

# Cabinet Agenda

Monday, 1 March 2021 at 6.00 pm

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# Agenda Item 3

CABINET

8 FEBRUARY 2021

Present: Councillors Forward (Chair), Fitzgerald (Vice-Chair), Barnett, Batsford, Chowney, Evans, O'Callaghan and Rogers.

## **304. APOLOGIES FOR ABSENCE**

None.

## **305. DECLARATION OF INTERESTS**

None.

## **306. MINUTES OF LAST MEETING**

**RESOLVED** – that the minutes of the Cabinet meeting held on 4<sup>th</sup> January 2021 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 307 are agreed without being called for discussion.

## **307. PAY POLICY STATEMENT 2021/22**

The Managing Director submitted a report to approve the Pay Policy Statement 2021/2022, as required by the Localism Act 2011.

The majority of the statement reflects current policy, practice and procedures adopted by the Council and it is cross referenced to other documents including the Council's severance scheme and transparency requirements.

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

### **RESOLVED:**

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

#### **Reason:**

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

## **308. CHURCHFIELDS BUSINESS CENTRE - INCUBATOR UNITS**

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The Assistant Director, Financial Services and Revenues, presented a report to consider whether the Council wishes to proceed with the development of incubator units at Churchfields Business Centre. If agreed an increase in the Capital budget allocation would be required, which is a decision of Full Council.

The Council included the scheme in its Capital programme when determining its budget in February 2020 at an initial estimated cost of £3.3m (includes £800,000 of external funding).

As the project has developed a number of additional opportunities have arisen to increase the deliverables. The specification of the build has been amended to meet higher sustainability criteria, and the project scope has been amended to include works that will facilitate a second phase of investment for additional units.

The most significant change is that the scheme has been included as 'a shovel ready' project in the Town Investment Plan (TIP) submission to Government for funding as part of the Town Deal programme. The TIP identifies that investment in the town's employment and enterprise infrastructure is essential to drive economic growth. Whilst none of the funding requests from this programme can be guaranteed at this stage, the additional £750,000 'ask' for this scheme would significantly reduce the council's overall costs.

Councillor Chowney proposed approval of the recommendation, seconded by Councillor Fitzgerald.

### **RESOLVED (unanimously):**

**Cabinet recommend to full Council that the scheme proceeds and that the Capital budget be increased to £4.5m (an increase of £1.2m), in the knowledge that there is a potential funding source of up to £750,000 if the Town Investment Plan is successful and the full funding ask is allocated.**

### **Reason:**

The land is allocated for employment use in the Development Management Plan (DMP). Significant external funding has been obtained for a development which will increase the availability of high-quality business premises, enabling business growth, retention and churn by improving the local employment and enterprise infrastructure. Employment growth is dependent on having new industrial space available and this project supports the wider market and inward investment demands.

### **309. COVID-19 UPDATE**

The Managing Director provided a brief updated on the Covid-19 pandemic and informed the Cabinet that the national lockdown is having an impact locally. Rates of new infection in Hastings are reducing in line with the England average. However, the number of infections, and the number of people in hospital with Covid-19, is still far too high.

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Hastings Borough Council is working closely with local NHS colleagues to get information and communications about the vaccination programme to residents. This is important to enable those in the top 4 most at-risk groups to get vaccinated as easily and quickly as possible. It is becoming clear that in the next phase of the vaccination programme there will be a far greater role for local authorities. Vaccinating the remaining cohorts will be a complex logistical effort and councils are best placed to support and facilitate the programme locally.

The Council has been watching closely how other areas have undertaken surge testing due to the South African variant. Issues of trust and local knowledge will be key to the success of a mass testing programme and plans are in place should such testing be required in Hastings.

Issues of stress, fatigue, and mental health are rising across staff in the public and voluntary sectors. However, colleagues and partners are committed to helping local people and businesses and will continue to do their very best in these extraordinary times.

(The Chair declared the meeting closed at 6.17pm)

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## BUDGET CABINET

8 FEBRUARY 2021

Present: Councillors Forward (Chair), Fitzgerald (Vice-Chair), Barnett, Batsford, Chowney, Evans, O'Callaghan and Rogers.

### 310. APOLOGIES FOR ABSENCE

None.

### 311. DECLARATION OF INTERESTS

None.

### 312. MINUTES OF LAST MEETING

Minutes of the last meeting not yet available.

**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 numbers 313 and 315 are agreed without being called for discussion.

The Leader of the Council confirmed for the benefit of the public that those items not called for discussion at this meeting will be discussed and voted on by all Councillors at the Budget Council meeting on 17<sup>th</sup> February 2021.

### 313. CORPORATE PLAN DRAFT ANNUAL UPDATE AND DRAFT BUDGET CONSULTATION RESPONSES 2021/22

The Managing Director submitted the draft annual update to the Council's Corporate Plan 2020-24.

The annual update reflects the changes in the context within which the Council is now working and summarises some of the key activities that will be undertaken in 2021/22.

The report also presents a summary of the feedback and responses from local consultation on the draft corporate plan annual update and draft budget.

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

#### **RESOLVED:**

**1. That Cabinet recommends to Full Council, to note and approve the draft annual update to the corporate plan 2020-24, subject to the proviso that any significant amendment made to the council's draft budget be reflected in the update.**

**2. That delegated authority be given to the Managing Director, after consultation with the Leader of the Council to make further revisions as is considered necessary, to reflect decisions made on the council's budget.**

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### **3. That all those who submitted views as part of the consultation process be thanked for their contributions.**

#### Reasons:

The council needs to approve the annual update to the corporate plan as its statement of strategic direction for the period 2020 - 2024, mindful of the views received as part of the public consultation.

#### **314. REVENUE BUDGET 2020/21 REVISED AND 2021/22, PLUS CAPITAL PROGRAMME 2021/22 - 2023/24**

The Chief Finance Officer introduced the report to present the revised revenue budget for 2020/21 and a budget for 2021/22. The revised budget for 2020/21 takes account of the known variations to expenditure and income streams that have occurred since setting the budget in February 2020.

The Covid-19 pandemic has had a significant effect on the Council's income streams and expenditure. The Capital Programme has also been impacted with delays and additional costs arising from Covid-19. The report identifies that a balanced budget can be achieved in 2021/22 although this involves using £1.483m of reserves. The forecast deficit for 2022/23 is £2.2m, in 2023/24 and 2024/25 it is estimated at £2.5m.

The Chief Finance Officer confirmed that both Council Tax and Business Rates income have been impacted and this will likely continue into next year. Government support for individuals and businesses, including the furlough scheme, has meant that many people have not had to claim for the Council Tax Reduction Scheme. However, as support winds down over the next few months an increase in the cost of the scheme can be expected in 2021/22.

Due to prudent decision making the Council has sustained adequate financial reserves to cover the forecast deficit for the next financial year whilst maintaining the agreed minimum level of reserves. Thereafter unless there is an increase in support from central government substantial savings will need to be identified.

If the recommendations are approved by Council, there will be an increase in the Borough's part of the Council Tax in 2021/22 of 1.99%.

Both the Chief Finance Officer and Leader of the Council thanked the finance team and other services for their efforts in producing the budget and identifying savings.

