



Council Meeting

**Wednesday, 9th
February, 2022**

HASTINGS BOROUGH COUNCIL

Dear Councillor

You are hereby summoned to attend a meeting of the Hastings Borough Council to be held at the Council Chamber, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY, on Wednesday, 9th February, 2022 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

1 February 2022

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. Membership of Committees

The Leader of the Council to propose:

1. Following the formation of the Green Party Group and the change in political balance the Council agrees the reallocation of seats on the Overview and Scrutiny, Licensing and Museum Committees as shown in Schedule A
2. Councillors be appointed to those committees, and to the

vacant seat on the Standards Committee, in accordance with the nominations of the political groups as shown in Schedule A

6. Reports of Committees

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

Minute No.	Subject	Cabinet Member / Chair
EMERGENCY DECISION – 8 DECEMBER 2021		
389.	Agreeing the Public Convenience Cleaning Contractor from April 2022 (Part 1)	Evans
390. (E)	Agreeing the Public Convenience Cleaning Contractor from April 2022 (Part 2)	Evans
CABINET – 4 JANUARY 2022		
395.	Neighbourhood Planning – Scheme of Delegation	Forward
396.	Fees and Charges	Chowney
397.	Afghan Relocation Programme	Batsford
398. (C)	Part of Bowls Pavilion and Bowling Green at Alexandra Park	Chowney
399. (E)	Renewal of Minor Works Contract 2022	Chowney
400. (C) (E)	Agreeing the delivery model for Building Cleaning Services from April 2022	Evans
EMERGENCY DECISION – 14 JANUARY 2022		
403.	Omicron Hospitality and Leisure	Chowney

	Grant Policy	
EMERGENCY DECISION – 26 JANUARY 2022		
405.	Additional Restrictions Grant (ARG) Scheme Policy (Tranche 4)	Chowney
CABINET – 31 JANUARY 2022		
409. (C)	Reviewing the Council's Licensing Act 2003 Licensing Policy Statement	Evans
410. (C)	Pay Policy Statement	Rogers
411.	First Homes in Hastings	Batsford
412.	Hastings Business Improvement District	Barnett

Notes:

1. The Mayor will call over the minutes and members will rise and indicate those items which they wish to have discussed.
 2. No discussion shall take place at this stage upon part II minutes covered by the resolution 6a) above. Any such discussion shall be deferred to item 7 on the agenda.
7. To consider the recommendations and decisions of committees (if any) which the Council has resolved should be discussed after the exclusion of the public from the meeting.
 8. Questions (if any) from:
 - a) Members of the public under Rule 11
 - b) Councillors under Rule 12
 9. Motion (Rule 14)
Councillor Patmore to propose:

This Council mourns the loss of Sir David Amess MP, who was killed performing his constituency duties on 15 October 2021. This Council recalls the tragic loss of Jo Cox MP in 2016 and the attack on Stephen Timms MP in 2010. The death of Sir David Amess represents the third such attack on a British parliamentarian in a little over a decade. This Council restates the power of democratic politics to make a positive difference to people's lives and recognises that politicians of all parties are overwhelmingly dedicated, decent people discharging their democratic duties as best they can. This Council asks that the Group Leaders collectively to convey our condolences on the loss of Sir David to the Speaker of the House of Commons and write to the Leaders of all political parties in Westminster to support measures that

would see politicians at tiers of government kept safe and secure so that they continue working hard on behalf of their constituents.

10. Motion (Rule 14)

Councillor Arthur to propose:

Climate change is threatening hundreds of millions of lives, livelihoods across every continent and is putting thousands of species at risk. The burning of fossil fuels – coal, oil, and gas – is by far the major contributor to climate change and is responsible for almost 80% of carbon dioxide emissions since the industrial revolution. In addition to being the leading source of emissions, there are local pollution, environmental and health costs associated with extracting, refining, transporting and burning fossil fuels.

These costs are often paid by Indigenous peoples of the Global South as well as marginalised communities here in the UK. Hastings is one of the most deprived towns in the country, residents are forced to spend an ever-increasing proportion of their income meeting the exponentially rising costs of energy. Standards of living and health are directly impacted. It is not sustainable to continue to extract and globally transport fossil fuels when genuinely sustainable methods of production may exist locally to meet demand.

Globally, egregious industry practices have led to human rights violations and a fossil fuel system that has left billions of people across the globe without sufficient energy to lead lives of dignity. Failure to meet the ultimate goal of the 2015 Paris Climate Agreement (to limit global warming to 1.5°C) risks pushing the world towards catastrophic global warming.

Yet, the Paris Agreement has no mention of oil, gas or coal and the much anticipated COP26 deal was disappointingly weak. Meanwhile, the fossil fuel industry continues to plan new projects. Banks continue to fund new projects. Closer to home, despite calls from the Labour-led Hastings Borough Council since 2016, East Sussex Pension Funds continue to invest in fossil fuels.

According to the most recent United Nations Environment Programme report, 120% more coal, oil, and gas will be produced by 2030 than is consistent with limiting warming to 1.5°C. Efforts to meet the Paris Agreement and to reduce demand for fossil fuels will be undermined if supply continues to grow.

The solution is clear: fossil fuels must be kept in the ground. We therefore agree:

1. To endorse the call for a Fossil Fuel Non-Proliferation Treaty (<https://fossilfuel treaty.org>). That is, for world leaders to work together

in a spirit of international cooperation to:

- End new expansion of oil, gas and coal production in line with the best available science as outlined by the Intergovernmental Panel on Climate Change and United Nations Environment Programme;
- Phase out existing production of oil, gas and coal in a manner that is fair and equitable, taking into account the responsibilities of countries for climate change and their respective dependency on fossil fuels, and capacity to transition;
- Invest in a transformational plan to ensure 100% access to renewable energy globally, support dependent economies to diversify away from fossil fuels, and enable people and communities across the globe to flourish through a global just transition.

2. To write to Rother District Council, Wealden District Council, Lewes District Council, Eastbourne Borough Council, East Sussex County Council and the East Sussex Pension Fund, communicating this decision to them and urging them to pass similar motions of their own.

3. To continue to call on East Sussex County Council to commit to divesting the East Sussex Pension Fund from fossil fuels.

11. Motion (Rule 14)

Councillor Batsford to propose:

This Council, on behalf of the residents of Hastings, agrees to declare a housing emergency.

With rents soaring out of control, thousands of families are left buried in debt and under the threat of losing their home. Many remain stuck on the Council housing list, with little or no chance of an affordable secure home. The problem is made worse by a huge increase in the use of section 21 notices to secure 'no fault evictions' of tenants, destroying family homes as landlords take advantage of unprecedented price rises and sell up.

The Hastings Local Housing Allowance (which determines the maximum level of Housing Benefit that can be paid) now is at least 40% below the market value of most rented properties, once again driving families into debt, with rent arrears blocking them from seeking another home when they're evicted. The government has just announced that LHA rates are to be frozen for another year, while the rents tenants have to pay continue to escalate with no controls on the level of rents landlords can charge.

The shortage of genuinely affordable rented homes is causing a long-term problem too. But significant numbers of empty homes and identified housing sites, particularly brownfield sites, remaining undeveloped, 'land banked' by property speculators who prefer to wait

for local housing values to increase still further. Councils can do little about this, as they lack the cost-neutral CPO powers to bring empty homes and land-banked land back into use for genuinely affordable, social rented housing.

Like many tourist towns, residential homes in Hastings are also being stripped out of the rental market through the increase in homes being used as holiday lets, and being bought for second homes. We recognise that holiday cottages for short-term lets are an important part of the local tourist economy. However, second homes remain empty for most of the year, and are of little local value, as well as depriving local people of a potential home to live in. Councils need powers to control the proliferation of holiday homes, and to discourage people from using properties as second homes.

All these factors have led to a huge escalation in homelessness, with hundreds of millions of pounds wasted each year across the country providing unsatisfactory temporary accommodation, when it should be spent on building affordable homes and paying realistic levels of housing benefit.

All these factors combine to precipitate a real housing crisis. We are only at the very start of this perfect storm which will condemn current and future generations of Hastings residents to insecure, unaffordable and substandard housing. A safe, secure and affordable home is a basic human right.

In recognition of the above, this Council:

1. calls on the Leader of Hastings Council, and encourages the Conservative opposition leader to join her, to write to the Hastings and Rye MP and the Secretary of State for the Department for Levelling Up, Communities and Housing, Michael Gove, demanding that he:
 - abolish section 21 notices;
 - reverse the decision to freeze LHA and increase it so it reflects the true level of private sector rents'.
 - allows councils to charge up to 300% Council tax on second homes;
 - introduces a separate planning use class for holiday let properties, so the council can control the proliferation of holiday homes through the development control process;
 - reinstates the fair rent review system to cap housing rents at a realistic level;
 - grants councils 'cost neutral' compulsory purchase powers that allow them to deduct costs from compensation paid for the compulsory purchase of long-term empty homes and land-banked land;
 - fully funds councils to initiate a social rented house-building programme to finally produce the number of 'council' homes our town desperately needs.
2. Ask the Leader of the Council to write to Marie Lorimer, the UK

Public Policy Manager at AirBnb to request a meeting, and seek to introduce a 90-day annual limit.

12. Motion (Rule 14)

Councillor Barnett to propose:

Following the appalling sewage leak at Bulverhythe last summer, our residents have been rightly calling for action to ensure that this doesn't happen again. Since then Hastings BC has been working to hold Southern Water to account.

This Council now calls for:

- * Southern Water to be returned into public ownership
- * Regular meetings with Southern Water at the highest level to hear current plans to improve both the sewage system and clean water supply for everyone ,everywhere, in Hastings
- * Further letters to be sent to both our MP and Government expressing severe reservations about the performance of Southern Water
- * Stronger action from the Environment Agency, Ofwat and the Consumer Council for water to enforce sea water and domestic water supply standards in Hastings
- * Residents of Hastings to continue to report concerns about water on the Hastings Borough Council website

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

Agenda Item 2 Public Document Pack

INFORMAL FULL COUNCIL

15 DECEMBER 2021

Present: Bacon (Chair), Cox (Vice-Chair), Arthur, Barnett, Battley, Batsford, K Beaney, S Beaney, Beaver, Bishop, Carr, Chowney, Cooke, Edwards, Evans, Fernando, Forward, Foster, Hay, Hilton, Marlow-Eastwood, Patmore, Pragnell, Roark, Rankin, Rogers, Roberts, Scott, Sinden, Turner and Williams.

214. APOLOGIES FOR ABSENCE

None received.

215. DECLARATIONS OF INTEREST

None received.

216. ANNOUNCEMENTS FROM THE MAYOR AND LEADER

The Leader of the Council thanked Hastings Borough Council officers for their dedication over the course of a very difficult year and asked residents to remember the importance of social distancing, masks, and handwashing in protecting themselves against Covid-19.

The Leader of the Council invited the Managing Director to provide an update on the pandemic response in Hastings.

The Managing Director, Jane Hartnell, informed councillors that infection levels had reached 800 per 100,000 in Hastings over the last few weeks. Whilst the high infection rate in Hastings is mainly related to the Delta variant, there is concern about the likely impact of Omicron, with 64 cases of the Omicron variant already confirmed in East Sussex. The Conquest Hospital is initiating its critical incident plan, seeking to discharge patients as soon as possible in order to direct resources to the vaccination programme. The council is aware that some parts of the town still need their first and second vaccination, with the lowest areas of take-up being Central St Leonards and Central Hastings. The council is working with partners to provide intelligence and support to the local vaccine effort. Additional effort and capacity are now focussed on the booster vaccine rollout.

The Mayor thanked volunteers and staff associated with the vaccination programme.

217. QUESTIONS (IF ANY) FROM:

217a Member of the Public under Rule 11

A written question was received from a member of the public regarding the local Housing Register. Councillor Batsford provided a written response which was sent to the questioner and published on the council's website.

Supplementary questions will be taken at the next formal Full Council meeting.

217b Councillors under Rule 12

FULL COUNCIL

15 DECEMBER 2021

Councillor Patmore submitted a written question to Councillor Evans regarding development northeast of Fern Road. A written response was received and published on the council's website.

Councillor Patmore did not have a supplementary question.

Councillor Hilton submitted a written to Councillor Roger regarding the council's staff organisation chart. A written response was received and published on the council's website.

As a supplementary question Councillor Hilton asked if more information could be shared on the total number of staff in each department and some detail on their roles so that councillors could understand the capacity of each department.

Councillor Rogers said she would take those comments to officers and see if any further information could be provided.

The Mayor took oral questions from councillors to the Leader and cabinet members.

Questioner	Subject	Reply given by
Councillor Patmore	<p>Town Centre Crime – Given the rate of violent crime in Castle ward will the Leader of the Council tell us what she will be doing to combat this spike in violent crime and can she please look at reinstating the town centre CCTV?</p> <p>Councillor Forward replied that she has long been concerned about town centre crime. Councillor Forward said she had met with the Leader of East Sussex County Council and the Chief Inspector of Hastings and Rother police to discuss this. The council will continue to use its warden service to tackle anti-social behaviour. The CCTV is functioning and accessed by Sussex Police.</p>	Councillor Forward
Councillor Bishop	<p>Bale House – Can you tell us the latest attendance statistics for the Bale House?</p> <p>Councillor Evans replied that since the opening of the Bale House there have been over 25,000 visitors.</p>	Councillor Evans
Councillor Cooke	<p>Carbon Reduction - Many councils have put a year-on-year carbon reduction target into their climate change strategies. What year-on-year reductions does Hastings require to meet its net zero target, and what progress are we making towards that?</p> <p>Councillor Evans replied that housing stock and transport are the two main contributors to carbon emissions in Hastings. Councillor Evans said she</p>	Councillor Evans

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	would discuss further with officers and get back to Councillor Cooke with the figures.	
Councillor Turner	<p><u>Healthcare Reorganisation</u> - Is there anything Councillor Barnett can do to make sure that we encourage people to participate in the consultation process regarding reorganisation of the local NHS Trust?</p> <p>Councillor Barnett paid tribute to local NHS workers but said the town is lacking in healthcare resources considering its size and health outcomes. Councillor Barnett encouraged residents to engage with the consultation.</p>	Councillor Barnett
Councillor Carr	<p><u>Equalities Training</u> - Can I ask when councillors will be given equalities training and when did officers last receive equalities training?</p> <p>Councillor Rogers replied that face-to-face equalities training for councillors has been delayed due to Covid-19, however an online training session is being looked into for the new year. Staff have annual training and this is being looked at currently.</p>	Councillor Rogers
Councillor Battley	<p><u>White Ribbon Campaign</u> – Can you give us some information on the local White Ribbon campaign?</p> <p>Councillor Rogers replied that the campaign is about ending male domestic violence against women. Councillor Rogers said she was a little disappointed with engagement and so is intending to organise a working group with local partners to look at raising the profile of the campaign.</p>	Councillor Rogers
Councillor K Beaney	<p><u>Sea Road Shelter</u> - In May this year I asked why the public shelter on the seafront at the western end of Sea Road was fenced off. At the time you said it was fenced off for refurbishment, to be reopened for peak season. Can you let me know why it is still fenced off?</p> <p>Councillor Barnett replied that refurbishment was completed over the summer but not where shelters were being occupied. Until the legal process is complete the shelter can't be accessed for maintenance. Councillor Barnett said he would speak to officers and provide Councillor K Beaney with an update.</p>	Councillor Barnett
Councillor Hilton	<p><u>Carbon Tax Motion</u> – Can you confirm a letter has been sent to the recipients named in the carbon tax motion passed at the last Full Council?</p> <p>Councillor Forward replied that she would confirm</p>	Councillor Forward

FULL COUNCIL

15 DECEMBER 2021

	with officers that this has been done and update Councillor Hilton.	
Councillor Roark	<p><u>Refugee Crisis</u> – Can you please give us an update on the resettlement programmes that the council has in place?</p> <p>Councillor Batsford said that Hastings had led nationally on the resettlement programme, taking more refugees than was suggested. This has reinforced the message to other councils in the south east to step up and make similar offers.</p>	Councillor Batsford
Councillor Marlow-Eastwood	<p><u>Conquest Hospital Ophthalmology</u> - Can you clarify what you said about ophthalmology, it is my understanding the proposals are to relocate Hastings ophthalmology from the Conquest to Bexhill which already hosts a large number of appointments for Hastings' residents.</p> <p>Councillor Barnett replied that the consultation document sets out that Hastings will lose its ophthalmology service with it being relocated and divided between Eastbourne and Bexhill.</p>	Councillor Barnett
Councillor Scott	<p><u>Town Centre Safety</u> – Are local agencies coming together to address the issue of town centre crime and what are they doing to address these issues?</p> <p>Councillor Rogers replied that the Leader will be calling a meeting with local partners to discuss this. What is happening is not acceptable for residents. This is a priority for Hastings and the Council has asked Sussex Police to provide more details on where and when these crimes are occurring.</p>	Councillor Rogers

(The Chair declared the meeting closed at 6.54pm)

HASTINGS BOROUGH COUNCIL APPOINTMENTS TO COMMITTEES – AS OF COUNCIL 9
 FEBRUARY 2022
 POLITICAL BALANCE RULES APPLY TO COMMITTEES

					NOMINATIONS				NOTES
COMMITTEE	SEATS	ALLOCATION TO POLITICAL GROUPS			LABOUR GROUP	CONSERVATIVE GROUP	GREEN GROUP		
		LAB	CON	GRN					
Standards Committee	5 (+ 2 independents)	3	2		1. Maya Evans (Chair) 2. Alan Roberts (Vice-Chair) 3. Sabina Arthur	1. Mike Edwards 2. Peter Pragnell		No more than 1 Cabinet member who is not to be the Leader.	
Overview and Scrutiny Committee	11	6	4	1	1. Andrew Battley (Chair) 2. Ali Roark 3. Sabina Arthur 4. Nigel Sinden 5. Heather Bishop 6. Mike Turner	1. Andy Patmore (Vice Chair) 2. Mike Edwards 3. Peter Pragnell 4. Lucian Fernando	1. Claire Carr	No Cabinet Member may sit on O & S Committees. Mayor and Deputy Mayor not eligible for membership. Political Balance applies to Chairs and Vice-Chairs of O&S Committee	
Licensing Committee	15	8	5	2	1. Nigel Sinden (Chair) 2. Trevor Webb (Vice Chair) 3. James Bacon 4. Andrew Battley 5. Ruby Cox 6. Ali Roark 7. Alan Roberts 8. Mike Turner	1. Karl Beaney 2. Mike Edwards 3. Andy Patmore 4. Graeme Williams 5. John Rankin	1. Claire Carr 2. Julia Hilton	No Cabinet member with Portfolio. No more than 5 members of Planning Committee. Chair and Vice-Chair not to be elected from members of the Planning Committee.	
Museum Committee	10	5	3	2	1. Paul Barnett (Chair) 2. Nigel Sinden (Vice-Chair) 3. Sabina Arthur 4. Maya Evans 5. Ali Roark	1. Andy Patmore 2. John Rankin 3. Graeme Williams	1. Claire Carr 2. Julia Hilton		

Agenda Item 5

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8 DECEMBER 2021

388. DECLARATION OF INTERESTS

The Managing Director declared no interests.

389. AGREEING THE PUBLIC CONVENIENCE CLEANING CONTRACTOR FROM APRIL 2022 (PART 1)

The Assistant Director, Environment and Place, submitted a report to agree the appointment of a new Public Convenience (PC) cleaning contractor from 1st April 2022, subject to the satisfactory completion of the appropriate due diligence processes.

Under the emergency powers set out in Rule 26.22 of the Council's Constitution the Managing Director made the following decision in consultation with Councillors Forward, Barnett, Batsford, Chowney, Evans, Rogers, Webb, Patmore and Rankin.

RESOLVED:

- 1. Subject to the satisfactory completion of due diligence checks, to award contractor 3 the contract of providing PC cleaning services for Hastings Borough Council from 1 st April 2022 on an initial term of 3 years, with the option to extend for 2 + 2 years.**

Reasons:

The current PC cleaning contract comes to an end on 31st March 2022. This contract has been extended as far as it can, and therefore a new contract is required. Following a competitive tender exercise which received 5 tenders, the East Sussex Procurement Hub has advised that contractor 3 is the most economically advantageous tender for this essential service from 1st April 2022. At the time this report was drafted they were completing the due diligence checks.

390. AGREEING THE PUBLIC CONVENIENCE CLEANING CONTRACTOR FROM APRIL 2022 (PART 2)

The Assistant Director, Environment and Place, submitted a report to agree the appointment of a new Public Convenience (PC) cleaning contractor from 1st April 2022, subject to the satisfactory completion of the appropriate due diligence processes.

Under the emergency powers set out in Rule 26.22 of the Council's Constitution the Managing Director made the following decision in consultation with Councillors Forward, Barnett, Batsford, Chowney, Evans, Rogers, Webb, Patmore and Rankin.

CABINET

8 DECEMBER 2021

RESOLVED:

- 1. Subject to the satisfactory completion of due diligence checks, to award contractor 3 the contract of providing PC cleaning services for Hastings Borough Council from 1 st April 2022 on an initial term of 3 years, with the option to extend for 2 + 2 years.**

Reasons:

The current PC cleaning contract comes to an end on 31st March 2022. This contract has been extended as far as it can, and therefore a new contract is required. Following a competitive tender exercise which received 5 tenders, the East Sussex Procurement Hub has advised that contractor 3 is the most economically advantageous tender for this essential service from 1st April 2022. At the time this report was drafted they were completing the due diligence checks.

Minute Annex

Managing Director Decision Record



Date: 8th December 2021

Item: Agreeing the Public Convenience Cleaning Contractor from April 2022.

Report by: Mike Hepworth, Assistant Director, Environment and Place

Decision Type: Cabinet

Decision:

1. Subject to the satisfactory completion of due diligence checks, to award contractor 3 the contract of providing PC cleaning services for Hastings Borough Council from 1st April 2022 on an initial term of 3 years, with the option to extend for 2 + 2 years.

Reasons:

1. The current PC cleaning contract comes to an end on 31st March 2022. This contract has been extended as far as it can, and therefore a new contract is required. Following a competitive tender exercise which received 5 tenders, the East Sussex Procurement Hub has advised that contractor 3 is the most economically advantageous tender for this essential service from 1st April 2022. At the time this report was drafted they were completing the due diligence checks.

As required by Rule 26.22 of the Council's Constitution this decision was made in consultation with:

Cabinet	For	Against	Abstain
Councillor Forward	x		
Councillor Barnett	x		
Councillor Batsford	x		
Councillor Chowney	x		
Councillor Evans	x		
Councillor Rogers	x		
Councillor Webb	x		
Opposition			
Councillor Patmore	x		
Councillor Rankin	x		

Signed



Jane Hartnell
Managing Director
Hastings Borough Council

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CABINET

4 JANUARY 2022

Present: Councillors Forward (Chair), Barnett, Batsford, Chowney, Evans, Rogers and Webb

391. APOLOGIES FOR ABSENCE

No apologies received

392. DECLARATION OF INTERESTS

Councillor	Item	Interest
Cllr Chowney	6	Prejudicial - Pays for parking permit
Cllr Forward	6	Prejudicial – Pays for Beach hut
Cllr Batsford	6	Prejudicial – Pays for Beach hut
Cllr Webb	7	Personal - ESCC Councillor

393. MINUTES OF LAST MEETING

To be resolved at the next formal meeting

394. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None received

395. NEIGHBOURHOOD PLANNING – SCHEME OF DELEGATION

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

RESOLVED (unanimously):

1. That the Cabinet agrees that all decisions and responses in respect of Neighbourhood Planning be delegated to the Assistant Director for Regeneration and Culture in consultation with the Lead Councillor for Forward Planning, excluding decisions to make (adopt) a Neighbourhood Development Plan.
2. That authority is delegated to the Assistant Director of Regeneration and Culture or her nominee to conclude the necessary legal agreements.

