Scrutiny Committee at which the management of the Hastings Museum Collection is the subject of consideration. These members will be entitled to vote and to speak at the meeting on any question relating to the management of the Collection. The number appointed may be up to 40% of the size of the original Overview and Scrutiny Committee. (These members may not speak, other than at the invitation of the committee chair, or vote on any question other than one relating to the management of the Collection). Attendance by members of the Association at the Overview and Scrutiny Committee will not affect the continuing role of the Museums Committee.

(Reference: Statutory Instrument 2000 No. 2853)

Meetings of the Overview and Scrutiny Committee

- 29.4 There shall be four formal regular public meetings of the Overview and Scrutiny Committee in each year.

There will also be up to five reserve dates for the committee in each year. These reserve dates are for work on policy development discussions, service reviews and training. If required, any of these reserve dates may be used as formal public meetings to deal with the call-in of a Cabinet decision under Rule 26.20 of this part of the constitution.

The decision to use a reserve date as a formal meeting must be taken by the Chair of the Overview and Scrutiny Committee, or by request from any three members of the committee or by the Chief Legal Officer if he/she considers it necessary.

Quorum

- 29.5 The quorum for the Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

The Chair of Overview and Scrutiny Committee meetings

- 29.6 The Council will appoint the Chair and Vice Chair of the Overview and Scrutiny Committee. Chair and Vice Chair may be minority party members. The rules of political balance will apply to these posts.

Work programme

- 29.7 Shortly after Annual Council there will be an annual public meeting of the Overview and Scrutiny Committee to set a work programme for the overview and scrutiny function for the municipal year and to review the results of the previous year's work programme.

The Overview and Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

Agenda items

- 29.8 Any member of the Overview and Scrutiny Committee or sub-committee shall be entitled to give notice to the Chief Legal Officer that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Legal Officer will ensure that it is included on the next available agenda.

The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and if they consider it appropriate, the Cabinet, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

The Chair of a Best Value Project Group can refer that Best Value Review back to the Overview and Scrutiny Committee for further consideration at any point in the Review.

Policy review and development

- 29.9
- a. The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
 - b. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
 - c. The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration. The Cabinet is required to meet reasonable requests for funding. Funding should be used for specific activities in support of the functions outlined in the Terms of reference for the Overview and Scrutiny Committee.

Reports from the Overview and Scrutiny Committee

29.10

- a. Once it has formed recommendations on proposals, the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by the Cabinet if it is a Cabinet matter. If it is a matter for Council then the Cabinet will be invited to comment before the report goes before the Council.
- b. If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- c. Where the final outcome of a Best Value Review is reported to the Overview and Scrutiny Committee, the Director of that service may produce an Officer response for consideration by Members.
- d. The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

Forward Plan

29.11 The Overview and Scrutiny Committee will have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation.

Rights of Overview and Scrutiny Committee members to documents

29.12

- b. In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- c. Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

Councillors and Officers giving account

29.13

- a. The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet or one or more of the Directors to attend before it to explain in relation to matters within their remit:
 - i. any particular decision or series of decisions;

- ii. the extent to which the actions taken implement Council policy; and/or
- iii. their performance

and it is the duty of those persons to attend if so required.

- b. Where any Councillor or officer is required to attend an Overview and Scrutiny Committee under this provision, the chair of that committee will inform the Chief Legal Officer. The Chief Legal Officer shall inform the Councillor or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that report.
- c. Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, then the Overview and Scrutiny Committee, shall in consultation with the Councillor or officer, arrange an alternative date for attendance or for an alternative officer to attend.

Attendance by others

- 29.14 The Overview and Scrutiny Committee may invite people other than those people referred to in Rule 29.13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Councillors and officers in other parts of the public sector and shall invite such people to attend. Attendance cannot be made compulsory.

At each programmed meeting of the Overview and Scrutiny Committee, the appropriate Cabinet Members may be questioned by members of that Committee on key issues and respond to questions on those issues. If any members of that Committee wish to question a Cabinet Member on a particular issue, it may be helpful to provide the question in advance.

For the purposes of completing service reviews and policy development, any Councillor may be invited by the Chair of the Overview and Scrutiny to participate, although all decisions and reports will be the responsibility of the members appointed to the Overview and Scrutiny Committee by Annual Council.

Call-in

- 29.15 Call-in should only be used in exceptional circumstances.
- a. When a decision is made by the Cabinet, a committee of the Cabinet or a key decision is made by an officer with delegated authority from the Cabinet the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all

such decisions within the same timescale.

- b. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of three working days after the publication of the decision, unless the Overview and Scrutiny Committee objects to it and calls it in.
- c. During that period, the Chief Legal Officer shall call-in a decision for scrutiny by the committee if so requested by the chair or any two members of the relevant committee, and shall then notify the decision-taker of the call-in. The meeting will be held within eight working days, where possible after consultation with the chair of the committee.
- d. If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Cabinet for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. On receipt of the response from the Overview and Scrutiny Committee the Cabinet or Council may decide to proceed with the original decision or make an amended decision.
- e. If, following an objection to the decision, the Overview and Scrutiny Committee does not meet within eight working days of the decision to call-in or does meet but does not refer the matter back to the Cabinet, the decision shall take effect on the expiry of the period, or the date of the overview and scrutiny meeting, whichever is the earlier.
- f. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the Cabinet, together with the Council's views on the decision. The Cabinet shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- g. If the Council does not meet, or if it does but does not refer the decision back to the Cabinet, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, a written request signed by the Chair or any two members of the Overview and Scrutiny Committee is needed for a decision to be called in. The notice shall specify which part or parts of the decision is/are called in and the reason why it/they should be referred to the committee for consideration.

Call-In and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call in

process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Party Whip

29.16 The Party Whip is defined here as any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner. Government guidance says that the party whip should not apply on Overview and Scrutiny Committee.

Procedure at Overview and Scrutiny Committee meetings

29.17

- a. The Overview and Scrutiny Committee shall consider the following business:
 - i. minutes of the last meeting;
 - ii. declarations of interest (including whipping declarations);
 - iii. consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - iv. responses of the Cabinet to reports of the Overview and Scrutiny Committee;
 - v. the business otherwise set out on the agenda for the meeting.
- b. Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - i. that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii. that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- c. Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

Matters within the remit of Overview and Scrutiny

Councillor Call for Action (CCFA)

29.18 Ward Councillors have the power to request a debate and discussion at the Overview and Scrutiny Committee on the subject of neighbourhood concern.

The powers are limited to single issues affecting the Councillor's ward and are there as a longstop when all other attempts at a resolution have failed. The matter must be a local government matter for which the Overview and Scrutiny Committee has a responsibility, relate to the Councillor's ward and not be excluded.

Excluded matters are:

- a. matters relating to a planning or licensing decision;
- b. a matter relating to an individual or entity in respect of which that individual or entity has recourse to a right of appeal conferred by legislation;
- c. any matter which is vexatious, discriminatory or unreasonable.

29.19 The process for the consideration of requests is that the ward Councillor submits the request by e-mail to democraticservices@hastings.gov.uk. The ward Councillor must specify the exact nature of the issue, what steps have already been taken to resolve it, how the Overview and Scrutiny Committee can assist and what a successful resolution might be. Relevant officers would be requested to comment before consideration of the request by the Chair and Vice-Chair at an agenda planning meeting. The agenda planning meeting would consider whether the matter was appropriate for reference to the Overview and Scrutiny Committee. Having regard to the criteria and exclusions set out in Rule 29.18 where it is decided not to be appropriate to refer the matter to the agenda planning meeting reasons for refusal shall be provided in writing.

29.20 At a meeting of the Overview and Scrutiny Committee to consider the matter, the ward Councillor is entitled to address the Committee to present the call for action. Relevant Portfolio Holders, officers and partner organisations, where appropriate, will be invited to attend and contribute. The Committee will explore the potential options for resolution and decide on their recommendation for certain action. The Committee might consider any delegated decision making powers the ward Councillor may have and representations from the ward Councillor on why it would be appropriate for the Committee to exercise its powers as Overview and Scrutiny Committee. The Committee will direct its recommendation to the Cabinet or the relevant committee of the Council, or relevant Assistant Director where there is a delegation to officers. The Cabinet, committee, or relevant Assistant Director, in question, is required to report back to the Overview and Scrutiny Committee on actions taken as a result of the reference or the reasons for not taking action. If it decides not to take any action, the Committee shall notify the Councillor of its decision and the reasons for the decision.

29.21 Where the Committee makes recommendations to the Council it must provide a copy of the report to:

- a. the Councillor who referred the matter; and
- b. such of the responsible authorities and co-operating persons and bodies as it shall think appropriate.

When notifying those authorities, persons or bodies of the report recommendations the Committee shall inform them that they are required:

- a. to consider the report and recommendations;
- b. respond indicating what action is proposed; and
- c. have regard to the report or recommendations in exercising their functions.

30. Officer Employment Procedure Rules

Introduction

- 30.1 These rules are intended to give effect to the provisions of the Local Authorities (Standing Orders)(England) Regulations 2001, as amended, and will form the standing orders prescribed regarding employment matters. These rules take effect subject to the provisions of those Regulations.

Interpretation

- 30.2 For the purposes of these rules the following meaning apply:-

“Head of Paid Service” means the Director of Corporate Resources & Governance

- 30.3 “Chief Officer” means the Directors.

Recruitment and appointment

30.4

- a. Declarations
 - i. The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
 - ii. No candidate related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- b. Seeking support for appointment.
 - i. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
 - ii. No Councillor will seek support for any person for any appointment with the Council.

Recruitment of Head of Paid Service and Chief Officers

- 30.5 Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- a. draw up a statement specifying:

- i. the duties of the officer concerned; and
- ii. any qualifications or qualities to be sought in the person to be appointed;
- b. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c. make arrangements for a copy of the statement mentioned in Rule 30.4a to be sent to any person on request.

Appointment of Head of Paid Service

30.6

- a. The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Employment Committee of the Council. That Committee must include at least one member of the Cabinet.
- b. The full Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

Appointment of Chief Officers

30.7

- a. The Employment Committee of the Council will appoint chief officers of the Council. It must be advised by the Head of Paid Service
- b. The Committee will not confirm such an appointment if a well-founded objection has been made by any member of the Cabinet or the Head of Paid Service until it has heard the objection.

Other appointments

Officers other than Assistants to Political Groups

30.8

- a. Appointment of officers other than the Head of Paid Service or Chief Officers is the responsibility of the Head of Paid Service or his/her nominee

Assistants to Political Groups

- b. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group

Disciplinary action

30.9

- (i) Where an allegation is made against the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Statutory Officers) relating to conduct or capability or some other substantial issue that requires investigation, the matter will be considered by the Employment Committee

- (ii) The Employment Committee will consider and action suspension, where appropriate to allow for an investigation. Any suspension must not last longer than two months, unless an extension is recommended by a suitably qualified and independent investigator
- (iii) For the purposes of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, the Employment Committee will operate as the Panel (including two or more independent persons who have accepted the invitation)
- (iv) The Employment Committee will include two or more independent persons who accept the invitation in the following priority order:
 - a) A relevant independent person who has been appointed by the council and who is a local government elector;
 - b) Any other independent person who has been appointed by the council;
 and
 - c) An independent person who has been appointed by another council or councils.]
- (v) At the relevant time, the Employment Committee will consider whether potential disciplinary/dismissal issues require investigation and whether the relevant officer should be suspended. In this regard the authority must ensure that the Panel is in place at least 20 working days before the meeting at which it considers whether to approve a proposal to dismiss.
- (vi) The Employment Committee will inform the relevant officers of the allegations, and allow him/her to respond in writing and in person. The Employment Committee will then decide whether no further action is required or that the matter requires an investigation by a suitably qualified and independent person and the Committee will use its best endeavours to agree this person with the officer
- (vii) The Employment Committee will review the results of the investigation to consider what action if any is appropriate, after hearing the views of the relevant officer and the independent persons, and report its recommendations. The independent persons do not have a vote on whether the relevant person should be dismissed. Full Council must consider whether or not to approve such dismissal.

Dismissal

- (viii) Where dismissal is recommended, the Employment Committee will provide advice, views or recommendations to Full Council for the authority to vote on whether it approves the proposal to dismiss. The relevant officer will be provided with all relevant papers and documents in advance of the meeting and allowed to make their representations. Written representations may also be given by the relevant officer in advance of the meeting.
- (ix) No notice of dismissal shall be given until the matter has been referred to the Full Council for approval.

- (x) The Council's disciplinary, capability and related procedures, as adapted from time to time, allow a right to appeal for all Officers to Members in respect of dismissals. Such appeals will be heard by the Employment Appeals Committee. Councillors will not be involved in the dismissal of any officer other than the Head of Paid Service, Chief Finance Officer, Monitoring Officer and Chief Officers except where such involvement is necessary to assist any investigation or inquiry being conducted by a Senior Officer or an independent person into alleged misconduct.