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

#### **RESOLVED (unanimously):**

**Cabinet recommends that full Council:-**

**(i) Approve the revised revenue budget for 2020/21 (Appendix A).**

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- (ii) Approve the draft 2021/22 revenue budget (Appendix A)**
- (iii) Approve a 1.99% increase in the Borough Council's part of the Council Tax.**
- (iv) Agree that car parking charges remain frozen for 2021/22**
- (v) Agree that the absolute minimum level of reserves that shall be retained be £6m (plus General Fund Balance).**
- (vi) Approve the Capital Programme 2020/21 (revised) to 2023/24 (Appendix P).**
- (vii) Approve the proposed expenditure from the Renewal and Repairs Reserve, and Information Technology Reserve (Appendices J and I respectively) and those items from other reserves shown in Appendix H that can proceed without further reference to Cabinet or Council.**
- (viii) Approve that the use of the monies in the budget and Reserves for "Invest to Save" schemes be determined by the Chief Finance Officer in consultation with the Leader of the Council.**
- (ix) Agree that the Council does not seek to undertake any capital project/scheme purely for yield that would prevent the Council from borrowing either commercially or from the PWLB.**
- (x) Approve the revised Land and Property Disposal Programme (Appendix L) and agree that disposals can be brought forward if market conditions make it sensible to do so.**
- (xi) Agree that where a Capital scheme involves a net increase in overall revenue costs to the Council, or where any guarantee is to be provided which does, or could, incur costs for the Council, such decisions continue to be made by full Council.**
- (xii) Agree that, no Council properties or land be disposed of, either by sale or long leasehold, at less than market value without further express approval by Full Council.**
- (xiii) Agree that schemes marked with an asterisk in the Capital Programme can proceed without further reference to Cabinet or Council.**
- (xiv) Agree that work on Priority Income and Efficiency Reviews (PIER) through the Strategic Oversight and Planning Board should continue, and where possible identify a sustainable budget for a period in excess of one year. A mid-year review, for members and officers, to be undertaken in the light of the continuing severe financial pressures.**
- (xv) Approve the detailed recommendations in Appendix M, which relate to the setting of Council Tax in accordance with Sections 31 to 36 of the Local Government Act 1992 (Appendix M – to be provided/updated for full Council).**

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**(xvi) Approve that the budget be amended as necessary to reflect the final grant figures including Disabled Facility Grants - once received.**

**(xvii) Full Council adopt the existing Council Tax Support scheme subject to amendments to allowances in line with national changes. Determination of the allowances to be delegated to the Chief Finance Officer in line with prior year practice.**

### Reasons:

1. The Council must by law set a balanced budget. It will have used the remainder of its Transition Reserve along with some of the General Reserve to fund 2020/21 expenditure.
2. A major overhaul of the funding mechanism for local authorities has again been postponed and when combined with a one year Spending Review, continues to provide considerable uncertainty on funding for 2022/23 and beyond.
3. Despite identifying Priority Income and Expenditure Review (PIER) savings of £484,000 these are insufficient to balance the budget in 2021/22 without the use of General and other Reserves. Further significant savings need to be found during 2021/22 in order to reduce the call on the General Reserves, achieve a balanced budget, and ensure that reserve levels can be maintained at above the minimum recommended level.
4. The Council needs to be in a position to match its available resources to its priorities across the medium term and to maintain sufficient reserves and capacity to deal with potentially large and unexpected events in addition to fluctuations in income and expenditure levels – as highlighted by the Covid-19 crisis. In the light of increased in-year spend on temporary accommodation this requires a much greater degree of service cuts elsewhere and spend within housing areas must remain under regular review.
5. The Council remains exposed to a much greater degree of volatility in terms of its income from Non Domestic Rates and expenditure in terms of Council Tax Support claims – the cost falling directly on the Council and the preceptors. The potential downside risks of Brexit and the increased reliance on income streams provide greater volatility to the Council's funding. On top of this is the impact of covid-19 and an economic downturn.
6. The government have provided additional funding for 2020/21 which has significantly helped the financial position and there are some additional measures that will assist with the 2021/22 position; These are detailed later in the report.

### **315. TREASURY MANAGEMENT, ANNUAL INVESTMENT STRATEGY AND CAPITAL STRATEGY 2021/22**

The Assistant Director, Financial Services and Revenues, submitted a report to consider the draft Treasury Management Strategy, Annual Investment Strategy,

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Minimum Revenue Provision (MRP) Policy and Capital Strategy and make recommendations to full Council as appropriate.

This is to ensure that there is an effective framework for the management of the Council's investments, cash flows and borrowing activities prior to the start of the new financial year.

The Council is expected to have some £64.69 million of debt (as at 31 March 2021), and investments which can fluctuate between £15m and £30m in the year. The level of debt is set to increase to some £92m by 2022/23.

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

### **RESOLVED:**

**Cabinet recommend to Budget Council that:**

- 1. The Council approve the Treasury Management Strategy, Minimum Revenue Provision (MRP) Policy, Annual Investment Strategy, and the Capital Strategy.**
- 2. The strategies listed are updated as necessary during 2021/22 in the light changing and emerging risks and the Council's evolving future expenditure plans.**
- 3. The Financial Rules and the Financial Operating Procedures of the Council are reviewed and revised as necessary to meet the requirements of the Code of Practice.**

### **Reasons:**

1. The Council seeks to minimise the costs of borrowing and maximise investment income whilst ensuring the security of its investments. The Council continues to make substantial investments in commercial property, housing and energy generation initiatives, and this will continue to involve the Council in taking on additional borrowing.
2. The sums involved are significant and the assumptions made play an important part in determining the annual budget. The CIPFA Treasury Management Code of Practice (2017 Edition), adopted by the Council last year, was released to take account of the more commercialised approach being adopted by councils and the enhanced levels of transparency required. The Code represents best practice and helps ensure compliance with statutory requirements.
3. The Council has the ability to diversify its investments and must consider carefully the level of risk against reward against a background of historically very low interest rates. Investments can help to close the gap in the budget in the years ahead and thus help to preserve services, assist in the regeneration of the town, provide additional housing and enhance the long-term sustainability of the town. However, over reliance

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on such income streams would involve taking unnecessary risks with the future of the Council and its ability to deliver statutory services.

(The Chair declared the meeting closed at 6.41pm)

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## **316. DECLARATION OF INTERESTS**

The Managing Director declared no interests.

## **317. LOCAL RESTRICTIONS SUPPORT GRANT (OPEN) SCHEME**

The Assistant Director, Financial Services and Revenues, submitted a report to agree a revised Policy for the use and distribution of the Local Restrictions Support Grant (Open) funding received from government.

This further discretionary grant scheme has been developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy.

This scheme is aimed at assisting businesses that were still open but severely impacted by Tier 2 and Tier 3 restrictions before the Tier 4 and national restrictions applied. The grant monies received from government are to cover future periods of Tier 2 and Tier 3 restrictions should they be implemented again – which is increasingly uncertain.

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 Councillors: Cllr Forward, Cllr Chowney, Cllr O'Callaghan, Cllr Rogers and Cllr Lee.

### **RESOLVED:**

- 1. The Council's Managing Director in consultation with the Leader of the Council, the Deputy Leader, and the lead member for Financial Management and Estates approve the Hastings Local Restrictions Support Grant (Open) Policy on behalf of the Council under Emergency Powers.**
- 2. The Chief Finance Officer is authorised to make technical amendments and adjustments to the scheme in consultation with the lead member for Financial Management and Estates to ensure available funding is distributed, and that it meets the criteria set by the Council and remains in line with Central Government guidance.**

### **Reasons:**

1. The Council needs to agree the Local Restriction Support Grant (Open) scheme (a discretionary grant scheme) as a matter of urgency to support businesses within the Borough.

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2. Developing a scheme which has limited levels of funding that cannot be exceeded, requires a degree of delegated authority to make technical amendments and adjustments to the scheme if grants are to be awarded quickly and to those which meet the eligibility criteria.

# Minute Annex

## Managing Director Decision Record

Part 4 of the Council's Constitutional Emergency Powers



**Date:** 11<sup>th</sup> February 2021

**Item:** Local Restrictions Support Grant (Open) Scheme

**Report by:** Peter Grace, Chief Finance Officer

**Decision Type:** Cabinet

### **Recommendations:**

1. The Council's Managing Director in consultation with the Leader of the Council, the Deputy Leader, and the lead member for Financial Management and Estates approve the Hastings Local Restrictions Support Grant (Open) Policy on behalf of the Council under Emergency Powers.
2. The Chief Finance Officer is authorised to make technical amendments and adjustments to the scheme in consultation with the lead member for Financial Management and Estates to ensure available funding is distributed, and that it meets the criteria set by the Council and remains in line with Central Government guidance.

### **Reasons for Recommendations:**

1. The Council needs to agree the Local Restriction Support Grant (Open) scheme (a discretionary grant scheme) as a matter of urgency to support businesses within the Borough.
2. Developing a scheme which has limited levels of funding that cannot be exceeded, requires a degree of delegated authority to make technical amendments and adjustments to the scheme if grants are to be awarded quickly and to those which meet the eligibility criteria.

**Decision made in consultation with:**

Cabinet	For	Against	Abstain
Councillor Forward	X		
Councillor Fitzgerald			
Councillor Barnett			
Councillor Batsford			
Councillor Chowney	X		
Councillor Evans			
Councillor O'Callaghan	X		
Councillor Rogers	X		
Opposition			
Councillor Lee	X		
Councillor Patmore			

Signed



Jane Hartnell  
Managing Director  
Hastings Borough Council

# Agenda Item 4



**Report To:** Cabinet

**Date of Meeting:** Monday, 1 March 2021

**Report Title:** Reducing Rough Sleeping

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

**Key Decision:** Y

**Classification:** Open

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## Purpose of Report

To update members on progress to reduce rough sleeping over the past year and plans to continue this work from April 2021.

