



# Council Meeting

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**Wednesday, 14th  
April, 2021**

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## HASTINGS BOROUGH COUNCIL

Dear Councillor

You are hereby summoned to attend a virtual meeting of the Hastings Borough Council to be held on Wednesday, 14th April, 2021 at 6.00 pm at which meeting the business specified below is proposed to be transacted.

Yours sincerely,

Chief Legal Officer

Muriel Matters House  
Breeds Place  
Hastings

6 April 2021

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### **AGENDA**

1. Apologies for Absence
2. To approve as a correct record the minutes of the last meeting
3. Declarations of Interest
4. Announcements from the Mayor and Leader
5. Questions (if any) from:
  - a) Members of the public under Rule 11
  - b) Councillors under Rule 12
6. Membership of Committees  
To give effect to any request received from a political group for a change in their representation on committee(s).
7. Constitutional Amendments
8. Reports of Committees

- a) To receive and consider the recommendations and any decisions of the following committees.

<b>Minute No.</b>	<b>Subject</b>	<b>Cabinet Member / Chair</b>
<b>CABINET – 11 FEBRUARY 2021 – EMERGENCY DECISION</b>		
317.	Local Restrictions Support Grant (Open) Scheme	Chowney
<b>CABINET – 23 FEBRUARY 2021 – EMERGENCY DECISION</b>		
319.	Additional Restrictions Grant (ARG) Scheme Policy (Tranche 2)	Chowney
<b>CABINET – 1 MARCH 2021</b>		
323.	Reducing Rough Sleeping	Batsford
324.	Transfer of the Joint Waste and Recycling Committee Administering Authority from Rother District Council to Wealden District Council	Barnett
325.	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	Barnett
<b>CABINET – 5 MARCH 2021 – EMERGENCY DECISION</b>		
329.	Council Tax – Discretionary Hardship (Covid-19) Policy	Chowney

Notes:

1. The Mayor will call over the minutes and members will rise and indicate those items which they wish to have discussed.

#### **APPENDIX - CABINET MINUTES**

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

# Agenda Item 2

## FULL COUNCIL

10 FEBRUARY 2021

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

### **153. APOLOGIES FOR ABSENCE**

Apologies for absence received from Councillors Barnett and Louise.

### **154. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE LAST MEETING**

**RESOLVED** that the minutes of the Full Council meetings held on 16<sup>th</sup> and 21<sup>st</sup> December 2020 be approved and signed by the Mayor as a correct record of the proceedings.

### **155. DECLARATIONS OF INTEREST**

Councillor	Committee	Minute	Interest
Forward	Cabinet – 4 <sup>th</sup> January 2021	303	Prejudicial – Owns a property in the area
Beaver	Cabinet – 4 <sup>th</sup> January 2021	298	Personal – Works at Bexhill Road retail site

### **156. ANNOUNCEMENTS FROM THE MAYOR AND LEADER**

Councillor Forward, the Leader of the Council, acknowledged that the loss of life in Hastings due to Covid-19 had sadly exceeded 200 and reiterated that the thoughts of everyone at Hastings Borough Council are with those who have lost loved ones during the pandemic. This has been a very difficult time for everyone in the town and it is important to remain understanding and kind towards one another.

Councillor Forward proposed a motion, seconded by Councillor Sinden, as follows:

**RESOLVED** that in order for the Managing Director to update the Full Council, under Rule 16(14) of council procedure the council proceed as if in committee.

The Managing Director provided a brief update on the Covid-19 pandemic in Hastings. The national lockdown is having an impact and rates of new infection in Hastings, although still high, are reducing in line with the England average. However, the number of people ill in hospital is still too high, though numbers are reducing.

The Managing Director said that during the second wave the infection rate in Hastings soared and it is believed that this is related to the transmissibility of the Kent variant.

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The Director of Public Health remains convinced that underlying issues of deprivation have played a role in the impact of the pandemic on Hastings.

The national vaccination programme has been rolled out at great speed and the Council is working closely with NHS colleagues to get information and communications out to residents. Colleagues who have been working on the pandemic response are exhausted, with issues of fatigue, stress and poor mental health being felt all across the public, voluntary and community sectors. However, the Managing Director assured Councillors that colleagues and partners are still absolutely committed to supporting residents and businesses and will continue to do their very best in these extraordinary times.