Reasons:

CABINET

4 JANUARY 2022

To ensure that the Council, as Local Planning Authority, can execute its statutory duty to assist in the production of Neighbourhood Plans in accordance with the Regulations in a timely and efficient manner. The making (adopting) of a Neighbourhood Development Plan is a Full Council decision.

396. FEES AND CHARGES

The Chief Accountant submitted an annual review of the Council's fees and charges. All changes are shown in appendices of the Report. Some of these fees and charges, have been agreed, that this is since they run on calendar year cycles and not financial year cycles. Some will vary in their percentage increase for various factors. Some of the changes are higher than the recommended 3.9% as well as being lower than this figure where decisions were made to 'round down' and keep at the current pricing bracket.

Councillors considered the Report and its appendices and discussed the need to maintain income. The pressure to raise income gets more every year as government income goes down and the difficulties there are trying to balance the books and then maintain a high standard to services.

Under the emergency powers set out in Rule 26.22 of the Council's Constitution the Managing Director made the following decision in consultation with Councillors Forward, Barnett, Batsford, Chowney, Evans, Rogers & Webb.

RESOLVED : (unanimously)

- 1. Fees and Charges be increased by a minimum of 3.9% except where there are clear reasons for not doing so, or where charges are on a statutory basis.**
- 2. Fees and charges proposed by services be agreed.**

Reasons:

The Council relies on income from fees and charges to provide services and supplement Government funding where this does not fully cover the cost of the service, we as a Council provide. Historically costs have continued to increase whilst central funding decreases.

397. AFGHAN RELOCATION PROGRAMME

The Assistant Director Housing and Built Environment submitted a report to seek Cabinet approval for the mobilisation of the Afghan LES Relocation Scheme and Afghan Citizens Resettlement Scheme.

As part of the British Government commitment to assist over 20,000 Afghan individuals who are fleeing the effects of the conflict in Afghanistan. Hastings is planning to resettle 54 Individuals. The individuals arriving have indefinite leave to remain and will be able to apply for work and apply for British citizenship. The funding arrangements are the same for both Afghan LES Relocation Scheme and Afghan

CABINET

4 JANUARY 2022

Citizens Relocation Scheme. Funding is for a fixed 3-year period, beginning on the date the families arrived.

Given the significant and increasing pressure on housing and homelessness services across the county, it is proposed that accommodation for the scheme should be sourced from the private rented sector and not the social housing sector.

Councillors discussed if it will be families or individuals that will be part of the scheme. The Strategic Housing and Projects Manager informed Councillors that the properties are identified first by the Council and then offered to the Home Office for a suitable placement to be matched.

Councillors discussed the support that ESCC has provided and gave thanks to the support that has been provided by community groups in Hastings and St Leonards.

Under the emergency powers set out in Rule 26.22 of the Council's Constitution the Managing Director made the following decision in consultation with Councillors Forward, Barnett, Batsford, Chowney, Evans, Rogers & Webb

RESOLVED (unanimously):

- 1. To approve the Afghan Locally Employed Staff and Afghan Citizens Resettlement Scheme with a commitment to resettle up to 54 individuals in Hastings across both projects within the next 3 years**
- 2. To approve the Resettlement Employability Programme, funded by the Connecting Hastings and Rother Together (CHART) programme**

Reasons:

1. The Afghan LES Relocation Scheme and Afghan Citizens Resettlement Scheme support families who have been displaced by the conflict in Afghanistan to settle in the United Kingdom. A partnership has been established across East Sussex through the existing Vulnerable Persons Resettlement Programme, which will be used to support the new schemes.

2. A priority for the programme is to support people to access training and employment. The Council has secured additional funding through the CHART programme to provide specialist employability support.

398. PART OF BOWLS PAVILION AND BOWLING GREEN AT ALEXANDRA PARK

The Assistant Director Financial Services and Revenues submitted a report to agree which proposal received to take a lease of part of the Bowls Pavilion and Bowling Green should be progressed. Art on Prescription's proposal is recommended as it will fit in well with the other activities in the Park.

Councillors discussed that there were some interesting proposals, but Art on Prescription appears a very worthwhile operation with high social value. Art on

CABINET

4 JANUARY 2022

Prescription have impressed with what they do supporting mental health in the community.

Under the emergency powers set out in Rule 26.22 of the Council's Constitution the Managing Director made the following decision in consultation with Councillors Forward, Barnett, Batsford, Chowney, Evans, Rogers & Webb

RESOLVED (unanimously):

1. To recommend to Full Council to progress with the proposal from Art on Prescription and delegate authority to the Estates Manager to agree Heads of Terms for a lease.

Reasons:

1. While the proposal is not the highest rent offered it provides the widest community benefit, so the potential financial loss is outweighed by the benefit.
2. The proposal from Art on Prescription is not the highest rent offered so the decision to proceed will need to be considered and approved at Full Council.

EXCLUSION OF THE PUBLIC

The Chair advised that to avoid duplication, Cabinet discussion of the Part 1 Report relating to the following Part 2 Reports should take place under Part 2.

To resolve that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that if members of the public were present there would be disclosure to them of "exempt" information as defined in the paragraphs of schedule 12A to the Local Government Act 1972 referred to in the relevant report.

399. RENEWAL OF MINOR WORKS CONTRACT 2022- PART 1 REPORT

The Assistant Director Financial Services and Revenues submitted a report to review and agree the proposed arrangements for renewing the Council's Minor Works Building Maintenance Term Contract and agree to award the contract to the contractor that submitted the most economically advantageous bid in the recent tendering exercise.

Councillors considered the report and discussed the tenders

CABINET

4 JANUARY 2022

Under the emergency powers set out in Rule 26.22 of the Council's Constitution the Managing Director made the following decision in consultation with Councillors Forward, Barnett, Chowney, Evans, Rogers & Webb,

Resolved (unanimously) :

- 1. That Cabinet agrees to award the Council's Minor Works Maintenance Contract to the multi-trade building maintenance contractor that submitted the most economically advantageous tender. The contract will begin on 1st April 2022 and run for an initial period of five years with the option of five individual 12-month extensions in single annual increments.**
- 2. That Cabinet agrees to delegate authority to the Chief Finance Officer in consultation with the Lead Member for the relevant portfolio holder to award the optional 12-month extensions following on after the initial five-year contract period.**

Reasons:

1. The existing seven-year term contract with an annual spend of approximately £450,000 per year, expires on 31 March 2022. The Council must have a new arrangement in place with effect from 1 April 2022 to ensure continuity of service.
2. The form of contract proposed is the Joint Contract Tribunal (JCT) MTC 2016 Measured Term Contract 2016 edition. It is a call-off arrangement with no fixed annual financial commitment by the Council. The agreement would be executed under seal and be awarded to a single multi-trade building contractor. The contract will run for an initial period of five years with the option of five 12-month extensions in single annual increments.
3. The arrangement ensures that the Council's day to day requirement for the execution of mainly responsive, relatively low complexity and low value building maintenance works is met. The contract ordering and management system is web-based and also allows for emergency works and some planned cyclical maintenance works of lower value to also be undertaken.

400. AGREEING THE DELIVERY MODEL FOR BUILDING CLEANING SERVICES FROM APRIL 2022- PART 1 REPORT

The Assistant Director for Environment and Place submitted a report to agree the delivery method for building cleaning services from April 2022. The renewal of this contract has given Hastings Borough Council an opportunity to review the delivery model currently in place and decide whether an alternative model might be advantageous – specifically whether the service should be taken in house and added to Hastings Borough Council's established Direct Services Organisation (HDSO).

The Reports proposed two options to either award the contract to the preferred bidder from the recent procurement process carried out by the East Sussex Procurement Hub or to bring the service in-house and added to the HDSO.

CABINET

4 JANUARY 2022

Councillors considered the Reports and discussed the two options set out in in the Reports. The Councillors agreed their preferred option which would need to be referred to Full Council for approval.

Under the emergency powers set out in Rule 26.22 of the Council's Constitution the Managing Director made the following decision in consultation with Councillors Forward, Barnett, Chowney, Evans, Rogers & Webb.

RESOLVED (unanimously):

1. That Cabinet agrees and recommends their preferred option for approval by Full Council.

Reasons:

A full procurement exercise has been undertaken to establish the market rate of carrying out building cleaning through a contractor. Simultaneously, a price to add building cleaning to the Hastings Borough Council Direct Services Organisation (HDSO) has been provided.

As a result, Cabinet was able to compare the 2 models of delivery and agree their preferred way forward for the building cleaning service from April 2022.

401. URGENT ITEMS (IF ANY)

None

DECISION NOTICE

(The Chair declared the meeting closed at. 7.20 pm)

Managing Director Decision

Notices

In accordance with Rule 26.22 of the Constitution the Managing Director (having carried out a prior risk assessment) and in consultation with members of Cabinet made the decision to hold the Cabinet meeting on 4th January 2022 virtually.

The following decisions were made in accordance with emergency powers granted to the Managing Director to implement the decisions made at that Cabinet meeting in consultation with Councillors Forward, Barnett, Batsford, Chowney, Evans, Rogers and Webb.

The reasons for the decisions are set out in the Cabinet Minutes for that date.

Item 6: Report :. Fees and Charges

Kit Wheeler, Chief Accountant

Decision Type: Cabinet

Decision:

1. Fees and Charges be increased by a minimum of 3.9% except where there are clear reasons for not doing so, or where charges are on a statutory basis.
2. Fees and charges proposed by services be agreed.

The Councillors present voted unanimously in favour to approve the recommendations in the Report.

Item 7: Report :. Afghan Relocation Programme

Andrew Palmer, Assistant Director, Housing and Built Environment

Decision Type: Cabinet

Decision:

1. To approve the Afghan Locally Employed Staff and Afghan Citizens Resettlement Scheme with a commitment to resettle up to 54 individuals in Hastings across both projects within the next 3 years

2. To approve the Resettlement Employability Programme, funded by the Connecting Hastings and Rother Together (CHART) programme

The Councillors present voted unanimously in favour to approve the recommendations in the Report.

Item 8: Report: 8. Part of Bowls Pavilion and Bowling Green at Alexandra Park

Peter Grace, Assistant Director, Financial Services and Revenues.

Decision Type: Cabinet

Decision:

1.To recommend to Full Council to progress with the proposal from Art on Prescription and delegate authority to the Estates Manager to agree Heads of Terms for a lease.

The Councillors present voted unanimously in favour to approve and agree the recommendation in the Report.

Item 11: Report: Renewal of Minor Works Contract 2022- Part 2 report

Peter Grace, Assistant Director, Financial Services and Revenues

Decision Type: Cabinet

Decision:

1. That Cabinet agrees to award the Council's Minor Works Maintenance Contract to the multi-trade building maintenance contractor that submitted the most economically advantageous tender. The contract will begin on 1st April 2022 and run for an initial period of five years with the option of five individual 12-month extensions in single annual increments.
2. That Cabinet agrees to delegate authority to the Chief Finance Officer in consultation with the Lead Member for the relevant portfolio holder to award the optional 12-month extensions following on after the initial five-year contract period.

The Councillors present voted unanimously to agree and approve the recommended decision in the Report.

Item 12: Report: Agreeing the delivery model for Building Cleaning Services from April 2022-
Part 2 report

Mike Hepworth, Assistant Director, Environment and Place

Decision Type: Cabinet

Decision:

1. That Cabinet considers the options set out in the report
2. That Cabinet agrees and recommends their preferred option for approval by Full Council.

The Councillors present voted unanimously to agree and recommend their preferred option for approval by Full Council.

Signed



Jane Hartnell
Managing Director
Hastings Borough Council

Cabinet Agenda

Tuesday, 4 January 2022 at 6.00 pm

Remote - This meeting will be taking place remotely via MS Teams.

If you are attending Muriel Matters House for this meeting, please enter the building via the Tourist Information Centre entrance. Members of public are advised that they will need to sign in to comply with health and safety legislation and will be escorted up to the Committee Room.

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

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Report To: Cabinet

Date of Meeting: 4th January 2021

Report Title: Agreeing the delivery model for Building Cleaning Services from April 2022.

Report By: Mike Hepworth
Assistant Director for Environment and Place

Key Decision: Yes

Classification: Public (Part 1)

Purpose of Report

To agree the delivery method for building cleaning services from April 2022.

Recommendation(s)

Cabinet considers the options set out in the report, and agrees the option to be implemented.

Reasons for Recommendations

A full procurement exercise has been undertaken to establish the market rate of carrying out building cleaning through a contractor. Simultaneously, a price to add building cleaning to the Hastings Borough Council Direct Services Organisation (HDSO) has been provided.

As a result cabinet can compare the 2 models of delivery and agree the preferred way forward for the building cleaning service from April 2022.

INTRODUCTION

1. Facility cleaning is an essential part of managing any council building. Not only does it help to stop the spread of disease and provide pleasant facilities for customers to use; clean offices, commercial buildings and sports facilities re-enforce a positive view of those facilities, ultimately improving the reputation of the council and town to staff, residents, and visitors alike.
2. Building cleaning is currently a contracted service and has been for more than 30 years. The current contract with Specialist Hygiene Services (SHS) comes to an end on 31st March 2022.
3. The renewal of this contract has given Hastings Borough Council an opportunity to review the delivery model currently in place and decide whether an alternative model might be advantageous – specifically whether the service should be taken in house and added to Hastings Borough Council’s established Direct Services Organisation (HDSO).
4. In preparing this report a number of business analysis methods have been carried out including options analysis, soft market testing, followed by a full procurement exercise and the production of an in-house service proposal.

BACKGROUND TO BUILDING CLEANING

5. Hastings Borough Council is currently responsible for seven office buildings across Hastings and St Leonards, the largest of which is Muriel Matters House, as well as three sports pavilions. The buildings provide office accommodation for a number of HBC tenants, as well as the council itself, and shared facilities for the general public.
6. Currently Muriel Matters House, Carlisle Base, the Cemetery and Crematorium, two office buildings in Stirling Road and the Town Hall are each cleaned by an attendant and a further four satellite offices are part of a mobile round.
7. Along with office cleaning, the building cleaning service caters for a number of additional activities including stairwell cleaning in public car parks and cleaning certain bus shelters and road signs.

Delivery Method

8. In terms of service delivery methodologies, there are two main options available to HBC, contracted and in-house. The contracted service would be via an appointed contractor, chosen through the normal procurement process, and the in-house service could be added to the Hastings DSO. What follows is an appraisal of each option.

Contracted Services

9. As previously mentioned, building cleaning has been a contracted service for more than 30 years. The main benefit to it remaining outsourced is that it would enable us to procure a high-quality service from an experienced contractor, without introducing additional risk to HBC relating to the direct provision of the service.
10. At present the building cleaning contract costs circa £100k pa. On top of the annual fee, additional funding was provided to SHS to make adjustments to cleansing schedules to ensure that facilities remained COVID-19 secure.

11. In April 2021, a soft market test (SMT) exercise was carried out by the East Sussex Procurement Hub (ESPH) to obtain high level information relating to the cost of providing these services in the future. The information provided for the SMT was a basic overview of the services delivered by each contract, with a list of indicative frequencies to achieve the desired standard. Three contractors responded to the SMT. Of the three contractors, two were relatively small, inexperienced companies that are unlikely to have the resources required to carry out the job. This was reflected in the estimates that they submitted which were between £190,000 and £217,000 pa for both public toilet and building cleaning (that currently have a combined value of c.£400,000). The third contractor was unwilling to submit a price, stating that they would need detailed TUPE information to give an accurate estimate.
12. Since the costs returned from the SMT exercise were so much lower than even the current contract price, it was felt that they could not be relied upon to give an accurate estimate of current market rates.
13. As a result, and following discussion with the leadership of the council, a full procurement exercise was undertaken to obtain an accurate market test of the cost of contracting building cleaning services, and to simultaneously develop and submit an in-house bid for comparison. Eight contractors expressed an interest in providing the service.
14. Each Contractor was required to submit both a price and a method statement that included supporting information relating to how they were best suited to carry out this function. The specification for the service was the same as that used to price the in-house bid. The quality and financial elements of the tenders were assessed by two independent panels made up of HBC staff within waste services, business support, finance and overseen by a representative of the East Sussex Procurement Hub (ESPH).
15. A summary of the results of the assessment of the tenders can be found in the associated part 2 report.

In- house (DSO)

16. An alternative delivery model for carrying out building cleaning is via the HDSO. As has been demonstrated by the current street cleansing service, the HDSO has given the desired freedom and flexibility to make changes and adapt to situations as they occur, while providing a high-quality service within budget.
17. The HDSO has the potential to take on the additional function of building cleaning, while streamlining some of the activities currently carried out by building cleaning services. A copy of the method statement outlining how the HDSO would carry out the work of building cleaning is included as Appendix 1.
18. A breakdown of the costs associated with carrying out building cleaning via the HDSO is included in the associated part 2 report.

In- House vs. Contracted

19. There are clear potential benefits to both delivery models. A contracted service provides experience, with each bidding contractor comprehensively outlining how they plan to fulfil the requirements of the service, and opportunities to benefit from economies of scale. The HDSO on the other hand provides more flexibility, makes good use of the resources that are currently in service, while providing key benefits to operational staff. It also presents HBC with the opportunity to diversify the services provided in-house, thus reducing its

reliance on contractors. There are however some drawbacks to using the DSO, most notable of which is HBC's current lack of experience operating building cleaning services.

20. Another short-term concern with the HDSO option is that the short mobilisation period would be very challenging. Unlike the contractor option, the council doesn't have a bank of potential staff in the area, that can be redeployed into the building cleaning service to ensure continuity of cleaning for our buildings and tenants. Initially the HDSO would be reliant on agency staff depending upon the number and quality of staff that TUPE across.
21. In deciding the appropriate delivery model, further consideration needs to be given to the opportunity to significantly change the scale/level of service over time. If, as a result of its financial position or other opportunities, the council was to significantly change the scale of the buildings it operates from, and/or relocate to different premises, it would be beneficial to have the flexibility afforded by an in-house service to reduce the service levels. The flexibility to change a service contract is usually limited to about 10% of the total cost and therefore locks the council into maintaining the same cost level for the life of the contract.

POLICY IMPLICATIONS

22. There are policy implications arising from these proposals, and they are outlined below under the appropriate headings.

Equalities or community cohesiveness

23. As noted in the opening paragraphs of this report, the offices and sport facilities included within the building cleaning contract are used by numerous staff and members of the public.
24. In all cases, customers expect these buildings to be kept in a clean state, thus giving them peace of mind, allowing them to carry out their work, leisure activity, or visit to the town without worrying about the safety of making use of the facilities.

Risk Management

25. There are a number of different risks associated with the way we deliver building cleaning. If facilities are poorly cleaned there could be a considerable impact on the reputation of the council as well as elevating service costs and possibly introducing an additional health risk to customers if the service isn't operated well.

Environmental and Climate Change Issues

26. As with any cleaning activity, there are a number of chemicals that are used as part of that process. Whether contracted or DSO, HBC would want to ensure that chemicals that could be harmful to the environment are not used in our facilities. Any chemicals included within the service would need to be used in the way directed to protect the environment, the cleaning operative and customers using the facilities. These requirements have been built into the service specification, irrespective of the model of delivery.
27. The building cleaning services also gives HBC the opportunity to consider using ultra-low emission vehicles (either directly or by specifying them through the tender process) in place of traditional diesel or petrol vans. Choosing this option is likely to increase the overall cost of the service, but will reduce the council's carbon foot-print and set an example to other service providers across the borough. It was therefore made a condition

of operating this service from April 2022, and was considered through the tenderers quality submissions under sustainability.

Economic/Financial Implications

28. The details of the bids received are included in the associated part 2 report on the agenda.
29. The lowest tender received (commencing 1 April 2022), which meets all of the quality criteria (and scored the highest) is £4,000 p.a. more than the existing contract price of some £100,000 pa.(2021/22). Once inflation is considered they are effectively the same.
30. The in-house costs for providing the service have been estimated at £167,000 pa. and would entail the purchase of an electric vehicle at an estimated cost of £35,000 – this cost being spread over 3 years. Alternatively, a leasing arrangement would be considered. It should be noted that Capital purchases require the approval of full Council.
31. The Council applies service charges or has fully inclusive rents for offices and shared spaces/common parts that are rented out, and as such does not bear all these costs itself.
32. The financial position faced by the Council is serious and costs need to be minimised wherever possible - whilst not taking risks to health and safety due to inadequate or inexperienced companies being employed.

Organisational Consequences

33. As with any other front-line service used by a high number of customers, getting building cleaning right is essential. Failing to do so not only gives a negative impression of the service to customers, but it could also result in the spread of infection (e.g. COVID-19), all of which could damage the reputation of HBC.
34. Lastly, the council's current financial situation is very challenging. Excessive amounts of additional cost could have a major impact on the council's ability to fulfil its main functions, leading to a forced re-evaluation of service provision to identify areas that could be discontinued.

Legal Implications

35. Legal services have been involved in this project from the outset, to ensure compliance with standing orders relating to procurement, and to advise on matters such as contract terms and conditions.

URGENCY

36. As noted in the introduction, the current building cleaning contract comes to an end in March 2022. The contract does not have the option to be extended. To allow enough time for service mobilisation, an urgent decision is required, without which building cleaning will cease on 31st March 2022.

TIMETABLE OF NEXT STEPS

37. Table 1 provides a list of future activities relating to building cleaning services.

Table 1 – Building Cleaning Timetable, November 2021- June 2022.

Action	Key milestone	Due date (provisional)	Responsible
Cabinet Approval	Allows approval to appoint contractor or move to in-house provision	06/12/21	Mike Hepworth
Service Award	Contract awarded or in-house agreed.	14/12/21	ESPH/ Cameron Morley
Alcatel if applicable	Cooling off period	10 days from award if applicable	ESPH/ Cameron Morley
Mobilisation	Service commences	01/04/22	Cameron Morley

Wards Affected

N/A

Reading Ease Score: 7.8

Have you used relevant project tools?: Yes

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	Y
Environmental Issues & Climate Change	Y
Economic/Financial Implications	Y – Included in part 2 report
Human Rights Act	N
Organisational Consequences	Y
Local People's Views	N
Anti-Poverty	N
Legal	Y

Additional Information

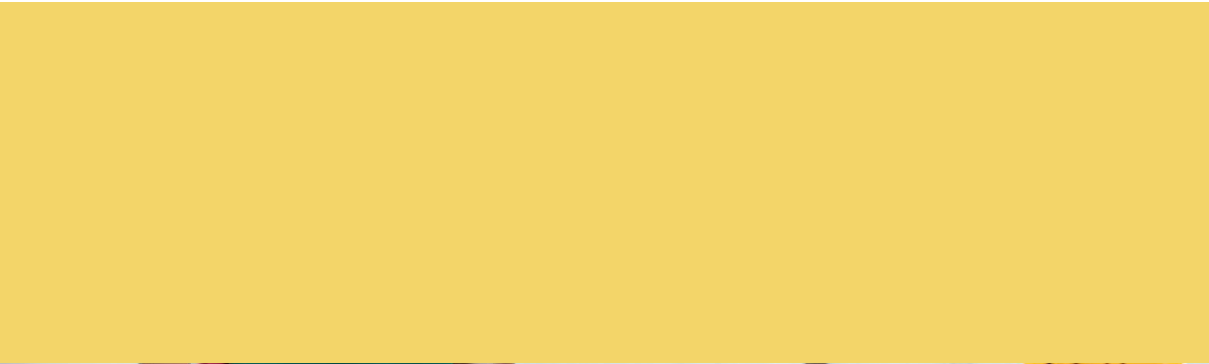
Appendix 1 - DSO Building Cleaning Method Statement

Officer to Contact

Officer: Mike Hepworth | Assistant Director for Environment and Place

Email: mhepworth@hastings.gov.uk

Tel: 01424 783332



Method Statement 2021

**Hastings Direct Services Organisation –
Building Cleaning**



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HASTINGS DIRECT SERVICE ORGANSATION - BUILDING CLEANING SERVICES

This proposal has been developed by the Waste and Cleansing Services department of Hastings Borough Council (HBC). It has been prepared with the full engagement of the current Business Support team, whose valuable experience and knowledge managing building cleaning services over the past five years has contributed greatly and been instrumental in its design. Advice and guidance on best practice and on the technical aspects of undertaking a comprehensive building cleaning service have been obtained by engaging with industry professionals, and consulting relevant available guidance, including BICSc.