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## Recommendation(s)

- 1. To grant an exemption under rule 21c of the council's financial operating procedures to commission services for the Rough Sleeping Initiative in 2021/22**

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## Reasons for Recommendations

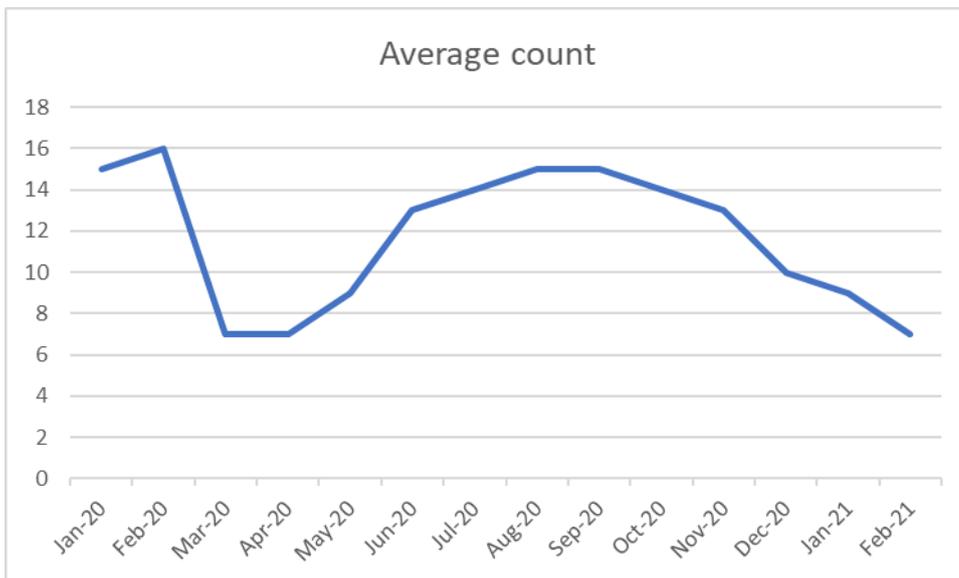
1. The council is leading work with partners across East Sussex to reduce rough sleeping. A proposal is currently being developed to continue these services beyond March 2021, which will need to be mobilised at pace to avoid any gaps in provision.

## Introduction

1. The council and our partners have a longstanding commitment to end rough sleeping. We have continued this work over the past 12 months, including responding positively to the Everyone In instruction in March 2020.
2. The council is offering temporary accommodation to rough sleepers and has been working with a range of partner services to provide holistic support including help to find a longer term home.

## Number of people rough sleeping

3. The graph below shows the average number of people rough sleeping in Hastings each month over the past year:



4. The latest outreach count of rough sleepers was 7. There are currently 43 former rough sleepers living in discretionary temporary accommodation in Hastings.
5. During 2020, 30 former rough sleepers from Hastings have moved into longer term accommodation. This includes 7 into supported accommodation (longer term), 6 into social housing, 15 into the private rented sector and 2 into Housing First. This is positive progress, given the significant restrictions on lettings which have been in place for much of the year.

## Next Steps Accommodation Programme

6. The council lead a joint bid in partnership with the housing authorities in East Sussex and secured £964,000 worth of short term revenue funding to minimise the number of former rough sleepers returning to the streets as lockdown measures were eased. The council has used this funding to continue the temporary accommodation placements we made during the Everyone In instruction, provide additional specialist temporary accommodation as an alternative to winter night shelters, and provide extra support to help people find a settled home. We have also been working with public health colleagues to provide additional mental health and substance dependency support for former rough sleepers.

7. We also secured funding of £1,855,000 (which includes £742,000 worth of match funding from the council) to create 10 new Housing First properties for former rough sleepers. The grant includes additional revenue funding to provide tenancy sustainment services for a 3 year-period. The council has completed the purchase of 3 units so far. However, due to the shortage of suitable accommodation for purchase and the additional restrictions that were introduced during lockdown at the end of the year, we are seeking to revise our delivery plans for the project with Homes England. Without such a revision it is unlikely that the council will be able to draw down and commit further capital funding for the project within the given timescales.
8. Over the current winter period, we have led work with our partners to secure funding from the Cold Weather Fund, Protect Programme, Clinical Commissioning Group and Public Health to ensure we have capacity to continue to offer accommodation for rough sleepers and deliver support services safely during the pandemic. We have also taken the opportunity to pilot new approaches to providing move-on options for rough sleepers, including a private sector leasing scheme, which we can seek to expand in the coming months.
9. We have also been working closely with voluntary sector partners to adapt services over the winter. Example of this include the new weekend day centre which has been opened at the Seaview Centre and the food delivery service for former rough sleepers living in temporary accommodation, which is being provided by the Snowflake Night Shelter team.

#### **Rough Sleeping Initiative – Year 4**

10. Existing services commissioned through the Rough Sleeping Initiative are due to come to an end in March 2021. The process to bid for further funding has been delayed by the pandemic.
11. The Ministry for Housing Communities and Local Government (MHCLG) has confirmed that Rough Sleeping Initiative grants will continue in 2021/22. The grant funding will be for a fixed 12 month period and is likely to be at a similar level to 2020/21 (East Sussex received a grant of £1,584,000 last year). MHCLG has invited bids by the middle of March and work is underway with partners to review and develop our approach. To avoid gaps in provision, the first quarters worth of funding will be paid in advance, while our proposals for the rest of the year are finalised. We will also incorporate 12 months worth of funding from the Next Steps Accommodation Pathway Housing First project, within the Rough Sleeping Initiative service.
12. East Sussex Housing Officers Group has agreed to continue our approach to collaborative working across the county, with Hastings Borough Council as the lead authority for the project.
13. It is recommended that the council grant an exemption under rule 21c of its financial operating procedures, to enable the council to negotiate directly with providers to commission services. This is to avoid any potential gaps in provision as a result of delays to the application process.
14. Priorities for the next year will include:
  - Continuing a successful multi-disciplinary approach to reduce rough sleeping, working closely with health, mental health, substance dependency, social care, criminal justice and housing to provide holistic support to rough sleepers
  - Developing outreach and temporary accommodation options, to minimise the amount of time people spend rough sleeping

- Developing a range of move on options for rough sleepers, including bespoke solutions such as Housing First and improving access to the private rented sector
- We are using learning from the Rough Sleeping Initiative to develop our homelessness prevention services to help minimise the number of people at risk of rough sleeping in the future

15. We are also working with partners to explore how learning from our rough sleeper services can be applied to other areas of homelessness and services working with people facing multiple disadvantage.

## Risks

16. *An increase in rough sleeping* – demand for all our homelessness service is expected to increase during the recovery period from coronavirus, in particular once the existing restrictions on evictions are lifted and the government’s job retention scheme comes to an end. It is important that the council continues to provide regular outreach services and a range of temporary accommodation options, to link people who are newly rough sleeping to advice and support as quickly as possible.

17. *Rising demand for temporary accommodation* – over the past 12 months we have increased the range of temporary accommodation options for rough sleepers, including accommodation with on-site support and self-contained units. It is important that the council maintains a supply of temporary accommodation for us to sustain low levels of rough sleeping.

18. *A lack of move on options* – we will be creating additional Housing First units through the Next Steps Accommodation Programme, however, it is important that the council continues to explore all funding opportunities to increase the supply of move on accommodation for individuals with multiple and complex needs. We are also continuing to work with social housing providers to deliver additional Housing First units. Through the Protect Programme we have been piloting new approaches to improving access to the private rented sector and will seek to expand these in the year ahead.

19. *Short term funding* – short term grant funding creates challenges for the council and partners to develop a sustainable approach to ending rough sleeping. We will continue to lobby government for a multi-year funding settlement in the future. We are also sharing learning from our rough sleeper services with partners, to help design services for people with multiple and complex needs in the future.

## Financial Implications

20. The council is continuing to lobby government to highlight the additional cost pressure of rough sleeper services, in particular the rising cost of temporary accommodation. MHCLG have indicated there may be some uplift in the grant to support these interventions, but this will need to be explored as part of the co-production exercise for the bid.

## Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible

Submit application for rough sleeping initiative funding in 2021/22	Bid submitted	12 March 2021	Strategic Housing and Projects Manager
Rough Sleeping Initiative delivery	Contracts mobilised	1 April 2021	Strategic Housing and Projects Manager

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## Wards Affected

(All Wards);

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## Policy Implications

Reading Ease Score: 35.9

Have you used relevant project tools?: Y

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

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

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## Additional Information

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

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## Officer to Contact

Officer Michael Courts  
 Email [mcourts@hastings.gov.uk](mailto:mcourts@hastings.gov.uk)  
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# Agenda Item 5



**Report To:** Cabinet

**Date of Meeting:** 1<sup>st</sup> March 2021

**Report Title:** Transfer of the Joint Waste and Recycling Committee Administering Authority from Rother District Council to Wealden District Council

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

**Key Decision:** Yes

**Classification:** Open

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## Purpose of Report

Update cabinet on the proposal to transfer the office and duties of the Joint Waste Administering Authority from Rother District Council to Wealden District Council, and endorse the decision of the Joint Waste and Recycling Committee to proceed with the transfer.

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## Recommendation(s)

That cabinet agrees to the Joint Waste and Recycling Committee proposal: -

1. That Rother District Council ceases to act as the Administering Authority for the Joint Waste Partnership from 1 April 2021.
2. That Wealden District Council be appointed as the Administrative Authority with effect from 1 April 2021.

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## Reasons for Recommendations

Moving the Administering Authority to Wealden District Council would allow the function to be located in the same Council as the new Lead Director for the Joint Waste Contract.

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## Overview

1. Rother District Council (RDC) served as the Administering Authority for the Joint Waste Contract (JWC) since its inception in 2011 and the role is defined in the Constitution of the Joint Waste and Recycling Committee (JWRC). To change any aspect of the Constitution requires the approval of all partnership authorities. Due to recent changes at RDC, which have included the departure of Dr Anthony Leonard, the Lead Director for the JWRC, Rother is no longer able to continue with these roles.
2. The Joint Waste and Recycling Committee considered this matter on 23 October 2020 and resolved that Averil Price, Director of Community and Customer Services at Wealden District Council, be nominated as the Lead Director with immediate effect, and that Wealden District Council be appointed as the Administering Authority from 1st April 2021.
3. The Joint Waste and Recycling Committee consists of 2 lead councillors from Rother, Wealden and Hastings (the waste collection authorities), and 1 lead councillor from East Sussex County Council (the waste disposal authority). Our representatives on the committee are currently councillors Paul Barnett and Maya Evans. Prior to the committee meeting on 23 October 2020 there was informal discussion about the proposal, and it was unanimously approved at the meeting.

## Policy Implications

1. There are no policy implications.

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## Wards Affected

All wards

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## Policy Implications

Reading Ease Score: 24.7

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

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

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## Additional Information

Minutes of the Joint Waste and Recycling Committee 23 October 2020 – available at the following link:

<https://rother.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=550&Ver=4>

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# Agenda Item 6



<b>Report To:</b>	<b>Cabinet</b>
<b>Date of Meeting:</b>	<b>1<sup>st</sup> March 2021</b>
<b>Report Title:</b>	<b>Proposals to make public space protection orders in relation to alley gating to address serious community safety issues raised by members of the local community</b>
<b>Report By:</b>	<b>Mike Hepworth, Assistant Director, Environment and Place</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Classification:</b>	<b>Open</b>

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## Purpose of Report

To enable cabinet to determine whether to authorise the gating of 3 alleyways seriously affected by anti-social behaviour under powers contained in the Antisocial Behaviour, Crime and Policing Act 2014.

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## Recommendation(s)

1. That cabinet authorises the Assistant Director Environment and Place in conjunction with the Chief Legal Officer, to implement the statutory legal process required to gate the 3 public rights of way described in the report.
2. Subject to 1 above, the council formally reviews the gating arrangements no later than 2 years after they commence.

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## Reasons for Recommendations

As a result of long standing serious anti-social behaviour affecting 3 public rights of way, the council has been asked to consider gating them using powers set out in the Antisocial Behaviour Crime and Policing Act 2014.

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## Background to the Alley Gating Proposals

1. In recent years two public rights of way in St Leonards and one in central Hastings have been the focus for considerable crime and antisocial behaviour. All of these footpaths are also Public Rights of Way (PROW):-
  - Valentine's Passage, Central St Leonards, Public Right of Way (No.94)
  - Laser Lane, Central St Leonards Public Right of Way (No.97)
  - Havelock Road to Priory Square Public Right of Way (No.175)
2. Residents and local businesses have asked the council and police several times to take steps to deal with the crime and antisocial behaviour associated with these footpaths. The behaviour reported includes: drug dealing, noise and shouting (from drug dealers and potential clients), street drinking, arson, public defecation, prostitution, fly-tipping, graffiti, dog fouling, litter accumulations and some instances of public place violent crime.
3. Each PROW has a different profile of crime and antisocial behaviour, but reports continue to identify these footpaths as needing further crime prevention interventions. These unacceptable behaviours obviously affect the quality of life of residents and the trading environment and operation of nearby businesses reliant on trade from residents and visitors to the area.
4. Increased patrols by police and council wardens, as well as the use of re-deployable CCTV cameras, can only be a temporary solution and has been tried several times. Gating these footpaths is thought to be a more effective measure. However, gating has not been used on public rights of way in Hastings since legislation changed in 2014 with the introduction of the Antisocial Behaviour, Crime and Policing Act 2014.
5. Support for safe and usable streets, including the need to address community safety issues, is regularly found in planning national design guides, and is a recognised part of environmental design practice.
6. This report sets out the background to the proposals, the legal measures that need to be taken (such as consultation), and the feedback from the public consultation.
7. Two of the footpaths proposed for gating (Laser Lane and Valentine's Passage), are within the 'Safer Streets Project' area in St Leonards. This 'Safer Streets Project' is one of 35 Government funded schemes to improve security, extend guardianship and provide crime prevention advice and engagement. The funding for the project was targeted at lower super output areas (LSOAs) with high three-year acquisitive crime rates. Two LSOAs in St Leonards met the government criteria and therefore 2 of the 3 gating proposals can be funded through the local Safer Streets Project.

## Alley gating implementation and the legal framework

8. The Antisocial Behaviour, Crime and Policing Act 2014 gives local councils the power to gate public rights of way using the Public Space Protection Order (PSPO) process. The PSPO can restrict access, such as gating the PROW. The criteria for using gating orders stipulates that it must demonstrate it will positively affect the antisocial behaviour, crime and disorder exhibited along PROWs that:-
  - has had, or is likely to have, a detrimental effect on the quality of life of those in the locality.
  - is, or is likely to be, persistent or continuing in nature.
  - is, or is likely to be, unreasonable; and justifies the restrictions imposed.

## Consultation

9. There is considerable evidence of ongoing crime, disorder and antisocial behaviour associated with each of the PROWs proposed for gating previously collected from residents, the council, landowners and police before the consultation took place.
10. Statutory consultees for the proposed gating are the Highways Authority, and officers have therefore liaised with the East Sussex County Council (ESCC) Public Rights of Way Unit, Sussex Police, local councillors and any resident or land-owner on or near the PROW likely to use it.
11. The formal public consultation took place during the calendar month of December 2020. But in addition to this, the Community Safety Manager has been actively working with residents and businesses in the vicinity of the 3 alleys for a long time and reports that there is strong support for the proposals.