The meeting returned to Full Council mode.

### 157. QUESTIONS (IF ANY) FROM:

#### 156a) Members of the public under Rule 11

No public questions were received.

#### 156b) Councillors under Rule 12

Questioner	Subject	Reply given by
Councillor Lee	<p><u>East Sussex County Council Labour Party</u> – It is reported the Labour Party is planning to join forces with the Liberal Democrats on East Sussex County Council, can you confirm if you will be forming a coalition with the Liberal Democrats locally?</p> <p>Councillor Forward replied that the question should be directed to Councillor Webb, Co-Leader of the Labour Group on East Sussex County Council.</p>	Councillor Forward
Councillor K Beaney	<p><u>Old Bathing Pool Site</u> – Can you provide an update on progress at the old Bathing Pool site?</p> <p>Councillor Chowney confirmed that the funder of the project has changed and the Council is awaiting further legal advice. It is hoped that the heads of terms will be signed soon.</p>	Councillor Chowney
Councillor Sabetian	<p><u>Town Deal</u> - Can you provide an update on the Town Deal?</p>	Councillor Fitzgerald

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	<p>Councillor Fitzgerald replied that the town investment plan had been submitted as part of the Town Deal and that he had had a very constructive meeting with the leaders of the Conservative group on the subject. There is excitement at the prospect of the Town Deal and its potential for positive change in the town.</p>	
<p>Councillor Turner</p>	<p><u>Vaccinations</u> – Can you update us on the progress of the vaccination programme?</p> <p>Councillor Forward replied that Hastings Borough Council is working closely with partners to ensure that residents are aware of how they get vaccinated. The Council's newsletter and website have been used to share the latest information. Councillor Forward thanked Dr Fox and his team of GP's who are operating the vaccination centre. There has been very positive feedback about their operation. The latest figures for the Hastings Centre vaccination programme show that just over 19,000 residents have received their first dose.</p>	<p>Councillor Forward</p>
<p>Councillor Roberts</p>	<p><u>Covid-19 Business Support</u> – Can you outline the support the Council has provided to local businesses to help them with the economic consequences of the pandemic?</p> <p>Councillor Chowney confirmed that there have been around 14 different statutory grant schemes to administer since the start of the pandemic, distributing over £27 million to local businesses. The Council has also developed some limited discretionary schemes which have distributed just over £1 million. Councillor Chowney thanked all the officers who have been working on administering the grant schemes.</p>	<p>Councillor Chowney</p>
<p>Councillor Rankin</p>	<p><u>Council Agenda</u> – Do you think we should reorder the Council agenda so that reports of committees are considered before motions?</p> <p>Councillor Forward suggested this be referred to the Working Arrangements</p>	<p>Councillor Forward</p>

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	Group.	
Councillor Levane	<p><u>Affordable Housing</u> – Can you update on what the Council is doing to increase the availability of genuinely affordable housing?</p> <p>Councillor Batsford replied that there are 1434 people on the Council housing waiting list, which includes over 1,000 local children living in unsuitable accommodation. The Council has limited opportunities to build houses but intends to take them. There are several projects on the horizon, including the Lower Tier site which will deliver 192 new homes. The Council will push hard for those homes to be affordable and available at Local Housing Allowance (LHA) rates.</p>	Councillor Batsford
Councillor Bishop	<p><u>Active Hastings</u> - What have Active Hastings been doing to support the community during the pandemic?</p> <p>Councillor Evans confirmed that Active Hastings have a number of classes available which people can sign up for via the Active Hastings Facebook page. Booking regular classes enables you to keep a structure and routine during these difficult times. Councillor Evans reminded the Council that physical and mental health are inextricably linked and remaining active is key for physical and mental wellbeing.</p>	Councillor Evans

The meeting adjourned at 6:41pm to address an IT issue and resumed at 6:42pm.

**158. MOTION (RULE 14)**

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

**RESOLVED (by 19 for, with 8 abstentions) that the Council do accept the motion as set out below:**

This Council continues to express its gratitude for the extraordinary effort undertaken by many in our Borough during the pandemic crisis that in turn has created a force for good. We are all proud of the response of our Council, our medical professionals, key



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workers, our partners and the wider community effort across the Borough of Hastings and St. Leonards.