In relation to any further appeal for statutory officers, as Full Council has approved the dismissal, there is no one in the authority who has the power to overturn the dismissal decision. In this respect and as set out above, the relevant officer will have the opportunity to make representations to the Employment Appeals Committee before any dismissal recommendation is made at Full Council.

31. Procedural Appendices

Minute's Silence at Council Meetings

Honorary Freedom of the Borough

Appendix 1

Protocol – Minute's Silence at Council Meetings

A minutes silence will be held at the next meeting of Full Council following the death of:

- a. A current member of the Council or one who left office within the preceding 4 years.
- b. Former Mayor of the Borough.
- c. Former MP for Hastings and Rye
- d. Member of the Order of 1066
- e. Freeman/woman of Borough
- f. The Monarch or a significant member of the Royal Family.
- g. Any other person who has made a significant contribution to the Borough and its residents, or to the UK as determined by the Mayor in consultation with leaders of all political groups represented on the Council.
- h. A minute's silence will be held at the next meeting of Full Council following a local, national or international disaster, as determined by the Mayor in consultation with leaders of all political groups represented on the Council.

Where any of the above has been convicted of a criminal penalty, or brought his or herself or office into disrepute the Mayor in consultation with leaders of all political groups represented on the Council may decide to withhold this tribute

Appendix 2

HONORARY FREEDOM OF THE BOROUGH

Introduction

1. The Borough Council has power to admit individuals as freemen of the Borough and this is set out in Section 249(5) Local Government Act 1972:-

“the Council of a ...district having the status of a ...borough ...may, by resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, admit to be honorary freemen of the...borough....persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the...borough, but the admission of a person to be an honorary freeman shall not confer on him any such rights as are referred to in Section 248(4) above.”

2. The legislation goes on to provide that the council may spend “such reasonable sum as they think fit for the purposes of presenting an address or casket containing an address to a person upon whom they have conferred the title...”.
3. The title is entirely honorary – there are no rights or privileges arising from the award - and the Council’s powers to spend are strictly limited by the section.

Motion to bestow the Freedom of the Borough

4. In most cases the consideration of the Council admitting a person to the freedom of the Borough will result from a motion to Council.
5. Under the Constitution a motion, which is required to be considered by Council, would normally be included on the agenda of the next ordinary meeting of the Council. The Act, however, refers to meeting of the council specially convened for the purpose.
6. The honour has been bestowed by the Borough on just [sixfour](#) occasions since 1972. The individuals honoured and the reasons why the Council considered them as persons of distinction or persons who have, in the opinion of the Council, rendered eminent services to the Borough are as follows:-

1978	William Henry Dyer. For services to the town’s old people and encouraging interest in local history.
1986	Victor James Pain. For 60 years work for the Borough of Hastings and as Leader of the Council.
2006	Pam Brown. OBE. In recognition of outstanding service to the Borough and its citizens.
2008	47 Royal Artillery Regiment. In recognition of the great debt owed to the armed forces, serving at home and abroad.
2011	Michael Foster. Member of Parliament for Hastings and Rye
2019_6	Maureen Charlesworth. For services as a local Councillor and to voluntary organisations in the Town.

7. The admission to the Freedom of the Borough is an honour that is not to be given lightly, as witnessed by the small number of admissions to the freedom since the introduction of the power and the need for a two-thirds majority of the Council voting thereon at the meeting. Whilst there has been one admission to a group in 2008, the Councillors considering this procedure note considered that the freedom was more appropriate as a means of honouring individuals of distinction.
8. It is important that, if a motion to admit to the freedom is to be considered, that all members will be in possession of sufficient facts in order to make a decision as to whether the honour should be given. Furthermore, there may be instances where there are strongly held views for and against and that these need to be addressed as far as possible in advance of an extraordinary Council meeting called for the purpose. So far as possible Council would want to be meeting with the clear consensus that the person of distinction is to be honoured and not humiliated by the proceedings. A unanimous decision is desirable, but the absence of unanimity cannot prevent the motion coming forward for consideration by Council.

Criteria for admission to Freedom of the Borough

9. It is in the interests of transparency and public confidence that the Council adopts clear criteria for admission to the freedom of the Borough. It is suggested that one or more of the following are used at the criteria for the award:-
 - evidence of exceptional service to the Borough Council whether as a Councillor or an officer;
 - evidence of exceptional charitable service to the Borough, whether a national or locally based charity;
 - evidence of exceptional voluntary service to the Borough or any part of it or community within it;
 - evidence of exceptional commercial service to the Borough;
 - evidence of exceptional service to the public services working for the residents and businesses of the Borough;
 - evidence of exceptional service to the Borough or the nation

Procedure on receipt of a motion to admit to the Freedom of the Borough

10. On receipt of the motion, the Chief Legal Officer will ask the proposer to provide full reasons why the person is considered:
 - a person of distinction; or
 - a person who has rendered eminent services to the Borough
11. When in possession of sufficient information, the Chief Legal Officer will convene a panel of the leaders of the political groups on the Council or their nominees, with relevant officers (the Freedom Panel) to consider:
 - whether they have sufficient information on which to form a view and, if not, to instruct officers to seek further information;
 - once satisfied that they have adequate information, whether there is sufficient support for the matter to go to full Council for decision.

12. In the event that the Freedom panel concludes that it is unlikely that the motion would receive sufficient support, the Chief Legal Officer will advise the proposer of the motion of this conclusion and the reasons for reaching that conclusion. The Councillor would then be given the opportunity to withdraw the motion, though the Councillor would still be entitled to have his/her motion considered by Council.
13. Should the Freedom Panel conclude that there would be likely to be a two thirds majority voting in favour of the motion, the Chief Legal officer will convene an extraordinary meeting of the Council specifically for the consideration of the one item of business. The timing of the meeting will be such as, so far as it practicable, to meet the availability of the individual concerned to attend and to concord with the Council's diary commitments.
14. The subject of the motion will be invited to attend the extraordinary meeting of Council where the motion is to be considered.
15. At the extraordinary meeting of Council, there will be only the one item of business and Officers will present a report setting out the matters considered by the Panel and the recommendation of the Panel to Council to approve the motion.
16. The Mayor will take a vote on the motion and a two-thirds majority of those present and voting is required.

(Note: abstentions do not count as a vote and the required majority will be deduced from the number of Councillors actually voting on the item).

Then the Mayor will then immediately close the meeting.

17. The ceremonial award of the Freedom with scroll or casket will take place at Annual Council as part of the incoming Mayor's announcements and the new Freeman/woman would be given the opportunity to make a short speech (5 minutes) in response.

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Hastings Borough Council

Constitution of the Council

Part 6

Councillors' Allowances The Constitution, Part 6

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Councillors' Allowances

1. The Local Government Act 2000 introduced significant changes to the way councils worked. In accordance with the new law Hastings Council introduced a Cabinet system and established Overview and Scrutiny Committee to call the Cabinet to account and scrutinise its decision and policies.
2. The Government recognised that there should be a new system of allowances intended to reward Councillors for their work and time whilst at the same recognising that they become Councillors to give public service.
3. The law requires Councils to establish and maintain an independent remuneration panel to review and provide advice on councillors' allowances. It was recognised that the new political management arrangements created new roles and responsibilities for councillors and that there should be appropriate allowances to support these.
4. The scheme of allowances has been adopted following consideration of the first report of the Council's independent panel. All councillors receive a basic allowance which is intended to provide some recompense for the time spent on council duties. There are in addition to this Special Responsibility Allowances which are paid to Councillors who have some special role, e.g. the Leader of the Council, Deputy Leader, Opposition Group Leader, Chair of Committees etc.
5. The level of allowances is updated annually in line with the rise in pay to officers. Other aspects of the scheme of allowances will be kept under review by the independent panel which reports to Full Council as necessary.

Councillors' Allowances Scheme

Table of Members' Allowance Scheme

With effect from ~~15th May 2019~~ ~~13 April 2016~~ (Approved at Council)

A text version is available following this Table.

Post	Number	Basic Allowance	Special Responsibility Allowance	Total Allowance per Councillor
Basic Allowance All Councillors	32	£6,150 5,796		£6,150 5,796
Leader of the Council (With or without Portfolio)	1	£6,150 5,796	£12,300 11,589	£18,450 17,385
Deputy Leader with Portfolio	1	£6,150 5,796	£7,999 7,539	£14,149 13,335
Cabinet Members with Portfolio and Chair of Charity Committee (Majority Group)	6 5 (Ex Deputy Leader)	£6,150 5,796	£6,642 6,258	£12,792 12,054
Opposition Group Members and other Group's members without Portfolios serving on Cabinet	2	£6,150 5,796	£3,318 3,126	£9,468 8,922
Chair of Overview and Scrutiny	1	£6,150 5,796	£3,077 2,898	£9,227 8,694
Vice - Chair of Overview and Scrutiny	1	£6,150 5,796	£602 567	£6,752 6,363
Chair of Planning	1	£6,150 5,796	£3,693 3,477	£9,843 9,273
Vice Chair of Planning	1	£6,150 5,796	£1,352 1,275	£7,502 7,071
Chair of Licensing	1	£6,150 5,796	£1,002 945	£7,152 6,741
Chair of Environment and Safety	1	£6,150 5,796	£586 552	£6,736 6,348
Chair of Audit Committee	1	£6,150 5,796	£3,077 2,898	£9,227 8,694
Ordinary Members of Planning Committee	8	£6,150 5,796	£1,002 945	£7,152 6,741

Ordinary Members of Licensing Committee	14	£ <u>6,150 5,796</u>	£ <u>104.04 100</u> per Sub Committee membership	£ <u>6,150 5,796</u> plus £ <u>104.40 100</u> per Sub Committee attendance
Ordinary Members of Environment and Safety Committee	4	£ <u>6,150 5,796</u>	£ <u>293 276</u>	£ <u>6,443 6,072</u>
Independent Members of the Standards Committee	2		£ <u>614.87 579</u>	£ <u>614.87 579</u>
Independent Members of the Museums Committee	6		£ <u>71.78 66</u>	£ <u>71.78 66</u>
Majority Group Leader per member (plus Standard Element)	1	£ <u>6,150 5,796</u>	£ <u>184.15 171</u> per member plus £ <u>1,317 1,242</u> (<u>223</u> members)	£ <u>11,518 10,971</u>
Majority Group Deputy Leader per member	1	£ <u>6,150 5,796</u>	£ <u>184.15 171</u> per member (<u>223</u> members)	£ <u>10,201 9,729</u>
All Opposition Group Leaders per Member (plus Standard Element)	1	£ <u>6,150 5,796</u>	£ <u>184.15 171</u> per member plus £ <u>1,317 1,242</u> (7 members)	£ <u>8,756 8,235</u>
Deputy Leader Main Opposition Group per member	1	£ <u>6,150 5,796</u>	£ <u>184.15 171</u> per member (7 members)	£ <u>7,439 6,993</u>

Note: Some Councillors will be in receipt of more than one Special Responsibility Allowance. Their total allowance must be calculated by adding together the relevant Special Responsibility Allowances plus the basic allowance.