## Consultation feedback

12. A summary of anonymised detailed feedback received from the consultation can be found in appendix one.
13. Sussex Police responded supporting the gating proposals, as all three PROWs have been the focus of considerable amounts of crime and antisocial behaviour throughout recent months and years.
14. The Hastings Business Improvement District (BID) and the Hastings Business Crime Reduction Partnership (BCRP) also both responded supporting the proposals.
15. Given that, apart from one other objection to the Valentine's passage proposal, the only objections to all 3 proposals were received from the ESCC Rights of Way Unit, it is important that their feedback is given careful consideration. Their entire response is included in appendix one.
16. The ESCC Public Rights of Way Unit acknowledged that it was difficult to quantify the extent to which the paths themselves contribute to the antisocial behaviour and crime issues locally, and they have not witnessed first-hand evidence associated with the paths. They are substantially reliant on the Borough Council's assessment that the measures are justifiable and in the interest of the local community. They were concerned about the use of the gating power in addressing issues which have the potential to affect a large proportion of urban paths.
17. ESCC recognised that the network of paths and passageways in Hastings is important in both a utility sense and as a character feature of the town. It is vital that the intentions of these proposals are weighed against the loss of these historic routes to the public. In this respect the impact of the proposals on residents in the locality needs to be considered in a broad sense and should be based on more than just the narrow assessment of how closure of the paths will impact journeys from A to B.
18. The Borough Council needs to be satisfied that the factors affecting these paths are such that the proposals do not set an untenable precedent for dealing with similar problems elsewhere on the footpath network. The threshold for closing paths to the public clearly needs to be high to avoid a situation where the network risks being gradually and permanently eroded.
19. ESCC emphasised that it is important to recognise that these measures are not permanent and cannot be seen as the extinguishment of public rights. The status of the paths as highways would be unchanged by these proposals.
20. It is also important to recognise that the Borough Council needs to continue to provide the services it is currently obliged to provide, such as street cleaning. However, routine ongoing access can be given to the council's street cleansing service.

21. ESCC will retain responsibilities as the highways authority, and it could also inherit problems as a result of these proposals. Residents who retain access to the paths could inevitably view the gated alleyways as private access in time. This could generate issues of encroachment and to some extent this could result in future resentment towards any possibility of the paths being reopened to the public. The need to review these measures after three years needs to be born in mind.
22. For all these reasons, it would be ESCC's preference to see a less restrictive approach attempted. They would suggest, initially at least, that closure of the paths at night with access maintained during defined hours should be attempted. However, the evidence gathered shows that anti-social behaviour and crime occur in these alleys throughout the day and night. ESCC suggest that in conjunction with Police patrols and measures to assist in dealing with day-time offending, such as restrictions to gatherings, it must be at least a reasonable possibility that a better result for the community could be achieved. ESCC feel that the outright closure of these paths to the public seems likely to create problems and potentially sets a precedent which will not be possible to follow in all such cases. However, such measures have already been tried, and as well as not really working, they are not sustainable for the authorities concerned.
23. If it is intended that the Order be made as proposed, ESCC would welcome assurances as to how issues with the potential neglect and privatisation of gated paths be mitigated. In this respect, all residents and local businesses have agreed to manage and essentially own the gates and manage the alley e.g. cleanliness. A legal document (*A simple letter*) will be drawn up to clearly indicate future responsibilities. Laser Lane has 2 street lights that are included in the gating area. These will need to be accessed by ESCC and agreement of this will be obtained by them as part of their streetlight improvement plans in the Safer Streets area.
24. Notwithstanding these concerns, ESCC have said they should be explicitly cited as being exempt for the purposes of performing its responsibilities as the Highway Authority. We believe this refers to the need to maintain their PROW maps and to maintain the streetlights, and we don't believe this should be an obstacle to proceeding with the gating proposals, given the co-operation of the residents and businesses already referred to above.
25. ESCC also say the suggested alternative route for footpath 175 is identified as the route from Priory Square to Havelock Road via the throughway beneath Lacuna Place. This route is not yet designated as either public highway or public open space. ESCC would suggest that it cannot serve as the reasonably available alternative, in accordance with s.64(1) (c) of the Act.
26. Alternative routes to PROW 175 aside from the Lacuna Place underpass are 300m-400m in length. Agreement with the owners of Lacuna Place is being sought to retain the open route. The Local Plan consultation (regulation 18) has identified the perimeter of Priory Square to be secured as part of future developments. More detail is provided below.
27. ESCC requested their objection to these proposals, pending the remedy of the issues, be identified in the draft Order.
28. ESCC's responses are discussed in more detail below. Mitigation to each of these is already underway but must be weighed against the antisocial behaviour and crime related issues associated with each footpath.

### **Valentine's Passage (St Leonards) residents feedback.**

29. A high number of residents living in or near Valentine's Passage responded, and were in favour, with only one resident objecting, concerned about displacing the antisocial behaviour issues described.

30. It should be noted that some residents affected by the ongoing antisocial behaviour in the Passage have offered to take responsibility for both management and repair of the proposed gates and the ongoing management of the footpath.

### **Laser Lane (St Leonards) residents feedback**

31. There are few residents living in the proposed gated part of Laser Lane. By far the largest users are the businesses along Kings Road who store their 1280 litre trade waste bins in the entrance. ESSC highways enforces the removal of these bins if they become problematic, but there has been little recent enforcement and traders have continued to utilise this area for bin storage. The Borough Council continues to issue s.47 notices under the Environmental Protection Act 1990 to ensure these bins are not causing any detriment to the public realm.
32. There has been recent development of flats along the alley, and planning application HS/FA/06/00535 includes further enhancement to the appearance of the lane. The property developer is keen for residents to take on responsibility for maintenance of the lower gate, whilst the Hastings and St Leonards Business Crime Reduction Partnership has offered to manage the gate at the Kings Road junction on behalf of the local businesses, subject to planning permission being approved for the gate at the Kings Road entrance.

### **Havelock Road to Priory Square (Central Hastings) residents feedback**

33. This short PROW leads to Priory Square. Gates already exist which the public house paid for. The licensee has been told to keep them open by ESCC Highways pending the decision on the use of formal gating powers.
34. The landlord has witnessed considerable antisocial behaviour in recent times. There have been several attempts to break into the building. Public place violence has spilled into the alley from Havelock Road associated with the taxi rank. The landlord has accepted responsibility for managing the gates should they be agreed.
35. Recent development plans for Priory Square, as part of the Borough's Local Plan consultation (Regulation 18), include the securing of Priory Square's perimeter to Priory Streets and Havelock Road. The Gating of this footpath would assist in progressing this requirement.

## **POLICY IMPLICATIONS**

### **Equalities or community cohesiveness**

1. Clearly if the gating of the alleys is implemented it could be argued that people who are no longer able to use the alleys are being discriminated against. However, access will be afforded to all those who need continued access because they live or work in the properties backing onto the alleys. Plus, there are alternate routes.
2. A reduction in the crime and anti-social behaviour associated with the withdrawal of unfettered access to the alleys is likely to result in improved community cohesiveness amongst the micro-community retaining access because they live and/or work in properties backing onto the alleys.

### **Crime and fear of crime**

3. A reduction in the crime and anti-social behaviour associated with the withdrawal of unfettered access to the alleys is highly likely to result in reduced fear of crime in the immediate area of the alleys.

## Risk Management

4. N/A

## Environmental Issues

5. So long as the council's street cleansing service are provided with keys and/or keypad access to the alleys, they are likely to be easier to maintain and no longer be fly tipping and litter hotspots.

## Economic/Financial Implications

6. The Safer Streets Project is providing all funds for the 2 footpaths in St Leonards. In Central Hastings Castle Ward, the Havelock Road-Priory Square footpath, gates have already been installed by the adjacent public house. The licensee has been informed by the ESCC Rights of Way Unit to keep the footpath open and the gates unlocked until such time as the gating order proposals are determined.

## Organisational Consequences

7. N/A

## Legal Implications

8. It is essential that the council follows the legal provisions set out in the Antisocial Behaviour, Crime and Policing Act 2014, and any associated statutory guidance. This primarily relates to the need for proper consultation, including with specified statutory consultees as mentioned in paragraph 27 above.
9. In a sense the ESCC Rights of Way Team are duty bound to object in principle to the proposal to gate any PROW. However, as they acknowledge, there is a bigger picture that requires careful consideration. Local residents and businesses are suffering significant issues due to the long-standing ongoing crime and anti-social behaviour associated with these 3 alleys.
10. Plus the very fact that Government enacted the Antisocial Behaviour, Crime and Policing Act 2014, containing provisions enabling local councils to gate alleys, clearly means that the ESCC objections don't necessarily mean the alleys should not be gated.
11. It is also possible for the council to offer some reassurance to the Rights of Way Team in as much as:-
- suitable management of the gated alleys will be provided by local residents for both Valentine's Passage, and the Havelock Road to Priory Square footpath, and that the gate management in Laser Lane will be split between residents in the new development and the Hastings & St Leonards Business Crime Reduction Partnership.
  - The council can review the orders at any time and must do so at least every 3 years. Subject to formally reviewing an order (including carrying out the associated statutory consultation), the council may vary or revoke an order. This means that the gating measures proposed are not permanent and can be changed to reflect changing circumstances. It is suggested that if these 3 alleys are gated, each is reviewed no later than 2 years later.