Together we have drawn on the successful approaches used by many companies in England and believe that this methodology can provide an effective system of building cleaning that makes the best use of available resources.

The cleaning resources and frequencies proposed in this submission have been carefully considered and determined by a combination of factors including levels of footfall, the intended use of the building being cleaned, and required standards outlined in the service specification, to ensure that we use resources effectively and efficiently, thus avoiding unnecessary expenditure, while maintaining a high quality of service.

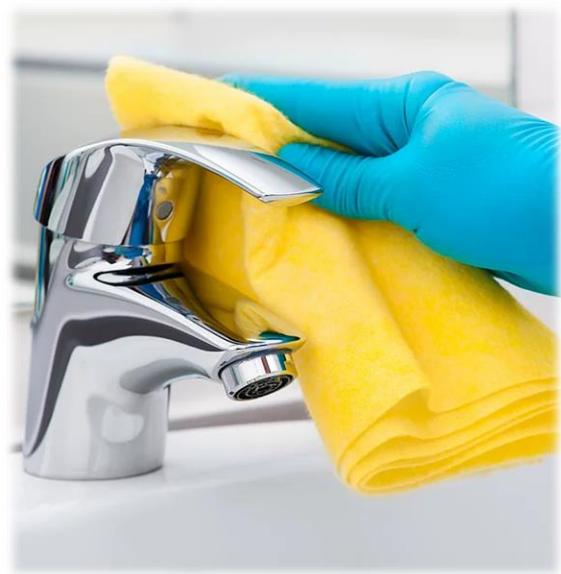
Our proposed Building Cleaning operation will be placed under the remit of Hastings Borough Council's Direct Services Organisation (HDSO) and will be operationally managed by the three supervisors currently in post. Quality control will be carried out by the Business Support team, who will act as a client to the building cleaning service by monitoring standards and providing feedback to the HDSO team.

SERVICE TRANSFORMATION

The Waste and Cleansing Services Team recognises that the way our Offices, Sports Facilities, Carparks and Bus Shelters are kept clean has a considerable impact on the perception of those facilities to our staff, tenants, and customers alike. The quality of the local environment, in particular the standard of care taken to keep things clean, is one of the main barometers used by our customers to judge how well an area is being managed and its suitability as a place in which to live, work or visit.

Output focused

The service that we have designed will focus on achieving high standards of building cleaning while making full use of resources currently available within HBC. In some cases, services that have traditionally be carried out by a mobile cleaning crew will be added to the workload of street cleansing operatives e.g. carpark park signs will be cleaned by the crew attending to the parking areas. This avoids duplication and reduces the overall cost of the service.



Staff centric

In planning for an in-house building cleaning service, the team have put operational staff at the centre of the design. Competent, motivated, and valued staff are the most important ingredient to achieving consistent high cleansing standards. With that in mind, staff will receive regular training, they will be paid the accredited living wage instead of the national minimum wage, and they will receive the supervision and support that they need in order to excel in their respective roles.

Joined up approach

In 2019, HBC introduced an in-house street cleansing service (HDSO). This service is now fully operational and achieving high standards in each of its areas of required output.

Reviewing the building cleaning specification, it is evident that a number of areas overlap between building cleaning and street cleaning. For example, HDSO currently cleans the parking areas of Priory Street MSCP, whereas the building cleaning service cleans parking signs, machines, and stairwells. This situation leads to confusions, duplication, or worse, the work not being completed.

It is for this reason that the new building cleaning service has been designed as part of HDSO. HDSO will operationally manage the building cleaning service, with staff reporting directly to the street cleansing supervisors. The Business Support team will continue to act as client to the service to ensure that quality is maintained at all times.

Our proposal

This proposal details the way in which HDSO can deliver building cleaning services for HBC. If the Authority agrees to proceed with this option, it is intended to immediately begin consultation with staff to implement the process of change.

By adopting new working methods and the introduction of team working, an improvement to the current cleansing standard can be quickly realised. Full implementation will require the procurement of the equipment as specified in this proposal. If accepted and agreed, full transformation can be achieved in time for commencement immediately following the end of the current service - 1st April 2022.

HEALTH AND SAFETY

Undertaking our operations safely and protecting our staff, partners, customers and the general public is essential to us and we are therefore committed to putting safety at the forefront of our operations. Robust health and safety frameworks including risk assessments, safe working guidance, contingency planning and staff training plans will be in place for the building cleansing service.



Equipment

Our operatives will be supplied with the equipment that they need to undertake work safely and to the highest possible standard. Full induction and refresher training will be provided, and staff will use equipment in-line with manufacturer's instructions.

Risk assessments and safe working guidance will ensure that equipment is used safely and with consideration to other building users, for example, when undertaking floor cleaning using a wet mop, staff will be instructed to avoid times when the area has a high footfall, and to make sure that adequate signage is placed out to alert customers to wet floor risk. We will ensure that all tools and equipment are safe to use and are properly maintained in-line with instructions from the manufacturer.

Uniform and Personal Protective Equipment (PPE)

The uniform and personal protective equipment issued will ensure that our operatives can perform their work safely and that they portray a positive image of the service. Our standard issue of uniform and PPE will consist of:

- Polo shirts and sweatshirts with HBC logo
- Gloves (different types available depending upon task and personal preference)

- Safety awareness cards to be carried by staff (e.g. Leptospirosis awareness cards to provide advice on how to reduce the risk of contracting Weil's disease).
- Safety goggles and face masks

Vehicles

Vehicles used on the service will carry HBC livery advertising the MyHastings reporting application. They will be equipped with a fully stocked first aid kit, which will be checked on a monthly basis as well as after each use so that used items can be replenished and out of date items can be replaced.

Sharps boxes and hand sanitising wipes will be fitted in all vehicles. Daily vehicle checks will be undertaken with a record made of each inspection and any defects reported to the Supervisor for repair.

Lone Working

Where lone working is required, our frameworks (risk assessments, training and procedures) will ensure that lone working is carried out as safely as possible in-line with guidance from the HSE. Communication with lone workers will take place to ensure contact is maintained at regular intervals.

For lone workers that will be away from the vehicle for a substantial amount of time or are manual on foot, mobile phones with a tracking facility will be supplied.

STAFF DEPLOYMENT

As previously noted, HDSO place staff at the centre of its operation, recognising the need to have a good work life balance, an appropriate level of supervision, and enough training to empower our staff not only to carry out their respective duties, but to excel in those role. This section outlines how staff will be deployed on a daily basis.

Weekday Working

By far the majority of cleaning work will take place between Monday and Friday. In most cases this work can take place during office hours as long as the activities do not impact on the use of facilities within the building being cleaned. However, where cleansing work would impact on the use of facilities (e.g. cleaning stairwells), this work will be carried out either side of office hours. The service has been designed to allow for a flexible approach to this work so that the needs of the building users and customers can be met without negatively impacting on their ability to make use of the space.

Weekend Working

The normal building cleaning service has been designed to operate between Monday and Friday, with minor adjustments based on customer use and seasonal demand. There will however be occasions when weekend working will be required. A good example would be deep cleaning activities, such as carpet cleaning and floor polishing. Due the nature of these activities, it is far better to arrange for this work to be carried out when building users are not around. Equally most of the cleaning work carried out at sports facilities will be on the weekend. Where weekend working is required, this will be scheduled in advance to ensure that it does not impact on HDSO's operational capacity during the week.

Bank Holiday Working

As with any other member of HBC, HDSO staff are not required to work bank holiday's as part of their normal duties. If staff are required to work over bank holidays, this will be arranged in advance, on a volunteer basis as overtime or TOIL.

Seasonal Staff

Included within the specification are properties that are required to be cleaned on a seasonal basis. Our bid has included sufficient resources to cover this work. Instead of using agency cover, or temporary staff, the seasonal work will be scheduled in place of ad-hoc deep cleaning activities. If additional resources are required, then support can be drawn from within HDSO.

Holiday, Sickness and Emergency Cover

As part of HBC's pledge to make the building cleaning service staff centric, all TUPE'd staff will have their service with the outgoing contractor recognised, and their annual leave allowance adjusted accordingly. Along with this, additional resource has been allowed for to cover sickness and emergencies.

In most cases, it anticipated that annual leave and sickness will be covered using staff working within HDSO, however there maybe occasions where this is not possible. When this is the case, we will use HDSO's current agency supplier "Smart Solutions" to provide the necessary cover. If agency staff are used, they will receive a comprehensive induction and the required training appropriate to their role before commencing work.

Table 1 outlines the assumptions that have been made to ensure that sufficient resources are available at any time to cover service demand.

Table 1 - Holiday and Sickness Leave

Total working days/yr. *	260
Av. Holiday entitlement/yr.	30
Bank Holidays	8
Total Non-Working days	38
% Holiday cover required	14.61%
% Sickness (permanent)**	10%
% Total Cover required	24.61%

* 52 weeks x 5 days/wk. =260 working days

** Target Sickness 8%

BUILDING CLEANSING RESOURCE

The base of operation for the HDSO is Castleham Depot. The mobile cleaning team as well as any established HDSO resources used for carpark and signage cleaning will start and finish at this location. All vehicles and most equipment and consumables relating to the service will be stored at this location. Castleham Depot is also the office for the HDSO supervisors and the Waste and Cleansing Services Team.

Static cleaners will report to the building that they primarily service. The cleansing operatives for Muriel Matters House will also be responsible for caring for the Town Hall. In each building or facility being cleaned, a small stock of consumable and cleaning equipment will be stored following H&S guidelines, which can be replenished by the HDSO team when depleted.

Business support will retain its client function to the building cleaning service and are based in Muriel Matters House. Where issues or concerns are identified, these can be raised directly with the HDSO supervisory team by Business Support for rectification. It is anticipated that regular meetings will take place between HDSO Supervisors and Business Support to discuss the current and future needs of the service.

Service Use Assumptions

In the preparation of this submission, we have made a number of assumptions in order to calculate the resources included. Our assumptions are that:

- The list of buildings and facilities that require cleaning is accurate in its measurements and description.
- The full time equivalent for a cleaning operative is 37hrs a week.
- TUPE'd staff will be paid the accredited living wage, which at the time of writing was £9.50 per hour.
- TUPE'd staff will having long service recognised and entitled to the equivalent level of annual leave. For the purpose of pricing, this equates to an average of 30 days per annum.
- TUPE'd staff will automatically be enrolled into the Local Government Pension Scheme (LGPS) but be given the option of opting out if they wish.
- Shifts start and finish locations will be from the depot, or in the case of static cleaners, their deployment location.
- The cost of capital equipment has been increased by 2.5% to allow for interest. The subsequent cost has been spread over 3 years, in line with the initial service term outlined in the tender documents.
- 2.5% has been added to the overall service cost to allow for inflation and bring the submitted bin inline with the 2022/23 financial year.
- Lastly, a 10% contingency has been added to the overall tender price, to allow for any variation in unknown areas such as consumable use. It is expected that this contingency would be reduced over the initial contract period as service costs are fully realised.

Overview of Resources

The resources that are outlined below include the staff that are currently working for the building cleaning contractor which, if our bid is successful, would TUPE across to HDSO. Also shown are resources that have been allocated from HDSO's current fleet and staffing pool. Table 1 is an overview of staff required to operate each cleaning team outlined in our proposal.

Table 1- Overview of Resources

Description	No. of Teams	Drivers	Operatives	Days
Mobile Teams	1	1	1	Mon-Fri
Static Cleaners	1		1	Mon-Fri
Wash Unit	1	0.2	-	Mon-Fri
Small Mech.	1	0.1	-	Mon-Fri
Rapid Response - Fly-tips	1	0.1	0.1	Mon-Fri
Totals	5	1.4	2.1	

Table 2 shows the number of vehicles that will be required to carry out the service, the majority of which already form part of HDSO. The only additional vehicle that will need to be purchased is a mid-sized van. As per the cleansing specification, the van that has been specified complies with the ULEV requirements and is electric and can be charged at Castleham Depot.

Table 2- Vehicle Quantities

Team	7.5t Caged Tipper	Large Van	Medium Van	Small Van	Small Mech.
Supervisors	-	-	-	1	-
Mobile Teams	-	-	1*	-	-
Wash Unit	-	1	-	-	-
R&R/Fly-Tip	1	-	-	-	-
Small Mech.	-	-	-	-	1
Totals	1	1	1*	1	1

* Requires purchasing before the start of the service

Table 3 gives an estimated overview of the consumables required to carry out the services. As HDSO hasn't operated building cleaning service before, these estimates are subject to considerable variation, and will be reviewed on a quarterly basis, and costs projections provide as part of HBC's normal budget setting process.

Table 3 - Service Consumables

Description	No. Units
Toilet Roll	20,000
Hand Soap	25
Cleaning Chemicals	25
Wet Floor Mop	5
Dry Floor Mop	5
Large Dry Floor Mop	5
Bucket	5
Broom	5
Cleaning Cloth	1,000
Sharps Kit	12
Waste Bags	1,000
Hoover	1
Misc. Equipment	250
T-Shirts	10
Jumper	10
Coat	5
Workman Gloves	450
Latex Gloves	3,000

BUILDING CLEANING APPROACH

Mobile Cleaning Round

The majority of buildings and leisure facilities outlined in the specification will form part of a mobile cleaning round. The round will comprise of one category B (car) qualified driver, with additional staff allocated to cover holidays and sickness.

The round will predominately operate Monday - Friday, with additional capacity allocated to weekend if required. The mobile cleaner will have access to a fully stocked, council liveried van that will be stored at the Castleham Road Depot, Castleham Road, SLOS.



The majority of cleaning consumables (e.g. clothes, gloves, toilet rolls etc.) will be stored at the depot and transported to the relevant building or leisure facility at the time of cleaning.

In line with the building cleaning specification, all vehicles used on this service will be electric (EV) by default and charged at their storage location (Castleham Depot). These vehicles will also be specified with front and rear cameras and will be added to the current HDSO's tracking system. This will allow for supervisors to identify where the vehicle is at any one point, as well as address any potential accidents or insurance claims that arise.

Mobile cleaning staff will undertake the full range of cleansing activities outlined in the specification, and over time will receive further training to undertake a wider array of duties that will add to the resilience of HDSO as a whole.

Static Cleaning Round

In addition to the mobile cleaning round, there will also be a need for a number of static cleaners at certain locations, namely Muriel Matters House and Hastings Crematorium. These cleaners will report directly to the building that they are cleaning, and all materials required for the tasks they will be carrying out, along with any consumables, will be stored on site.

Each static cleaner will be responsible for the daily cleaning of their respective areas. From time to time additional assistance maybe required to carry out deep cleaning

activities. These will be planned in advanced and agreed with by the Business Support Manager.

Static cleaning staff will be fully trained to carry out the activities outlined in the specification. Additional staff on service will also receive the same training to allow for cover during times of sickness or annual leave.

Other Cleansing Service Solution

As outlined in the introductory comments, there are a number of activities that have traditionally been carried out by the building cleaning contractor, that by their nature better sit within a street cleansing service. Within the specification, these include any cleansing activities carried out in carparks, as well as on bus shelters and signs. Our proposal is that this work be removed from the mobile cleaning and added to the workload of HDSO staff already in the area.

Carparks

At present, carparks within Hastings are generally cleaned every day. A mixture of resources are used to carry out this function, including manual litter picking, mechanical sweeping, and jet washing.

All areas of the building cleaning specification relating to carparks, including cleaning stairwells, signage and ticket machines will be carried out by the town centre mechanical sweeping round, and supporting barrow hand.

Bus Shelters, Signs and Monoliths

Currently HDSO's wash unit team is responsible for keeping the floor around bus shelters cleaner. Our proposal is to transfer the entire function of cleaning bus shelters to this resource, which will also include the removal of graffiti and flyposting.

In addition, it is proposed that the cleansing of signs and monoliths be added to the routine cleansing schedules of the teams in those areas. As the minimum cleansing regime is currently 6 weekly, in all areas, the service provided by HDSO would be an enhancement to the building cleaning specification.



By making use of established resources in this way, it avoids the service need to invest in, or hire costly equipment to carry out these functions effectively and leads to a far more comprehensive service than has been experienced up until now.

METHODS OF WORKING

As part of HDSO, our proposal has been designed with the aim of providing a comprehensive building cleaning service that will meet the needs of HBC staff, tenants, and customers. The service covers the full range of activities included within the specification, and encompasses council offices, carpark, bus shelters, signage, and monolith cleaning.

Service activities will be in accordance with BICSc cleaning standard definitions and will follow industry best practice. Where possible, the most environmentally beneficial option will be used to carry out the various functions of the service, this includes the selection of cleaning chemical, vehicles used on service, and planning mobile cleaning schedules in such a way so as to limit wasted vehicle movements.

General

On a daily basis operational staff will inspect their areas of responsibility, making sure to remove any cobwebs, small stains or smudge marks on glass surfaces, windows, or mess facilities.

On a bi-monthly basis floors will be machine scrubbed, following the manufacturers guidance, to remove any stains or ingrained dirt. Every 6 months, carpets will be deep cleaned, and windows will be washed both inside and out.



Any issues identified by operational staff carrying out their routine duties will be reported to an HDSO supervisor. The Supervisor will inspect the issue, and in consultation with Business Support, will arrange for the situation to be rectified as soon as possible.

Kitchen and mess areas

As part of the daily routine service, kitchen and mess areas will be maintained by either a static, or mobile cleaner. The cleaner will be responsible for washing and cleaning sinks, taps and surrounds, work surfaces, chairs, windowsills, and any equipment for staff use within the kitchen. In addition, vacuuming carpeted or vinyl floors and emptying waste bins will take place daily.

Office areas

On a daily basis office areas will be inspected by cleaning staff, and any small jobs such as spot cleaning communal standing desks, or small stain removal on carpets will be carried out as required. Any larger issues will be reported to an HDSO Supervisor.

Carpets will be vacuumed on a weekly basis, with the majority of cleanings activities taking place monthly, including polishing furniture, filing cabinets and windowsills, vacuuming chairs, wiping down doors, surrounds, radiators, and pipework.

Stair Wells

Within the specification, there are number of locations that require stairwells to be cleaned. As these are high footfall areas, with an increased risk of accidents taking place, cleansing of stair wells will generally take place outside of office hours.

The daily routine cleaning of stair wells includes wiping entrance doors to remove dirt and any finger marks, spot cleaning stair edging, vacuuming or washing stairs depending on the surface, and dusting and polishing the surround area to ensure that they are visibly free of dirt.

Toilets

As a high use area of any occupied building or facility, thorough toilet cleaning is an essential part of the service that HDSO will provide.

The daily routine service will include mopping floors with disinfectant removing all stains from doors, wall tiles, wash basins, diving cubicle walls, taps, mirrors, shelves, urinals, WC pans, seats, and hand dryers. The cleaning staff will check and replenish depleted consumables such as toilet roll and soap and ensure that sanitary bins are emptied as required.



While cleaning is being carried out, the toilet facility will be temporarily closed off and signage placed out to advise customers to use an alternative bathroom. In buildings with a static cleaner, the staff will check the toilets on a regular basis and address any issues to ensure that hygiene is maintained.

Meeting rooms

On a weekly basis, meeting rooms will be vacuumed, and carpeted areas will be spot cleaned as necessary. Each month, the desk and table tops will be dusted and polished, and radiators, doors and surrounds will be wiped clean. As meetings rooms are often in use, these activities will be carried out during a time that will not impact on the normal operation of the office building.

Waste Removal

As per the specification all waste originating from council offices, sports facilities or light commercial units will be collected and transferred to the designated on-site bin. This also includes sanitary bins that will be provided in the female toilets. Any hazardous or infectious waste will be removed by a third part specialist contractor.

Waste that is generated or collected as part of the carpark, bus shelter, and signage cleaning will be removed by a designated HDSO mobile team. All waste that is collected will be transferred to a licenced facility and correctly disposed of in line with relevant legislation and guidance provided by the waste disposal authority.

Window Cleaning

Window cleaning will form part of the wash unit's duties, scheduled to the frequency outlined in the specification, and carried out at times that will not impact on the operational used of the building or facility. Ground level windows will be washed by hand both internally and externally. All surfaces, including surrounds and frames will be damp wiped, dried, and left streak free.



Where it is not possible to reach windows from the ground level, which primarily effects Muriel Matters house and Stirling Road, a third-party contractor will be employed to carry out this function on behalf of HDSO. The contractor selected will have the appropriate training and have access to the right equipment to ensure that windows can be thoroughly cleaned without putting operatives at risk. The cost of subcontracting has been included within our bid.

Deep cleaning

In addition to routine cleansing activities, throughout the year, HDSO will programme in a schedule of deep cleaning to address any long term build up of dirt and to carry out necessary maintenance on kitchen equipment. Specifically, activities include deep cleaning carpets, polishing floors and scrubbing kitchen equipment such as fridges, microwaves, and dishwashers.

As these activities tend to be more disruptive than routine cleaning, HDSO Supervisors will liaise with Business Support to schedule the work in when it will cause the least impact on the daily use of the relevant building or facility. In some cases, this may result in the work being completed outside of office hours.

Carparks

Currently HDSO is responsible for cleaning the parking areas of each HBC owned carpark. Our proposal is to make use of the current resources in place to carry out the duties outlined in schedule 2.

These duties include the daily cleansing of stairwells and lobby areas, as well as sweeping out lifts. On a weekly basis these areas will also be washed down and disinfected. At the same time the cleanliness of tariff board, ticket machines, guard rails and windowsills will be monitored and cleaned as required, to a minimum frequency outlined in the specification.

HDSO is ideally suited to carry out this work not only because of the staff that visit the site daily, but also because of the equipment available to carry the various functions. Of particular note is the Johnson CN202 mechanical sweeper pictured to the right.



This machine was introduced at the start of HDSO's operation in 2019 and has been an invaluable tool to keep the carparks clean. Not only does it have front brushes and a large vacuum unit for cleaning large areas, it also comes equipped with a wonder hose and lance, which can be used to remove litter from tight spots and wash down difficult to reach areas such as stair wells.

Any large quantities of litter collected as part of the cleansing operation will be bagged up and placed next to the litter bins in the carpark, for collection when HDSO cleansing staff attend to empty the litter bin on that day. This ensure that litter is not left in the carpark for an extensive period, and avoids additional journeys being carried out by the mobile cleaning round.

Bus Shelters and Sign Cleaning

In addition to carpark cleaning, HDSO's wash unit, supported by our four mobile cleansing teams, will be taking on the duties outlined in schedule 3, to clean bus shelters and various signs within the Borough.