Text version of Table of Councillors' Allowance Scheme

With effect from 15th May 2019-13 April 2016 (Approved at Council)

Post: All Councillors

Number: 32

Basic Allowance: £6,150 5,796

Special Responsibility Allowance: Not applicable

Total Allowance per Councillor: £6,150 5,796

Post: Leader of the Council (with or without Portfolio)

Number: 1

Basic Allowance: £6,150 ~~5,796~~

Special Responsibility Allowance: £12,300 ~~11,589~~

Total Allowance for Councillor: £18,450 ~~17,385~~

Post: Deputy Leader with Portfolio

Number: 1

Basic Allowance: £6,150 ~~5,796~~

Special Responsibility Allowance: £7,999 ~~7,539~~

Total Allowance per Councillor: £14,149 ~~13,335~~

Post: Cabinet Members with Portfolio (Majority Group) and Chair of Charity Committee

Number: 6 ~~5~~ (ex Deputy Leader)

Basic Allowance: £6,150 ~~5,796~~

Special Responsibility Allowance: £6,642 ~~6,258~~

Total Allowance per Councillor: £12,792 ~~12,054~~

Post: Opposition Group Councillors and other Group's councillors without Portfolios Serving on Cabinet

Number: 2

Basic Allowance: £6,150 ~~5,796~~

Special Responsibility Allowance: £3,318 ~~3,126~~

Total Allowance per Councillor: £9,468 ~~8,922~~

Post: Chair of Overview and Scrutiny

Number: 1

Basic Allowance: £6,150 ~~5,796~~

Special Responsibility Allowance: £3,077 ~~2,898~~

Total Allowance per Councillor: £9,227 ~~8,694~~

Post: Vice - Chair of Overview and Scrutiny

Number: 1

Basic Allowance: £6,150 ~~5,796~~

Special Responsibility Allowance: £602 ~~567~~

Total Allowance per Councillor: £6,752 ~~6,363~~

Post: Chair of Planning

Number of Councillors: 1

Basic Allowance: £6,150 ~~5,796~~

Special Responsibility Allowance: £3,693 ~~3,477~~

Total Allowance per Councillor: £9,843 ~~9,273~~

Post: Vice Chair of Planning

Number: 1

Basic Allowance: £~~6,150~~ ~~5,796~~

Special Responsibility Allowance: £~~1,352~~ ~~1,275~~

Total Allowance per Councillor: £~~7,502~~ ~~7,071~~

Post: Chair of Licensing

Number: 1

Basic Allowance: £~~6,150~~ ~~5,796~~

Special Responsibility Allowance: £~~1,002~~ ~~£945~~

Total Allowance per Councillor: £~~7,152~~ ~~6,741~~

Post: Chair of Environment and Safety

Number: 1

Basic Allowance: £~~6,150~~ ~~5,796~~

Special Responsibility Allowance: £~~586~~ ~~552~~

Total Allowance per Councillor: £~~6,736~~ ~~6,348~~

Post: Chair of Audit Committee

Number: 1

Basic Allowance: £~~6,150~~ ~~5,796~~

Special Responsibility Allowance: £~~3,077~~ ~~2,898~~

Total Allowance per Councillor: £~~9,227~~ ~~8,694~~

Post: Ordinary Members of Planning Committee

Number of Councillors: 8

Basic Allowance: £~~6,150~~ ~~5,796~~

Special Responsibility Allowance: £~~1,002~~ ~~945~~

Total Allowance per Councillor: £~~7,152~~ ~~6,741~~

Post: Ordinary Members of Licensing Committee

Number of Councillors: 14

Basic Allowance: £~~6,150~~ ~~5,796~~

Special Responsibility Allowance: £~~104.40~~ ~~100~~ per Sub Committee membership

Total Allowance per Councillor: £~~6,150~~ ~~5,796~~ plus £~~104.40~~ ~~100~~ per Sub Committee attendance

Post: Ordinary Members of Environment and Safety Committee

Number of Councillors: 4

Basic Allowance: £~~6,150~~ ~~5,796~~

Special Responsibility Allowance: £~~293~~ ~~276~~

Total Allowance per Councillor: £~~6,443~~ ~~6,072~~

Post: Independent Members of the Standards Committee

Number: 2

Basic Allowance: Not applicable

Special Responsibility Allowance: £~~614.87~~ ~~579~~

Total Allowance per independent member: £~~614.87~~ ~~579~~

Post: Independent Members of the Museums Committee

Number: 6

Basic Allowance: Not applicable

Special Responsibility Allowance: £71,78 66

Total Allowance per independent member: £71,78 66

Post: Majority Group Leader per member (plus Standard Element)

Number of Councillors: 1

Basic Allowance: £6,150 5,796

Special Responsibility Allowance: £184,15 474 per member plus £1,317 4,242 (~~223~~ members)

Total Allowance per Councillor: £11,518 40,974

Post: Majority Group Deputy Leader per Member

Number: 1

Basic Allowance: £6,150 5,796

Special Responsibility Allowance: £184,15 474 per member (~~223~~ members)

Total Allowance per Councillor: £10,201 9,729

Post: All Opposition Group Leaders per member (plus Standard Element)

Number of Councillors: 1

Basic Allowance: £6,150 5,796

Special Responsibility Allowance: £184,15 474 per member plus £1,317 4,242 (~~7~~ members)

Total Allowance per Councillor: £8,756 8,235

Post: Deputy Leader Main Opposition Group per Member

Number: 1

Basic Allowance: £6,150 5,796

Special Responsibility Allowance: £184,15 474 per member (7 members)

Total Allowance per Councillor: £7,439 6,993

Note

Some Councillors will be in receipt of more than one Special Responsibility Allowance. Their total allowance must be calculated by adding together the relevant Special Responsibility Allowances plus the basic allowance.

The Mayor and Deputy Mayor receive a subsistence allowance. Currently the allowance approved is £6,542 6,226.00pa for the Mayor and £2,136 2,033.00pa for the Deputy Mayor from ~~15th May 2019~~ 1 April 2014. This allowance is not part of the s-Independent Remuneration Panel's remit.

The Constitution

Part 8 Standing Instructions to Authorised Officers

The Constitution, Part 8 – Standing Instructions to Authorised Officers

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Standing Instructions to Authorised Officers

Introduction

1. The Constitution Part 3 sets out delegations from the Council to Committees.
2. These Standing Instructions contain delegations from the Cabinet and Council to Authorised Officers.
3. This is not an exhaustive statement of all their individual duties, which are to be found in the job descriptions, Council and committee resolutions, instructions given or issued by the Directors from time to time, and this Constitution.

Definitions

4. The Chief Finance Officer for the purposes of the Local Government Act 1972 section 151 and the Local Government Finance Act 1988 section 114 is the Assistant Director – Financial Services and Revenues.
5. The Monitoring Officer for the purposes of section 5 Local Government and Housing Act 1989 is the Chief Legal Officer.
6. “Chief Officers” are the Directors.
7. “Authorised officers” are the Chief Officers and Assistant Directors (and their nominees).
8. “Nominees” are officers that the Chief Officers or Assistant Directors have authorised to act on their behalf. Nominees may also be contractors, or officers of another authority acting on behalf of the Council.
9. The Portfolio Holder is the Cabinet Member nominated by the Leader of the Council for the purpose either generally or at a specific time or for a specific purpose. In the absence or unavailability of a Portfolio Holder, the Leader of the Council may act in place of the Portfolio Holder.
10. The discharging of functions means being ultimately accountable for decisions regarding a function under an Act of Parliament. It includes accountability under any Regulations, Statutory Instrument, other subordinate legislation, or byelaw, and any legislation re-enacting or amending the Act.

Assumption of full delegation

11. Authorised Officers discharge the functions delegated to them through appropriately qualified officers.
12. In relation to the delegations set out in these Standing Instructions, it is intended to delegate the Council’s functions fully to Authorised Officers and, through them, to all other officers acting under these Instructions except where otherwise provided in statute, regulations, or this Constitution.
13. For the avoidance of doubt, delegations are particularised for identification purposes only and do not diminish or restrict in any way a general delegation

by Council and Cabinet to Authorised Officers and, through them, to all other officers acting under these Instructions.

14. The powers delegated to Authorised Officers and, through them, to all other officers acting under these Instructions in performance of those functions include, but are not limited to:
- a. The service of notices, including under Section 16 Local Government (Miscellaneous Provisions) 1976.
 - b. Carrying out work in default and recovery of the cost of such works.
 - c. The investigation of alleged offences and prosecution of offenders or issue of a formal caution with the approval of the Chief Legal Officer.
 - d. Exercise of powers of entry.
 - e. Application for warrants of entry.
 - f. Application for court orders with the approval of the Chief Legal Officer.
 - g. Determination of grant entitlement.
 - h. Exercise of any discretion on behalf of the Council.
 - i. The grant, renewal or variation of any licence, consent, permit, registration or other authorisation to be granted by the Council under any Act of Parliament or subordinate legislation, either with or without conditions (including standard conditions), and in accordance with any criteria approved by the Council or the Cabinet.
 - j. The refusal of an application except where there is a legal right for, or the Council policy permits the applicant to make representations in person; or if the application is a caravan site licence unless the Chief Legal Officer agrees.
 - k. Imposing non-standard conditions subject to the Chief Legal Officer approval or waiver of this requirement.
 - l. Any action reasonably required for the investigation or detection of offences or breaches of conditions including the appointment of investigating officers and disclosure officers under the Criminal Procedure and Investigations Act 1996 and the authorisation of directed and covert human intelligence source under Sections 28 and 29 Regulation of Investigatory Powers Act 2000.
 - m. Authorising any legal proceedings under any legislation, subordinate legislation, orders or byelaws in their respective areas of responsibility (including prosecutions and applications for injunctions) with the approval of the Chief Legal Officer.
 - n. Authorising the defence of any appeal to the courts or application for judicial review or the settling any such proceedings with the approval of the Chief Legal Officer.
 - o. Exercising any statutory rights of entry, and statutory rights to seize or impound any goods, food or animals or take samples, including authorising and making

applications to magistrates for warrants or authorisations subject to any directions from the Chief Legal Officer.

- p. Authorising and serving any notice authorised by the legislation in accordance with any guidance given by the Chief Legal Officer
- q. Authorising other persons (including but not limited to officers) to act as an authorised officer, authorised inspector, inspector or proper officer to carry out any statutory function which the Authorised Officer is authorised to discharge.
- r. Authorising the making of any order (other than a compulsory purchase order) authorised by the legislation after consultation with the Chief Legal Officer and, if the Order confers a statutory right to compensation, with the consent of:
 - i. The Director with responsibility if the total estimated compensation liability is up to £50,000; or
 - ii. The Director with responsibility together with the Chief Finance Officer if the total estimated compensation liability is between £50,000 and £100,000; and
 - iii. The Director with responsibility together with the Chief Finance Officer and in consultation with the relevant Portfolio Holder if the total estimated compensation liability is over £100,000.

Limitations on powers to act

15. The power to act of the Directors or any other officer is subject to compliance with:
- a. Council policy and decisions;
 - b. Cabinet, Council Committee or Cabinet Committee decisions;
 - c. All relevant legal requirements;
 - d. The provisions of this Constitution including the Financial Rules.

Urgency provisions

16. In the event of urgency, which shall be determined by the Monitoring Officer, i.e. when due to time constraints it is not possible for the decision on a matter, which:

- a. is reserved to Cabinet under the Financial Rules; or
- b. is not in accordance with Cabinet policy;

to be taken by Cabinet in time, without convening a special meeting of Cabinet, the Director with responsibility or his/her nominee may take the decision, in consultation with the Leader of the Council, relevant Portfolio Holder and Opposition Group Leaders. The decision and the reasons for urgency shall be reported to the next meeting of the Cabinet.

17. The Authorised Officers acting under these Instructions must ensure that the

relevant Lead member is made aware of all issues of significant public interest or sensitivity before taking action.

18. The Authorised Officers acting under these Instructions are not obliged to exercise the powers delegated to them under these Instructions and may, whenever they deem it appropriate, consult the relevant Lead member or refer the matter to the Cabinet for decision.

Part 1: Matters Reserved to Council

19. The following matters are reserved to Council and cannot be delegated to Officers:
 - a. Changes to major policy decisions of the Council;
 - b. Changes to the budget approved by the Council, except as provided for in the Financial Rules;
 - c. Changes to this Constitution (save for Part 3 Rule 14.3) of this Constitution.

Part 2: Matters Reserved to the Chief Legal Officer

Statutory Responsibilities

20. The Chief Legal Officer is the Council's Proper Officer and authorised for the following purposes:

Local Government Act 1972 (as amended):-

Section 83 - Members Declarations of Acceptance of Office
Section 84 - Resignation of Members
Section 88 - Convening meeting of Council to fill casual vacancy in office of Chair
Section 89 - Receipt of notice of vacancy
Section 100B(2) – Designation of reports “not for publication”.
Section 210(6) and (7) - Charity functions
Section 225 - Deposit and safekeeping of documents
Section 229 - Certification of photographic copy documents
Section 234 - Authentication of documents
Section 236 and 238 - Byelaws
Section 248 - Roll of Freeman
Schedule 12 para 4(2)(b) - Summonses for Council meetings
Schedule 12 para 4(3) - Notices of addresses to which Council summons is to be sent
Schedule 14 para 25(7) - Certification of resolutions.

Local Government Act 1974:-

Section 30(5) - Giving Notice about Ombudsman's Reports.
Local Government (Miscellaneous Provisions) Act 1976:-
Section 41 - Evidence of resolutions and minutes.

Highways Act 1980:-

Section 321 - Authentication of documents.

21. The Chief Legal Officer is the Solicitor to the Council and is responsible for the provision of professional legal services and advice to the Council and the carrying out of the Council's legal transactions. The Chief Legal Officer is also responsible for the conduct of the Council's litigation before all courts and including public inquiries, tribunals, arbitration, and mediation.

22. The Chief Legal Officer is responsible for the safekeeping of the Council's Common Seal, its deeds and documents and for the signing and sealing of documents on the Council's behalf.

23. The Chief Legal Officer is responsible for professional legal work and advice in support of all regulatory functions including the conduct of appeals and prosecutions except where such legal work is carried out by or under the control another officer (e.g. collection of Council Tax and non-domestic rates which is the responsibility of the Assistant Director Financial Services and Revenues under the general oversight of the Chief Legal Officer.