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## Wards Affected

Central St Leonards and Castle Wards

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## Policy Implications

Reading Ease Score: 38.4

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

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

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## Additional Information

Appendix 1 – anonymised feedback from the consultation on the gating proposals

Appendix 2 – draft gating orders including associated location plans

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## **APPENDIX ONE – ANONYMISED CONSULTATION FEEDBACK**

The council received some extremely compelling feedback from people living and working in the immediate vicinity of the 3 alleys subject to the gating proposals. Compelling because these are the people whose quality of life is being heavily negatively impacted by the ongoing anti-social behaviour and criminality taking place in the alleys.

In terms of negative feedback, apart from that received from the ESCC Rights of Way Team, only one other objection was received and that related to the Valentine's Passage proposal.

### **VALENTINE'S PASSAGE**

The objector referred to concerns about simply displacing the anti-social behaviour and criminality to other areas, and also a concern that rights of way should be available to everyone.

#### **The following quotes are typical of the supportive feedback received:**

"I have hundreds of photos and audio clips of incidents, which I have passed to the police and HBC over the last 12 years. I also have dozens of reference numbers for reports I've made to police and HBC alongside sending my photos and audio."

"The main issues within the alleyway are:

- Drug dealing. There are sometimes literal crowds of people in the alleyway waiting for a dealer to arrive.
- Drug taking and disposal of sharps in the alleyway.
- Urination and defecation in the alleyway by humans.
- Street drinking
- Arson (two major fire incidents in the alleyway in recent years)
- Fly tipping
- Dog fouling"

"There have also been violent incidents down there, including threats of shanking and shooting up."

"In recent years that was an occasion when a stolen scooter was abandoned down the alleyway, and subsequently set on fire. This resulted in damaged property, requiring the attendance of multiple emergency vehicles. There was also an instance where a mattress was dumped and set alight."

"The alleyway is a 4-foot wide little-used cut through. It is a thoroughly unpleasant and unsafe feeling space, and represents a shortcut of about 60 seconds for the few people that do choose to use it."

"In recent months used condoms and discarded condom wrappers have littered the alley alongside the usual used needles, broken bottles and human excrement. It is also the first stop that thieves make after shoplifting from the

local shops as often you can find discarded shopping baskets from the co-op there too.”

“I believe the gates will significantly reduce antisocial behaviour occurring in the Passage and in areas next to the footpath. This will improve the quality of life for the residents.”

“This has all taken a considerable toll on our mental health, confidence and well-being and leaves us with an almost constant sense of fear and dread. Whenever we hear people in the passageway we find ourselves stopping what we are doing to wait for the people to pass (or not, as is often the case). We are always alert to the slightest sounds, at all times of the day and night. It affects our sleep and our ability to make long term plans. We have put off undertaking building work on our house because we keep deciding that we can't stay here anymore. We are incredibly nervous if we leave the house empty, even for short periods of time. Whilst we both use the passageway to try to keep aware of what is going on there, using it, particularly at night or if people are there, can be a nerve-wracking experience, and I have personally been physically threatened several times when challenging people who were taking drugs or urinating there.”

“We have experienced antisocial behaviour in this passageway on a regular basis and it has caused us great alarm and distress on many occasions. A simple job like taking out the bins early in the morning can be met with an agitated drug addict pacing up and down waiting to meet someone at this spot. There have been many occasions when we have had to delay going in or out of the flat because people are sitting injecting themselves there. The passage is also frequented by men urinating near or onto our doorway.”

“We are sure that gating the passage will solve these problems and we will definitely feel more secure knowing that we can move freely in and out of our home.”

“Gating would indeed help alleviate the incessant antisocial behaviour in the alleyway making it a safer, cleaner and more pleasant environment to live and for the surrounding neighbourhood also, and fully support the proposals to gate Valentine's Passage.”

## **LASER LANE**

**The following quotes are typical of the feedback received.**

### **From local businesses:**

“The proposal is supported subject to the following comments:-  
Gating the area to prevent antisocial behaviour is far preferable to the installation of bollards which was an earlier initiative which simply discriminated against law-abiding traders who have licensed wheelie bin removal and exchange arrangements for waste, and in no way would prevent illegal fly tipping. The costs of alternative means of waste disposal suggested were not only prohibitive but unworkable, particularly given the decimation of our businesses due to Covid restrictions. The Gating proposal is more sympathetic to Business needs.

The proposal states that the owners and occupiers of properties adjoining the gated footpath area are exempt from being prohibited from accessing the footpath, and from the plan this includes properties between 16 and 24, and this includes the hospitality businesses maintaining waste removal facilities within the area.

The design of the gates onto Kings Road would need to accommodate the regular exchange of Euro bins by our licensed contractors, and we would hope to further support and assist with the installation of a bin store at a suitable location within Laser Lane to help further improve the aesthetic of the area given the increasing presence of residential accommodation.”

**From residents and landlords:**

“We would be delighted if it was closed off to the public.”

“It would be a relief to me not to see any more rubbish dumped on my doorstep, and more importantly for a sense of security.”

“Thank you for your email and for inviting us to comment on the council's proposal in how to resolve the ongoing antisocial behaviour which includes persistent littering, fly-tipping, etc. As you are aware we are very much in support of the proposed actions in Laser Lane, Central St Leonards Public Right of Way (Hastings No.97).”

**ALLEY FROM HAVELOCK ROAD TO PRIORY SQUARE**

In this case due to the nature of the location, perhaps unsurprisingly, apart from the feedback from the Police, and Hastings business organisations, and the ESCC rights of way team, we received far less public feedback. However, we did receive public feedback including the following statements:

“The alleyway has always been a hot spot for abuse, just due to its geography, however in recent years this has greatly escalated. It has been a daily occurrence to have to clean up all manner of bodily fluids, drug paraphernalia, litter & general fly-tipped items.”

“The area becomes a haven for ne'er-do-wells throughout the day, evening and into the early hours of the morning.”

“One of my biggest worries is that someone is going to be seriously injured.”

“The activities that have taken place in the alleyway have caused a lot of sleepless, alarming nights for us.”

“Pedestrians will be able to use the access next to Saga and the new DWP building to access Havelock Road, this is wider & far better lit, it also presents a far nicer entrance to the town centre.”

**FEEDBACK RELATING TO ALL 3 GATING PROPOSALS:-**

**From the ESCC Right of Way Service:**

I am aware of the problems associated with Laser Lane and Valentine's Passage of course from our contact on issues. The problems connected to

Footpath 175 are less familiar to me, having only come our attention recently when gates were erected on the path.

By virtue of your close work with Sussex Police and the involvement of the other Teams delivering local services, your Council is clearly best placed to understand the problems associated with these paths.

I appreciate that it is extremely difficult to quantify the extent to which the paths themselves contribute to the anti-social behaviour and crime issues in the locality. The intention behind the proposals is understood in principle of course. However, ESCC has not seen first-hand evidence which shows how the paths themselves contribute to the problems and so we are substantially reliant on the Borough Council's assessment that the measures are justifiable in the interest of the local community.

On behalf of the County Council, as both the Highway Authority and Access Authority, I have to express my concerns about the use of the powers to gate public paths in the interest of addressing issues which have the potential to affect a large proportion of urban paths.

The extensive network of paths and passageways in Hastings is important in both a utility sense and as a character feature of the town. It is obviously vital that the intentions of these proposals are weighed against the loss of these historic routes to the public.

In this respect the impact of the proposals on residents in the locality needs to be considered in a broad sense and should be based on more than just the narrow assessment of how the closure of the paths will impact journeys from A to B.

The Borough Council needs to be satisfied that the factors affecting these paths are such that the proposals do not set an untenable precedent for dealing with similar problems elsewhere on the footpath network. The threshold for closing paths to the public clearly needs to be high to avoid a situation where the network risks being gradually and permanently eroded. That said, it is important to recognise that these measures are not permanent and cannot be seen as the extinguishment of the public rights. The status of the paths as highways would be unchanged by these proposals.

It is also important to recognise that the Borough Council will need to continue to provide the services it is currently obliged to provide, such as street cleaning. Problems such as litter and waste may not necessarily be improved, and the creation of enclosed gated alleyways could lead to its own problems. The County Council will also retain its responsibilities as the Highway Authority, and it could also inherit problems as a result of these proposals. Residents who retain access to the paths could inevitably view the gated alleyways as private access in time. This could generate issues of encroachment and to some extent this is bound to result in future resentment towards any possibility of the paths being reopened to the public. The need to review these measures after three years needs to be born in mind.