At present these services operate throughout the Borough every day of the week. The additional work will be scheduled to fit in with the current cleansing rounds, and in most cases, are an enhancement to the frequencies outlined in the specification.



These teams are well equipped to take on this work, and in the case of the wash unit, already carries out ad-hoc bus shelter and signage cleaning when the current contractor is unable to adequately fulfil the function.

The wash unit is generally comprised of one operative, thoroughly trained in the use of HDSO's van mounted high temperature pressure wash, along with the various chemicals and paints used in graffiti removal and deep cleaning activities. This equipment is ideal for removing most stains and graffiti that the service will be confronted with.

Additionally, these areas will be monitored by the street cleansing mobile teams when they are in the area. The minimum cleansing frequency in Hastings is 6 weekly, which exceeds the frequencies outlined in the building cleaning specification.

The mobile teams are equipped with various items of cleansing equipment and can deal with a high proportion of the routine work outlined in the specification including wiping down bus shelter seats, removing flyposting and small amounts of graffiti and litter picking around the shelter. Deep cleaning of bus shelters will be carried out by our wash unit.



All of the "Welcome to Hastings" signs and Monolith's are located in high footfall areas, and as such are already subject to increased cleansing frequencies. It is anticipated that these items will be added to the routine work of the closest cleansing team with minimal impact to their operational output.

MONITORING AND SUPERVISION

Due to our many years of experience of monitoring and working with various building cleaning contractors, we are acutely aware of the most challenging activities associated with cleaning our buildings and the methods that should be used to overcome such challenges.

As part of HDSO, the new building cleaning service will be operationally managed by the established supervisory team. This team is a critical part of ensuring that operational staff are well trained, received the required support, and remain motivated while carrying out their duties.

At present, there is a supervisor on duty between 6am and 8pm, seven days a week. At no point during building cleaning operations will staff be left without a point of contact to escalate issues they may have, or just to ask questions.

Throughout the working day, HDSO supervisors will carry out regular inspections of the areas included within the service. The aim of this is to ensure that the quality of service is at the agreed standard, and to address any issues that operational staff or customers may have.



As previously mentioned, the Business Support team will act as an internal client to the service. Regular meetings will be established at a frequency agreed upon and attended by both the client and HDSO supervisors.

The purpose of these meetings is to discuss work that has been carried out, to identify any concerns with the service and consider any future demands on resources that may be required. A meeting agenda will be prepared in advance and notes/minutes will be recorded. Evidence of all supervisors' monitoring documentation (inspection and monitoring forms) for the previous 7 days will be provided to the service manager, at the team meeting. The meetings will provide an opportunity to discuss the service achievements against set targets to enable monitoring resources to be re-focused or intensified where necessary.

We fully understand the importance of effective performance monitoring systems and of the benefits they bring to the services provider, the Council and the end users of the service. Of critical importance is to ensure that the objectives of such a system are clearly understood and concisely defined since an ill-conceived system may be detrimental to the relationship between the Authority and the customer, impair service delivery and have an adverse effect on staff morale.

We believe the following key design principles and objectives form the basis of user customer centric, robust, and effective performance management framework:

- To ensure full compliance to the agreed specification and adherence to specified service levels.
- To provide transparent, tangible, and objective proof of our own performance.
- To ensure statutory and legislative compliance as well as providing focus on service, user needs and positive outcomes.
- To ensure flexibility in how resources are utilised and that the service delivered remains closely aligned with the needs of the Council and those of the service end-users.
- To allow for regular evaluation for continuous improvement

For these objectives to be realised there are a number of guiding principles which we believe are key to establishing a successful performance framework.

Simplicity

The results must be easy to analyse and unambiguous. Measures should be focused on a few key output and outcome performance indicators at the culmination of the service delivery process.

Efficiency

The resources employed and cost of collecting the data must be modest. Data collection mechanisms should form an integral part of the service delivery process.

Robustness

All collected data must be fully transparent, auditable and substantiated. The whole process from data collection through to service delivery must be clearly identified.

Equity

The system should accurately and resolutely highlight all service failures. There must be a realistic opportunity to rectify errors. There should be recognition that perfection is not a realistic standard or service level.

Customer Focused

It must encompass a realistic appreciation of the Authority's and end-users needs and requirements. The system should reflect the degree to which the service is delivering and what the customer requires. The system should be tailored to specific requirements.

APPROACH TO CUSTOMER SERVICES

We consider it vitally important to ensure that all staff engaged in the delivery of the service is fully aware of the specific strategic objectives, the performance targets we are aiming to achieve and understand their role in maintaining and developing future success.

A critical part of this is good customer care in day-to-day dealings with customers and an understanding of HBC's expectation of them to be polite and courteous at all times as well as a clean and tidy appearance. All staff will be provided with a uniform which they will be responsible for keeping clean. During the implementation phase and thereafter, staff will receive regular briefings and communications on the importance of their specific role within the service.



Should our proposal be implemented, we understand we will be required to demonstrate an ability to provide high quality services in all areas throughout the borough, and to show an ongoing commitment to continually improving those standards. HDSO is fully committed to delivering excellence and have identified the main themes sequentially below which are considered most important.

- Setting clear standards for service performance and effectively monitoring these standards.
- Putting the customer first. HDSO will place residents at the heart of everything they do.
- Making sure communication and information is presented in Plain English to customers, following the corporate communication tool and in-house writing style.
- Significant unavoidable changes made to the service are publicised.
- Encouraging the reporting of service issues and then dealing with them in a sympathetic and efficient way. For example, keeping noise levels to a minimum.

- Listening to customers and acting on their views or concerns about the service being provided.
- Making sure that the service delivers value for money. This is the underlying principle of the service design, the importance of which has never been in such sharp focus as it is now.

HDSO will work to maintain corporate values and a service culture that is founded on the highest level of customer service and customer care. It is seen as a two-way commitment between the Management and operational staff recognising that both have a role to play in delivering a good service to the public.

I.T INTEGRATION/ APPLICATION

Initially the building cleaning service will be introduced following the current processes that are in place. In most cases this involves using phone calls, emails, and face to face meetings to issue instructions, report issues and to deliver training. To facilitate this, each member of staff will be issued with an HBC mobile phone.

In time, as resources allow, we will work with the Transformation Team to add building cleaning to the established BORIS and DORIS workflow management systems, which allow customers to report issues directly to HDSO via the council's Granicus system, for supervisors to allocate tasks as they arise and for operational staff to update the system when the job has been completed.



SERVICE COMMUNICATIONS/ EDUCATION

We believe that influencing behavioural change is an important tool in reducing the demand for particular services. The main audiences that will need to be engaged and communicated with as part of the service delivery are:

- Our customers - building tenants and facility users: to engage them in positive behaviour change and encourage reporting of cleansing issues that need to be addressed.
- Our staff: to ensure they understand what is required of them and act as ambassadors for the service.
- The Authority: to work jointly to plan and monitor service delivery.

Customers - building tenants and facility users

We believe it is important that our customers are engaged to encourage positive behaviour change in relation to the cleanliness of the buildings they occupy and facilities they use. Working with the Business Support team, we will regularly communicate with our customers to encourage good housekeeping and appropriate behaviour, as well as to outline any potential service changes or disruption that could impact on the building or facility.

We anticipate that this will include communications in relation to new services and service changes as well as ongoing engagement activities to gain feedback on the services and encourage reporting of issues. We will also constantly review how new and emerging technologies can redefine how we deliver services and streamline our interactions with customers. This level of responsiveness can significantly increase customer satisfaction, as customers feel informed and valued.

Staff Engagement

To achieve our objectives and deliver a quality building cleaning service we need to engage with employees and the unions if appropriate to motivate them to be committed and passionate to perform at the highest levels every day. Central to our approach is establishing effective channels of communications both upwards and downwards across the service. We will use staff meetings to engage employees across the service and gain feedback on their views and ideas, satisfaction, and motivators.

The feedback that we receive from this helps to design how we can foster responsibility and high performance from staff and allows us to deliver better and a more consistent service to the Authority and the public.

We will have staff notice boards to deliver key messages and highlight staff engagement, recognition and possible reward schemes, in addition to communicating continuous development opportunities. There will also be regular leadership and management meetings, staff briefings and toolbox talks which will include imparting specialist or technical knowledge in a particular area or discipline. We will actively encourage staff involvement in generating new ideas for the service delivery and becoming more involved in decision-making. Staff suggestion schemes will operate across the service.

ADDED VALUE

Through the development of this proposal, we have set out our in-house approach to delivering effective and efficient building cleaning service for HBC. We believe that our proposed methodology and operational system offers added value benefits to the Council, which are not part of the current operation.



Key to our added value is the ability to work in co-operative relationships with other services within the Authority, such as Business Support, Building Managers, IT, Transformation and HR. Developing true partnerships with these stakeholders will be a hallmark of HDSO's approach. Experience has shown that collaborative working is essential where major innovation and change is sought or where requirements are likely to change significantly over time.

We will manage these relationships on the principles of operational collaboration, seeking in all circumstances, to add value for the staff, customers, and other stakeholders. Over and above the cultural and service benefits that arise through adopting an operational partnering approach, we believe that partnerships have the potential to create step-changes in service outcomes. We aim to promote a collaborative style of working within our organisation and with these partners, between our staff and those they serve, with customer organisations, and with the communities in which we work.

Additional benefits of an in-house service will include:

- Staff centric - the current contracted staff will be TUPE'd over to HBC and have access to the same benefits of any other council employee, these include being paid at least the accredited living wage, access to the Local Government Pension Scheme (LGPS) and access to the staff discount scheme.
- Flexibility in the service - able to make changes to schedules without additional penalties incurred when making variations to the contract. With an external contract, all schedules are fixed and therefore changes, and variations have additional and often have significant cost implications. At worst, the contractor will simply refuse to make the

changes regardless of the benefits to the council and residents; something recently experienced with the current contractor.

- Enhanced monitoring of the council properties- operating our own in-house service will quite literally place our staff in every corner of the borough during each working day. Our cleaning staff will be able to report on the condition of council buildings, allowing for preventative work to be carried out, thus reducing the potential long-term issues developing.
- Eventually we hope to have more control and confidence of the back office to operational staff IT communications - monitoring and reporting IT applications are invariably provided by the contractor and are very often unreliable with frequent breakdowns often taking too long for the contractor to rectify, leading to a communications and integration breakdown.
- The opportunity to take control and take advantage of commercial opportunities around the borough (e.g. commercial office cleaning)

We encourage and celebrate flexibility, innovation, change, open two-way communications, teamwork, collective ownership of solutions and lateral networking.

APPLICATION OF METHOD STATEMENT

This Method Statement is to be used in the strategic considerations and direction of HBC. We recognise the importance of the document and will continue to reference and review it continuously particularly during the development of the building cleansing service and in the consideration of new innovation and approaches. This will ensure that we provide a consistent approach to meeting the required standards and monitor progress against agreed deliverables.

SERVICE COSTS

Table 4 outlines the annual service cost of providing building cleaning in-house via HDSO.

[REMOVED FOR SUBMISSION - PLEASE REFER TO SERVICE COSTING SPREADSHEET]

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

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Report to: Cabinet

Date of Meeting: 31st January 2022

Report Title: Reviewing the Council's Licensing Act 2003 Licensing Policy Statement

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

Purpose of Report

To inform cabinet of the results of the recently completed statutory consultation, and seek authority to update the Council's Licensing Policy, as required by the Licensing Act 2003.

Recommendation(s)

Cabinet agrees the updated licensing policy statement at appendix A and recommend it to Full Council for adoption.

Reasons for Recommendations

There is a statutory requirement for local authorities to fully review their licensing policy at least every 5 years. Failure to do so could result in judicial review proceedings against the authority and call in to doubt the decisions made by the Licensing Committee under the Act.

Introduction

1. The Licensing Act 2003 transferred all licensing responsibilities to local authorities for the licensing of premises, persons and temporary events in connection with the sale/supply of alcohol, regulated entertainment and late-night refreshment.
2. It was adopted by local authorities in February 2005, the responsibilities having been transferred from the Magistrates Courts and the Police. One of the first duties placed on local authorities by the Act was the need to formulate and consult upon and publish a Licensing Policy.
3. As the Licensing Authority, in accordance with Schedule 5 of the Act, Hastings Borough Council prepared, consulted upon and published its Statement of Licensing Policy. As noted in the Council's constitution, the Licensing Act 2003 requires that the Policy is approved by Full Council. It then needs to be reviewed and updated as appropriate.
4. Initially the policy had to undergo a full review and consultation every 3 years, this was then changed to every 5-years. The next date for review was due in early 2021 but this was not possible due to resources being diverted to COVID response work. A revised policy has been drafted and is attached at **Appendix A**.
5. In accordance with the Statutory guidance, since 2005 each review has included a public consultation. There are also various statutory consultees. The latest consultation was carried out in Autumn 2021. A list of all consulted parties is attached at **Appendix B**.
6. The statutory consultation process resulted in five separate responses, these were from Sussex Police, The Council's Planning department, the ESCC Public Health Alcohol and Tobacco Lead, 1 Local resident, and the Council's community safety manager.

Proposed Changes to the Policy Statement

7. In the absence of changes to licensing law and statutory guidance, the main policy has only needed to be amended to reflect changes in weblinks and phone numbers. However, data from statutory consultees (such as the Police and Public Health), has suggested the need to retain the saturation zones, and potentially to expand them. This is discussed in greater depth below.

Cumulative Impact Policy (Saturation Zones)

8. The policy consultation process in 2008 identified a need for areas of cumulative impact to be formed to control the cumulative impact on certain parts of the borough, by the concentration of certain types of licensed premises. These areas are known as saturation zones. Three such areas were formed and have remained in force at each review since, with minor amendments being made to reflect changes to the areas. This was considered best practice at that time, and has served the council well, as the Licensing Policy has not been subject to any legal challenges.
9. Cumulative Impact is not mentioned specifically in the 2003 Act. However, it is discussed at length in the Section 182 guidance issued by the Home Office under the Act. The guidance states: "The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. Cumulative impact policies may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on and off the

premises, and the provision of late-night refreshment. This includes late-night fast-food outlets which are not licensed to sell alcohol."

10. The three saturation zones have also been subject to separate reviews at a mid-point between full policy reviews, on each occasion Sussex Police and other interested parties have indicated their support for the authority to keep them in place.
11. It is important to note that the adoption of the policy does not prohibit applications in the saturations zones. It is up to the applicant to demonstrate to the licensing authority that the operation of the premises involved will not add to the negative cumulative impact already being experienced in the area and would not undermine the promotion of the 4 licensing objectives set out in the Act. It could be construed that such a policy would frighten off potential applicants, but local experience does not support that hypothesis.
12. Since the last full review of the policy in 2016 and a further revision in 2018, we have received 36 applications for new premises of different types in the 3 saturation zones, 33 of which have been issued. In addition, 24 applications to vary premise licences for venues in the saturation zones have been received, and 21 were granted. There have also been 4 reviews of premises licences. A summary of the new applications within the saturation zones and the decisions is listed below.

Applications for new premises	36	Granted 33	Refusals 2	Withdrawn 1
Applications for full variations	7	Granted 7	Refusals 0	Withdrawn 0
Applications for minor variations	17	Granted 14	Refusals 3	Withdrawn 0
Applications for licence reviews	4	Granted 4	Refusals 0	Withdrawn 0

13. Data has been sought from our partners to indicate the levels of crime and other matters in the existing saturation zone areas. Data has been supplied by the police, trading standards and environmental protection, and is summarised below.

Trading standards

- Hastings Town Centre. No prosecutions since 2016. 1 warning issued.
- St Leonards on Sea. No prosecutions since 2016. 1 warning issued.
- Hastings Old Town. No prosecutions. No warnings.

Environmental protection

- Hastings Town Centre. 3 premises with notice served. 0 premises on watch list.
- Central St Leonards on Sea. No current notices. 2 premises on watch list.
- Hastings Old Town. No current notices, 0 premises on watch list.

Sussex Police Data Appendix C

14. Sussex Police have produced a report attached at appendix C which validates the retention of the cumulative impact element of the Statement of Licensing Policy, and suggests an extension of the town centre saturation zone.
15. They suggest that our special cumulative impact policy should now also cover the following roads:
 - Queens Road
 - Wellington Place
 - Battle Road
 - Cambridge Road

16. Sussex Police have expressed particular concerns regarding the proliferation of off-licensed premises in Hastings town centre, and the practice of 'pre-loading' and public space drinking after the purchase of alcohol from such premises. They consider that by maintaining and extending the saturation zones into Queens Road, Wellington Place and by extending the part of Cambridge Road already within the saturation zone, it will continue to provide proportionate and effective measures to address these issues, and assist both the Police and the Community Safety Partnership in mitigating the threat around violent crime, whilst also supporting the local economy and social choice.

Response from the Public Health Alcohol and Tobacco Lead (Appendix D)

17. The alcohol and tobacco lead from ESCC Public health has produced a report which looks at the path to alcohol related harm and is attached at Appendix D. Within the report is a section relating to alcohol related hospital admissions and ambulance call outs.
18. The public health data also validates the retention of the cumulative impact element of the overall licensing policy statement, and the existing saturation zones.

Response from HBC Community Safety Manager (Appendix E)

19. As with the reports from the Police and ESCC Public Health, the consultation feedback from the Council's Community Safety Manager also endorses the Licensing Policy Statement as it is consistent with the aims of the Safer Hastings and Rother Community Safety Partnership and the Hastings Community Alcohol Partnership.

Other Responses to the Consultation

20. One response was also received from a resident of the town centre. They broadly endorsed the proposals, as they felt that more needed to be done to protect residents from nuisance and anti-social behaviour they associated with licensed premises.
21. The council's planning service also submitted a response, which didn't raise any concerns about the proposals, but stressed the need for effective liaison between the Licensing, Environmental Health and Planning Services.

Conclusion

22. The consultation responses do not raise any concerns about the proposed updated licensing policy statement. However, they do raise the question of extending the geographical scope of the special cumulative impact element relating to saturation zones.
23. Based primarily on the data provided by Sussex Police, it is suggested that the council should approve the updated Licensing Policy Statement, and as suggested by the Police, extend the existing town centre saturation zone to also cover Queens Road, Wellington Place, and to extend the Cambridge Road section through to the junction with White Rock Road.
24. These changes have been incorporated into the final draft of the updated Licensing Policy Statement attached at Appendix A.

Policy Implications

Crime and Fear of Crime (Section 17)

25. The Council's Licensing Policy Statement is clearly highly relevant to the Council's statutory duty to consider crime and the fear of crime. An effective Licensing Statement

Policy should contribute to reducing crime and fear of crime. Particularly that which is associated with the night time economy.

Risk Management

26. Failure to review and update the Council's Licensing Statement Policy in accordance with the provisions set out in the Licensing Act 2003 and the associated statutory guidance, could result in successful challenges to licensing decisions made by the Council's Licensing Committee. Undermining confidence in the Council, and potentially resulting in claims against the Council.

Local People's Views

27. The statutory consultation process is an opportunity for local people to comment on the revised updated policy document and this was completed 1 response from the public was received.

Equalities and Community Cohesiveness

28. Equalities Impact Assessments carried out during previous reviews of this policy did not identify any scope for discrimination as a result of the policy. As no substantive changes are proposed to the policy, there will be no change from an equalities impact perspective. From a community cohesiveness perspective, the proposed continued inclusion of the 3 saturation zones and the use of the matrix approach developed in 2018, should help to continue to promote a diversity of licensed premises throughout the borough whilst safeguarding residents.

Environmental Issues

29. The environmental impact of licensed premises is clearly a matter that is addressed by this policy, as one of the 4 licensing objectives is the prevention of public nuisance. The policy encourages applicants and licensees to seek guidance from the Environmental Health and Licensing Team in order that they can operate in ways that minimise the potential for nuisance.

Human Rights Act

30. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property. Holding a premises licence would be considered a possession. These are qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done, has its basis in law, and;
- Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
 - Is proportionate to the aims being pursued; and,
 - Is related to the prevention of crime; or, the protection of public order or health.

Wards Affected

All.

Policy Implications

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

Report Template v29.0

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

Additional Information

- Appendix A. Revised Draft Statement of Licencing Policy
- Appendix B. Statutory consultees.
- Appendix C. Sussex Police report
- Appendix D. East Sussex County Council Public Health report
- Appendix E. Letter from Community Safety Manager

Background information

[East Sussex alcohol harm reduction strategy 2021-2026](#)

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Hastings Borough Council

Licensing Policy

For Re-Adoption and Publication Feb 2022

Hastings Borough Council Licensing Policy 2022- 2027

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1.0 Statement of Policy

Introduction

- The aim of the policy is to achieve a sustainable tourist, entertainment and cultural industry in Hastings, whilst securing the safety and amenity of our residential communities and promoting the licensing objectives set out in the Act.
- Encourage tourism
- Encourage an early evening and nighttime economy which is viable, sustainable and socially responsible
- Reduce alcohol misuse
- Encourage employment

This is the Statement of Licensing Policy as determined by the Council in respect of its licensing functions, with regard to the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences on the 1 February 2021 and continues for a five-year period. During the five-year period the Policy will be kept under review and the authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

1.1 Licensing objectives

All references to the 'Guidance' refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003. The 2003 Act requires the Council to carry out its various licensing functions to promote the following four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are:

1. To minimise nuisance and disturbance to the public through the licensing process
2. To help build a fair and prosperous society that properly balances the rights of people and their communities
3. To integrate its aims and objectives with other initiatives, policies plus strategies that will:
 - Reduce crime and disorder
 - Encourage tourism
 - Encourage an early evening and night time economy which is viable, sustainable and socially responsible

- Reduce alcohol misuse
- Encourage employment
- Encourage the self-sufficiency of local communities
- Reduce the burden of unnecessary regulation on business
- Encourage and promote live entertainment for the wider cultural benefit of communities generally.

In the preparation of this Policy the Licensing Authority will have regard to the local strategies on crime prevention, planning, transport, culture, tourism, and economic development to ensure proper coordination and integration of the aims and actions of these policies.

The Act is part of a wider government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol related harm. The Licensing Authority will continue to develop strategies with the Police and the other enforcement agencies, as appropriate for the management of the night-time economy. Central to this is the enforcement of the law relating to sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of licensed premises.

This policy covers a wide variety of premises and activities carried on within them. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate. However, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

1.2 Statutory Consultees

The Statement of Licensing Policy will be kept under review and reviewed every five years, where any significant amendments are considered, necessary these will only be made after consultations have taken place in accordance with Section 5 of the Act. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy, or the promotion of the Licensing Objectives will be made with the approval of the Environmental Health and Licensing Manager / Legal services in order for the policy to remain legislatively current. Any major modifications will be undertaken following the appropriate public consultation.

Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:

- The Chief Officer of Police for Sussex
- The Fire and Rescue Authority for East Sussex
- One or more persons who appear to the authority to represent the interests of persons carrying on licensed businesses in the council area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act
- Any other bodies the council deemed appropriate
- Members of the public who requested to be consulted and have responded previously.

In accordance with the guidance the following persons have also been consulted on this revised statement:

- All ward councillors
- Sussex police licensing team
- All responsible authorities under the licensing act 2003

1.3 Local Features

The population of Hastings and St Leonards is approximately 99,000, but this number increases significantly in the summer months with the influx of tourists, day-trippers, and foreign students. The area has strong historic heritage, being at the centre of 1066 country and close to the original battle site. Hastings is one of the original Cinque Ports, and even today has Europe’s largest beach launched fishing fleet.