This Council believes that while the overwhelming majority of residents are playing their part in observing COVID regulations and a large number have taken on community volunteering roles, we are not 'all in this together'. When the pandemic is over the most vulnerable groups will still be vulnerable - economically, socially, academically and in their health and wellbeing outcomes. A resident living in one street will still be more likely to die 14 years earlier than a resident in the adjoining neighbourhood. We cannot accept this.

We are a council committed to narrowing the health gap. We are also a Council aware of the limits placed upon us. Therefore, whilst this Council welcomes the work already undertaken by ESCC Director of Public Health, before and during the pandemic, we remain acutely aware of the responsibility a phalanx of public bodies has for improving the health outcomes for our residents over the next decade.

We trust the result of this Motion will be to shine a spotlight beyond the well-rehearsed statistical recognition of health-inequality and onto the process by which these public bodies are forming and then acting upon a strategy to eradicate health-inequality from our Borough.

This motion is a challenge for all of us and especially those organisations whose very existence is predicated on improving the health and life-chances of our residents to act particular where there has been longstanding identified need.

The story of the primary care centre in the Ore Valley is a clear example of how desperate need does not lead to the prompt delivery of the required services, on time, to transform the health of our residents in Baird ward.

This motion calls on NHS England to deliver this primary care centre as a matter of necessity and as a clear signal of a new desire, the force for good extracted from the trauma of pandemic, to eradicate health inequality in our Borough by 2029.

This Council resolves to:

1. Lobby NHS England and the Secretary of State for Health to deliver on the primary health care centre for the Ore Valley;
2. Encourage formal and informal partnerships to contribute positively to reducing health inequality across the borough;
3. Promote the need for a unifying strategic plan to eradicate severe health inequality from our Borough by 2029;
4. Promote our Corporate Plan, our post-Covid recovery work and all other opportunities and agency as they become available to us as a means to this end;

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5. Request a twice-yearly report on the progress of measures, taken by organisations operating within the Borough, to reduce health-inequality using national, county and local profiles from the Director of Public Health
6. Instigate with partners specific locality measures with outcomes that raise the life chances of particular vulnerable groups or neighbourhoods;
7. Consider the impact on public health and inequality of our own decision-making, for example within the draft local plan;
8. Invite our MP to take up the mantle of reducing health inequality in the most deprived wards she represents.

### **159. MOTION (RULE 14)**

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

Councillor Rankin proposed an amendment to the motion, seconded by Councillor Beaver, as follows:

*Point 8 to read:*

*“Write to the Secretary of State for The Department of Work and Pensions and if necessary the PM and Chancellor requesting that the £20 uplift in Universal Credit be extended to Universal Credit Claimants for a further 6 months and then reviewed after that time.”*

Councillor Levane did not accept the amendment. The Mayor proposed suspending rule 16.6b of council procedure, seconded by Councillor Rogers.

**RESOLVED that council suspends Rule 16.6b of council procedure rules to permit Councillor Levane’s motion and Councillor Rankin’s amendment to be on the table and open for discussion at the same time.**

Councillors debated the proposed amendment and substantive motion.

The amendment proposed by Councillor Rankin was rejected by 19 votes against, to 7 for.

**RESOLVED (by 19 for, to 2 against, with 6 abstentions) that the Council do accept the motion as set out below:**

No cuts to Universal Credit – let families keep the £20 increase

Aim: To maintain the income of low and middle income families.

This council notes:

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Next April the government plans to cut the benefit level for millions of claimants by ending the time limited increase to the basic rate of Universal Credit (and the tax credit equivalent) announced by the Chancellor on 20th March as part of his pandemic response package.

The £20 a week boost reflected the reality that the level of benefits were not adequate to protect the swiftly increasing number of households relying on them as the crisis hit. Exactly because that increase was a very significant and welcome move to bolster low- and middle-income families' living standards, its removal will be a huge loss.

Pressing ahead would see the level of unemployment support fall to its lowest real-terms level since 1990-91, and its lowest ever relative to average earnings. Indeed, the basic level of out-of-work support prior to the March boost was – at £73 a week (£3,800 a year) – less than half the absolute poverty line.

The increase in benefits has had a positive effect on the lives of thousands of local claimants who are better able to pay for life's essentials such as food, clothing and utilities.