For all of these reasons, it would be our preference to see a less restrictive approach attempted. We would suggest, initially at least, that closure of the paths at night with access maintained during defined daytime hours should be attempted. In conjunction with Police patrols and measures to assist in dealing with daytime offending, such as restrictions to gatherings, it must be at least a reasonable possibility that a better result for the community could be achieved. Whereas the outright closure of these paths to the public seems

likely to create problems in itself and potentially sets a precedent which it will not be possible to follow in all such cases.

I would ask that the Borough Council considers these concerns in deciding whether to proceed with the proposals. If it is intended that the Order will be made as proposed, we would welcome assurances as to how issues with the potential neglect and privatisation of the gated paths will be mitigated.

Notwithstanding these concerns, I would make the following comments in respect to the proposed form of the Order:

1. The County Council should be explicitly cited as being exempt for the purposes of performing its responsibilities as Highway Authority.
2. The suggested alternative route for Footpath 175 is identified as the route from Priority Square to Havelock road via the throughway beneath Lacuna Place. This

route is not designated as either public highway or public open space. As such, we would suggest that it cannot serve as the reasonably available alternative, in accordance with section 64 (1) (c) of the Act.

**From the local Sussex Police Neighbourhood Policing Inspector:**

“I am the district inspector for the Borough of Hastings within Sussex Police. Part of my role includes the identification of crime trends, managing threat harm and risk, working with our partners to reduce the risk of crime and the fear of crime, engaging with members of the community and reducing both the risk of crime and the fear of crime. My team work hard every day to deal with the causes of crime within Hastings & Rother and to reassure members of the public from all walks of life that the risk of crime is low and that this should not prevent them going about their day to day life.

I have been asked to consult on behalf of Sussex Police to give our views on the gating of the below public rights of way:

Valentine’s Passage, Central St Leonards, Public Right of Way (Hasting No.94).

Laser Lane, Central St Leonards Public Right of Way (Hastings No.97),  
Havelock Road to Priory Square Public Right of Way (Hastings No.175)

We would support the request from Hastings Borough Council around gating these public rights of way. All of these passages are known to us within the Police and are hotspots for anti-social behaviour, crime and disorder. I believe the gating of these alleys would contribute to the reduction of crime in the area and would be greatly appreciated by the residents who live nearby.”

**From Love Hastings (the BID) and the Hastings & St Leonards Business Crime Reduction Partnership representing local businesses:**

“I can confirm that we are 100% in favour of this gating project in Havelock Rd.

The BID has had to spend time and money clearing illegal graffiti from this passage and we are very aware that it represents an ASB hotspot in the

immediate vicinity of most of the town's estate agents... meaning prospective residents of Hastings are highly likely to observe either ASB in action or its aftermath in terms of urine, faeces, vomit, drug paraphernalia, graffiti tags, or general litter if they use this cut through from the main car park.

For people living and working nearby it is a constant cause for concern as well, as it acts as a magnet for violence and drug dealing.

Even were both passages between Priory Street and Havelock Road to be closed the inconvenience of a minute's extra walk is negligible.”

# DRAFT

## The Anti-Social Behaviour, Crime and Policing Act 2014

### The Public Spaces Protection Order (No 3) Hastings Borough Council 2020

In exercise of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') being satisfied that the conditions set out in Section 59 of the Act have been met.

Hastings Borough Council (in this Order called 'the Authority') hereby makes the following Order.

This Order came into effect on [date] for a period of 3 years.

#### BY THIS ORDER

#### 1. REQUIREMENTS AND PROHIBITIONS

The effect of the Order is to impose the following requirements and prohibitions at the relevant times within the relevant areas as shown in the enclosed plans:-

##### Section A: Valentines Passage (Plan 1)

- i. The public right of way over the footpath known as Valentines Passage in St Leonards-on-Sea as coloured red on Plan 1 is restricted at all times every day by the installation of gates as indicated on Plan 1.
- ii. All persons except for those noted at sub-paragraph (iii) are prohibited from accessing Valentines Passage where access has been restricted by the installed gates.
- iii. The following persons are exempt from the prohibition in sub-paragraph (ii):
  - a. The owners and occupiers of the properties adjoining Valentines Passage.
  - b. Police, fire service or ambulance personnel whilst going about their duties.
  - c. Officers of East Sussex County Council and officers of the Authority where access is necessary for carrying out their duties and powers.
  - d. Statutory undertakers and their agents with prior written authorisation from the Authority where access is necessary for carrying out works or repairs or maintenance at Valentines Passage, the nearby highways or adjoining properties.
- iv. The Authority will be responsible for the installation of the gates at Valentines Passage authorised by this order.

## APPENDIX 2 PART 1

- v. An alternative route is available as indicated by a green line on Plan 1.

### **Section B: Footpath between Laser Lane and Kings Road (Plan 2)**

- i. The public right of way over the footpath between Laser Lane and Kings Road in St Leonards-on-Sea as coloured red on Plan 2 is restricted at all times every day by the installation of gates as indicated on Plan 2.
- ii. All persons except for those noted at sub-paragraph (iii) are prohibited from accessing the footpath between Laser Lane and Kings Road where access has been restricted by the installed gates.
- iii. The following persons are exempt from the prohibition in sub-paragraph (ii):
  - a. The owners and occupiers of the properties adjoining the gated footpath between Laser Lane and Kings Road.
  - b. Police, fire service or ambulance personnel whilst going about their duties.
  - c. Officers of East Sussex County Council and officers of the Authority where access is necessary for carrying out their duties and powers.
  - d. Statutory undertakers and their agents with prior written authorisation from the Authority where access is necessary for carrying out works or repairs or maintenance of the footpath between Laser Lane and Kings Road, the nearby highways or adjoining properties.
- iv. The Authority will be responsible for the installation of the gates at the footpath between Laser Lane and Kings Road authorised by this order.
- v. An alternative route is available as indicated by a green line on Plan 2.

### **Section C: 18 Havelock Road cut-through to Priory Square (Plan 3)**

- i. The public right of way over the footpath between Havelock Road and Priory Square in Hastings Town Centre as coloured red on Plan 3 is restricted at all times every day by the erection of a gate at both ends of the footpath as indicated on Plan 3.
- ii. All persons except for those noted at sub-paragraph (iii) are prohibited from accessing the footpath between Havelock Road and Priory Square where access has been restricted by the installed gates.
- iii. The following persons are exempt from the prohibition in sub-paragraph (ii):
  - a. The owners and occupiers of the properties adjoining the gated footpath between Havelock Road and Priory Square.
  - b. Police, fire service or ambulance personnel whilst going about their duties.
  - c. Officers of East Sussex County Council and officers of the Authority where access is necessary for carrying out their duties and powers.

## APPENDIX 2 PART 1

- d. Statutory undertakers and their agents with prior written authorisation from the Authority where access is necessary for carrying out works or repairs or maintenance at the footpath between Havelock Road and Priory Square, the nearby highways or adjoining properties.
- iv. The Authority will be responsible for the installation of the gates at the footpath between Havelock Road and Priory Square authorised by this order.
- v. An alternative route is available as indicated by a green line on Plan 3.

### 2. AUTHORISED PERSON

For the purpose of the above requirements and prohibitions an 'Authorised Person' means a constable, a police community support officer or a person so authorised by the Authority.

### 3. OFFENCES

- (a) It is an offence under Section 67(1) of the Act for a person, without reasonable excuse to:
  - i. Do anything that the person is prohibited from doing by this Public Spaces Protection Order, or
  - ii. To fail to comply with a requirement to which the person is subject under this Public Spaces Protection Order.
- (b) A person guilty of an offence under Section 67(1) of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### 4. FIXED PENALTY

- (a) An Authorised Person may issue a fixed penalty notice (FPN) of up to £100 to anyone he or she has reason to believe has committed an offence as described above.
- (b) A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- (c) Where a person is issued with a notice under this Paragraph in respect of an offence;
  - i. No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice, and
  - ii. The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (d) A FPN will give reasonably detailed particulars of the circumstances alleged to constitute the offence, it will state the period during which proceedings will not be taken for the offence; it will specify the amount of fixed penalty; it will state the name and address where payment should be made and specify the permissible methods of payment.