24. The Chief Legal Officer has co-extensive authority with the Director of Operations to appoint authorising officers under the Regulation of Investigatory Powers Act 2000.
25. The Chief Legal Officer is designated as the Monitoring Officer under Section 5 Local Government and Housing Act 1989 and the Proper Officer and Authorised Officer for the purposes of the following legislation:

Local Government and Housing Act 1989 (as amended):-

Section 2 (part 1) - Lists of Politically Restricted Posts

Section 5 - Monitoring Officer

Sections 15-17 Schedule 1 and Local Government (Committees and Political Groups) Regulations 1990 - Political group and political group balance

Localism Act 2011, Part I and Regulations made under the act:-

- a. Code of Conduct advice and deciding arrangements for investigating allegations of breach and action on breach of code including making the usual initial decision on whether complaints should be investigated consulting one of the independent persons as necessary
- b. Establishing, maintaining and publishing register of interests.
- c. Grant of dispensation for relief of interest restrictions.

Other Responsibilities

26. The Chief Legal Officer is responsible as Clerk/Secretary to certain charitable trusts administered by the Council.
27. The Chief Legal Officer or his/her nominee is authorised to take the action on behalf of the Council set out in the following paragraphs subject to the conditions or limitations shown:
- a. Signing and/or sealing any deed or document which is reasonably required to give effect to any decision of the Council, or of a committee or sub committee acting under delegated powers or any officer authorised to discharge the relevant functions on the Council's behalf.
 - b. Sign and/or seal any receipt, discharge or release on the repayment of monies due, the due performance of any contract, bond or obligation, or otherwise as authorised by the Council, a committee or sub committee or an officer authorised to discharge the relevant function on behalf of the Council.
 - c. To take any legal action to recover monies owed to the Council or to recover land or property belonging to the Council including registration of land charges, obtaining orders for possession and/or sale of land or distraint for rent.
 - d. To institute any legal proceedings or to defend any appeal or other proceedings against the Council, and in the case of claims for compensation in respect of which the Council is insured to authorise its insurers to defend such claims on its behalf.

- e. Enforcing Orders for possession or sale or peaceably re-entering land:
 - i. where premises actually occupied by persons other than trespassers in consultation with the relevant Lead member;
 - ii. in all other cases.
- f. To direct unauthorised campers to leave land within the Council's area.
- g. To prosecute for contravention of byelaws.
- h. To be the Senior Responsible Officer in relation to the Regulation of Investigatory Powers Act 2000.
- i. To appoint existing staff to represent the Council before the Magistrates Court, under Section 223 of the Local Government Act 1972 (as amended).

Part 3: Matters Reserved to Authorised Officers

28. The following Authorised Officers have the regulatory responsibilities, and are authorised to discharge the functions of the Council described in these Standing Instructions to Authorised Officers:
- a. Assistant Director Environment and Place;
 - b. Assistant Director Housing and Built Environment;
 - c. Assistant Director Regeneration and Culture;
 - d. Assistant Director Financial Services and Revenue.
29. The powers and regulatory responsibilities of the Monitoring Officer, Chief Legal Officer, Chief Finance Officer and the Directors are set out in parts 2, 4 and 5 of these Standing Instructions. The authority of the Director of Operations and the Chief Legal Officer to appoint authorising officers under the Regulation of Investigatory Powers Act 2000 is set out in paragraph 24 of Part 2 of these Standing Instructions and paragraph 85 of Part 5.
30. Authorised officers acting under these Instructions are authorised to discharge any functions on behalf of the Council as set out in paragraphs 10 to 16 of these Instructions.

Part 3a: Assistant Director Environment and Place

Statutory Responsibilities

31. The Assistant Director Environment and Place is the Council's Proper Officer for the purposes of the provisions of the legislation described in these Instructions insofar as it provides for there to be a 'proper officer' or 'authorised officer' authorised to act for the Council including:

- a. Building Act 1984;
- b. East Sussex Act 1981(bye-law);
- c. Food Safety Act 1990 (as amended)
- d. Prevention of Damage by Pests Act 1949;
- e. Public Health Acts 1936 and 1961;
- f. Public Health (Control of Disease) Act 1984;

32. The Assistant Director Environment and Place, (and certain subordinate staff) are appointed inspectors, authorised officers or duly appointed officers for the purposes of enforcing:

- a. Environmental Protection Act 1990 (as amended); and
- b. Health and Safety at Work Act 1974.

33. The Assistant Director Environment and Place is responsible for professional work and advice to the Council, the Cabinet, the Directors and Officers on public health, environmental control and regulation issues and the statutory regulation of licensing matters. The Assistant Director Environment and Place is also responsible for professional work and advice to the Council and Cabinet the Directors and Officers on the Council's functions in relation to highways, traffic management and parking whether as agent for the highway authority or as principal authority.

34. The Assistant Director Environment and Place (which may include contractors and officers of another authority acting on behalf of the Council) duly authorised in writing by him/her is authorised to discharge the Council's functions under the following legislation and any other legislation conferring powers and/or duties exercisable by the Council which bear upon his/her function including but not limited to:

A. Regulation of

A.1 Acupuncture, tattooing, ear piercing and electrolysis including:-

Part VIII Local Government (Miscellaneous Provisions) Act 1982
East Sussex Act 1981 (Section 27).

A.2 Animal welfare and management, including:-

Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018
Animal Welfare Act 2006
Breeding of Dogs Act 1991
Dangerous Wild Animals Act 1976
Guard Dogs Act 1975
Riding Establishments Acts 1970
Slaughterhouses Act 1974
Slaughter of Poultry Act 1967 (as amended by the Animal Health and Welfare Act 1984)
Zoo Licensing Act 1981.

A.3 Betting, gaming and lotteries including amusements with prizes:-

Gambling Act 2005.

A.4 Boats, including:-

Part IV Public Health (Control Of Disease) Act 1984
Public Health Acts Amendment Act 1907
East Sussex Act 1981 (Section 10(2)).

A.5 Camping and caravan sites, including:-

Public Health Act 1936 (Section 269)
Caravan Sites and Control Of Development Act 1960.
Mobile Homes Act 2013

A.6 Charitable and similar collections, including:-

House To House Collections Act 1939
Police, Factories etc. (Miscellaneous Provisions) Act 1916;
Part III Charities Act 1992;
Charities Act 2006 (as amended)

A.7 Cinemas, including:-

Licensing Act 2003.

A.8 Food premises, food production and sale, including:-

Food Safety Act 1990 (as amended)
Official Feed and Food Controls (EC) Regulations 2009
Food Safety and Hygiene (England) Regulations 2013 Regulations
(EC) 178/2002
Regulations (EC) No. 852/2004
853/2004
854/2004
882/2004
Food Information Regulations 2014

A.9 Game:-

Game Act 1831

A.10 Late night refreshment houses, including:-

Licensing Act 2003.

A.11 Liquor licensing and regulated entertainment:-

Licensing Act 2003.

Police Reform and Social Responsibility Act 2011

A.12 Public and private entertainment licensing:-

Part IX East Sussex Act 1981

Licensing Act 2003.

A.13 Taxis (hackney carriages) private hire cars and horse drawn omnibuses, including:-

Town Police Clauses Act 1847 And 1889

Part II Local Government (Miscellaneous Provisions) Act 1976

Transport Act 1980 (Section 64)

Transport Act 1985 (Sections 10-16) (as amended)

Local Services (Operation by Taxis) Regulations 1986

Disability Discrimination Act 1995.

A.14 Scrap metal dealers, including:-

Scrap Metal Dealers Act 2013

Motor Salvage Operators Regulations 2002

A.15 Sex establishments, including:-

Part II Local Government (Miscellaneous Provisions) Act 1982.

Part II Policing and Crime Act 2009

A.16 Street trading, including:-

Part III Local Government (Miscellaneous Provisions) Act 1982

Children and Young Persons Act 1933 (Section 20)

Children and Young Persons Act 1963 (Section 35).

A.17 Sunday trading, including:-

Sunday Trading Act 1994.

A.18 Theatres, including:-

Licensing Act 2003.

A.19 Miscellaneous Activities, including:-

Self-operated laundries and dry cleaners:-

East Sussex Act 1981 (Section 24).

Temporary markets:-

East Sussex Act 1981 (Section 37).

35. The Assistant Director of Environment and Place is authorised to act and to appoint alternative proper officers and authorised officers for the purposes of the following legislation:

Cemetery and Crematorium

All relevant powers, duties and functions including authority for:

Disinfection of premises
Disposal of dead bodies

the approval of works and materials used in the construction of monuments.

the approval of the erection of cemetery monuments which comply with the regulations governing cemeteries.

the exercise of the powers of the Council contained in the regulations relating to the selection or purchase of graves or vaults.

to approve the use of music, flags or banners in cemeteries.

to issue notices to users and authorize works to facilitate maintenance of graves and cemeteries to meet the requirements of the memorial testing regulations

Public Health (Control of Disease) Act 1984, section 46 - public health funerals

B. Public Health and Environmental Protection

Public Health Acts

Public Health (Control of Disease) Act 1984

National Assistance Act 1948 and National Assistance (Amendment) Act 1951

B.1 Public Health Act 1936 Sections - including:-

Section 45 - Buildings with defective closets
Section 50 - Overflowing and leaking cesspools
Section 51 - Care of water closets/earth closets
Section 52 - Common water closets
Section 78 - Scavenging of common courts and passages
Section 83 - Cleansing filthy or verminous premises
Section 84 - Cleansing or destruction of filthy or verminous articles
Section 85 - Cleansing of verminous persons and clothing
Section 140 - Polluted sources of water supply
Section 268 - Statutory nuisance from use of tents, vans, sheds, etc.

B.2 National Assistance Act 1948 and National Assistance (Amendment) Act 1951:-

removal to suitable premises of persons in need of care and attention and to the Proper Officer also in the case of emergency applications under the 1951 Act.

B.3 Public Health Act 1961, including:-

Section 17 - Defective and stopped-up drains etc.
Section 22 - Cleansing and repairing drains

Section 34 - Accumulations of rubbish
Section 35 - Filthy or verminous premises
Section 36 - Fumigation of premises
Section 37 - Disinfested or destroying household articles intended for sale.

B.4 Building Act 1984, including:-

Section 59 - Proper provision of drainage
Section 64 - Closets to be provided in buildings
Section 65 - Sanitary conveniences to be provided in workplaces
Section 70 - Food storage accommodation to be provided in houses
Section 72 - Means of escape in case of fire
Section 76 - Carrying out works in default
Section 93 - Requisition for information
Section 113 - Prosecutions.

B.5 Prevention of Damage By Pests Act 1949, including:-

Section 4 - Notice to keep land free of rats and mice
Section 5 - Works in default
Section 6 - Notice to eradicate rats and mice.

B.6 East Sussex Act 1981 Sections, including:-

Section 17 - Dust from building operations
Section 19 - Urgent repairs to water pipes and fittings
Section 20 - Control of rats and mice
Section 21 - Rights of entry under Prevention of Damage by Pest Act 1949
Section 22 - Control of foxes
Section 23 - Control of brown tail moth
Section 32 - Touting, hawking and photographing etc.

B.7 Control of Pollution Act 1974 (as amended), including:-

Section 60 - Control of noise on construction sites
Section 61 - Prior consent for work on construction sites
Section 62 - Loudspeakers in streets
Section 91 - Rights of entry
Section 93 - Requisitions for information.

B.8 Local Government (Miscellaneous Provisions) Act 1976, including:-

Section 16 - Requisitions for information as to ownership of land
Section 20 - Sanitary facilities to be provided/maintained at places of entertainment
Section 35 - Obstruction of private sewers.

B.9 Public Health (Control Of Diseases) Act 1984.

B.10 Public Health (Infectious Diseases) Regulations 1988:-

Schedule 3 - Notices re typhus or relapsing fever
Schedule 4 - Notices re food poisoning and food borne infection.

B.11 Food and Environment Protection Act 1985 (as amended).

Environmental Protection

B.12 Environmental Protection Act 1990 (as amended)

Part I Integrated Pollution Control, Air Pollution including:-

Section 6 - To grant or refuse authorisation for prescribed processes and collect fees.

Section 7 - To decide what conditions (other than approved standard conditions) are to apply to individual authorisations.

Section 9 - To receive notices of transfers of authorisations from one holder to another.

Section 10 - To vary conditions on which authorisations have been granted whether following a direction from the Secretary of State or not, and serve variation notices. To give notice advising of requirement for substantial change in manner of carrying out an authorised process.

Section 11 - To issue determinations on proposals to change an authorised process. To refuse applications for the variation of an authorisation or to issue a variation notice.