The local economy has also benefited from the increase in benefit levels as claimants spend their money locally thereby supporting local businesses and jobs.

This council resolves to:

- Write to the Chancellor, Rishi Sunak and to the Prime Minister, Boris Johnson demanding that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits.
- Work with other local government organisations to form a coalition to pressure the government to make the £20 increase to Universal Credit permanent.

### **160. MOTION (RULE 14)**

The Mayor adjourned the meeting at 7:52pm and the meeting resumed at 8:03pm

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

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

Hastings Borough Council calls upon this government to extend the legislation allowing councils to hold 'virtual' meetings beyond the end of April 2021 to allow for all council meetings in the future to be conducted face to face (when Covid restrictions are lifted) with the public present, but also to continue to be accessed via a virtual platform whilst being livestreamed to the public.

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There are many councillors and officers who will welcome the return to face to face meetings but the role of local government is to reach out and engage with the whole community particularly those who for whatever reason are more isolated.

In Hastings councillors work hard to ensure that every resident feels that their views are heard and they feel they are a part of the democratic structure of the town. One of the ways that this can be achieved is to target the under represented groups and support them to become spokespeople for their communities and ultimately councillors.

One of the major barriers to many people feeling they are able to stand for election is their inability to be able to attend the required number of council meetings. There are many reasons for this from caring responsibilities, disability, work commitments, financial constraints and the establishing of hybrid meetings will allow members to join remotely and will give more people from our town a voice.

We ask that the Leader of the Council writes to the appropriate Minister to pass on our comments.

### **161. MEMBERSHIP OF COMMITTEES**

No changes to membership of committees were proposed.

### **162. APPOINTMENT OF STATUTORY MONITORING OFFICER**

Councillor Rogers proposed that Mary Kilner be appointed the Council's Monitoring Officer, seconded by Councillor Beaver.

The Mayor formally thanked the outgoing Monitoring Officer, Christine Barkshire-Jones, for her work and service to Hastings Borough Council.

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

**That Mary Kilner is appointed statutory Monitoring Officer with immediate effect.**

Reasons:

1. Section 5 of the Local Government and Housing Act 1989 places responsibility on the Monitoring Officer to oversee vires issues. In particular, reporting to the local authority if she or he thinks any proposal, decision or omission would give rise to (a) a contravention by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any such joint committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment; or (b) any such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners) to prepare a report to the authority with respect to that proposal, decision or omission.

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2. The previous Monitoring Officer now has a different role within the Council as a result of retiring from a substantive post. Mary Kilner is the newly appointed Chief Legal Officer.

### 163. REPORTS OF COMMITTEES

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

**RESOLVED** that under rule 13.3 the reports and minutes of committees set out in the agenda, including those items on which a council decision was required, be received, and agreed. Only those items which were reserved were discussed, as follows:

Meeting	Minute	Councillor
Cabinet, 4 <sup>th</sup> January 2021	298 (C) - Treasury Management – Mid-Year Report 2020/21	Rankin
Cabinet, 4 <sup>th</sup> January 2021	299 - Hastings Draft Local Plan – Regulation 18 Consultation	Beaver
Cabinet, 4 <sup>th</sup> January 2021	301 - Hastings Country Park Visitor Centre Part 1	Bishop
Cabinet, 4 <sup>th</sup> January 2021	301 (E) - Hastings Country Park Visitor Centre Part 2	Lee
Cabinet, 4 <sup>th</sup> January 2021	303 (E) - Cornwallis Street Car Park – Potential Development	Patmore
Cabinet, 8 <sup>th</sup> February 2021	307 (C) - Pay Policy Statement 2021/22	Lee
Cabinet, 8 <sup>th</sup> February 2021	308 - Churchfields Business Centre – Incubator Units	Cox

Minute 298 of Cabinet on 4<sup>th</sup> January 2021, Treasury Management – Mid-Year Report 2020/21, was a matter on which the Full Council was required to make a decision. The recommendations were proposed by Councillor Chowney, seconded by Councillor Rankin and agreed unanimously.

Minute 307 of Cabinet on 8<sup>th</sup> February 2021, Pay Policy Statement 2021/22, was a matter on which the Full Council was required to make a decision. The recommendations were proposed by Councillor Rogers, seconded by Councillor Davies and agreed unanimously.