**APPENDIX 2 PART 1**

THE COMMON SEAL of HASTINGS BOROUGH COUNCIL

Was hereunto affixed the

Authorised Signatory

DRAFT



**Gating PSPO  
Cut through from Havelock Road to Priory Square  
Hastings**

- Proposed Gate Location
- Alternative Route
- Public Right of Way

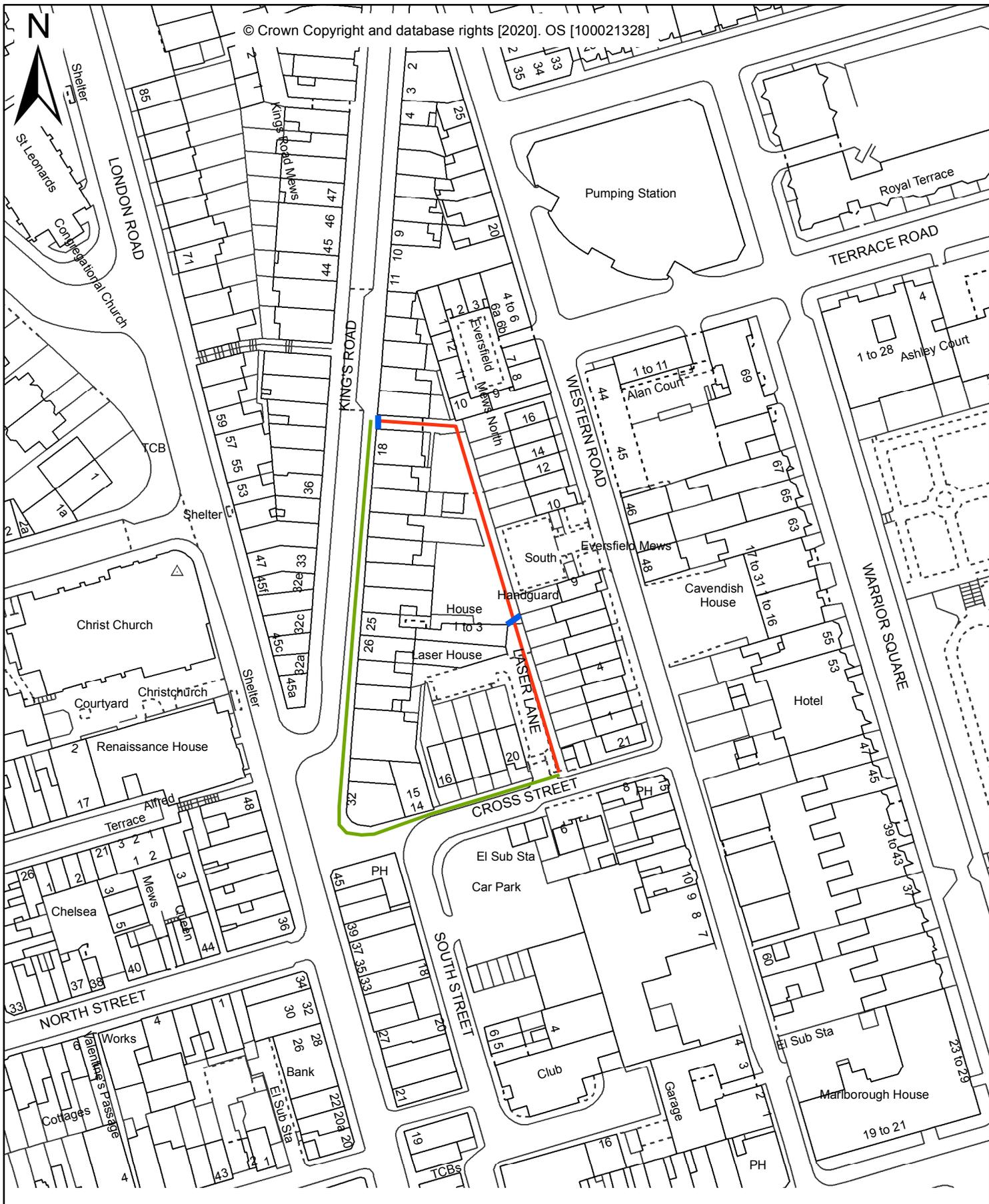
Date: Feb 2021

Scale: 1:1,250

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**Gating PSPO  
Laser Lane  
St Leonards-on-sea**

- Proposed Gate Location
- Alternative Route
- Public Right of Way

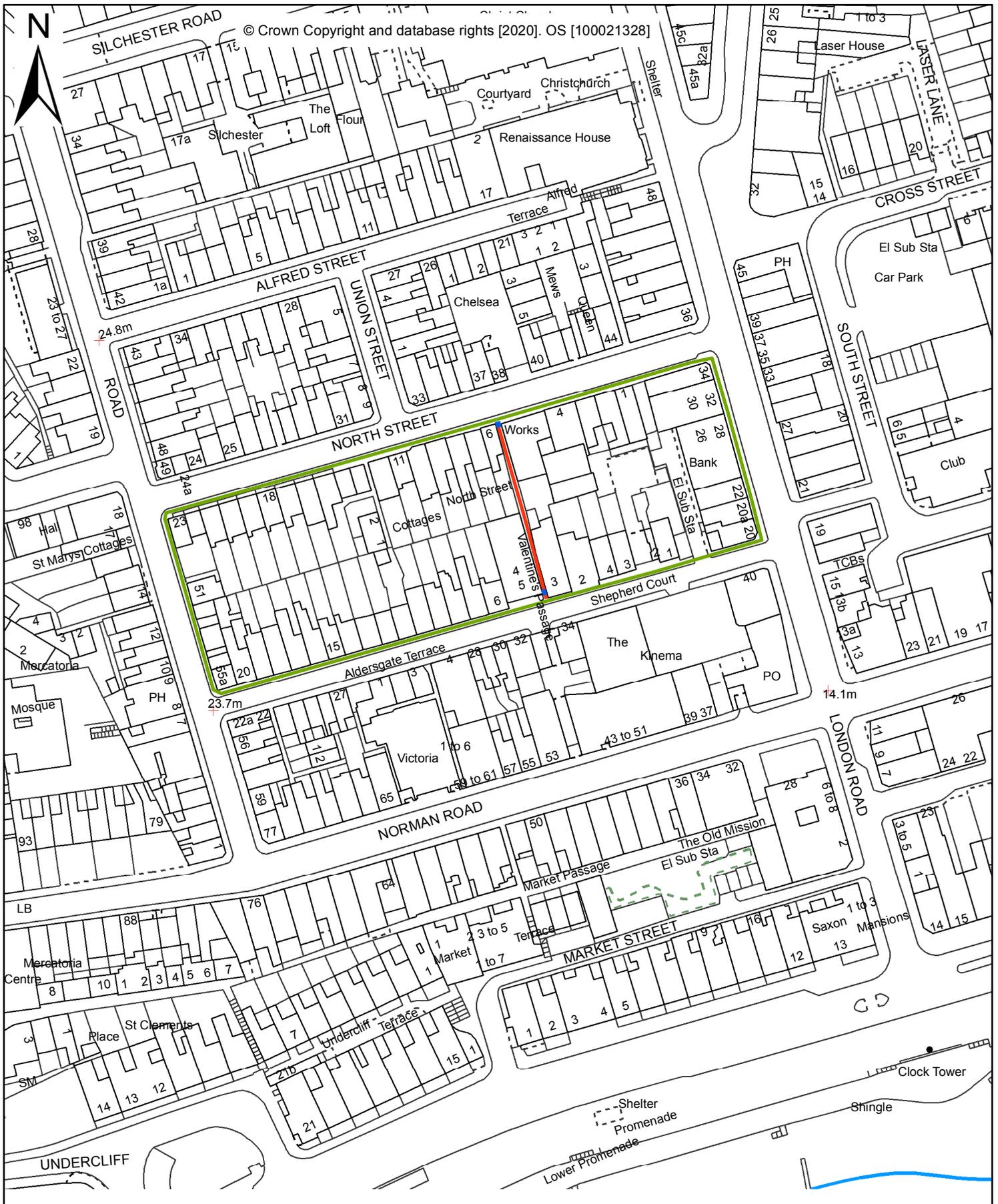
Date: Oct 2020

Scale: 1:1,250

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**Gating PSPO  
Valentine's Passage  
St Leonards-on-sea**

- Proposed Gate Location
- Alternative Route
- Public Right of Way

Date: Oct 2020

Scale: 1:1,250

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