The town has a lively evening/night-time economy with a vibrant pub and club culture.

The Council recognise that a lot of violent crime is alcohol related and takes place where there is a high concentration of licensed pubs and clubs.

The Council in conjunction with other relevant agencies must make sure that this policy remains consistent with other local and national policies and strategies relating to the operation of licensed premises.

1.4 Matrix approach to help inform licensing decisions

The licensing authority supports the need for a diverse mix of different types of licensed premises. Such a mix attracts a diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption and regulated entertainment. It offers the potential to positively change the ambience of parts of the borough, which in turn can reduce the public fear of crime and boost the number of evening visitors to the town centre. Too many similar licensed premises in a confined area, with their customers leaving at around the same time, can lead to crime and disorder. In an effort to support a diverse mix of licensed venues, a ‘matrix approach’ is set out below. In certain circumstances variation from the Council’s preferred matrix approach may be considered, such as to accommodate special events like carnival week.

The matrix is considered a ‘live, part of the policy and can be amended following consideration of emerging evidence supplied by other key stakeholders. This will be the responsibility of the **Council’s Licensing Committee**.

All applications will be considered on their merits, as well as against the relevant policy and statutory framework.

It should be noted that any applicant requiring live music, must consider their operating schedule carefully to avoid noise complaints.

Premises Type	Cumulative Impact Area	Mixed Commercial and Residential Areas.	Residential Area (mainly residences in street)
Restaurant	Yes (midnight)	Yes (11:30pm)	Yes (11:30pm)

Late night takeaways	No	Yes (midnight)	No
Night Club	Yes (2am)	Yes (midnight)	No
Pub	Yes (midnight)	Yes (midnight) 11pm if live music required.	Yes (11pm, midnight Friday and Saturday) 11pm if live music required.
Non-Alcohol led. (Theatre/film etc)	Yes	Yes	Yes
Off Licence	No	Yes (10pm)	Yes (8pm)
Members club	Yes	Yes (midnight)	Yes (11pm, midnight Friday and Saturday)

The Licensing Authority encourages the development of premises which are not alcohol led and which are aimed at different sectors of the population, including age and gender. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.

Where premises such as pubs are alcohol led, they are encouraged to consider diversifying their provisions to encourage a mixed customer-base and wider attractions, including community uses, soft drinks, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.

The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.

The Licensing Authority expects applicants to have researched in advance and understood the relevant Law in relation to their application and their particular business plans, as well as this Policy.

This policy guides applicants, objectors and interested residents on the Council's approach to licensing. However, each licence application must be considered on its individual merits.

1.5 Scope of the Policy

The 2003 Licensing Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late-night refreshment (premises licences), the supply of alcohol or the provision of regulated entertainment to certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).

Unless otherwise stated, a reference in this policy to a premises licence is a reference to a premises licence and a club premises certificate.

Activities requiring a licence under the 2003 Licensing Act and covered by this policy are:

- Retail sale of alcohol for consumption both on and off the premises.
- Supply of hot food or drink from any premises for consumption both on and off the premises, between 23.00 hours and 05.00 hours the following morning.
- Supply of alcohol to club members.
- Provision of entertainment listed below (known as 'regulated entertainment') to the public or club members or with a view to profit under specific circumstances:

1. Film exhibitions.
2. Performances of a play.
3. Indoor sporting events.
4. Boxing or wrestling entertainment.
5. Live music performances.
6. Playing of recorded music.
7. Dance performances.
8. Provision of facilities for making music.
9. Provision of dancing facilities.

The policy covers new applications, renewals, transfers, and variations of licences including, where applicable, provisional statements and temporary event notices. It also includes the review of a licence following representation.

1.6 Main Principles

The main principles of the policy are as follows:

- To reduce crime and disorder.
- To ensure public Safety.
- To prevent public nuisance.
- To protect children from harm.
- To reduce alcohol misuse; and
- To encourage tourism.

The Council's Licensing Policy will encourage licensable activities but balance these with our ability (and that of the police) to maintain public safety. It sets out a general approach to licensing decision-making. It does not undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits.

Similarly, this policy does not override the right of any person to make representations on an application or seek a review of a licence or certificate, where the 2003 Licensing Act allows them to. Licensing is about the regulation of licensed premises, qualifying clubs, and temporary events within the terms of the Act. The conditions, where attached to various permissions, will focus on matters that are within the control or influence of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

The Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working, or socialising in the area concerned. Licensing law is not a way of controlling anti-social behaviour outside the premises and, therefore, beyond the control of the individual, club or business holding the licence, certificate or

authorisation concerned. However, licensing law is a part of a holistic approach to the management of the evening and night-time economy in the town.

1.7 Meeting the needs of local communities and helping them to participate in the Licensing process

Licensed premises are an important part of our communities. They provide a place for people to get together, relax and enjoy themselves. However, there can be problems if licensees do not take sufficient action to minimise any problems that may occur.

Clearly, all licensed premises must fully address the risks associated with the activities they provide through their operating procedures, and key details should be included in their operating schedule.

If residents and businesses do experience problems, it is important that they inform the licensee and/or the Licensing Authority or Responsible Authorities such as the Police. Reporting the problem is the first step towards resolving the problem.

Where there are problems, residents and businesses may want to contact their Ward Councillor, Sussex Police, Environmental Health or Trading Standards. Residents, Ward Councillors, and businesses can also ask for a review of a premises' licence at any time. It is important to understand that a review of a licence can be instigated against any premises licence or club premise certificate including those only licensed for "off" sales, and not just those authorised for the "on" sale of alcohol.

Initially we would however advise them to also contact/write to the licensee, outlining the problems experienced and giving them the opportunity to address these concerns.

If residents, Ward Councillors, or businesses feel the premises is still not adequately tackling problems associated with the activities they provide, and in their view, there is therefore persistent failure to promote the licensing objectives, then there is the option of asking for a review of the licence.

Representations cannot be made anonymously and must be clearly linked and evidenced in relation to 1 or more of the 4 licensing objectives. They must include the name and address of the individual or group e.g., residents' group making the representation. This gives the applicant the opportunity to adequately address the substance of the representation.

In some exceptional and isolated circumstances interested parties may be reluctant to make representations because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where we consider that the interested party has a genuine and well-founded fear of intimidation and may be deterred from making a representation because of this, we will look at alternative approaches e.g., advising the interested party to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. We may also look at withholding some or all the interested party's personal details (where justified) from the applicant, giving only enough details (such as street name or general location within a street), which would allow an applicant to be satisfied that the interested party is within the vicinity of the premises.

Where we receive applications for new premises or changes to existing premises (variations), residents/businesses have 28 days to have their say. In the case of minor variations, residents/businesses will have 10 days to make any representation. Details of these applications are available on the Council's website in the licensing section, and the applicant must place a notice on the outside of their premises and in a local newspaper. In the case of minor variations there is no requirement for a newspaper notice.

The Council also supports and participates in a range of area-based forums attended by Ward Councillors, service managers and members of the public active in their local communities. Whilst such groups do not have a decision-making role in the local administration and enforcement of licensing legislation, they have a legitimate interest in the impact that licensed premises have on the local environment, and may discuss licensing issues from time to time, and forward concerns and/or suggestions which can clearly be linked to one or more of the Licensing Objectives to the Council's Licensing Team for consideration.

The Council recognises that the town supports a diverse population, and that all these groups play an important role in developing a vibrant community. It also understands that some parts of the community may have additional difficulties in dealing with some of the application processes. Officers of the Council will always be available by appointment to guide and assist those persons in any way they can, as we seek to ensure that everyone can take an active part in the process.

1.8 Local Impact

The 'need' for additional licensable premises is not covered by this policy and will remain a planning and market issue. However, the cumulative impact of licensed premises on an area does fall under this policy. Therefore, the Council might impose restrictions where it feels there will be a negative impact on the four licensing objectives. The Cumulative impact policy is contained within section 2.18 of this document.

1.9 Enforcement

The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocols between the Council, Sussex Police and East Sussex Fire and Rescue Service. In partnership with these agencies, the Council will target problem and high-risk premises as identified in the protocol. Inspections of premises will be on a risk-assessed basis and intelligence led.

1.10 Consumption of Alcohol in the Street.

Since 2017 large parts of the Borough have been covered by a Public Space protection Order (PSPO). This order controls the consumption of alcohol in the street from open containers and gives specific enforcement powers to both the Local authority and the police to deal with offenders.

The supply of Alcohol to persons for consumption on the street in these areas is a matter that may be considered by the Authority when considering action against licensed premises.

1.11 Reduce the Strength.

The Council acknowledges that it cannot require applicants for “off sales” authorisations to restrict their stock of cheap, high strength alcoholic products. It does however, seek licence applicants to cooperate with the Authority in restricting the supply of lagers, beers and cider with an ABV above 6.5% and the sale of such products in single cans.

These products have become the drink of choice for street drinkers who in turn have caused disproportional problems to parts of the borough.

The Council hopes that by restricting the supply of such products, it will be easier for “outreach” services to engage with those individuals affected.

1.12 Administration, Exercise and Delegation of Functions

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established several Sub-Committees to deal with them.

Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Officers.

All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting.

The table in **Appendix 1** sets out the agreed delegation of decisions and functions to Sub-Committees and Officers.

This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

2.0 The Policies

General Information

The Council’s Licensing Policies are set out in bold type, with the explanation and justification for each area of policy in normal type. They will apply whenever we consider any application made under the 2003 Licensing Act. Each policy will be applied to the premises as it exists at the time the application is determined, irrespective of its state at the time of application.

2.1 Main Policies.

Licensing Policy 1- Each application will be determined on its individual merits.

- The 2003 Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.

- Temporary event notice – to carry out licensable activities at a temporary event.
- Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

Licensing Policy 2 - This policy shall avoid duplication with other regulatory regimes wherever possible.

Licensing Policy 3 - Any conditions attached to licences following relevant representation shall be tailored to the individual styles and characteristics of the premises and events concerned.

2.2 Live Music, Dancing & Theatre

Licensing Policy 4 - Whilst the Authority will encourage live music, dancing, and theatre for their wider cultural benefits throughout the town, the potential for public nuisance will always be carefully balanced with these wider benefits.

Historically the Borough has held a good reputation for live regulated entertainment, however this has brought challenges in balancing the right of the public to have a quiet home life. The Licensing Committee represents the general interests of a community. Conditions should only be attached to licences as a matter of necessity for the promotion of the licensing objectives and not to deter live music, dancing, and theatre.

2.3 Licensing Hours

Licensing Policy 5 - The Authority has due regard to government recommendations over the relaxation of licensing hours. It recognises that longer & different licensing hours for the sale of alcohol are important to avoid concentrations of customers leaving premises simultaneously.

Fixed and artificially early closing times may promote, in the case of sales of alcohol, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This in turn produces friction, particularly between young men, and gives rise to disorder and peaks of noise and other nuisance behaviour particularly in and around late-night fast-food outlets, taxi ranks and other modes of transport.

The Authority will encourage an ordered dispersal of people from licensed premises through longer opening times. It will try to avoid conditions that undermine this principle unless they're necessary for the promotion of the four licensing objectives.

Licensing Policy 6 - The Authority recognises the need for people to disperse quickly and safely from the town centre to avoid concentrations, which may produce disorder and disturbance, and will work with other parties to improve the overall facilities for this to occur.

The Authority also wants to minimise disturbance and strain on transport systems. However, it recognises that encouraging people to disperse at later hours (because of longer opening times) may be to the detriment of our third licensing objective (prevention of public nuisance).

2.5 Transport

The Authority will arrange for protocols with Sussex Police to achieve the swift and safe dispersal of people from the town centre to avoid disorder and disturbance.

The Authority wants to encourage taxi, private hire, and bus services to work at night in our area, to help with the safe and timely transportation of people away from the town centre. It will also encourage licence holders to provide transport home for their customers.

2.6 Planning

It's very important to note that there are fundamental differences between the planning and licensing regimes. In general, planning permissions authorise a type of land use, whereas licences issued under the Licensing Act 2003 relate to a particular premise and operator and may only cover a part of the premises. Furthermore, planning takes no account of the suitability or otherwise of the applicant to operate a particular type of business, and licensable activities may therefore change without the need for a new planning permission.

Applicants therefore need to understand that because Planning, Building Control and Licensing are separate regimes with their own considerations, the granting by the licensing committee of any licence which involves a material alteration to a building **would not** relieve the applicant of the need to apply for planning permission or building control where appropriate.

Also, applicants must observe the planning conditions of any terminal hours of use where these hours are earlier than the licensing hours applied for. Consequently, applications for licences should normally be made after the relevant planning permission has been granted.

Applicants are encouraged to demonstrate that the premises for which a licence is sought is suitable for the proposed use and that the operation will not undermine the licensing objectives. Applicants should note that by having the relevant planning permissions in place, this will help to demonstrate the suitability of the premises.

When considering the suitability of an area for any licensable activity, consideration should be given to the established use of surrounding buildings. For example, operating a venue that sells alcohol near a mosque, synagogue, church, or other religious centre may be felt inappropriate by that community leading to substantial planning and licensing objections. However, each case will be determined on its own merits with regard to planning policy and the licensing objectives.

Other locations including hospitals, schools, and residential homes for older people may also be considered sensitive and could potentially undermine one or more of the licensing objectives. This is not an exhaustive list, nor is it intended as an outright ban for any licensed activity; all applications will be considered on their merits.

As outlined above each regime is different and officers will seek to assist applicants in achieving a clear understanding of this, to avoid duplication and confusion regarding what is a planning matter versus what is a licensing matter. However, it is ultimately the applicant's responsibility to ensure that the correct applications are lodged with both departments where necessary. The planning department can be contacted at https://www.hastings.gov.uk/planning/make_application

Licensing Policy 7 - Generally the Authority will not consider any premises application unless the applicant can demonstrate that the premises have either an appropriate planning consent (in terms of the activity and hours sought), or an appropriate certificate of lawful use or development. The Authority will only make exceptions where the applicant can offer compelling reasons as to why the application should be considered (even where the planning status of the premises has not been finalised).

This means the Authority will avoid unnecessary duplication and thus comply with Government guidance. The Licensing Committee and Planning Board will advise each other of their actions to ensure that a licensing application does not duplicate a planning application or undermine decisions taken by the Planning Board.

Nothing in this policy will stop applicants from applying for a 'Provisional Statement' where premises are being or are about to be constructed, extended, or otherwise altered for the purpose of being used for one or more licensable activities. It is recognised that this is sometimes necessary to secure the required investment. Such a statement does not have a limited duration but with the potential for material change over time, the longer the delay before the premises licence is applied for, the greater chance of representation being made.

2.7 Personal Licences

Licensing Policy 8 - The Authority will consider whether the grant of a personal licence will be in the interests of the licensing objectives. It will take account of the seriousness of relevant convictions, the period that has elapsed since the relevant offence(s) were committed and any mitigating circumstances.

Prevention of crime is both an objective of the Act and an important responsibility of the Council under the Crime and Disorder Act 1998.

The Authority recognises that it has very little discretion regarding the granting of these licences, and if an applicant has an approved qualification and does not have certain relevant criminal convictions the application must be granted. However, if an applicant has an 'unspent' relevant conviction or where an objection has been lodged, a hearing must be held.

2.8 Premises Licences and Club Premises Certificates

Licensing Policy 9 - The Authority expects premises to be constructed and operated to an appropriate standard of safety.

In keeping with its second licensing objective (public safety), the Authority wants anyone visiting or working at a licensed venue to do so knowing the building has been constructed to safe standards and is properly maintained.

2.9 Public Safety/Crime and Disorder

Licensing Policy 10 - Applicants must show the steps they propose to take to promote the licensing objectives in their operational schedule and show how they will help the Authority achieve each of them, namely: -

1. Prevention of crime and disorder.
2. Public safety.
3. Prevention of public nuisance; and
4. Protection of children from harm.

2.10 Designated Premises Supervisors

Licensing Policy 11 - Applicants must specify the Premises Supervisor in their operating plan. The supervisor should be responsible for the “day to day” running of the premises.

The Authority recognises that Designated Premises Supervisors do not have to be constantly on the premises when it is trading. However, the Authority will expect such identified persons to be on site under normal circumstances, but fully accepts that occasions of sickness, leave and emergencies may take them away from the premises for short periods, and they are expected to operate suitable management systems to cover such absences.

2.11 Shops, Stores, Supermarkets and Garages with “off sales” licenses

Licensing Policy 12 - Shops, stores and supermarkets should be free to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

If the law permits the shop to open for 24 hours or limits such opening, for example, on Sundays, the Authority will generally permit the sale of alcohol during those hours. However, good reasons may exist for imposing a limitation, for example, following police representations in the case of shops known to be a focus of disorder, disturbance, or anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol. The sale or supply of alcohol at premises used primarily as a garage or forming part of premises, which are primarily used as a garage, is restricted by the 2003 Licensing Act.

2.12 Tables and Chairs outside Premises

Licensing Policy 13 - Applicants must indicate in their operating plan the adequacy of measures proposed to deal with the potential for public nuisance and/or crime and disorder arising from the use of tables and chairs or other such furniture by their patrons in the open air.

The provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to nuisance (unless within a self-contained beer garden). This is because they can encourage patrons and passers-by to loiter rather than disperse. Where necessary, applicants must have the appropriate permissions for the placing and use of the tables and chairs in the open air. Such permissions are handled by the Highways Department of East Sussex County Council.

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

2.13 Temporary Event Notices

Licensing Policy 14 - The Authority recognises that permitted temporary activities do not require authorisation and are only subject to an official notice. However, we seek cooperation from applicants in giving as much notice as is possible of such events.

It should also be noted that the giving of such a notice does not relieve the premises users from any requirements under planning law and other legislation.

2.14 Sex Related Activities

Licensing Policy 15 - The Authority recognises the need for applicants wishing to operate a Sexual Entertainment Venue (SEV) to hold a separate licence, The Authority also recognises that premises can operate up to 11 (eleven) such events on their premises in a calendar year without the need for a special SEV licence. Generally, the Authority will not grant SEV licences to premises near schools, churches, hospitals, youth clubs or other premises where significant numbers of children are likely to attend. Where such licences are granted, the Authority will impose tailored conditions in keeping with the first licensing objective (prevention of crime and disorder) and the fourth licensing objective (protection of children from harm) and as indicated in the Authorities Sex Establishment Policy.

2.15 Drugs

Licensing Policy 16 - The Authority requires licensees to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within their premises and to take practical measures to deter drug use.

The purpose of this policy is to further crime and disorder and public safety objectives, and to reduce the tragic social consequences of drug abuse.

Licensees should consider additional training in this area and follow the recommendations of the book 'Safer Nightlife' issued by the London Drugs Policy Forum and endorsed by the Home Office.

Licensees should rigidly follow these recommendations as failure to do so could lead to the licence being reviewed with the possibility of revocation, or in appropriate cases, the imposition of conditions.

2.16 Children

Licensing Policy 17 - The Authority will take vigorous measures to protect children from harm. Where alcohol is to be sold, all applicants must outline their plans for control of underage drinkers. This should include use of an ID card scheme recognised by the Council, such as the Proof of Age Standards Scheme (PASS) as promoted by the Home Office. Pass scheme weblink

The Authority considers East Sussex County Council Children's services to be competent to act as the responsible authority in relation to protection of children from harm.

Nothing in this policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. Examples of premises where the introduction of additional controls are likely to be necessary are: -

- Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking.
- With a known association with drug taking or dealing.
- Where there is a strong element of gambling on the Premises.
- Where entertainment of an adult or sexual nature is provided.

In such circumstances the Authority may impose a complete prohibition on entry of children, or condition the licence, if satisfied that problems would be adequately controlled by so doing.

No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.

Generally, the Authority will not impose conditions restricting the admission of children to any premises and the Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

Where childcare facilities are made available on premises, we would expect particular attention to be given to their location. They should be located on the same level as the parents or on the route to the final exit. This avoids parents travelling against the normal direction of escape when any alarm is raised.

Where matters relating to potential harm to children at licensed premises are raised with the Council, we will discuss those issues with the appropriate authorities, either the Police or the Safeguarding Children Team at East Sussex County Council to ensure that the matter is properly investigated.

Alternatives which may be considered for limiting the access of children where that is appropriate for the prevention of harm to children are as follows:

- a. Restriction on the hours when children may be present
- b. Restriction on presence of children under certain ages when particular specified activities are taking place
- c. Restrictions on the parts of premises children may have access to
- d. Age restrictions
- e. Restrictions when certain activities are taking place
- f. Requirement for an accompanying adult
- g. Exclusion of people under 18 from the premises when any licensable activity is taking place

2.16.1 Children and cinemas

Licensing Policy 18 - Where the exhibition of films is permitted, the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited will be complied with. Only in exceptional cases will variations of this policy be granted by the Authority and then only with appropriate safeguards.

2.16.2 Children and public entertainments

Licensing Policy 19 - Where there is a likelihood of children attending regulated entertainment, licensees must ensure that their operating schedule addresses the specific problems of child safety. Where there is provision of entertainment specifically for children (e.g. a children's disco or a large outdoor play area) the Authority will require the presence of sufficient adults to control the access and egress of the children and assure their safety. Where this is the case, all staff employed to supervise children should first satisfy an enhanced Disclosure and Barring Service (DBS) check. No staff should be employed with a history of child abuse or sex offences.

2.17 Discounting and Sales Promotions

Where there is a clear causal link between sales discounting and levels of crime and disorder on or in the vicinity of a premises, then it will be appropriate for the licensing authority to consider the imposition of a condition prohibiting the discounting of prices of alcohol following a review of the premises licence.

The mandatory conditions on irresponsible sales promotions introduced by Government in 2010 have been adopted and added to all premises licenses.

The Authority expects any discounted drinks and sales promotions to be properly managed and take into account the 'Good Practice Guide on Point of Sale Promotions' issued by the British Beer and Pub Association.

The Authority supports measures to promote sensible drinking including a commitment not to participate in drink promotions / happy hours etc, which encourage binge drinking. Premises licences are likely to be subject to review where they lead to any of the licensing objectives being undermined. Licence holders should not only consider the price of the alcohol sold on the premises but also in the way it is promoted.

The Authority expects applicants to include in their operating schedules any proposals for discounting or sales promotions of alcohol and to provide the Authority with written procedures detailing how such promotions will be managed to further the licensing objectives, and not breach the new mandatory conditions, giving particular attention to any increased supervision that may be required.

2.18 Cumulative Impact Policy.

The concept of Cumulative Impact has been described within the Secretary of State's Guidance since the commencement of the Licensing Act 2003. It will form part of the council's adopted licensing policy from 2021 and is a proper matter for the authority to consider when discharging its licensing functions and developing its licensing policy.

It is also consistent with the Authority's obligations to prevent crime and disorder as outlined in Section 17 of the Crime and Disorder Act 1998. However, this assessment shall not relate to the demand for certain types of premises (need). The issue of 'need' is not a proper matter for the Authority to consider within the licensing policy statement.

Cumulative Impact for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in an area or areas. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing section 5A of the Licensing Act. This amendment came into force on 6th April 2018.

Having been reviewed this Cumulative Impact Assessment (CIA) is being published under the provisions of the Licensing Act 2003. The assessment will be reviewed every three years from the date it came into force consulting the persons outlined in Section 5 of the Licensing Act 2003.

Regard is also had to local planning policies and other mitigating measures (set out below).

This assessment relates to the area shown within the policy as a Cumulative Impact Area. This assessment applies to all grants and material variations of premises licences and club premises certificates.