The Mayor adjourned the meeting until 6pm, Tuesday, 23<sup>rd</sup> February 2021.

(The Mayor adjourned the meeting at 9.04pm)

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# Public Document Pack

## FULL COUNCIL

23 FEBRUARY 2021

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

### 169. APOLOGIES FOR ABSENCE

Apologies received from Councillors Beaver, Fitzgerald and Louise.

### 170. DECLARATION OF INTERESTS

Councillor	Committee	Minute	Interest
Forward	Cabinet – 4 <sup>th</sup> January 2021	303	Prejudicial – Owns a property in the area

### 171. REPORTS OF COMMITTEES

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

Meeting	Minute	Councillor
Cabinet, 4 <sup>th</sup> January 2021	298 (C) - Treasury Management – Mid-Year Report 2020/21	Rankin
Cabinet, 4 <sup>th</sup> January 2021	299 - Hastings Draft Local Plan – Regulation 18 Consultation	Edwards
Cabinet, 4 <sup>th</sup> January 2021	301 - Hastings Country Park Visitor Centre Part 1	Bishop
Cabinet, 4 <sup>th</sup> January 2021	301 (E) - Hastings Country Park Visitor Centre Part 2	Lee
Cabinet, 4 <sup>th</sup> January 2021	303 (E) - Cornwallis Street Car Park – Potential Development	Patmore
Cabinet, 8 <sup>th</sup> February 2021	307 (C) - Pay Policy Statement 2021/22	Lee
Cabinet, 8 <sup>th</sup> February 2021	308 - Churchfields Business Centre – Incubator Units	Cox

Minute 298 of Cabinet on 4<sup>th</sup> January 2021 and minute 307 of Cabinet on 8<sup>th</sup> February 2021 were agreed unanimously on 10<sup>th</sup> February before the Full Council adjourned.

In Councillor Beaver's absence Councillor Edwards reserved item 299 of Cabinet on 4<sup>th</sup> January 2021 for discussion.

Councillors debated minutes 299, 301, 302 and 303 of Cabinet on 4<sup>th</sup> January 2021; and minute 308 of Cabinet on 8<sup>th</sup> February 2021. These matters did not require approval of Full Council.

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Minutes 302 and 303 of Cabinet on 4<sup>th</sup> January 2021 were exempt items. When debate moved to these items Councillor Rogers proposed a motion for the exclusion of the public from the meeting, seconded by Councillor Roberts.

**RESOLVED that the public be excluded from the meeting during the consideration of minutes 302 and 303 of Cabinet on 4<sup>th</sup> January 2021 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the relevant reports.**

Councillor Forward declared a prejudicial interest in minute 303 of Cabinet on 4<sup>th</sup> January 2021 and left the meeting when discussion moved to this item.

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

(The Mayor declared the meeting closed at 7.21pm)



# Agenda Item 7



**Report To:** Full Council

**Date of Meeting:** 14<sup>th</sup> April 2021

**Report Title:** Constitutional Amendments

**Report By:** Mary Kilner, Chief Legal Officer and Monitoring Officer

**Key Decision:** Y

**Classification:** Council decision

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## Purpose of Report

During the Covid Pandemic the Government removed the legal requirement for Local Authorities to hold public meetings in person thereby enabling remote meetings. The legislation applies to all meetings held before 7<sup>th</sup> May 2021. This report is to update Councillors on the provisions regarding remote meetings and to request that Full Council reinstate the emergency powers given to the Managing Director to enable decision making in such emergency situations.

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## Recommendation(s)

1. Full Council agrees to reinstate the emergency powers given to the Managing Director as set out in the Paragraph 8 of this Report with immediate effect for a period of no more than 12 months.
2. Full Council adopts the amendments to Paragraph 26.22 of Part 4 of the Council's Constitution.

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## Reasons for Recommendations

During the Covid 19 Pandemic it has been necessary to adapt our procedures to be able to continue the Council's business.