Section 12 - To revoke a Section 6 authorisation for a prescribed process:

- a. where reason to believe authorised process not carried out at all or at any time during the last 12 months;
- b. upon the direction of the Secretary of State;
- c. in any other case.

Section 13 - To serve enforcement notices for breach of conditions of authorisation or anticipated breach requiring remedial or preventative action to be taken within a set period.

Section 14 - To serve prohibition notices to prevent imminent risk of serious pollution from an authorised process requiring steps to be taken and suspending the authorisation until the notice is partly or wholly withdrawn.

Section 15 - To deal with appeals to the Secretary of State.

Section 16(6) - To appoint suitably qualified persons (including employees or consultants) as Air Pollution Inspectors to advise and carry out the functions of Inspectors under Part I of the Act.

Section 19 - To serve notice requiring specified information to be provided (Requisitions for Information).

Section 20 - To maintain the statutory public register of information about prescribed processes; applications, authorisations, variations, etc.

Sections 22(2) & (4) - To determine whether information provided in support of applications or otherwise obtained is commercially confidential (and should be excluded from the public register) or not.

Section 59 - To require removal of waste unlawfully deposited.

Part IIA Contaminated land

Part III Statutory Nuisances And Clean Air including sections:-

Sections 80/80A - Abatement notices
Section 81 - Abatement notices - supplementary provisions.

Part IV Provisions relating to litter as well as Refuse Disposal (Amenity) Act 1978

Schedule 2 in relation to the Act, and subordinate legislation including:-

Control of Pesticides Regulations 1986
Pesticides (Fees and Enforcement) Act 1989.
Clean Neighbourhoods and Environment Act 2005

Food Safety

B.13 Food Safety Act 1990, including:-
Section 7 - Rendering food injurious to health
Section 8 - Selling food not complying with food safety requirements
Section 9 - Inspection and seizure of food
Section 14 - Food not of the quality of substance demanded
Section 19 - Registration and licensing of food premises
Section 27 - Appointment of public analyst
Sections 29 and 30 - Procurement and analysis of samples
Section 32 - Power of entry, seizure etc.
Section 33 - Obstruction of officers.

B.14 Water Industry Act 1991, including:-

Sections 77 to 85 - Sufficiency and wholesomeness of water supply

Clean Air:-

B.15 Clean Air Act 1993 (as amended)

B.16 Health Act 2006, Part I

Noise – see also Environmental Protection Act 1990 above:-

B.17 Noise And Statutory Nuisance Act 1993

B.18 Environment Act 1995 (as amended)

B.19 Noise Act 1996

B.20 Anti-Social Behaviour Act 2003

Clean Neighbourhoods and Environment Act 2005

C. Health and Safety at Work

C.1 Health And Safety At Work Act 1974 (the Act), where the Council is the enforcing authority, including:-

Section 19 - Enforcement
Section 20 - Inspectors powers
Section 21 - Improvement notices

Section 22 - Prohibition notices
Section 25 - Action to deal with cause of imminent danger
Section 33 - Prosecutions
Section 39 - Prosecutions by inspectors.

And all health and safety regulations made under the Act and otherwise.

C.2 Control of Asbestos at Work Regulations 2012.

D. Anti-Social Behaviour

Anti Social Behaviour Orders and Dispersal Orders in consultation with the Chief Constable, Sussex Police

Including:-

Anti-Social Behaviour Act 2003
Anti-Social Behaviour Crime and Policing Act 2014
Counter Terrorism Act 2015
Crime and Disorder Act 1998

D.1 Noisy premises, including:-
Anti-Social Behaviour Act 2003.

D.2 Graffiti and Flyposting, including:-

Town and Country Planning Act 1990 (as amended)
Anti Social Behaviour Act 2003
Clean Neighbourhoods and Environment Act 2005

D.3 Sale of aerosol paints, including:-

Anti-Social Behaviour Act 2003.

D.4 Anti-Social Behaviour, Crime and Policing Act 2014

E. Dogs

E.1 Control of Dogs:-

Clean Neighbourhoods and Environment Act 2005.
Anti-Social Behaviour Crime and Policing Act 2014
Criminal Justice and Public Order Act 1994

E.2 Control of stray dogs

Environmental Protection Act 1990 (as amended)

E.3 Control of Dangerous Dogs, including:-

Dogs Act 1871
Dangerous Dogs Act 1989
Dangerous Dogs Act 1991
Town Police Clauses Act 1847

F. Civil Contingencies

Civil Contingencies Act 2004

G. Highways, Traffic and Parking

G.1 Regulation and control of use of highways, traffic management, and off street parking where a district council is authorized to act;

Town Police Clauses Act 1847

Highways Act 1980

Road Traffic Regulation Act 1984 (as amended)

Transport Act 1985 (Objections to applications to Traffic Commissioners) (after consultation with the relevant Lead member)

Road Traffic Act 1991

The Traffic Management Act 2004

G.2 Nuisance parking, abandoned vehicles and illegally parked vehicles:-

Clean Neighbourhoods and Environment Act 2005

Control of Pollution (Amendment) Act 1989

H. Seashore and Access

East Sussex Act 1981 including:-

Section 11 - Removal of boats from the highway or where obstructing access to the seashore.

Section 12 - Removal of boats from seashore.

36. In relation to the delegations set out above it is intended to delegate the Council's functions fully to the Authorised Officer and his/her nominees as described in paragraphs 10 to 16 above.

I. Abandoned Property, Litter and Waste

Including:-

I.1 Refuse Disposal (Amenity) Act 1978

I.2 Clean Neighbourhoods and Environment Act 2005.

I.3 Environmental Protection Act 1990 (as amended), including:-

Section 33 - Prohibition on unauthorised or harmful deposit etc of waste

Section 34 - Duty of care as respects waste

Section 46 - Receptacles for household waste

Section 47 - Receptacles for commercial and industrial waste

Section 55 - Recycling waste

Section 59 - Removal of waste unlawfully deposited

Section 60 - Interference with receptacles for waste

Section 87 - Offence of leaving litter

Section 88 - Fixed penalty notices

Section 92 - Summary proceedings by litter authorities

Section 93 - Street litter control notices
Section 99 and Schedule 4 - Shopping Trolleys

I.4 Removal and Disposal of Vehicles (Loading Areas) Regulations 1986

J. Travellers

J.1 To take action for the removal of travelers under Section 77-79 Criminal Justice and Public Order Act, 1994.

Part 3b: Assistant Director Housing and Built Environment Statutory Responsibilities

37. The Assistant Director Housing and Built Environment is responsible for professional work and advice for the Council, the Cabinet, the Directors and Officers on the provision of the Council's housing services and housing policies and strategies. The Assistant Director Housing and Built Environment is the Council's Proper Officer and Authorised Officer for the purposes of Part XVIII Housing Act 1985.
38. The Assistant Director Housing and Built Environment is responsible for operating the Council's homelessness and housing allocation functions and the enforcement of housing and landlord and tenant legislation relating to dwellings.
39. The Assistant Director Housing and Built Environment or officers (which may include contractors and officers of another authority acting on behalf of the Council) duly authorised in writing by him/her is authorised to discharge the Council's functions under the following legislation and any other legislation conferring powers and/or duties exercisable by the Council which bear upon his/her function and responsibilities including but not limited to:

A. Homelessness and Allocation of Housing

Including:-

Part XVIII Housing Act 1985
Parts VI And VII Housing Act 1996
Homelessness Act 2002
Localism Act 2011
Asylum and Immigration Act 2004

B. Private Sector Housing

B.1 Housing Act 1985, including:-

Section 265 – Demolition Orders
Section 289 – Clearance Areas
Sections 315 to 320 - Enforcement provisions
Section 331 - Overcrowded dwellings - action against landlord
Section 337 – Powers of Entry
Section 338 - Overcrowded dwellings - action against occupier
Section 340 – Powers of Entry
Section 358 - Prosecution - non-compliance with overcrowding notice
Section 364 - Requisition for information where overcrowding notice in force
Section 397 - Warrants of entry.

To charge for and recover the cost of enforcement action under Housing Act 1985 and Housing Grants Construction And Regeneration Act 1996.

B.2 Housing Act 2004:-

Part I- Housing conditions
Part II - Licensing of houses in multiple occupation

Part III - Selective licensing of other residential accommodation
Part IV - Additional control provisions in relation to residential accommodation
Part VII:-
Register of licences and management orders
Enforcement of management regulations
Power to require and enforcement of power to obtain information.
Use of information obtained for certain other statutory purposes
Offence of supply of false or misleading information
Powers of entry and enforcement of the power of entry including prosecution for obstruction
Powers to require documents
Authorisations for enforcement purposes
House in multiple occupation declarations and revocation of declarations.
Financial penalties for certain housing offences in England.

B.3 Public Health Act 1936 including:-

Section 45 - To put defective closets into repair
Section 287 - Notice before entry.

B.4 Public Health Act 1961, including:-

Section 17 - Remedying a defect in a stopped up drain, private sewer, water closet, waste pipe/soil pipe.

B.5 Local Government (Miscellaneous Provisions) Act 1976 – blocked private sewers

B.6 Building Act 1984, including:-

Section 59 - Repair or renewal of defective drainpipe, rainwater pipe etc
Section 76 - Remedying of defective premises
Section 84 - Notice requiring paving and drainage of yards
Section 95 - Notice before entry for the purpose of inspection.

B.7 Environmental Protection Act 1990 (as amended), including:-

Section 80A - Abatement notice
Schedule 3 - Notice before entry.

B.8 Rent Act 1977, including:-

Sections 139 and 150 - Tenants to notify landlord of sublettings
Section 149 - Information for landlords and tenants
Part IX and Section 150 - Unlawful premiums etc.

B.9 The Enterprise and Regulatory Reform Act 2013

Sections 83 – 88 – redress schemes: letting and property management agents

B.10 Anti-Social Behaviour, Crime and Policing Act 2014

Part 4 – Community Protection
Chapter 1 – Community Protection Notices
Chapter 3 – Closure of premises associated with nuisance or disorder

B.11 Prevention of Damage by Pests Act 1949 s.4

B.12 Rent Agriculture Act 1976:-

Section 20 – Unlawful premises etc.

B.13 Landlord And Tenant Act 1985, including:-

Section 1 – Landlords failure to give name and address

Sections 2,6,7 and 34 - Non-disclosure of names and addresses of directors and secretary of residential landlord company

Sections 3 and 34 - Failure to notify residential tenant of assignment of landlord's interest

Sections 4,5 and 7 - Failure to provide rent book or information required

Sections 21,25 & 34 - Failure of landlord/lessor to provide summary of costs relating to service charges

Sections 22,23,25 and 34 - Failure to provide facilities for inspection of accounts relating to service charges

Sections 23(1), 25 and 34 - Failure of superior landlord to provide information requested re service charges.

B.14 Unlawful eviction and harassment

Protection From Eviction Act 1977 (As Amended)

B.15 Local Government (Miscellaneous Provisions) Act 1976, including:-

Section 33 - Restoration of private tenants' water, gas or electricity supply

Section 16 – Requisition for Information

B.16 East Sussex Act 1981, including:-

Section 19 - Urgent repairs to water pipes and fittings.

B.17 Accommodation Agencies Act 1953, including:-

Section 1 - Illegal commissions and advertisements

B.18 Local Government (Miscellaneous Provisions) Act 1982 (as amended) including:-

Sections 29-32 – Protection of buildings

B.19 Housing and Planning Act 2016.

Part 2 – Rogue Landlords and Property Agents in England

Part 5 – Housing, estate agents and recharges: other changes

C. Housing Grants

Including:-

Housing Grants, Construction and Regeneration Act 1996 (as amended) Financial Assistance Policy.

D. Renewal Areas

E. Renewal Areas Part VII Local Government and Housing Act 1989 (as amended)
Including:-

Section 93(5) - Financial assistance in renewal area

Section 97 - Powers of entry and penalty for obstruction.