The assessment will relate to all premises within the specified area that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises
- The provision of late-night refreshment on or off the premises
- The provision of any regulated entertainment

Whilst this Cumulative Impact Assessment does not apply directly to Temporary Event Notices, the Secretary of State's Guidance to the Licensing Act 2003 states that it is open to the Police and Environmental Health Officers to refer to this assessment and the evidence contained within it when objecting to a TEN. The authority believes this is a right and proper approach as extension of hours within the Cumulative Impact Area can have a direct impact on the promotion of the licensing objectives.

This assessment is being published because the authority is of the opinion that the number of licensed premises and club premises certificates within the Saturation areas detailed below is such that it is likely that granting further licences or variation to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence showing high levels of public nuisance, anti-social behaviour and crime and disorder within these areas.

The content of this Assessment does not change the fundamental way that decisions are made under the 2003 Act. The authority will make all decisions on applications within the

Cumulative Impact Area on a case-by-case basis with a view on how best to promote the licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as 'any other person' within the act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the act.

It is the general policy of the authority to refuse applications for the grant or variation of a premises licence or club premises certificate in the Cumulative Impact Areas. This general policy refers to all licensable activities specifically the sale of alcohol on or off the premises, the provision of late-night refreshment on or off the premises and regulated entertainment. It also applies to material variations for the increase in capacity, the increase in opening hours and any other matter the authority considers relevant.

However, the policy is not absolute, and applicants will have the opportunity to address matters affecting Cumulative Impact within their application. Applicants will have to demonstrate that their application and proposed operation is not inconsistent with the Authority's licensing policy, this assessment and the authority's ability to be able to promote the licensing objectives.

It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

An applicant wishing to obtain a new or varied licence for premises falling within any of the cumulative impact areas must identify, through the risk assessment process and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

There are mechanisms and interventions, both within and outside the licensing regime, that are available for mitigating adverse impacts on the licensing objectives and should be considered alongside local licensing policy by the licensing authority, responsible authorities, other persons, licensed premises, and new and existing applicants:

- planning controls
- voluntary or best practice schemes
- positive measures to create a safe and clean environment in partnership with local businesses and communities
- provision of CCTV
- powers to designate parts of the town as places where alcohol may not be consumed publicly
- provision of transport facilities including taxi ranks
- confiscation of alcohol from adults and children in designated areas
- police enforcement of the law with regard to disorder and antisocial behaviour, including the
- issuing of fixed penalty notices
- enforcement action against those selling alcohol to people who are inebriated
- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise

- the power of police, local businesses or residents to seek a review of the licence or certificate

In areas where there is an excessive accumulation of off and on licensed premises, it is relatively straight forward to provide a direct correlation between those premises and public nuisance, anti- social behaviour and crime and disorder in the area, through an analysis of the evidence including operating hours of the premises and the peak times for incidents and calls for service. It is more challenging but not impossible to provide a direct correlation between the accumulations of off licensed premises and public nuisance, anti-social behaviour and crime and disorder in the same way.

It is recognised that people are not necessarily drinking on or near to the premises where they purchased the alcohol and may delay drinking the alcohol until they arrive at home or consume the alcohol elsewhere.

However, in the identified areas there is an issue with people drinking on the street and causing disorder and anti-social behaviour issues. The council and Sussex Police have evidence, which identifies smaller independently owned off licences in the town centre who are selling strong and cheap alcohol popular to street drinkers. Opening new off licences in these areas, where street drinking and the associated anti-social behaviour is most problematic would add to the problems already being experienced in the area.

Hastings Borough Council has applied a cumulative impact policy including the following areas:

1: Hastings Town Centre

Robertson Street (UC 3162G) for its entire length.

Claremont (UC 3162E) for its entire length

Trinity Street (UC 3162F) for its entire length

Trinity Passage (DPROW 177) for its entire length

Havelock Road (A21) for its entire length

Harold Place (A2101) for its entire length

Cambridge Road (UC 30021) from its junction with Robertson Street to the junction of White Rock Road.

Wellington place for its entire length.

Queens Road (A2101) for its entire length

2: Old Town

George Street (UC 3206A) for its entire length

High Street (UC 3208A) for its entire length

3: Central St Leonards

London Road (A2102) from its junction with Grand Parade (A259) to its junction with Silchester Road (UC 3140F)

Kings Road (UC 3145A) from its junction with London Rd (A2102) to its junction with Western Road (UC 3144C)

Western Road (UC 3144C) for its entire length

Norman Road (UC 3141A) from its junction with Gensing Road (UC 3141A) to its junction with London Road (A2102)

Norman Road (A2102) from its junction with London Road (A2102) to its junction with Warrior Square (A2102)

These areas have been specified in previous reviews because the licensing authority believes that the cumulative impact of the number and concentration of licensed premises in these areas is adversely affecting the promotion of the following licensing objectives: Prevention of Crime and Disorder and Prevention of Public Nuisance.

These areas have been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in these areas continue to adversely affect the promotion of the following licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance
- protection of children from harm
- public safety

As a result of the revised Sec 182 Guidance issued by Central Government in April 2018, Where representations are received in relation to an application, there will no longer be a presumption against the grant of such a licence or certificate. However, the Authority will expect applicants to consider their proposals carefully and supply information to support their view that the application will not add to the existing problems of the area, experienced by the high concentration of licensed venues. The council will only grant applications in exceptional cases, where the applicant has been able to identify through rigorous risk assessment and their operating schedule that the licence would not have a negative impact on the Licensing objectives.

This applies to alcohol led premises such as bars, pubs, and nightclubs, and for premises seeking late night refreshment such as takeaways, late opening restaurants and premises seeking to sell alcohol for consumption off premises, such as off licences and convenience stores.

Other Initiatives within the Cumulative Impact Area

Prospective applicants and current licence holders should also familiarise themselves with the other initiatives within the Cumulative Impact Areas. These have been implemented by the licensing authority in conjunction with its partners to assist in reducing public nuisance, anti-social behaviour and crime and disorder within these areas with particular regard to the evening and night-time economy.

- Hastings Community Safety Partnership
- The support of street pastors scheme
- Public Space Protection Order

- Test purchasing
- Regular routine inspections
- Safe space project
- Community Alcohol partnership

Applicants who wish to operate in the Cumulative Impact Area will be expected to be familiar with and supportive of these initiative and work in partnership to maintain a cohesive and best practice approach to promoting a safe environment in the town.

Effects of the Cumulative Impact Policy

The adoption of the Cumulative Impact Policy does not prevent any person making an application for a licence or giving a temporary event notice for premises within the designated area.

Responsible authorities and interested parties must note that the licensing authority can only give effect to the Cumulative Impact Policy in respect of any application for premises within the cumulative impact areas if a relevant representation is received.

If no relevant representations are received in respect of an application, the Licensing Authority is obliged to grant that application in terms that are consistent with the applicants operating schedule.

The responsible authorities and other persons are encouraged to set out in their representations to make reference to this assessment and the evidential basis and any other matters that they consider would add to the existing cumulative impact as may be relevant to an application.

Applicants will be expected to address Cumulative Impact Assessment through the contents of their application and in particular their risk assessment, operating schedule, proposed conditions, operating style and supporting information.

Applicants are encouraged to have pre-application discussions with the licensing authority and relevant responsible authorities and proper consultation with persons likely to be affected by the application to address any likely concerns in the application.

They should address how the application will contribute to the vision and policies for the town of the Licensing Authority (including the planning and development of the town and its economic, social, and environmental well-being).

They should also address the deliverability of the perceived benefits and the avoidance of negative impacts on the licensing objectives in such a way that provides confidence to the licensing authority, responsible authorities, and other persons.

The absence of a special policy does not prevent any responsibly authority or other person making representations on an application for the grant or variation of a licence or in respect of a temporary events notice on the grounds that the premises will give rise to adverse impacts based on cumulative impacts. In their view that the application will not add to the existing problems of the area, experienced by the high concentration of licensed venues.

Review

The Council will review the operation of this cumulative impact policy every 3 years, considering evidence to assess whether it needs variation or extension. It is important to note that this special policy does not seek to refuse all licensed premises applications but to consider each application on its own merits.

Appendix 5 contains maps of the existing saturation areas within the borough.

3.0 Integration of Strategies

3.1 Integration

The Authority will secure the proper integration of this policy with national and local strategies and initiatives supporting the licensing objectives and will seek regular feedback from the appropriate agencies in respect of their local effectiveness. Such strategies, initiatives and agencies will include: This list is not exhaustive

- The Local Plan.
- Local Crime and Disorder Reduction Strategy.
- Hastings Evening Economy Report.
- Safer Streets Initiative.
- Alcohol Harm Reduction Strategy for England.
- East Sussex Alcohol harm Reduction Strategy 2021-2026
- East Sussex Drug and Alcohol Reduction Team.
- 'Citizen Card'.
- Proof of Age Standards Scheme (PASS).
- Arts, Culture and Tourism development strategies'
- Equalities Policy including race equality scheme under Race Relations (Amendment) Act 2000.
- Operation Support. Sussex Police Late Night policing operation.
- Challenge 25

3.2 Other Regulatory Regimes

The Authority will seek to avoid duplication with other regulatory regimes as far as possible. However, if other regulations do not adequately cover the unique circumstances that arise in connection with a particular venue or type of entertainment, or if more prescriptive requirements are required following a review of a licence, then additional controls will be imposed in support of the licensing objectives.

The following notes are made for information about specific regulatory regimes.

Health and Safety

All businesses have general and specific legal duties under the 'Health and Safety at Work etc Act 1974' and regulations made there under. These duties are placed on employers, employees and the self-employed and any person involved in the business activity. The inspection of premises, together with any subsequent enforcement, will be undertaken by the Council's Environmental Health Department or by the Health and Safety Executive (HSE).

Fire Safety

The Regulatory Reform (Fire Safety) Order 2005 places an obligation on a responsible person for premises to carry out a risk assessment and subsequently ensure that any protective and preventative measures identified are taken. The aim of this is to lower the risk from fire within premises to ensure the safety of any relevant persons.

This legislation applies inside and outside of the workplace. It applies to any place where a relevant person could be expected to visit. A relevant person being any person who is legally on any premises, other than a single private dwelling.

Food Hygiene

Premises selling alcohol and/or premises engaged in a food business must be registered and will be subject to risk-based food hygiene inspections by the Council's Environmental Health staff, at regular intervals, under the Food Safety Act 1990.

Noise

Statutory and Public nuisances are dealt with by the Council's Environmental Health staff under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may often fall under this regime.

Door Supervisors

Anybody on security or door supervisory activities in licensed premises when they are open to the public must be registered. The Security Industry Authority issues these registrations under the 'Private Security Industry Act 2001'

4.0 Equalities Act 2010

Promotion of Equality

The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the LA2003 in a manner consistent with the Human Rights Act 1998.

The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects

another's rights must be no more onerous than is necessary in a democratic society.

The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

Appendix 1

Table of Delegation

Delegation of Functions

Matter to be dealt with by Environment and Place	Sub Committee	Head of Environment and Place or their nominee	Full Licensing committee
Application for personal license	If a police objection	If no objection made	
Application for personal license with unspent convictions	All cases		
Application for premises license/club premises certificate	If a relevant representation made	If no relevant representation made	
Application for provisional statement	If a relevant representation made	If no relevant representation made	
Application to vary premises license/club premises certificate	If a relevant representation made	If no relevant representation made	
Application for minor variation to premises license/club premises certificate		In all cases if no relevant representation made.	
Application to vary designated premises supervisor	If a police objection	All other cases	
Request to be removed as designated premises supervisor		All cases	
Application for transfer of premises license	If a police objection	All other cases	
Applications for interim authorities	If a police objection	All other cases	
Application to review premises license/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases, with advice from Council Chief legal officer or his/her nominee	
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police objection to a temporary notice	All cases		
Amendment to Matrix	.		All cases
Licensing policy review.			All cases

Appendix 2

Advice on Matters for Consideration by Applicants

It is for applicants to put forward steps to promote the licensing objectives as they are best placed to understand their own premises.

When applicants for premises licences or club premises certificates are preparing their operating schedules, required under section 17 (3a) of the Licensing Act 2003, and when the Authority is considering such applications, the following measures should be considered to meet the four licensing objectives.

Licensing Objective 1 - Prevention of Crime and Disorder

Complying with Designing Out Crime Principles

The applicant must be able to show that they have incorporated sensible security measures during the building or refurbishment of a licensed premise that will actively contribute to the safety of customers, staff, and local residents through the reduction of crime and disorder.

The nature and extent of designing out crime will be largely determined by the location of the premises, type of entertainment involved, duration of proposed licence, proposed hours of operation, capacity of premises and audience profile. However, matters to consider when designing out crime could include: -

- Approach and access to premises.
- Doorways and emergency exit.
- Layout and capacity of premises.
- Lighting in and around premises particularly on the street.

Communication Systems

Radio, text pagers or other means of rapid two-way communication, connecting premises licence holders, designated premises supervisors, managers of premises to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers or staff on the premises. Such two-way communication will enable licence holders, managers, designated premises supervisors and clubs to report incidents to the Police and enable the Police to warn a large number of other premises of potential disorder or individuals suspected of criminal behaviour who are about in a particular area. Internally, such systems can be used to warn staff of potential and developing problems within the premises. Where appropriate participation in the Barwatch Scheme will be a positive step towards preventing crime and disorder, membership gives licensees the use of a monitored Radio Scheme and access to circulations of known troublemakers.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder.
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder).
- Searching, including the use of metal detectors, and excluding those suspected of carrying illegal drugs, or carrying offensive weapons.
- The use of 'amnesty boxes' for drugs and objects that could be considered potential offensive weapons.
- Maintaining orderly queuing outside of venues.
- Supervision of Smoking areas

Where door supervisors conducting security, activities are to be a condition of a licence, it means that they will have to be registered with the Security Industry Authority. Conditions may also be needed such as supervisors, displaying badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female door supervisor should be available to deal with problems involving female customers.

Door supervisors also have an important role to play in ensuring public safety.

Bottle Bans

Bottles may be used as weapons inflicting serious harm during incidents of disorder. One option can be to prevent sales of drinks in their bottles for consumption on the premises. However, some customers consider drinking from bottles to be safer than drinking from a glass as it is easier for them to prevent the spiking of drinks with drugs in bottles, the openings of which may be readily covered. These issues, therefore, need to be carefully balanced.

Plastic Containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass, which inflicts less severe injuries. The location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition. In addition, such measures may be necessary during large scale Town events such as Carnival week, bonfire night etc. When used such glasses and containers should be weights and measures stamped.

It should also be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety and will be considered as a possible condition in circumstances when a premises licence is subject to a review on crime and disorder grounds.

It is now Council policy to promote the use of recyclable/reusable plastic containers and seeks co-operation from operators in replacing single use plastics where possible.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating schedules should state the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

Advice is available from the Sussex Police under 'designing out crime' initiatives, for applicants preparing operating schedules, with advice on the use of CCTV to prevent crime. The main criteria required being:

1. The system will incorporate a recording facility and any recording shall be retained and stored in a secure manner for a minimum of 28 days and made available, subject to compliance with data Protection legislation, to the Police upon request.
2. The system will display on any recording, the correct time and date of the recording.
3. The system will be of sufficient quality to allow facial recognition.
4. The system will be maintained and be fully operational throughout the hours that the premises are open.
5. Train adequate members of suitable staff to use the CCTV system to its full potential thus ensuring that a member of staff is always available to replay footage and download material following an incident.

Open Containers not to be taken from the Premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption "off" the premises that would be entirely lawful. However, consideration should be given to preventing the taking of alcoholic and other drinks from the premises in open containers (e.g., glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during sports events. Operating Schedules should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it would be enforced.

Occupancy Limits

Operating Schedules may set occupancy limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

However, the need for such limits is a matter controlled by the Regulatory Reform (Fire Safety) Order 2005 and should be included within the Risk Assessment sent to the Fire and Rescue Service.

Proof of Age Cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it will be necessary to require a policy to be applied at licensed premises requiring the production of 'proof of age' documentation before such sales are made. This should not be limited to recognised "proof of age" cards, but their use should be encouraged, as other types of proof, such as photo-driving licences, and passports can be expensive to replace if lost and pose a potential security risk.

Crime Prevention Notices

It may be necessary for notices to be displayed, which warn customers of the prevalence of certain types of crime, which they may be vulnerable to. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which advise customers about the need to be vigilant of unattended bags because of concerns about terrorism.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place, to be displayed on or immediately outside the premises, so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises along with signs encouraging patrons to leave in a quiet and orderly manner in respect of the neighbours. So that the consequences of breaches of these conditions would also be clear, and to deter those who might seek admission in breach of those conditions.

Licensing Objective 2 - Public Safety

Matters of public safety should be properly addressed by the requirements of the Health and Safety at Work etc Act 1974 and associated regulations, and the Regulatory Reform (Fire Safety) Order 2005, and any successors to these regulations. Whether or not any risk assessment shows any additional measures to be necessary will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should be recognised that special issues may arise in connection with outdoor and large-scale events. In addition, to considering the points made in this section, those preparing premises operating schedules or club operating schedules, should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance isbn 1 904031 11 0 (Entertainment Technology Press - abtt Publications).
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (Hse 1999) ("The Purple Book") ISBN 0 7176 2453 6;

- Managing Crowds Safely (Hse 2000) isbn 0 7176 1834 X; 4 Steps to Risk Assessment: Case Studies (Hse 1998) isbn 07176 15804;
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") isbn 0 11 300095 2;
- Safety Guidance for Street Arts, Carnival, Processions and Large-Scale Performances published by the Independent Street Arts Network, copies may be obtained through;
- <http://www.streetartsnetwork.org/pages/publications>.

People with Disabilities

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- When people with disabilities are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and people with disabilities on the premises are made aware of those arrangements.
- Applicants are advised to discuss potential areas of concern with the Council's access officer who is located within the Council's Building Control service.

Escape Routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might demand that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given in the Operating Schedule to ensure that:

- All exits doors are easily operable without the use of a key, card, code, or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily, and a record of the check kept.
- Any security fastenings are removed prior to the premises being open to the public.
- All fire doors are maintained effectively self-closing and shall not be held open.
- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut.
- The edges of the treads of steps and stairways are maintained to be conspicuous.

Safety Checks

In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given in the Operating Schedule that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a logbook.

Curtains, Hangings, Decorations and Upholstery

Consideration must also be given in the Operating Schedule to ensuring that:

- Hangings, curtains, and temporary decorations are maintained in a flame-retardant condition.
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1, and crib ignition source 5, when tested in accordance with Part 5 of BS 5852:2006.
- Curtain hangings, and temporary decorations are arranged so as not to come in contact with a heat source or obstruct exits, fire safety signs or fire-fighting equipment.

A suitable risk assessment should be undertaken in all such cases.

High Volume Vertical Drinking Establishments

To meet the Authority's first licensing objective (prevention of crime and disorder) conditions may be attached to premises licences demanding:

- An appropriate ratio of tables and chairs based on capacity.
- The presence of Security Industry Authority registered security teams to control entry numbers in line with set limits and deny entry to persons who appear drunk and/or disorderly.

Fire Action Notices

Consideration might also be given to conditions that ensure that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed, and protected from damage and deterioration.
- The local East Sussex Fire and Rescue Service are notified as soon as possible of any problems associated with the water supply to any hydrant, hose reel, sprinkler, drencher, or other fire extinguishing installation.
- The recording of all relevant information in a Fire Logbook in order that any short-term access problems are notified to the emergency services.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- An adequate and appropriate supply of first aid equipment and materials is available on the premises.
- At least one suitably trained first aider shall be on duty when the public are present; and if more than one suitably trained first aider is present their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions to ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Fire safety signs are adequately illuminated.
- Emergency lighting is not to be altered without our consent.
- Emergency lighting batteries are fully charged before the admission of the public, members, or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of an hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes, unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.

Temporary Electrical Installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are use.

Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that the premises are effectively ventilated:

- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- Ventilation ducting is kept clean.
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate, or other sports entertainment of a similar nature.
- Where a ring is involved, it is constructed and supported to the Licensing Authority's satisfaction and any material used to form the skirt around the ring is flame-retardant.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and lifesaving procedures are stationed and remain within the vicinity of the water at all material times (see also Health and Safety HSG179 HSE Publications)

Theatres and Cinemas (Promotion of Public Safety)

There are particular public safety and fire safety matters that should be considered in connection with theatres and cinemas. The principle remains that conditions may be necessary and should be established through risk assessment.

Premises used for Closely Seated Audiences

Attendants

(a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below:

Number of members of the audience Present on a floor	Minimum number of attendants required to be present on that floor
------------------------------------------------------	-------------------------------------------------------------------

1-101	One
-------	-----

101-250	Two
---------	-----

251-500	Three
---------	-------

501-750	Four
---------	------

751-1000	Five
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And one additional attendant for each additional 250 persons (or part thereof)

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat, which would reduce the clear width between rows or cause a tripping hazard or obstruction.

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc

(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

(c) In no circumstances shall anyone be permitted to -

(i) sit in any gangway

(ii) stand or sit in front of any exit; or

(iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special Effects

Any special effects or mechanical installation should be arranged and stored to minimise any risk to the safety of the audience, the performers, and staff. Warning of any special effects should be made and will require a risk assessment as demanded by health and safety legislation.

Special effects include:

- Dry ice machines and cryogenic fog.
- Smoke machines and fog generators.
- Pyrotechnics, including fireworks.
- Real flame.
- Firearms.
- Motor vehicles.
- Strobe lighting.
- Lasers (see Hse / PLSA Guide SAFETY OF DISPLAY LASER);
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects are only used with the Licensing Authority's prior consent.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a structural safety certificate concerning the condition of the ceilings forwarded to the Licensing Authority.

Seating

Where a potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for Film Exhibitions

Attendants – premises without a staff alerting system:

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	1-250
Minimum number of attendants required to be on duty	2

And one additional attendant for each additional 250 members of the audience present (or part thereof).

Where there are more than 150 members of an audience in any auditorium or on any floor.

At least one attendant shall be present in any auditorium or on any floor.

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

- Number of members of the audience present on the premises **1-500**
- Minimum number of attendants required to be on duty **2**
- Minimum number of staff on the premises who are available to assist in the event of an emergency **1**
- Number of members of the audience present on the premises **501-1000**
- Minimum number of attendants required to be on duty **3**
- Minimum number of staff on the premises who are available to assist in the event of an emergency **2**
- Number of members of the audience present on the premises **1001-1500**
- Minimum number of attendants required to be on duty **4**
- Minimum number of staff on the premises who are available to assist in the event of an emergency **4**
- Number of members of the audience present on the premises **1501 or more**
- Minimum number of attendants required to be on duty **5 plus one for every 500 (or part thereof) persons over 2000 on the premises**
- Minimum number of staff on the premises who are available to assist in the event of an emergency **5 plus one for every 500 (or part thereof) persons over 2000 on the premises**

Staff shall be considered as being available to assist in the event of an emergency if they are:

- the holder of the premises license or the manager on duty at the premises: or
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency: or
- a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency.

Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be appropriate and consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS 5266-1:2005 Emergency lighting. Code of practice for the emergency lighting of premises.

Flammable Films

No flammable films should be allowed on the premises without the Licensing Authority's consent.

Licensing Objective 3 - The Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. Anti-social Behaviour, Crime and Policing Act 2014 allows the Council to issue a closure order in relation to licensed premises or premises operating under a temporary event notice which are causing a public noise nuisance. Under normal circumstances a premises that has been a subject of a closure by the Police, or the Licensing Authority will then be subjected to the review procedure.

