

# Public Document Pack

## MANAGING DIRECTOR DECISIONS

23 MARCH 2020

### **249. DECLARATIONS OF INTEREST**

The Managing Director declared no interests.

### **250. ENERGY PROCUREMENT**

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

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

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

The report presented two options:

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

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

Under the emergency powers set out in Part 4 of the Council's Constitution the Managing Director made the decision in consultation with the following members of

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Cabinet: Cllr Forward, Cllr Fitzgerald, Cllr Batsford, Cllr S Beaney, Cllr Chowney, Cllr Evans, Cllr Rogers, Cllr Lee and Cllr Patmore.

### **RESOLVED –**

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

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

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

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

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

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

They have requested that they need an indication of commitment by the end of March 2020 as they are unable to undertake any purchases until the contracts are in place

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which can take some time in terms of drafting the documentation based on each authority`s individual requirements.

### **251. SELECTIVE LICENSING**

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

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

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

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

### **RESOLVED -**

1. That Cabinet considers the evidence base and outcome of the consultation on a replacement selective licensing scheme as set out in Appendix 1 & 2 of this report
2. That subject to Secretary of State approval, a new 5-year selective licensing scheme (as designated under section 80(7) of the Housing Act 2004) covering all

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privately rented dwellings in the 6 wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Tressell is introduced on completion of the current 2015 selective licensing scheme in October 2020.

3. That the rationale for a replacement scheme is supported on the grounds of the higher than average levels of privately rented accommodation and the poor property conditions that exist in those wards

4. That Cabinet delegate to the Assistant Director Housing and Built Environment responsibility for agreeing the final document requesting confirmation of the selective licensing designation from the Ministry of Housing, Communities and Local Government (MHCLG) in consultation with the Chief Legal Officer.

5. That the licensing conditions proposed in Appendix 5 of this report are agreed.

6. That the proposed fee structure in Appendix 3 of this report is adopted.

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

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

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

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3. In all the six wards selected for the proposed 2020 Scheme the proportion of the private rented sector homes is greater than the national average. In three of the wards (namely Castle, Central St Leonards and Gensing) more than half of the properties are privately rented. Whilst the evidence from the review of the 2015 Scheme has identified an improvement in anti-social behaviour in those wards, there remain serious issues with regards to housing conditions in the private rented sector within those wards. Over 31% of homes in the area covered by the 2015 scheme do not meet the decent homes standard and almost 14% have a category one hazard (that being a hazard to the occupants of the property that would require the council to intervene).
4. Applications to the Secretary of State for confirmation of a selective licensing scheme are required to be made in a prescribed form.
5. The Housing Act 2004 allows the council to include conditions on licenses that regulate the condition, contents, management, use and occupation of the house concerned.
6. As with the 2015 Scheme it is proposed to charge a fee to cover the cost of running the new scheme. The proposed fees have been set to achieve a balance between ensuring that the council can operate a successful, properly funded and adequately resourced scheme whilst keeping fees to the minimum level for landlords. The Council cannot by law profit from the scheme and proposes to apply the principle of full cost recovery.

### **252. CLIMATE EMERGENCY**

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

The development of the plan has been aligned with national legislation and policy including the Climate Act 2008; the Industrial Strategy; the Clean Growth Strategy; Road to Zero and the Future of Heating. The plan also aligns with the regional policy Energy South2East (LEP strategy) and the draft Local Industrial Strategy and has

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taken into account future policy drivers including the update to Building Regulations (Part L) and the Future Homes Standard.

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

### **RESOLVED –**

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

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

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

# Minute Annex

## Managing Director Decision Record

Part 4 of the Council's Constitution  
Emergency Powers



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

**Item:** Energy Procurement

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

**Decision type:** Cabinet

### **Decision:**

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

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

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

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

### **Reasons:**

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

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



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

**Decision made in consultation with:**

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

Signed:



Jane Hartnell  
Managing Director  
Hastings Borough Council



# Managing Director Decision Record

Part 4 of the Council's Constitution  
Emergency Powers



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

**Item:** Selective Licensing 2020

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

**Decision type:** Cabinet

## **Decisions:**

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



## Reasons:

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

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

**Decision made in consultation with:**

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

Signed:



Jane Hartnell  
Managing Director  
Hastings Borough Council

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# Managing Director Decision Record

Part 4 of the Council's Constitution  
Emergency Powers



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

**Item:** Climate Emergency Plan

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

**Decision type:** Cabinet

## **Decision:**

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

## **Reasons:**

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

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

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

Signed:

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

Jane Hartnell  
Managing Director  
Hastings Borough Council