40. In relation to the delegations set out above it is intended to delegate the Council's functions fully to the Authorised Officer and his/her nominees as described in paragraphs 10 to 16 above.
41. The Assistant Director Housing and Built Environment (the Authorised Officer) is responsible for professional work and advice for the Council, Cabinet, the Planning Committee, the Directors and Officers on town and country planning, building control and engineering.
42. The Authorised Officer or officers (which may include contractors and officers of another authority acting on behalf of the Council) duly authorised in writing by him/her is authorised to discharge the Council's functions under the Planning legislation and any other legislation conferring powers and/or duties exercisable by the Council which bear upon his/her function and responsibilities including but not limited to the following:

43. Applications:

- A. Planning permission including approval of reserved matters;
- B. Listed building consent;
- C. Consent for the display of advertisements;
- D. Hazardous substances consents;
- E. To enter into a Section 106 agreement where the application can be granted under delegated authority and to vary a Section 106 agreement whether or not the original application was determined under delegated authority. Where the original application was determined by the Planning Committee, the Assistant Director of Housing and Built Environment is authorised to amend the agreement in consultation with the Chair of the Planning Committee. [Where the original application was determined by the Planning Committee, to make minor changes to the terms of a draft S106 Agreement in consultation with the Chair of the Planning Committee.](#)

44. This authority is subject to the following exceptions:

- a. The application has attracted five or more written representations from different households or businesses on planning grounds or a petition as defined in Standing Orders and the written representations or petition are contrary to the officers recommendation, or
- b. The Chair of the Planning Committee has referred any application to the Planning Committee within 21 days after validation of an application or 21 days after the date of any advert placed in the press whichever is the later

giving clear planning reasons in writing for the referral, or

- c. Any Member of the Council with the consent of the Chair or a Ward Councillor, has given written notice to the Assistant Director Housing and Built Environment within 21 days after validation of an application or 21 days after the date of any advert placed in the press whichever is the later requiring that application to be considered by the Planning Committee, giving clear planning reasons for the referral, or
- d. The application relates to or affects Council owned land and the application is submitted by or on behalf of the Council, or
- e. The application is submitted by, or on behalf of, a serving Councillor or officer of the Council where the officer is employed in a politically restricted post and/or within the Council's planning service, or
- f. The Planning Committee otherwise direct in respect of any particular application or reserved matter; or
- g. The Assistant Director Housing and Built Environment has referred an application or matter to the Planning Committee within 21 days after validation of an application or 21 days after the date of any advert placed in the press whichever is the later giving clear planning reasons for the referral, or
- h. The application relates to or affects Foreshore Trust land and the application is submitted by or on behalf of the Foreshore Trust.

45. Any matters in the application of the Council:

- a. Town and Country Planning General Regulations 1992;
- b. Town and Country Planning (General Permitted Development) Order 2015;
- c. Town and Country Planning (Development Management Procedure) Order 2015;
- d. The Town and Country Planning (Fees for Applications Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013
- e. Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- f. Town and Country Planning (Use Classes) Order 1987 including the conduct of appeals in consultation with the Chief Legal Officer.
- g. Town and Country Planning Act 1990 (as amended).
- h. The Conservation of Habitats and Species Regulations 2017

List of relevant Acts:

Infrastructure Act 2015

Growth and Infrastructure Act 2013

Enterprise and Regulatory Reform Act 2013

Localism Act 2011

Local Democracy, Economic Development and Construction Act 2009

Planning Act 2008 (as amended)

Planning and Compulsory Purchase Act 2004 (as amended)

Countryside and Rights of Way Act 2000

Human Rights Act 1998

Planning and Compensation Act 1991

Town and Country Planning Act 1990 (as amended)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Planning (Hazardous Substances) Regulations 2015

Environmental Protection Act 1990 (as amended)

Caravan Sites and Control of Development Act 1960

List of relevant Statutory Instruments:

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015

The Town and Country Planning General (Amendment) (England) Regulations 2015

The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) (Amendment) Order 2015

The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

The Planning (Hazardous Substances) Regulations 2015

The Town and Country Planning (Compensation) (England) Regulations 2015

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015

The Town and Country Planning (General Permitted Development) (England) Order 2015

The Town and Country Planning (Development Management Procedure) (England) Order 2015

The Town and Country Planning (Hearings and Inquiries Procedure)

(England)(Amendment and Revocation) Rules 2015

The Conservation of Habitats and Species Regulations 2017

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) (No.2) Regulations 2014

The Town and Country Planning (Fees for Applications Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013

The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013

The Planning (Listed Buildings and Conservation Areas) (Amendment No.2) (England) Regulations 2013

The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2013

The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

The Planning (Hazardous Substances) (amendment) (England) Regulations 2010

The Community Infrastructure Levy Regulations 2010.

The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009

The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005

The Town and Country Planning (Enforcement) (Inquiries Procedure) (England) Rules 2002

The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquires Procedure) (England) Rules 2002

The Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002

The Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002

The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2000

The Town and Country Planning (Hearings Procedure) (England) Rules 2000

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 The Hedgerows Regulations 1997

The Units of Measurement Regulations 1995

The Town and Country Planning (Crown Land Applications) Regulations 1995

The Compulsory Purchase of Land Regulations 1994 The Conservation (Natural Habitats) Regulations 1994

The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

The Town and Country Planning General Regulations 1992

The Planning (Listed Buildings and Conservation Areas) Regulations 1990

The Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990

The Town and Country Planning (Applications) Regulations 1988

For the avoidance of doubt the following applications in paragraphs 46 to 535 (inclusive) are delegated to be determined by Authorised Officers under delegated authority and unless expressly specified will not be determined by the Planning Committee unless submitted by, or on behalf of the Council, submitted by, or on behalf of the Foreshore Trust a serving elected Councillor or officer of the Council where the officer is employed in a politically restricted post and/or within the Council's planning service in accordance with paragraph 44(e) above.

~~46. Approval of any matters required to be submitted pursuant to conditions imposed on any permission, consent or approval given under the Town and Country Planning Acts.~~

~~47. All applications for prior determination for telecommunications apparatus.~~

~~48.~~46. All consents under the Tree Preservation Order Regulations.

~~49.~~47. All certificates of lawfulness of existing use or development or of proposed use or development.

~~50.~~48. To authorise enforcement action under the Town and Country planning legislation except:

- a. Where the Chair of the Planning Committee has referred the matter to the Planning Committee or any Councillor has given written notice to the Assistant Director Housing and Built Environment requiring the matter to be considered by the Planning Committee;
- b. If the expenditure likely to be incurred by the Council as a consequence of the action is not provided for in the Revenue Budget or authorised in accordance with this instruction.

~~51-49.~~ The making of emergency tree preservation orders and confirming them if no objections are received.

~~52-50.~~ Service of notices in respect of dangerous trees (Section 23 of the Local Government (Miscellaneous Provisions) Act 1976).

~~53-51.~~ The Council's functions in relation to high hedges under Part VIII Anti-Social Behaviour Act 2003.

~~54-52.~~ Service of requisitions for information about ownership and planning contravention notices seeking information about breaches of development control.

~~55-53.~~ Planning (Listed Buildings and Conservation Areas) Act 1990 including building preservation orders and temporary listings.

~~56-54.~~ Building control and land drainage: the Council's functions under the following legislation:

A.1 Building Act 1984 (as amended), including:-

Section 8 - Determination of applications for relaxation of or dispensation with building regulations

Section 16 - Passing or rejection of plans

Section 18 - Building over sewer

Section 19 - Use of short-lived materials

Section 20 - Renewal of period for short-lived materials

Section 24 - Provision of exits

Section 25 - Provision of water supply

Section 32 - Building plans

Section 35 - Penalty for contravention of building regulations

Section 36 - Removal or alteration of offending work

Sections 77 and 78 - Dangerous structures

Section 79 - Ruinous and dilapidated buildings

Section 81 - Counter notice following notice of demolition

Section 91 – Duties of Local Authorities

Section 95 - Powers of entry

Section 97 – Power to execute work

Section 99 - Prosecutions for non-compliance with notices

Section 113 - Prosecutions for offences

A.2 Building Regulations 1991

A.3 East Sussex Act 1981, including:-

Section 35 – Means of access to buildings for Fire Brigade – building plans

A.4 Hastings Borough Council Act 1988, including:-
Sections 4 and 5 - Retaining walls.

A.5 Building (Approved Inspectors) Regulations 1985 (as amended by the Building (Approved Inspectors etc.) Regulations 2000) , including:-
Section 8 - Notice of rejection of initial notice.

Land Drainage and Miscellaneous:-

A.6 Land Drainage Act 1991, including:-
Section 25 – Maintaining flow in watercourses

B. Anti-Social Behaviour Act 2003

Part 8 – High hedges.

C. Local Government (Miscellaneous Provisions) Act 1982 (as amended)

Sections 29-32 – Protection of Buildings

~~57-55.~~In relation to the delegations set out above it is intended to delegate the Council's functions fully to the Authorised Officer and his/her nominees as described in paragraphs 11 to 18 above.

D. Highways

Towns Improvement Clauses Act 1847 (Street Numbering)

Public Health Act 1925 (naming of streets to be subject to consultation with the relevant lead member)

Part 3c Assistant Director Regeneration and Culture

The Assistant Director Regeneration and Culture is the Council's proper officer for the purpose of the provisions of the legislation described in these instructions insofar as it provides for there to be a 'proper officer' or 'authorised officer' authorised to act for the Council including:

List of relevant Acts:

Planning and Compulsory Purchase Act 2004 (as amended)

Localism Act 2011

Town and Country Planning (Local Planning) (England) Regulations 2012

The Conservation of Habitats and Species Regulations 2010 (as amended)

Planning (Listed Buildings and Conservation Areas) Act 1990 - special controls in respect of buildings and areas of special architectural or historic interest.

Environmental Protection Act 1990 (as amended) - to make provision for the improved control of pollution and hazardous substances arising from industrial and other processes

Growth and Infrastructure Act 2013: use of infrastructure, the carrying-out of development, and the compulsory acquisition of land

List of relevant Statutory Instruments Regulations:

The Town & Country Planning (Local Planning) (England) Regulations 2012

The Conservation of Habitats & Species Regulations 2010 (as amended)

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007: is the principal legislative framework that controls the display of advertisements

The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015: raise the size thresholds for screening urban development and industrial estate projects

The Planning (Hazardous Substances) Regulations 2015: amend planning procedures in relation to sites where hazardous substances are held and land near those sites.

The Town and Country Planning (General Permitted Development) (England) Order 2015

The Neighbourhood Planning (General) (Amendment) Regulations 2015: The Localism Act 2011 provided a statutory regime for neighbourhood planning; updates the version published in 2012 in relation to the designation of neighbourhood areas and the submission of neighbourhood development plan proposals to local planning authorities.

Part 3d: Assistant Director Financial Services and Revenues Statutory Responsibilities

~~58.~~56. The Assistant Director Financial Services and Revenues (the Authorised Officer) is responsible for collection of local taxation and for advising the Council, Cabinet, and Directors and other Officers on these issues

~~59.~~57. The Assistant Director Financial Services and Revenues is designated as the Chief Financial Officer under Section 151 Local Government Act 1972 and the Proper Officer and Authorised Officer for the purposes of the following legislation:

- a. Collection of Taxation
- b. Local Government Finance Act 1992
- c. Council Tax (Administration and Enforcement) Regulations 1992
- d. Local Government Finance Act 1988 (as amended)
- e. Local Government Finance Act 1989 (as amended)
- f. Non-Domestic Rating (Collection and Enforcement) Regulations 1989
- g. Housing Benefit Regulations: determining claims for housing benefit; reviewing determination of claims; recovery of overpayments
- h. Council Tax Benefit: determining claims for benefit.

~~60.~~58. In relation to the delegations set out above it is intended to delegate the Council's functions fully to the Authorised Officer and his/her nominees as described in paragraphs 10 to 16 above.

Part 4: Matters Reserved to the Assistant Director Financial Services and Revenues as the Chief Finance Officer

Financial Responsibility

- ~~61-59~~. The Chief Finance Officer has responsibility for the financial administration of the Council's services and activities, and audit of them. For these purposes, the Chief Finance Officer shall be responsible for:
- a. Implementing the Council's financial policies and for coordinating any corrective action necessary to further these policies;
 - b. Ensuring that detailed financial procedures and systems incorporating the principles of separation of duties and internal checks are prepared,
 - c. documented and maintained to supplement these instructions;
 - d. Ensuring that sufficient records are maintained to show and explain the Council's transactions, in order to disclose, with reasonable accuracy, the financial position of the Council at any time;
 - e. The preparation and updating of Financial Rules for approval by the Council;

- ~~62-60~~. And, without prejudice to any other functions of Directors and employees to the Council, the duties of the Chief Finance Officer include:
- a. The design, implementation and supervision of systems of financial control; and
 - b. The preparation and maintenance of such accounts, certificates, estimates, records and reports as the Council may require for the purpose of carrying out its statutory functions.
 - c. The preparation and up-dating of the Financial Rules for approval by the Council.

Regulatory Responsibilities

- ~~63-61~~. The Chief Finance Officer has shared responsibility with the Director of Corporate Services and Governance for internal audit as set out in the Financial Rules.

Other Responsibilities

- ~~64-62~~. The Chief Finance Officer shall be responsible for financial administration and advice for any charities for which the Council has undertaken responsibility for their administration.

Discharge of Functions

- ~~65-63~~. The Chief Finance Officer is authorised to take action on behalf of the Council as set out below subject to any conditions or limitations shown:

- ~~66-64~~. Borrowing and Investment, including:-

- a. Carrying out borrowing of funds on the Council's behalf in accordance with the Council's strategy.