Matters to be considered by Applicants

Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Environmental Health Officer (Environmental Protection) at the Council before submitting their application.

If the Licensing Authority receives a representation, at the Hearing that determines the application, additional conditions may be imposed.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. This must be balanced by the potential impact on disorder, which results from artificially early fixed closing times. Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in a garden area of the premises after a certain time.

Noise and vibration

In certain premises where legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to the occupants of nearby properties, this might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment.
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- Prohibit certain rooms from being used.
- The use of explosives, pyrotechnics, and fireworks of a similar nature, which could cause disturbance in the surrounding area are restricted.
- The placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- Noise from designated smoking areas or customers gathering to smoke outside of venues should be managed by staff to minimise impact on local residents.

Noxious Smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted to cause a nuisance to nearby properties and the premises are properly vented.

Light Pollution

Flashing or particularly bright lights on or outside licensed premises should not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Licensing Objective 4 - Protection of Children

Matters to be Considered by the Applicants

Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Head of Children's Safeguards and Quality Assurance, PO Box 5, County Hall, Lewes, East Sussex, BN7 1SW. If the Licensing Authority receives a representation at the Hearing that determines the application, additional conditions may be imposed.

It should be noted that it is unlawful under the 2003 Licensing Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In between midnight and 5 a.m. at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for Children to Licensed Premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are taking place should be made where it is necessary to protect children from harm. Precise policy and detail will be a matter for the licensing authority. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible Authority's and interested parties who have made representations but only where the Licensing Authority considers it necessary to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by the Licensing Authority on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that for any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10.00 p.m. in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons, and outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holders' or club's discretion, the expectation would be for unrestricted access for children of any age to the premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

Age Restrictions – Specific

Under the 2003 Licensing Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place the Licensing Authority, following relevant representations made by responsible Authority's and interested parties, will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. The Licensing Authority will consider:

- The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 20:00 hrs does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example:

1. Family entertainment; or
 2. Non-alcoholic events for young age groups such as under 18s dances.
- Types of event or activity that give rise to a more acute need for age restrictions than normal, for example during Happy Hours or on drinks promotion nights.

Age restrictions – Cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Part 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Part 4 of the Video Recordings Act 1984 or by the Licensing Authority, conditions restricting the admission of children to film exhibitions should include:

A condition that where the Licensing Authority make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.

A condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:

- U- Universal. Suitable for audiences aged four years and over
- PG - Parental Guidance. Some scenes may be unsuitable for young children.
- 12 - Passed only for viewing by persons aged 12 years or older.
- 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 - Passed only for viewing by persons aged 15 years and over.
- 18 - Passed only for viewing by persons aged 18 years and over.
- A condition specifying that, immediately before each exhibition at the premises of a film passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when a Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the Licensing Authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms:

Persons under the age of [insert appropriate age] cannot be admitted to any part of the programme

Where films of different categories form part of the same programme, the notice shall refer to the youngest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained.”

Theatres

The admission of children to theatres, as with other licensed premises, is not normally expected to be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to be left, normally, to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary.

Entertainment may also be presented at theatres specifically for children (see below).

A condition should be attached to a premises licence, which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children present on the premises during any emergency.

Performances Especially for Children

Where performances are presented especially for children in theatres and cinemas, conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof, whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in Performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended, set out requirements for children performing in a show.

However, if it is necessary to consider imposing conditions for the promotion of the protection of children from harm then the Licensing Authority will consider the matters outlined below:

- Venue - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children - theatres, concerts halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are always kept under adult supervision including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be always accounted for in case of an evacuation or emergency.

Appendix 3

Definition of Terms

In some cases, these definitions are an abbreviation or interpretation of the Licensing Act 2003. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

'Appeals'

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

'Authorised Persons'

"Authorised Persons" are specified people who have statutory duties in relation to the inspection of premises, e.g., licensing officers, police, fire, health & safety, environmental health.

'Children'

Unless stated otherwise all references to children contained within this policy mean a person under the age of 16yrs.

'Closure Order'

New powers for the police and courts to close premises. The 2003 Licensing Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

'Club Premises Certificate'

A certificate that licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g., membership rules, run by club committees, profits go to members not an owner etc. club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Licensing Act. There is no limit on the duration of the certificate, but it may be withdrawn, surrendered, or suspended.

'Conditions'

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State's guidance provides

“The only conditions which should be imposed on the premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder”. Conditions must be proportional and tailored to size, style, characteristics, and activities taking place at the premises concerned.

‘Designated Premises Supervisor’

The person in the case of premises selling alcohol, who will normally have been given the day-to-day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder themselves (who must also be a Personal Licence holder).

‘Interested Parties’

“Interested Parties” are any other persons or a body representing them including all Ward Councillors of the authority.

‘Interim Authority Notices’

Where a premises licence lapses due to death, incapacity, or insolvency etc. of the holder, specified persons can within 7 days serve an interim Authority notice on the Licensing Authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to “interim Authority’s” and “protection orders” under the Licensing Act 1964.

‘Late Night Refreshment’

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00p.m. and 5.00a.m.

‘Licensable Activities’

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of Regulated Entertainment
- The provision of Late-Night Refreshment

‘Licensing Objectives’

The Council’s four Licensing Objectives (based on the 2003 Licensing Act) are:

- 1.Prevention of crime and disorder
- 2.Public safety
- 3.Prevention of public nuisance
- 4.Protection of children from harm

The Licensing Authority must carry out its function under the Act with a view to promoting the licensing objectives.

‘Licensed Premises’

Includes club premises and events unless the context otherwise requires.

‘Mandatory Conditions’

Conditions that the 2003 Licensing Act requires are imposed on the premises licence, club premises certificate or personal licence.

‘Minor variation’

A simplified process to allow minor changes to the structure, layout of a premise or small adjustments to licensing hours and the addition of certain licensable activities. Cannot be used to extend the hours for the sale or supply of alcohol between 23.00 hours & 07.00 hours.

‘Objection Notice’

A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

‘Operating Schedule’

A document containing a statement of the following matters (and any others that may be prescribed):

- Steps taken by the Licence holder to meet the four licensing objectives.
- The Licensable Activities to be conducted on the premises.
- The times during which the Licensable Activities are to take place and any other times when premises are open to the public.
- Where the Licence is required only for a limited period, that period.
- Where the Licensable Activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.

‘Personal Licence’

A licence granted to an individual authorising that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for ever and only ceases to have effect when revoked, forfeited, surrendered, or suspended. A personal licence holder is not required where the premise concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club, which has a club premises certificate. Only the police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

‘Premises Licence’

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death,

insolvency etc of the holder. The local authority licensing committee in the area where the premises are situated deals with applications.

‘Provisional Statement’

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a “provisional grant” under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

‘Qualifying Club’

Club Premises Certificates will be issued to Qualifying Clubs formerly Registered Members Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting, or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in ‘good faith’ (this involves consideration of details such as club finances).

‘Regulated Entertainment’

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.
- (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

‘Relevant Representations’

The 2003 Act does not use the term “objections”. Instead, authorised persons, interested parties and responsible Authority’s may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or Responsible Authority we need only consider relevant representations. The making of relevant representations engages the licensing Authority’s discretion to take “steps” consistent with the licensing objectives when considering the application.

‘Review of Licence’

Where a premises licence is in force an interested party or Responsible Authority may apply to the Licensing Authority for it to be reviewed. The Licensing Authority must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence.

‘Responsible Authority’

- The Chief Officer of Police in the area where the premises are situated.
- The Fire Authority in the area where the premises area situated.
- The enforcing Authority for Health and Safety at Work.
- The Licensing Authority
- Public health
- The local Planning Authority
- The local Authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health.
- The body representing matters relating to the protection of children from harm.
- In relation to a vessel, a navigating Authority, the Environment Agency, or the British Waterways Board.

Only these groups can make representation about an application for a Premises Licence.

‘Statement of Licensing Policy’

The Licensing Authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review. Additionally, the Council will review the Cumulative Impact Policy, every three years.

‘Supervisor’

Responsible for supervision of the premises e.g., the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

‘Temporary Event Notice’

- A permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:
- Duration- they are limited to events lasting for up to 7 days.
- Scale- they cannot involve the presence of more than 499 people at any one time.
- Use of the same premises- the same premises cannot be used on more than 15 occasions in a calendar year but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used.
- The number of notices given by one individual within a given period of time- a Personal Licence holder is limited to 50 notices in one year, and any other person to five notices in a similar period.

- A provision for a “late” ten exists and can be used in exceptional circumstances where the normal 10 working days notification cannot be given.

(If these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved).

‘Transfer’

A procedure where an application can be made to transfer the premise licence into a new name e.g., if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

Appendix 4

Responsible Authorities – Local Contacts

The following contacts are given to assist applicants. It is recognised that in many cases applicants will not have local knowledge and this information may help speed the application process: -

The Chief Officer of Police, Hastings Police Station, Bohemia Road, Hastings Tel 101

The Chief Fire Officer, Fire Station, Bohemia Road, Hastings Tel 01323 462133

The Borough Planning Officer, Hastings Borough Council, Muriel Matters House, Breeds Place, Hastings, TN34 3UY. Tel 01424 783336,
Email: DCEnquiries@hastings.gov.uk

Assistant Director Environment and Place, Hastings Borough Council, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Email: licensing@hastings.gov.uk

East Sussex County Council, Head of Children Safeguards and Quality Assurance, St Marks House, 14 Upperton Road, Eastbourne, BN21 1EP Tel 01323 463471

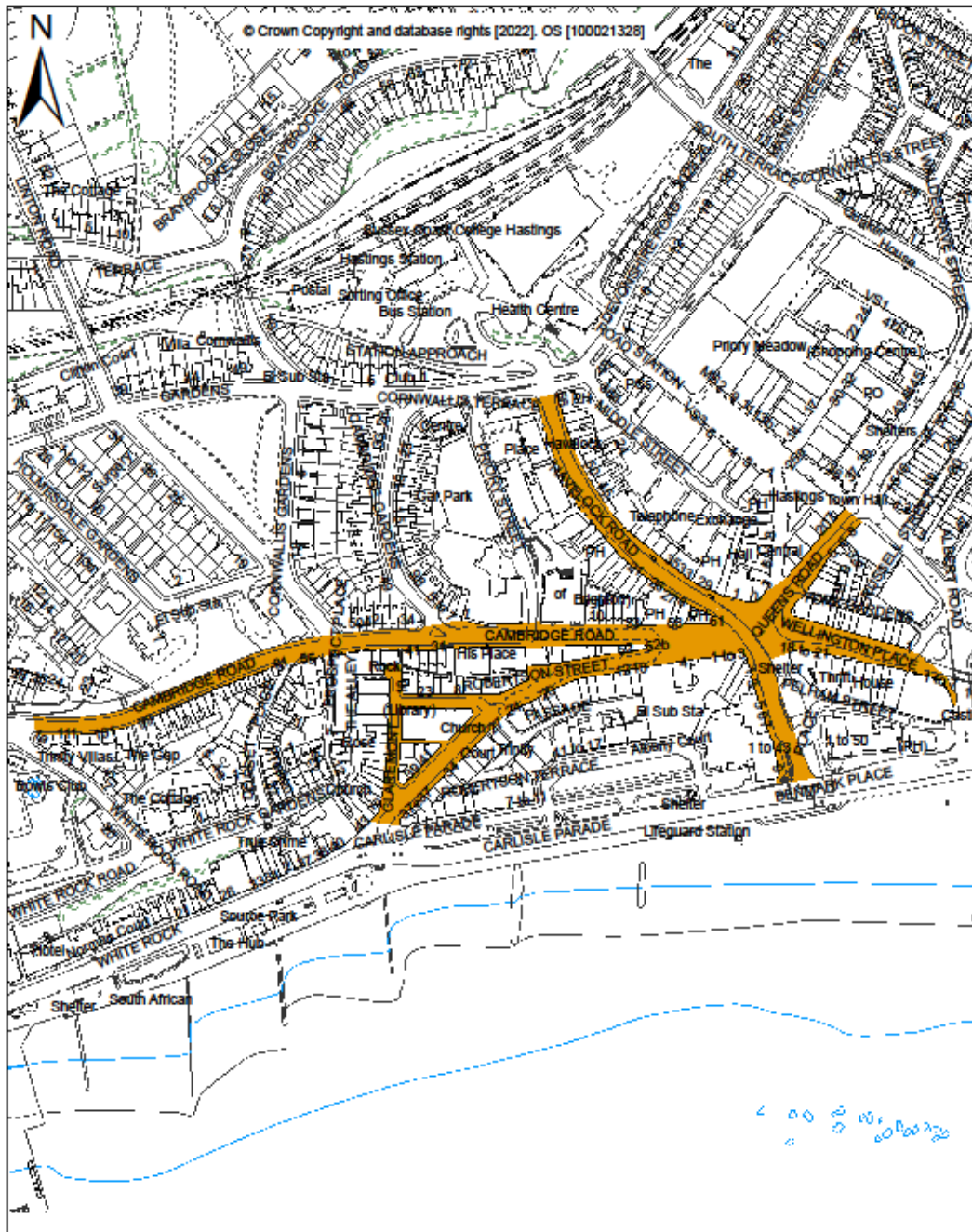
Only required for educational establishments.
Health & Safety Executive, The Council Offices, Station Road East, Oxted, Surrey, RH8 0BT


Head of Trading Standards, East Sussex County Council, County Hall, Lewes, BN7 1UE.
Tel 0345 60 80 197
Email: trading.standards@eastsussex.gov.uk

Public Health Network & Business Manager, County Hall, St Anne’s Crescent, Lewes, East Sussex, BN7 1SW. Tel 01273 335012.
Email: publichealth@eastsussex.gov.uk

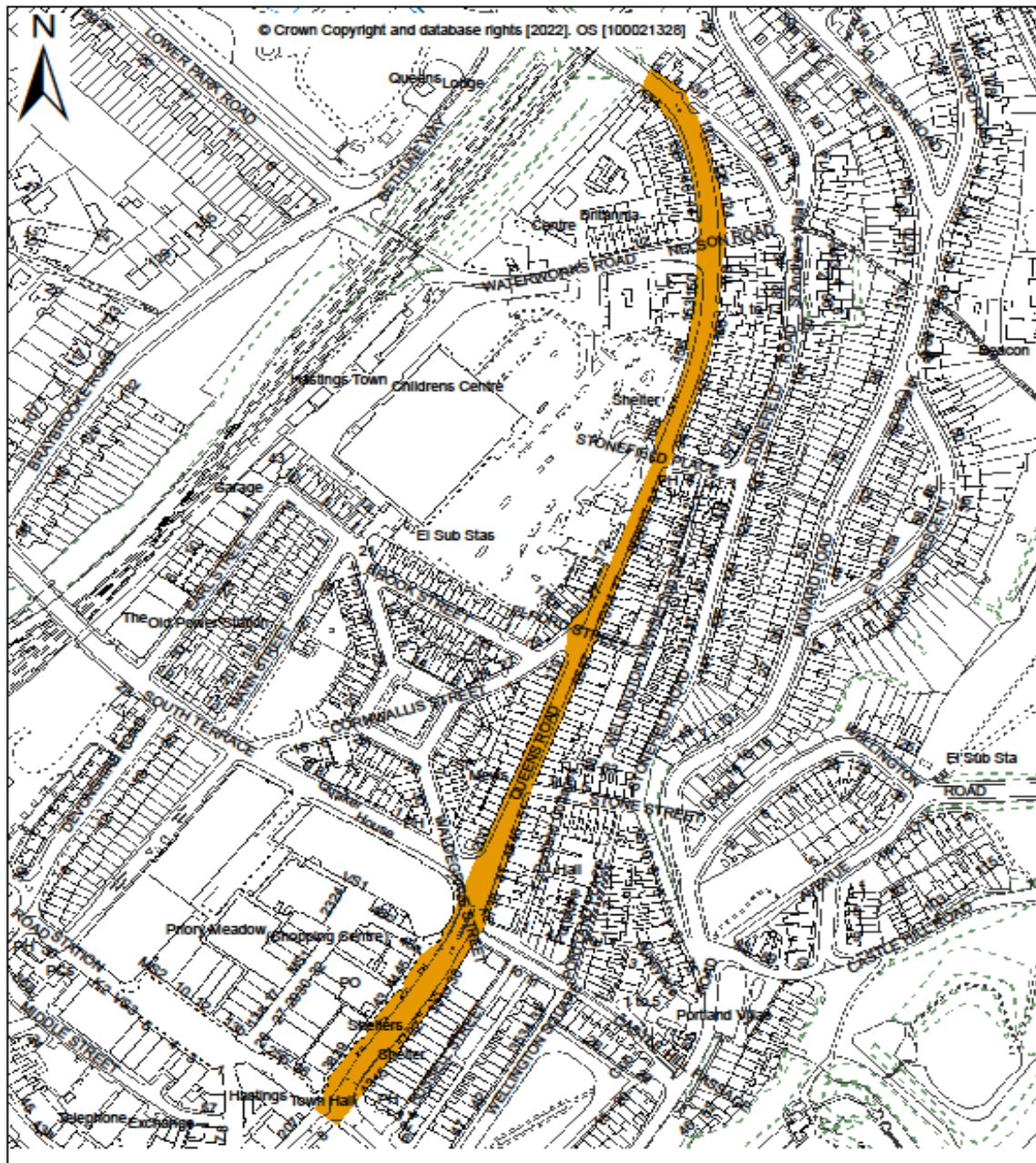
Appendix 5


Cumulative Impact Policy – Area 1A, Hastings Town Centre



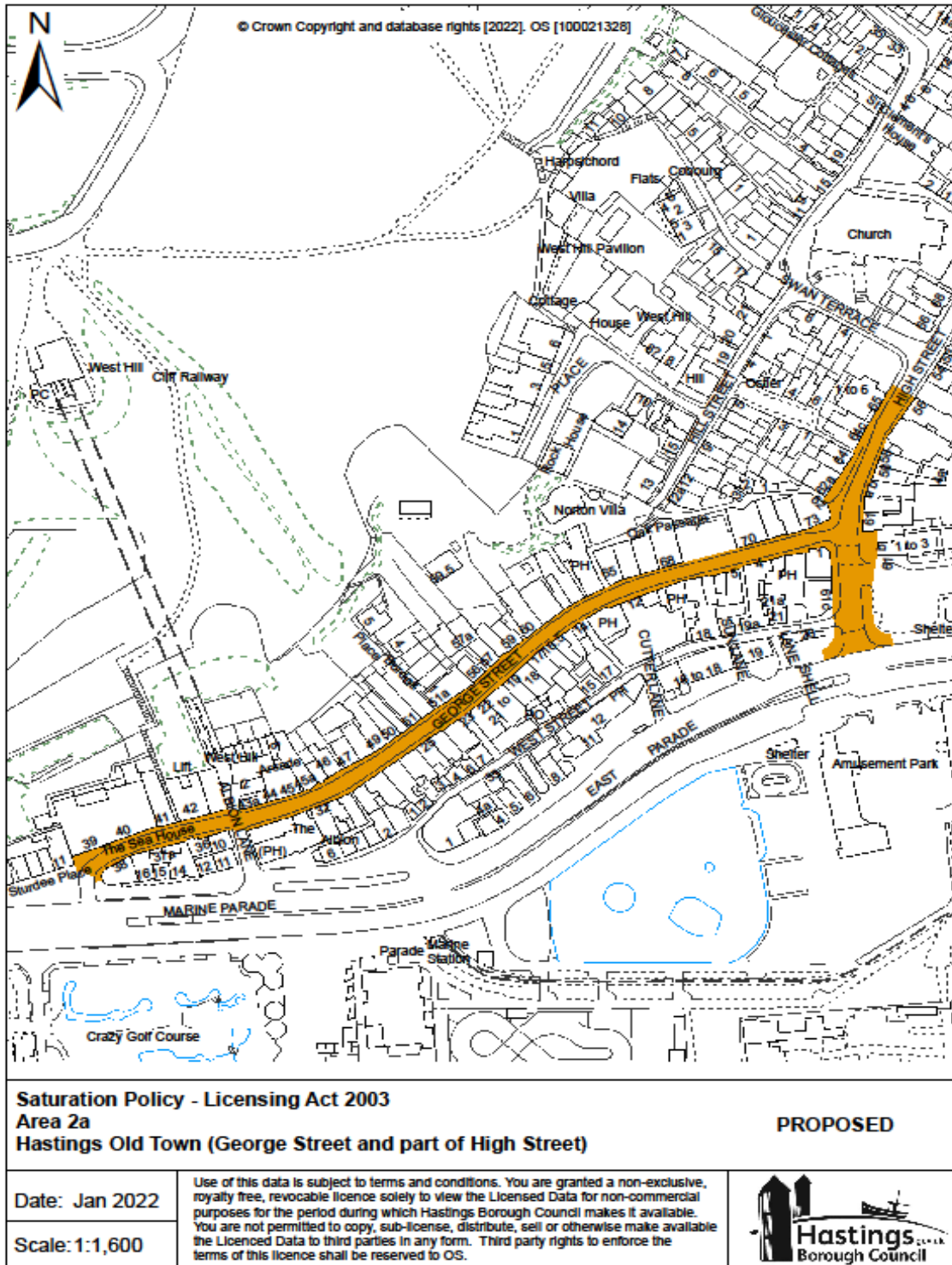
Saturation Policy - Licensing Act 2003 Area 1a Hastings Town Centre (Inc part of Queens Road)		PROPOSED
Date: Jan 2022	Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are not permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.	
Scale: 1:3,500		

Cumulative Impact Policy – Area 1B, Hastings Town Centre (Queens Road)