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## Introduction

1. During the Covid 19 Pandemic it has been necessary to adapt our procedures to be able to continue the Council's business.
2. At the Special Full Council meeting on 18<sup>th</sup> March 2020 an urgent amendment to the Council's Constitution was made as follows: 'The Constitution of the Council be amended to include the following: In urgency and/or emergency situations whereby Cabinet or Council and their respective Committees cannot meet to determine the Council's business, delegated authority is given to the Council's Managing Director (or nominee) in consultation with a minimum of 4 members of Cabinet, one of whom to be an opposition councillor and one to be the Leader or Deputy Leader of the Council. The delegation is to cover all the Cabinet's and Council's powers, duties and functions not currently covered by Part 8 of the Council's Constitution. In addition the delegation is to cover all Council Committees and Regulatory Committees. The Managing Director in making a risk assessment will need to decide whether these Committees are able to meet virtually and decide their view. If the Managing Director's nominee is making a decision, they must also consult with the Council's Monitoring Officer and Section 151 Officer. Emergency circumstances would include the sorts of events covered by our Emergency Plan as well as unprecedented episodes, such as pandemics. "Urgency" would in most cases be confined to essential decision making during such emergency situations. This change to apply from 19<sup>th</sup> March 2020 for a period of no more than 12 months. Any proposed extension or reinstatement of this change must be put to Full Council with full reasons outlined.'
3. The emergency powers granted to the Managing Director were only used when absolutely necessary. Where possible decisions were delayed until virtual committee meetings could be facilitated. In cases where an urgent decision was required the Managing Director consulted with the Cabinet and a record of those decisions were kept.
4. During the Covid Pandemic the Government temporarily removed the legal requirement for Local Authorities to hold public meetings in person. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 gave Councils the power to hold public meetings remotely through electronic, digital, virtual locations and telephone conferencing technology. The Regulations came into force on 4<sup>th</sup> April 2020 and apply to all meetings that are held before 7<sup>th</sup> May 2021. Remote meetings via Microsoft Teams started with the regulatory Committees in May 2020 followed by Cabinet and Full Council Meetings. Changes to the Council's Constitution have been made to facilitate remote meetings.
5. The Regulations do not apply to meetings held on or after 7<sup>th</sup> May 2021. Extending the regulations to meetings beyond 7<sup>th</sup> May requires primary legislation. The Government has written to all Council Leaders on 25<sup>th</sup> March advising that it is not possible to bring forward emergency legislation to extend this provision at this time. The Government state that it is for Local Authorities to apply the Covid-19 guidance to ensure meetings take place safely. They

have updated their guidance at [www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings](http://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-council-buildings/covid-19-guidance-for-the-safe-use-of-council-buildings)

6. The Local Government Association and the Association of Democratic Services Officers have jointly sought Counsels advice on the ability to continue to hold Council meetings remotely past 7<sup>th</sup> May 2021. They are seeking a declaration from the Courts that the pre-existing legislation governing local authority meetings can be held remotely. In addition to the public health issues the benefits of remote meetings have increased public participation and equality of access to meetings while reducing travel and providing other cost savings.
7. The updated guidance issued by the Government suggests a number of options to minimise the number of face-to-face meetings held by Councils including the use of existing powers to delegate decision making to key individuals such as the Head of Paid Service. Under the circumstances we are requesting that Full Council reinstate the emergency powers given to the Managing Director at the Special Full Council meeting held last year subject to a change to the conditions.
8. “In urgency and/or emergency situations whereby Cabinet or Council and their respective Committees cannot meet to determine the Council’s business, delegated authority is given to the Council’s Managing Director (or nominee) in consultation with a minimum of 4 members of Cabinet, one of whom to be the Leader or Deputy Leader of the Council. The Managing Director (or nominee) should also consult with the Leader or Deputy Leader of the opposition. These emergency powers require the Managing Director to make a risk assessment as to the holding of all Council, Cabinet or Committee meetings ‘in person’ in such emergency situations and putting in place the necessary arrangements to be able to conduct those meetings in safety and in compliance with the current government and legal guidance. The delegation is to cover all Cabinet’s, Council’s and Committee’s powers, duties and functions not currently covered by Part 8 of the Council’s Constitution. In relation to Regulatory Committees, the Managing Director should also consult with the Chair of the relevant Committee and the Council’s Monitoring Officer to make a decision as to the conduct of that Committee meeting and the manner in which it is to be held. In circumstances where the Managing Director’s nominee is exercising these emergency powers (in the absence of the Managing Director) he or she must also consult with the Council’s Monitoring Officer and Section 151 Officer. Emergency circumstances would include the sorts of events covered by our Emergency Plan as well as unprecedented episodes, such as pandemics. “Urgency” would in most cases be confined to essential decision making during such emergency situations. This change to apply from 14<sup>th</sup> April 2021 for a period of no more than 12 months. Any proposed extension or reinstatement of this change must be put to Full Council with full reasons outlined.’
9. The Ministry of Housing, Communities and Local Government (MHCLG) has launched a consultation seeking views on the use of the current arrangements which have provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic. The scope of the consultation is to understand the experience of local authorities in the whole of the UK regarding remote meetings. Details of the consultation can be found at <https://www.gov.uk/government/consultations/local-authority-remote-meetings-call-for-evidence/local-authority-remote-meetings-call-for-evidence> The consultation closes on 17th June 2021. The Council will be submitting a response to the consultation.

## Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Full Council	Decisions to be made	14 <sup>th</sup> April 2021	Chief Legal Officer

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## Wards Affected

(All Wards);

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## Policy Implications

Reading Ease Score:

Have you used relevant project tools?: Y/N

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

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

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## Additional Information

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### Officer to Contact

Officer Mary Kilner  
Email [Mary.Kilner@hastings.gov.uk](mailto:Mary.Kilner@hastings.gov.uk)  
Tel 01424 451730

11 FEBRUARY 2021

**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



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## **318. DECLARATION OF INTERESTS**

The Managing Director declared no interests.

## **319. ADDITIONAL RESTRICTIONS GRANT (ARG) SCHEME POLICY (TRANCHE 2)**

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

This second scheme is aimed at assisting businesses with property related costs which have not been eligible for the government's Local Restrictions Support Grant (closed) scheme, as well as potentially supporting some other businesses that have been severely impacted by the pandemic. The grant monies received are to cover the period up to 31 March 2022.

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 Batsford, Cllr Chowney, Cllr Evans, Cllr O'Callaghan, Cllr Rogers, Cllr Lee and Cllr Patmore.

### **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 Additional Restrictions Grant 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 a further Additional Restriction Grant 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

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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 Constitution Emergency Powers



**Date:** 23<sup>rd</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 Additional Restrictions Grant 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 a further Additional Restriction Grant 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	X		
Councillor Chowney	X		
Councillor Evans	X		
Councillor O'Callaghan	X		
Councillor Rogers	X		
Opposition			
Councillor Lee	X		
Councillor Patmore	X		

Signed



Jane Hartnell  
Managing Director  
Hastings Borough Council

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

### **320. APOLOGIES FOR ABSENCE**

None received.

### **321. DECLARATION OF INTERESTS**

None received.

### **322. MINUTES OF LAST MEETING**

**RESOLVED** – that the minutes of the Cabinet meeting held on 8<sup>th</sup> February, Budget Cabinet meeting on 8<sup>th</sup> February and Cabinet meeting to agree the Local Restrictions Grant (Open) Scheme held on 11<sup>th</sup> February be approved as true records.

Councillor Chowney updated that the Local Restrictions Grant (Open) Scheme is now open and encouraged local businesses to look at the website and submit an application.

### **323. REDUCING ROUGH SLEEPING**

The Assistant Director for Housing and Built Environment presented a report to update on progress to reduce rough sleeping over the past year and the plans to continue this work from April 2021.

A grant exemption is requested from cabinet to commission services for the initiative as of 1<sup>st</sup> April, as due to the short-term nature of the funding, it is not possible to follow the normal procurement procedure.

The reports also outlines the plans for the next 12 months under the Rough Sleepers Initiative. Hastings Borough Council is the lead authority for this work in East Sussex and has been working closely with partner organisations in developing the plans.

The Strategic Housing and Projects Manager added that this work builds on the council's long standing commitment to end rough sleeping and in particular, looks at the services which will be in place as the Everyone In instruction comes to an end. The Next Steps Accommodation Programme, which was the capital fund that the council secured at the end of last year, addresses the gap in provision for accommodation for individuals who require high levels of ongoing support. Ways to increase the number of Housing First units available for former rough sleepers are being looked into. Clearly the short deadline for the project and the ongoing lockdown restrictions which were introduced after the grant was secured has had an impact on the properties that were available for purchase; an issue which has affected a number of local authorities around the country. The council is working with Homes England to

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discuss a potential extension to the scheme, which will also be the first phase of a broader programme due to be launched next year. Work is already underway with partners to develop proposals for further bids to the programme.