- b. Management of the Council's investment of funds not required for immediate use in accordance with the Council's Strategy and Treasury Management Practices.

| ~~67-65~~. Financial Approvals: to decide whether or not to give any approval required under these instructions or Regulations.

| ~~68-66~~. Mortgage Interest Rates: to fix interest rates for the purposes of Part XIV Housing Act 1985.

| ~~69-67~~. Benefit fraud investigation: authorising individual officers under Section 110A Social Security Administration Act 1992 (as amended):

- a. Section 109B and C: power to require information and rights of entry;
- b. Section 111: offence of dishonest representation for obtaining benefit;
- c. Section 112: offence of making a false representation for obtaining benefit;
- d. Section 115A: administrative penalties as alternative to prosecution.

| ~~70-68~~. Authorising individual officers under Section 110A Social Security Administration Act 1992 to exercise any of the powers set out in Section 109(B) (Power to require information) and 109C (Powers of entry) is delegated to the Chief Finance Officer only.

| ~~71-69~~. In relation to the delegations set out above it is intended to delegate the Council's functions fully to the Chief Finance Officer and his/her nominees as set out in paragraphs 10 to 16 above.

Part 5: General Delegation to the Directors

General Delegation to the Directors and his/her Nominees

- | ~~72.~~70. All matters not reserved to Council, Cabinet, Committees, or other Officers of the Council are delegated to the Directors and their nominees, subject to the provisions of law and this constitution, including the Financial Rules. Whilst the general delegation is to all Directors, acting individually, it is usual that the Director with responsibility for the particular service area or his/her nominee exercises the delegated authority.
- | ~~73.~~71. The Directors have overall executive responsibility for the Council's activities, but shall, as far as reasonably practicable, delegate the detailed responsibilities to others.

Statutory Responsibilities

- | ~~74.~~72. The Director of Corporate Services and Governance is the Council's Head of the Paid Service for the purposes of section 4 Local Government and Housing Act 1989 (as amended).
- | ~~75.~~73. The Director of Corporate Services and Governance is the Electoral Registration Officer.
- | ~~76.~~74. The Director of Corporate Services and Governance is the Returning Officer and is the proper officer under the Representation of the People Act 1983 (as amended).

Revenue Spending

- | ~~77.~~75. The Directors and their nominees have full powers to spend money in the revenue budget and revenue reserves as agreed by Council subject to the provisions of the Financial Rules.
- | ~~78.~~76. The Directors are responsible for the Council's work on income generation.

Capital Spending

- | ~~79.~~77. The Directors and their nominees are authorised to spend money in a capital budget on schemes and projects subject to the provisions of the Financial Rules.

Contract Administration

- | ~~80.~~78. The Directors and their nominees are authorised to invite and accept tenders and quotations, to place orders and enter into contracts subject to the provisions of the Financial Rules.

Personnel Management

- | ~~81.~~79. All matters pertaining to the management of staff are delegated to the Directors and his/her nominees provided:
 - a. Costs are contained within existing budget or authorised budget variations;

- b. Council approved policies, procedures and guidelines are complied with, though exceptions are authorised in individual cases;
- c. Matters relating to the terms and conditions of employment of the Directors are referred to the Employment Committee. The responsibility of those officers for the discharge of the authority's functions is referred to Cabinet.

Land and Property Management

~~82-80.~~ All matters pertaining to the management of Council owned or managed land, including purchase, disposal by sale or by lease or any other transaction involving land or property, the grant or refusal of requests for consents, licences or waivers with or without conditions, conduct of rent reviews, service of statutory or other notice, reference to arbitration or mediation whether as landlord or tenant, hiring or use of Council land (including public open space within the statutory limits), is delegated to the Director of Corporate Services and Governance subject to the provisions of the Financial Rules.

Financial and Other Assistance

~~83-81.~~ The Directors and their nominees are authorised to give grants, loans or other financial assistance in accordance with Council policy and criteria approved by Cabinet subject to the provisions of the Financial Rules.

Charges for Services

~~84-82.~~ The Directors and their nominees are authorised:-

- a. To approve charges to be made by the Council for providing any service or supplying any goods or documents or hire of land and premises or the making of a grant of any application whatsoever where a fee may be charged but is not fixed by law, in accordance with Council policies and any criteria approved by Cabinet, including waiving or reducing charges in particular instances
- b. To approve or respond to consultation on charges made by others under service contracts (e.g. Sport and Leisure Management Contract) in consultation with relevant Lead member.

Protecting Council Property

~~85-83.~~ The Directors and their nominees are authorised to prosecute, defend or settle any legal or other action to protect the Council's property or interests or to assert or enforce the Council's rights subject to the following limitations:

- a. Subject to the consent of the Chief Legal Officer.
- b. Settlement of any legal proceedings or threatened legal proceedings by or against the Council where the proposed settlement figure is over £50,000 to be with the consent of the Chief Finance Officer, Chief Legal Officer, relevant Assistant Directors, and in consultation with the relevant Lead member. In cases of urgency the consent of the Chief Finance Officer and Chief Legal Officer only shall be required.

Fixing of Hackney Carriage Fares (Local Government (Miscellaneous Provisions) Act 1976

| ~~86-84~~. Fixing of hackney carriage fares is delegated to the Director of Operations or his/her nominees subject to:

- a. Where there are no objections, consent of the relevant Assistant Directors and prior consultation with the relevant Lead member;
- b. Where there are objections Cabinet must agree.

Closure Order under Section 76 Anti-Social Behaviour, Crime and Policing Act 2014

| ~~87-85~~. Authorising closure of licensed premises is delegated to the Director of Operations and his/her nominees.

Regulation of Investigatory Powers Act 2000

| ~~88-86~~. The Director of Operations has co-extensive authority with the Chief Legal Officer to appoint authorising officers under the Regulation of Investigatory Powers Act 2000

Responding to outside parties

| ~~89-87~~. Responding to consultation invitations from outside parties, and commenting on any matters on behalf of the Council.

General

| ~~90-88~~. In relation to the delegations set out above it is intended to delegate the Council's functions fully to the Directors and their nominees as set out in paragraphs 10 to 16 above.

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**Hastings Borough Council
Constitution of the Council**

Part 9

Financial Rules

The Constitution, Part 9
 Financial Rules

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The Financial Rules

Application

1. The 'Financial Rules' are in four parts: Financial Regulations, Contracts Standing Orders, ~~and~~ Financial Authorisations and delegations.
2. These Financial Rules are the framework within which the Council's financial affairs are to be managed. Every councillor and Officer must comply with them. They are part of the policy framework of the Council and can only be changed with the approval of the Council.
3. The Chief Finance Officer may issue Finance Operating Procedures setting out the detailed application of these Financial Rules.
4. For advice on these Financial Rules or their application, contact the Chief Legal Officer or the Chief Auditor.

Responsibilities of Councillors and Officers

5. All councillors and Officers are responsible for ensuring that they are:
 - a. Aware of these Financial Rules.
 - b. Aware of the Finance Operating Procedures that apply to their work and responsibilities.
 - c. Complying with the Financial Rules and Finance Operating Procedures.
6. All councillors and Officers are accountable for the security of resources under their control, and for ensuring that:
 - a. The use of these resources is legal, properly authorised, and achieves best value.
 - b. Resources are used with the minimum possible level of waste, inefficiency or loss.
 - c. Resources are used only in the course of the Council's business, and that where there is specific permission for personal use, (e.g. telephone, Internet), such use is reasonable, lawful, and within any prescribed limits.
7. All councillors and Officers must carry out, and account for, all financial transactions with due care, promptly, accurately, honestly, and adhering to the Finance Operating Procedures issued by the Chief Finance Officer.
8. All councillors and Officers are accountable for ensuring that their claims for allowances and reimbursement of expenses include only expenses and allowances that were authorised, and that were actually and necessarily incurred in the performance of their duties.

Financial Rules Part 1: Financial Regulations

Budget Managers

9. In these Financial Rules, “Budget” means any revenue budget allocation or any budget allocation for a capital project. “Budget Manager” means the Officer named as the person accountable for a revenue budget or budget for a capital project.
10. Budget Managers are accountable for ensuring that budget allocations are not overspent and that significant variances, or anticipated variances, from approved budgets are investigated and reported to Chief Officers promptly.

Chief Officers and their Authorised Officers

11. For the purposes of these Financial Rules, the term “Chief Officer” includes any Officer authorised by him/her to act on his/her behalf. The delegation may be made explicitly by means of an e-mail or written document, or may be implicit in a job title, job description or general responsibility for a function, operation or activity.
12. For the purposes of the Financial Rules, “Chief Officer” means the Officers set out in the Constitution Part 8 Standing Instructions to Chief Officers. It includes the Directors and the Chief Finance Officer where appropriate.
13. Chief Officers are accountable for ensuring that:
 - a. All staff in their directorates are aware of the existence and content of these Financial Rules, and of the sections of the Finance Operating Procedures that apply to their area of work.
 - b. Copies of these Financial Rules are available (physically or electronically) for reference within their directorates and that their staff comply with them.
 - c. Procedures are in place within their directorate to identify, assess, contain or accept risks, and that these procedures are operating effectively, and periodically reviewed.
 - d. Income and expenditure are properly recorded and accounted for.
 - e. A proper scheme of financial delegation, approved by the Director of Corporate Resources and Governance and the Chief Finance Officer, has been established within their directorate and is operating effectively. The scheme of delegation should identify staff authorised to act on the Chief Finance Officer’s behalf in respect of budget management, payments, income collection, placing orders, and other aspects of these Financial Rules as appropriate, together with any limits of their authority.
 - f. The Finance Operating Procedures issued by the Chief Finance Officer are complied with within their directorates.
 - g. Adequate records are maintained to provide a management trail leading from the source of income/expenditure through to the accounting statements.
 - h. Any inappropriate use of Council resources is identified and action taken.
 - i. All records are up to date and available for inspection.

- j. Internal and external auditors are given access at all reasonable times, and are promptly provided with any information and explanations that they require in the course of their work.
- k. Budgetary control is maintained within their Directorates and there is a named Budget Manager for each cost-centre.
- l. Budget responsibility is aligned with the decision-making that commits the expenditure on that budget, so that Budget Managers are accountable only for income and expenditure that they can control.
- m. Performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.
- n. Items for disposal are identified and disposed of at the most appropriate time, and only when it is in the best interests of the authority. The best price is obtained (where possible by public auction or tender), bearing in mind other factors, such as environmental issues.
- o. All staff in their directorates are aware of the existence and content of the Council's Anti-Fraud and Confidential Reporting Policy, and comply with it, and that copies are available (physically or electronically) for reference within their directorates.
- p. The Chief Auditor is informed immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources.
- q. All goods and services are ordered only by appropriate persons and are correctly recorded, and that all goods and services are ordered in accordance with the contract standing orders with the Finance Operating Procedures issued by the Chief Finance Officer.

Internal Audit

14. The Chief Finance Officer and the Director of Corporate Services and Governance are accountable for ensuring that:
- a. Internal audit is independent in its planning, operation, and reporting.
 - b. Internal and external auditors have unrestricted access to all functions, systems, records, explanations, property and personnel, for the purpose of carrying out an audit, investigation or reasonable enquiry.
 - c. The Chief Auditor may report unedited under his/her own name to any level of management, and to any committee.

Financial Rules Part 2: Contracts Standing Orders

Contracts Policy

15. The policy of Hastings Borough Council is to ensure that all works, goods and services:
- a. Are obtained honestly and openly.
 - b. Are appropriate for the purpose for which they are obtained.
 - c. Offer the most advantageous balance of quality and price.
 - d. Are consistent with the policies of the Council.

Definitions

16. **Contract** means a legally binding agreement under which the Council receives the benefit of, or incurs the liability for:

- a. The payment of money.
- b. The performance of services.
- c. The execution of work.
- d. The supply of goods or materials.
- e. The transfer of an interest in land.

17. **Authorised Officer** means a Chief Officer authorised by the Council or these Contract Standing Orders to act on the Council's behalf in connection with a contract. It includes any Officer authorised to act on his/her behalf.

18. **Consultancy** means an engagement to advise the Council corporately or in respect of a particular service delivered by the Council, where the advice relates to the development of strategies, or the infrastructure, or internal management of Council divisions, e.g. with a view to achieving better performance and service delivery. The consultant is to be distinguished from the contractor for professional services whose function is to be instrumental in the delivery of the particular Council service e.g. supervising architects on capital projects, locums and agency staff, counsel instructed by the Chief Legal Officer in the pursuit or defence of the Council's interest.

19. All other definitions are as contained in the Articles of the Constitution.

Responsibilities

20. Chief Officers are responsible for ensuring that:

- a. A proper scheme of delegation has been established within their area of responsibility and is operating effectively. The scheme of delegation should identify staff authorised to act on the Chief Officer's behalf (referred to in these regulations as the "authorised Officer") in respect of these contract standing orders, together with any limits of their authority, and arrangements covering the absence of authorised officers.
- b. Best value is obtained from the procurement of goods, works and services by taking appropriate steps to obtain competitive prices for goods, works and services of the appropriate quality, in line with best value principles.
- c. All staff in their directorates are aware of the existence and content of these Contract Standing Orders and the relevant Finance Operating Procedures. Chief Officers must ensure that copies are available (physically or electronically) for reference within their directorates and that their staff comply with them.

Legality

21. All contracts and tendering procedures must comply with English Law and where appropriate the requirements of European Union Directives on public contract procurement.

Packaging of contracts

22. No contract may be divided into smaller components for the purpose of avoiding the requirements of these Contract Standing Orders or the relevant Finance Operating Procedures.

Tendering

23. Tendering procedures as set out in part 2 of the Finance Operating Procedures must be followed.

Exemptions from Tendering

24. It is obligatory to invite tenders as set out in the Finance Operating Procedures. Exemptions from tendering may be subject to scrutiny by internal or external audit, and/or the Overview and Scrutiny Committee.

Contracts to be in writing

25. Every contract shall be in writing except for purchases using petty cash or other small cash transactions that would not in the ordinary course of business be reduced to writing.

26. Every contract shall be in a form approved by the Chief Legal Officer or in accordance with guidance as to the form of contracts issued by the Chief Legal Officer from time to time and shall be signed by the Chief Legal Officer or an officer authorised in writing to sign by the Chief Legal Officer.

Financial Rules Part 3: Financial Authorisations from Cabinet to the Directors and their nominees

General Financial Authorisation

27. The Directors and their nominees have full powers to spend money in revenue budgets, capital budgets, and revenue reserves, provided that the cost/expenditure:
- a. Is in accordance with and for the implementation of Council policy and any resolution of the Cabinet, **and**
 - b. Is in compliance with all relevant legal requirements, **and**
 - c. Can be met from allocated revenue or capital budgets, or reserves, **and**
 - d. Is within the provisions of these Financial Rules including, where appropriate, the requirements for consultation and approval set out in Table A.
28. This power includes the invitation and acceptance of tenders and quotations, the placing of orders and the power to enter into contracts subject to the provisions of these Financial Rules.

Exceptions to the General Financial Authorisation

29. The power to act of the Directors and his/her nominees does not include:
- a. Making exceptions from the budget approved by the Cabinet or the Council unless expressly authorised under these Financial Rules
 - b. Authorising any expenditure otherwise than in accordance with the Financial Rules unless expressly authorised to do so by the Council or the Cabinet.
30. The Directors and their nominees acting under these financial authorisations shall ensure that the relevant Portfolio Holder is made aware of all issues of significant public interest or sensitivity before taking action.
31. The Directors and their nominees are not obliged to exercise the powers delegated to them under these instructions and may, whenever they deem it appropriate, consult the relevant Portfolio Holder or refer the matter to the Cabinet for decision.

Table A: Exceptions to the General Authorisation from Cabinet to the Directors and their nominees

To facilitate future revisions, authorisation levels are given in 4 bands:

Bands

Band 1 - Up to £50,000.

Band 2 - From £50,000 to £100,000.

Band 3 - From £100,000 to £200,000.

Band 4 - Over £200,000

Budgets and spending consents required:

32. Spending from a revenue reserve not previously authorised by [Cabinet or Council](#)-~~Chief Finance Officer~~:

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 4 - Cabinet.

33. Virement within the revenue budget of a Chief Officer

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer.

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance.

Band 4 - Cabinet.

34. Virement between revenue budgets of different Chief Officers

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 4 - Cabinet.

35. Transfer of provision between capital budgets in approved capital programme

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 4 - Cabinet.

36. Carry forward of under-spending in revenue budgets from one year to the next

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 4 - Cabinet.

37. Use of contingency provisions to finance supplementary estimates

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 4 - Cabinet.

38. Increase in cost of a capital scheme in approved capital programme and authorised to proceed

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance (nominees require the authorisation of the Director of Corporate Services and Governance).

Band 4 - Cabinet.

39. Writing off irrecoverable sums :

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer.

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance.

Band 4 - As for band 3.

40. Any actions outside of Financial Rules or Finance Operational Procedures

Band 1 - Chief Finance Officer.

Band 2 - Chief Finance Officer.

Band 3 - Chief Finance Officer.

Band 4 - As for band 3.

41. New or substituted capital schemes

Band 1 - Cabinet.

Band 2 - Cabinet.

Band 3 - Cabinet.

Band 4 - As for band 3.

42. Any actions not in accordance with Council policy or any resolution of the Cabinet

Band 1 - Cabinet.

Band 2 - Cabinet.

Band 3 - Cabinet.

Band 4 - As for band 3.

Grants, loans, [guarantees and](#) financial assistance

43. Renovation and other [housing specific](#) grants under the Housing Grants Financial Policy

Band 1 - Director for Operational Services or his/her nominee may act.

Band 2 - Director for Operational Services or his/her nominee may act in consultation with Chief Finance Officer .

Band 3 - In consultation with Portfolio Holder for Finance and Chief Finance Officer.

Band 4 - Cabinet

Other grants, loans, guarantees and financial assistance

44. Renovation and other grants under the Housing Grants Financial Policy

Band 1 - Chief Finance Officer.

Band 2 - Cabinet.

Band 3 - Cabinet.

Band 4 - Cabinet.

Land and Property

44. Settlement of rent reviews (increase in annual rent not the total amount of rent)

Band 1 – Director of Corporate Services and Governance or his/her nominee may act.

In this section, land values are the annual rent or proposed annual rent.

45. Authorising disposal by lease not previously authorised by Council or Cabinet. In this section, land values are the annual rent or proposed annual rent (and not the total amount of rent).

Band 1 - Director of Corporate Services and Governance or his/her nominee may act.

Band 2 - Chief Finance Officer and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 3 - Cabinet.

Band 4 - As for band 3.

46. Approving terms for grant or renewal of leases or any other property transaction of Council land or buildings and the settlement of rent reviews. In this section, land values are the annual rent or proposed annual rent (and not the total amount of rent).

Band 1 - Director of Corporate Services and Governance or his/her nominee may act.

Band 2 - Chief Finance Officer and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 3 - Cabinet.

Band 4 - As for band 3.

47. Authorising any other property transactions relating to the Council's land and approving terms including renewals. [In this section, land values are the annual rent or proposed annual rent \(and not the total amount of rent\).](#)

Band 1 - Director of Corporate Services and Governance Corporate Resources or his/her nominee may act.

Band 2 - Chief Finance Officer and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 3 - Cabinet.

Band 4 - As for band 3.

48. Authorising the acquisition by lease of land or buildings and approval of terms. [In this section, land values are the annual rent or proposed annual rent \(and not the total amount of rent\).](#)

Band 1 - Director of Corporate Services and Governance or his/her nominee may act.

Band 2 - Chief Finance Officer and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 3 - Cabinet.

Band 4 - As for band 3.

49. Forfeiture of leases and tenancies or serving notice to quit or similar to obtain vacant possession. [In this section, land values are the annual rent or proposed annual rent \(and not the total amount of rent\).](#)

Band 1 - Director of Corporate Services and Governance or his/her nominee may act.

Band 2 - Chief Finance Officer and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 3 - Cabinet.

Band 4 - As for band 3.

50. Appropriation from one statutory function to another. In this section, land values are the annual rent or proposed annual rent (and not the total amount of rent).

Band 1 - Director of Corporate Services and Governance or his/her nominee may act.

Band 2 - As for band 1.

Band 3 - Chief Finance Officer, and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 4 - Cabinet.

45.51. Authorising disposal by sale not previously authorised by Council or Cabinet.

Band 1 - Director of Corporate Services and Governance or his/her nominee may act.

Band 2 - As for band 1.

Band 3 - Chief Finance Officer, and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 4 - Cabinet.

46.52. Authorising the acquisition by purchase of land or buildings and approval of terms.

Band 1 - Director of Corporate Services and Governance or his/her nominee may act.

Band 2 - As for band 1.

Band 3 - Chief Finance Officer, and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 4 - Cabinet.

53. Dilapidations claims and settlement including authorising the service of notice, actioning claims and settlement of works and dilapidation or payment in lieu. In this section, land values are the annual rent or proposed annual rent (and not the total amount of rent).

Band 1 - The Director of Corporate Services and Governance or his/her nominee may act.

Band 2 - As for band 1.

Band 3 - Chief Finance Officer, and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 4 - Chief Finance Officer, and Chief Legal Officer in consultation with Portfolio Holder for Finance. Cabinet.

| ~~47.54.~~ Where the sale is other than by acceptance of the highest tender

Band 1 - Chief Finance Officer.

Band 2 - As for band 1.

Band 3 - Chief Finance Officer and Chief Legal Officer in consultation with Portfolio Holder for Finance.

Band 4 - Cabinet.

Management Consultancy

| ~~48.55.~~ As defined in paragraph 18 above.

Band 1 - The responsible Director may act (nominees require the authorisation of the responsible Director).

Band 2 - Chief Finance Officer (nominees require the authorisation of the responsible Director).

Band 3 - Chief Finance Officer in consultation with Portfolio Holder for Finance (nominees require the authorisation of the responsible Director).

Band 4 - As for band 3.

Financial Rules Part 4: Delegation of Financial Authorisations from the Directors through Chief Officers to Budget Managers

General Authorisations

- | ~~49.~~56. The Directors have overall executive responsibility for the Council's activities but shall, as far as reasonably practicable, delegate financial responsibilities through the Chief Officers to Budget Managers as set out in the Financial Rules Part 1 paragraph 13(f)

- | ~~50.~~57. The Directors authorise Budget Managers to commit expenditure for the management and administration of the Council's assets, operations, and staff, where the cost/expenditure:
 - a. Is in accordance with and for the implementation of Council policy and any resolution of the Cabinet, and
 - b. Can be met from allocated revenue or capital budgets, or reserves, and
 - c. Is within the provisions of these Financial Rules, and
 - d. Is within the scheme of financial delegation of his/her Chief Officer as described in the Financial Rules Part 1 paragraph 13(f).

Exceptions to General Authorisations

- | ~~51.~~58. Budget Managers act as nominees of their respective Directors. Therefore, **Budget Managers must comply with the exceptions set out in Part 3 Table A.** For these exceptions the Budget Manager must obtain the required approval prior to commitment of the expenditure.

- | ~~52.~~59. The detailed application of these authorisations is set out in the Finance Operating Procedures.

- | ~~53.~~60. Different procedures and authorisation requirements apply to contracts for goods, works, and services. These are detailed in the Finance Operating Procedures Part 2.

Agenda Item 11

Cabinet Agenda

Monday, 2 September 2019 at 6.00 pm

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

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5. Management Response to Overview & Scrutiny Review of Regeneration Funding <i>(Simon Hubbard, Director of Operational Services)</i> <i>(Cabinet Decision)</i>	59 - 68
6. Central St Leonards Renewal Area Exit Review <i>(Andrew Palmer, Assistant Director Housing and Built Environment)</i> <i>(Cabinet Decision)</i>	69 - 122
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8.	Urgent Items	
a)	12/13 York Buildings (Part 1) <i>(Peter Grace, Assistant Director, Financial Services and Revenues)</i> <i>(Cabinet Decision)</i>	125 - 154
	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	
b)	12/13 York Buildings (Part 2) <i>(Peter Grace, Assistant Director, Financial Services and Revenues)</i> <i>(Cabinet Decision)</i>	155 - 178

Cabinet Agenda

Monday, 7 October 2019 at 6.00 pm

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

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5.	Polling Places Review 2019 <i>(Jane Hartnell, Director of Corporate Services and Governance)</i> <i>(Council Decision)</i>	29 - 70
6.	Land at Whitworth Road <i>(Peter Grace, Assistant Director, Financial Services and Revenues)</i> <i>(Cabinet Decision)</i>	71 - 76
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8.	Churchfield Business Centre <i>(Peter Grace, Assistant Director, Financial Services and Revenues)</i> <i>(Cabinet Decision)</i>	85 - 88

9.	Old Town Hall <i>(Peter Grace, Assistant Director, Financial Services and Revenues)</i> <i>(Cabinet Decision)</i>	89 - 92
10.	Cornwallis Street Car Park - Potential Development <i>(Peter Grace, Assistant Director, Financial Services and Revenues)</i> <i>(Cabinet Decision)</i>	93 - 102
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12.	Museum Committee Recommendations <i>(Victoria Conheady, Assistant Director, Regeneration and Culture)</i> <i>(Cabinet Decision)</i>	157 - 164
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