Councillor Batsford proposed approval of the recommendation, seconded by Councillor O'Callaghan.

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

#### **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**

#### **Reason:**

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.

#### **324. TRANSFER OF THE JOINT WASTE AND RECYCLING COMMITTEE ADMINISTERING AUTHORITY FROM ROTHER DISTRICT COUNCIL TO WEALDEN DISTRICT COUNCIL.**

Under part 4, rule 13.3 of the Constitution, the recommendations of the report were agreed without being called for discussion.

#### **325. 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.**

The Assistant Director, Environment and Place presented the report which seeks authorisation to implement the legal process required to gate 3 alleys on the request of local residents because of serious anti-social behaviour and criminality.

The legal framework for alley gating is contained in the Anti-Social Behaviour Crime and Policing Act 2014. Although it is requested that 3 alleys are gated, they are not linked and each one needs to be decided on its own merits.

For several years, the Community Safety Manager has been engaging with local residents and businesses who have been complaining about the anti-social behaviour and other serious issues. He has worked closely with the local community, the council's warden team and the local police to try and address the issues but unfortunately, the measures that don't include gating the alleys haven't proved to be effective in the long term.

In December 2020, formal consultation on the proposals was carried out with the public and statutory consultees, including the police and Highways Authority via the East Sussex County Council Rights of Way team, as set out in the guidance that is associated in the act. The Police and local business association were supportive of the proposals, although East Sussex County Council objected. Some very compelling evidence about the significant negative impact of the alleys has been received from

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local residents and is set out in the report. Objections to the proposals have been received in the last week from several individuals and organisations, for example from Ramblers Association, Open Spaces Society, Greenway Trust and Living Streets Charity, who appear to be concerned that gating the alleys would set a dangerous precedent and feel that measures other than gating should be used. Unlike the Highways Authority, they are not statutory consultees within the provisions of primary legislations for alley gating.

If cabinet approves the proposals, these will need to be formally reviewed within at 3 least three years of when they commence. However, in this case, as set out in recommendation 2 of the report, officers recommended that they should be reviewed within at least two years of commencement. The council could, in fact, review the proposals at any time after they commence, and if appropriate, either vary, extend or discharge them.

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

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

- 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.**

Reason:

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.

(The Chair declared the meeting closed at 6:54pm)

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## **328. DECLARATION OF INTERESTS**

The Managing Director declared no interests.

## **329. COUNCIL TAX - DISCRETIONARY HARDSHIP (COVID-19) POLICY**

The Assistant Director, Financial Services and Revenues, submitted a report to agree a Policy for the distribution of the discretionary elements of the government funding (£1,281,991) in respect of the of the Council Tax Hardship Scheme in relation to Covid-19.

The government announced in their budget in March 2020 that they would be making additional money available to local authorities (£500m) to support economically vulnerable people and households. All billing authorities were directed to reduce automatically the Council tax bills for every working age person already receiving Council Tax reduction support by £150 for 2020/21 or reduced to zero if the balance payable for the year was lower than the £150.

From the £500m, the Council received £1,281,991 – based upon the share of national working age caseload. The expectation from government is that the majority of this hardship funding will be used to provide Council Tax relief in conjunction with existing Council Tax reduction schemes.

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 Barnett, Cllr Batsford Cllr Chowney, Cllr O'Callaghan, Cllr Rogers and Cllr Patmore.

### **RESOLVED:**

- 1. The Council's Managing Director in consultation with the Leader of the Council, the Deputy Leader, the lead member for Financial Management and Estates and other appropriate Councillors (as required by the emergency powers) approve the Hastings Discretionary Council Tax Hardship (Covid-19) Policy on behalf of the Council under said 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 by the end of the current financial year should the end date of the scheme not be extended.**

Reasons:

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1. The Council is seeking to expand its Council Tax Hardship (Covid-19) scheme as a matter of urgency to help more residents in the Borough who are struggling to pay their Council Tax .This is possible as there is expected to be a surplus of grant funding available by the 31 March 2021 which may otherwise need to be returned to central government.