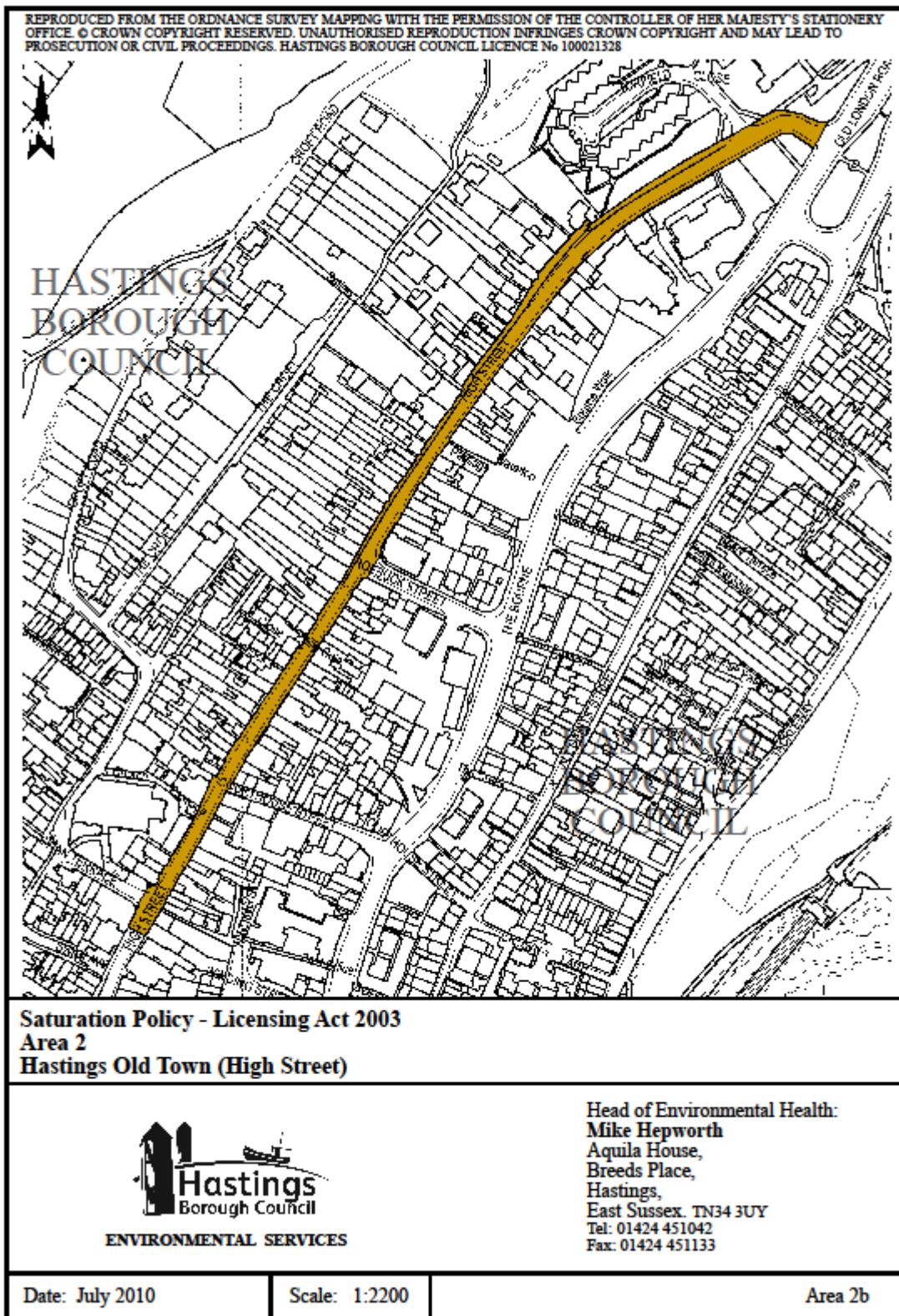


<p>Saturation Policy - Licensing Act 2003 Area 1b Hastings Town Centre (part of Queens Road)</p>		<p>PROPOSED</p>
<p>Date: Jan 2022</p>	<p>Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.</p>	
<p>Scale: 1:3,000</p>		

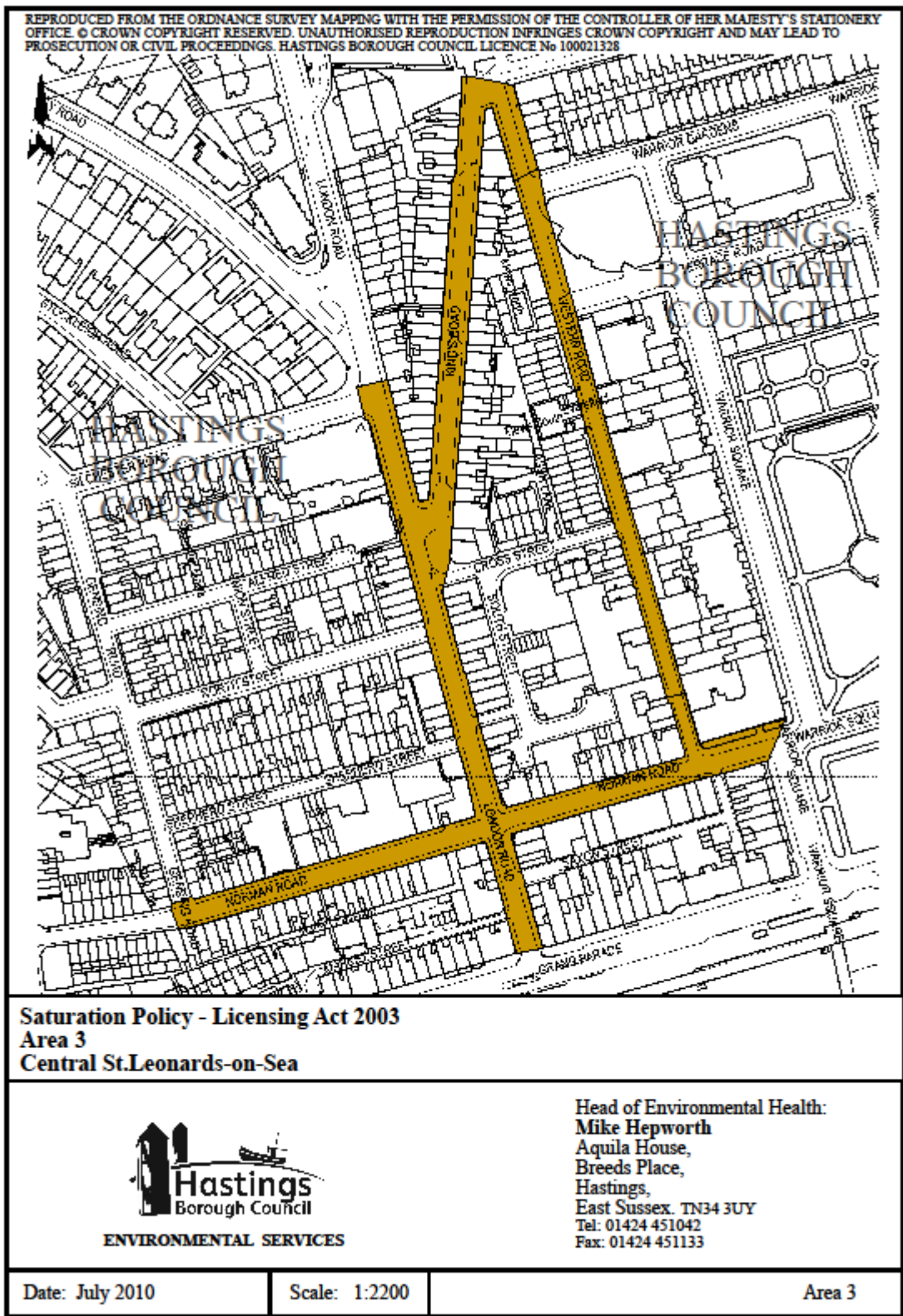
Cumulative Impact Policy – Area 2a, Hastings Old Town (George Street & part of High Street)



Cumulative Impact Policy – Area 2b, Hastings Old Town (High Street)



Cumulative Impact Policy – Area 3, Central St Leonards



Appendix 6

Advice for Residents

It is not uncommon for residents to have concerns about some aspects of how an existing licensed premises is being operated near to where they live, or to be concerned about proposals for a new licensed premises. Our small Licensing Team are well placed to be able to advise you on such matters, or to put you in touch with a more relevant service depending upon the nature of your enquiry.

If you have a complaint in respect of the operation of a licensed premises, in the first instance it is often beneficial to contact the licence holder yourself to discuss your concerns and give them an opportunity to rectify the problem. However, if you feel unable to do this or have tried this before and the problem has not been resolved to your satisfaction please keep a written record of the incident(s) that are the basis for your complaint and contact the Licensing Team on tel. **01424 451042** during office hours or email them on licensing@hastings.gov.uk.

If the complaint is related to noise from the premises or its immediate surroundings, the most appropriate service to contact is the Council's Environmental Health Team. Ring **01424 451079** during office hours or email environmentalhealth@hastings.gov.uk. If this team is able to put together a body of evidence indicating a serious problem, and if the licensee responsible for that premises doesn't co-operate to remedy the problem, this team can apply to have the licence for that premises formally reviewed by the Council's Licensing Committee. It is also possible that the Environmental Health Team may serve the person responsible for the noise with a Noise Abatement Notice.

If your complaint relates to anti-social behaviour, crime and disorder or a serious disturbance in the street you should contact the police. To contact the Police either call 101 for non-emergencies, or 999 if a serious incident is taking place at the time.

It is also possible for a resident or a Hastings Borough Council Ward Councillor to apply for a premises licence to be formally reviewed by the Council's Licensing Committee.

If you are considering applying for a review or want to bring problems at a licensed premise to the attention of your local Ward Councillor, we would recommend that you first discuss your concerns with the Licensing Team on 01424 451042 as the review process can be complicated. However, there is also guidance available on the Council's website at www.hastings.gov.uk under Licensing.

Our Licensing Team can also advise you on who your local Councillor is and how to contact them. These details are also available on the Council's website at <http://www.hastings.gov.uk/representation/councillors.aspx>

Appendix 7

Advice for Applicants and Licensees

Whether you are an existing licensee seeking some guidance in relation to licensing requirements, or a member of the business community considering applying for a licence, our small Licensing Team are well placed to be able to advise you on such matters, or to put you in touch with a more relevant service depending upon the nature of your enquiry.

Licensees may find the City of London "[Code of Good Practice for Licensed Premises](#)" an excellent reference guide when making an application, it can be viewed at www.cityoflondon.gov.uk

Whether English isn't your first language, or you're just not sure which form you need to fill in, our staff can discuss your proposals and help you to understand what you need to do. To contact us to make an appointment to come in and see us, either ring on 01424 451042 during office hours or email to licensing@hastings.gov.uk

All application forms are available from our office at Aquila House, Breeds Place, Hastings and on our website www.hastings.gov.uk/licensing or Microsoft WORD copies of the forms are available on the Gov.uk website <https://www.gov.uk/guidance/beer-licensing>

We will also assist applicants by putting them in touch with officers from other Council services, such as Planning, or with other agencies such as the Police, and Fire and Rescue.

END.

Policy Review Licensing Act 2003.

Consultees.

Statutory.

- The chief officer of police for the Licensing Authority area;
- The Fire and Rescue Authority for that area
- Such persons as the Licensing Authority consider to be representative of holders of premises licences issued by that Authority;
- Such persons as the Licensing Authority consider to be representative of holders of club premises certificates issued by the Authority;
- Such persons as the Licensing Authority consider to be representative of holders of personal licences issued by that Authority;
- Such persons as the Licensing Authority consider to be representative of businesses and residents in its area.

Interested parties.

- All members.
- Chamber of commerce
- Barwatch
- Let's do business
- Licensed victuallers
- Local resident associations.
- Trading standards
- Health Authority
- ESCC Public Health - Alcohol harm reduction team

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Public Place Violent Crime (PPVC) 6 Month Overview Hastings Cumulative Impact Policy (CIP)

Requested by	T/Insp Kara Tombling
Author(s)	Keri Summers Neighbourhood Intelligence Analyst
Department	East Sussex Neighbourhood Support Team
Reference	47N-2021-002790
Date	7 th October 2021
Version	1.0

Key Findings

- There has been a large increase year on year, however the 2020 time period included covid lockdowns and restrictions so an increase this year would be expected as restrictions have relaxed.
- There vast majority of CIP road areas fall within the high crime areas but there are some streets recording more offences.
- Below is a list of other roads that recorded 10 or more offences that may be worth considering for inclusion into the CIP areas:
 - Queens Road x 45 (9 at a supermarket)
 - Wellington Place x 35 offences (12 at fast food outlet)
 - Battle Road x 29
 - Cambridge Road x 15
- Offences in the CIP road areas peaked on Sundays followed by Tuesdays and Thursdays. Peak time for offences were between 16:00hrs to 19:00hrs and 21:00hrs to 03:00hrs.
- Overall Queens Road recorded the most offences in a single road. A third of the offences were recorded as 'road only' (15 offences from 45) and there were seven offences at licensed premises equating to 16% of all offences in this road. Offences in Queens Road peaked on Saturdays, followed by Fridays and Mondays. Peak time was in the afternoon between 13:00-18:00hrs.

Scope Note

The purpose of this report is to establish if PPVC is highest in the areas suggested in the CIP and how it compares year on year. Data was extracted from Niche via iBase looking at the time period 1st April to 30th September 2021 for all violent crime flagged as occurring in a public place. To pull out into the specific roads the data was run through XD mapping system and extracted back out covering the locations list below:

Hastings Town Centre

Robertson Street (UC 3162G) for its entire length.

Claremont (UC 3162E) for its entire length

Trinity Street (UC 3162F) for its entire length

Trinity Passage (DPROW 177) for its entire length

Havelock Road (A21) for its entire length

Harold Place (A2101) for its entire length

Old Town

George Street (UC 3206A) for its entire length

High Street (UC 3208A) for its entire length

Central St Leonards

London Road (A2102) from its junction with Grand Parade (A259) to its junction with Silchester Road

Kings Road from its junction with London Rd (A2102) to its junction with Western Road

Western Road for its entire length

Norman Road from its junction with Gensing Road to its junction with London Road (A2102)

Norman Road (A2102) from its junction with London Road (A2102), junction with Warrior Square (A2102)

The data has been kept sensitive to enable sharing with partners.

Data Caveats

- 'No crimes' were removed from all datasets.
- The analysis was based on actual offence date not input date so figures can be slightly different to performance reports produced by the Performance Team. Using actual offence data provides a more reflective picture of the actual number of crimes which occurred during a period of time.
- The quality of the data is reliant on the officer input to Niche. Any errors, lack of details or blank files will reduce the accuracy of the analysis. This is particularly relevant in relation to the 'Public Place' flag being used correctly.

Statistical Analysis

To establish the year on year comparison and where PPVC compares to other areas to the CIP statistical analysis was conducted. The table below shows the number of PPVC offences per Police Neighbourhood Area for the reporting six month period and the same period in 2020. Those highlighted in yellow include the CIP roads.

Neighbourhood Area	01/04/21-30/09/21	01/04/20 - 30/09/20	Difference
EH1NH2 - Hastings Castle	332	201	+131
EH4NH4 - Central St Leonards	133	126	+7
EH4NH5 - Gensing	101	71	+30
EH3NH8 - Hollington	92	72	+20
EH2NH10 - Baird	85	74	+11
EH2NH1 - Old Hastings	70	51	+19
EH4NH7 - West St Leonards	60	37	+23
EH2NH12 - Ore	57	49	+8
EH3NH15 - Wishing Tree Ward	55	32	+23
EH2NH11 - Tressell	50	48	+2
EH3NH9 - Ashdown Ward	41	41	0
EH1NH6 - Silverhill Ward	39	35	+4
EH3NH13 - Conquest Ward	38	27	+11
EH1NH3 - Braybrooke	37	28	+9
EH4NH16 - Maze Hill	32	27	+5
EH1NH14 - St Helens Ward	23	12	+11
District Total	1245	931	+314
CIP Area Total	535	378	+157

There has been a large increase year on year, however the 2020 time period included covid lockdowns and restrictions so an increase this year would be expected as restrictions have relaxed.

The following table is a breakdown of the number of crimes per CIP road but also includes how many incidents for those crimes as often with violent crime there can be more than one offence recorded for one incident and the number within licensed premises.

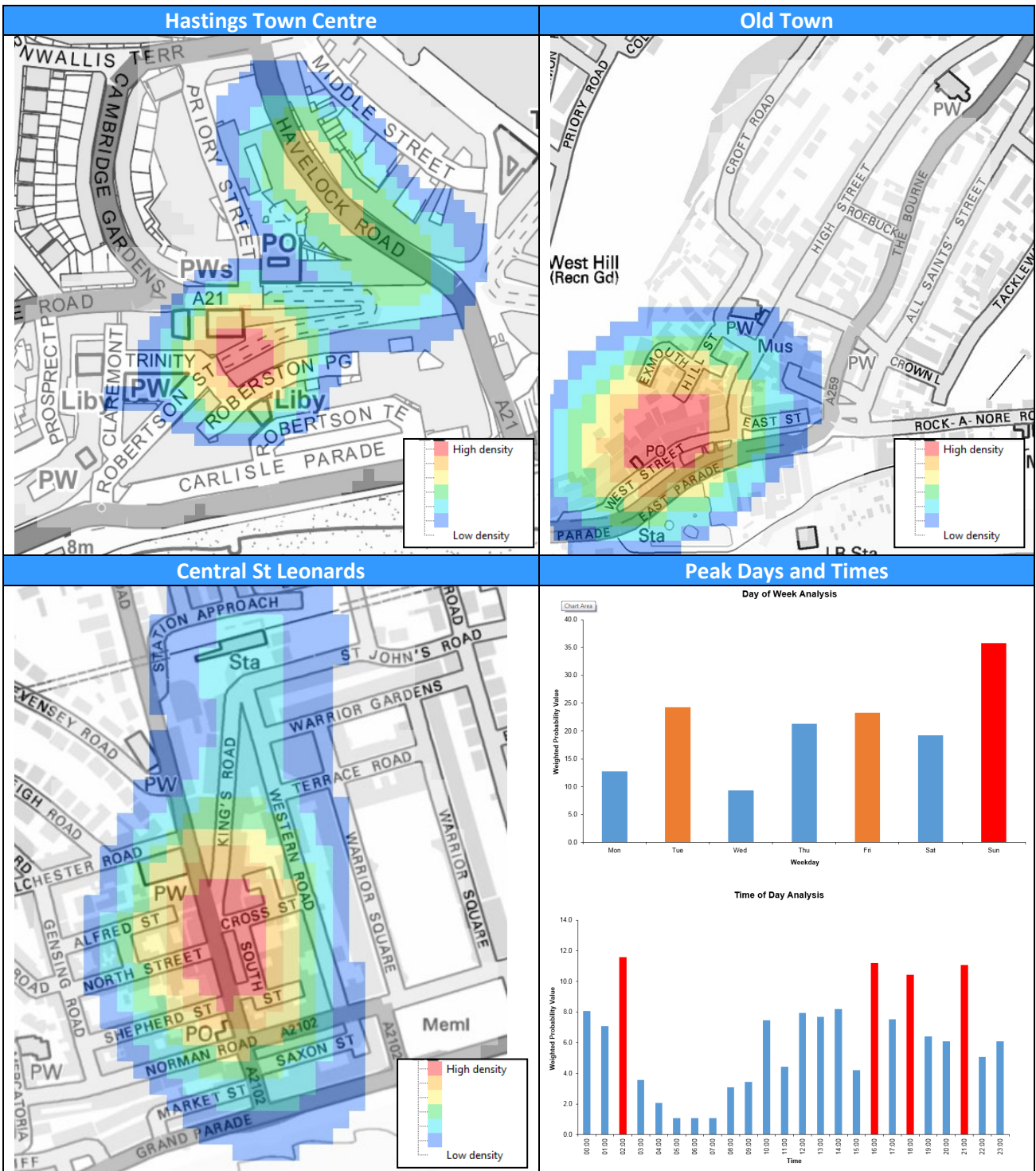
CIP Area	N'hood Area	No of Crimes	No of Incidents	Incidents at Licensed Premises
Robertson Street for its entire length.	Castle	43	41	18
Claremont for its entire length	Castle	4	4	0
Trinity Street for its entire length	Castle	1	1	0
Trinity Passage for its entire length	Castle	0	0	0
Havelock Road (A21) for its entire length	Castle	31	30	5
Harold Place (A2101) for its entire length	Castle	3	3	0
George Street for its entire length	Old Hastings	17	17	2
High Street for its entire length	Old Hastings	4	3	0
London Road (A2102) from its junction with Grand Parade (A259) to its junction with Silchester Road	Central St Leonards	22	21	3
Kings Road from its junction with London Rd (A2102) to its junction with Western Road	Central St Leonards	17	15	2
Western Road for its entire length	Central St Leonards	2	2	0
Norman Road from its junction with Gensing Road to its junction with London Road (A2102)	Central St Leonards	0	0	0
Norman Road (A2102) from its junction with London Road (A2102), junction with Warrior Square (A2102)	Central St Leonards	3	3	1
Total		149		

Below is a list of other roads that recorded 10 or more offences that may be worth considering for inclusion into the CIP areas:

- Queens Road x 45 (9 at a supermarket)
- Wellington Place x 35 offences (12 at a fast food outlet)
- Battle Road x 29
- Cambridge Road x 15

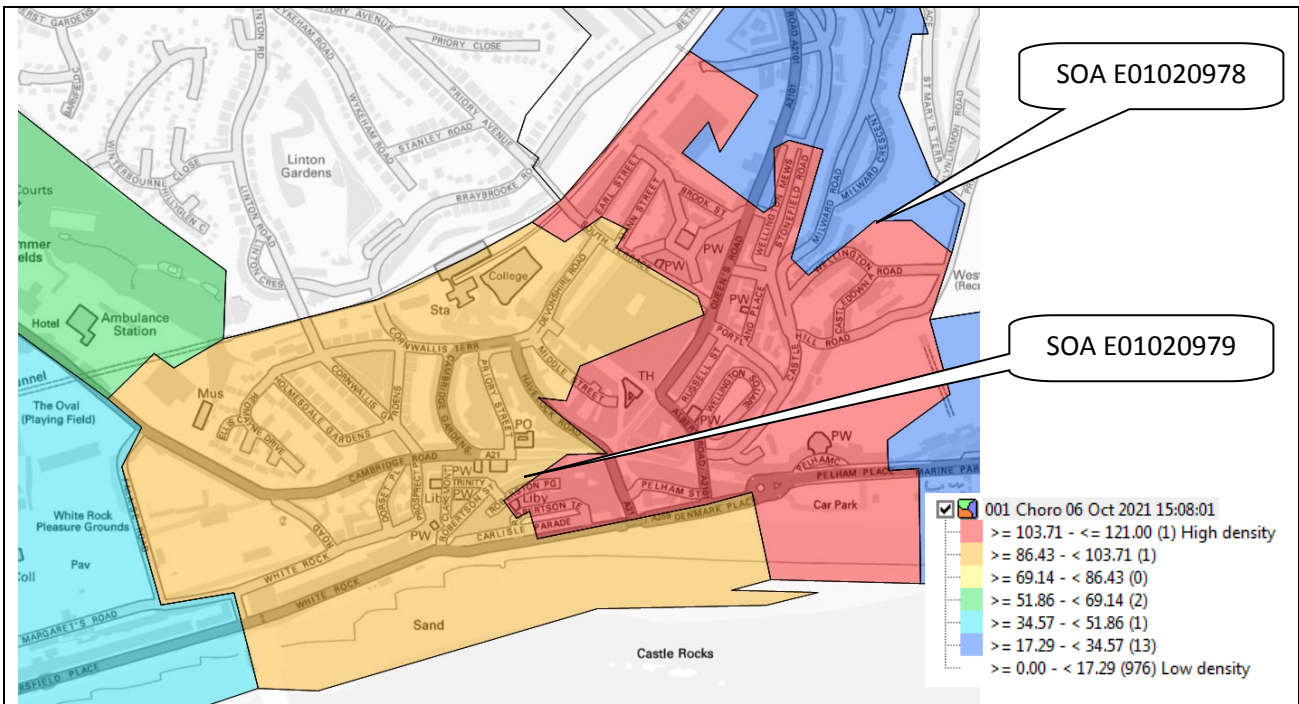
Where and When

The maps below focus on the offences occurring on the CIP roads and provides a hotspot areas for each one.



Offences in the CIP road areas peaked on Sundays followed by Tuesdays and Thursdays. Peak time for offences were between 16:00hrs to 19:00hrs and 21:00hrs to 03:00hrs.

Removing the offences in the CIP roads, the offences for the six month period have been mapped and analysed using choropleth mapping which uses difference in shading within the predefined super output areas (SOA) to indicate the average values of PPVC quantity in those areas. The SOA's have been labelled.



The mapping again indicates that Queens Road is a key location as indicated in the statistical analysis. A third of the offences were recorded as 'road only' (15 offences from 45) and there were seven offences at licensed premises equating to 16% of all offences in this road. Offences in Queens Road peaked on Saturdays, followed by Fridays and Mondays. Peak time was in the afternoon between 13:00-18:00hrs.

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Department of Public Health

EC County Hall
St Anne's Crescent
Lewes
East Sussex
BN7 1UE

Tel: +44 (0) 7557849582

Email: colin.brown@eastsussex.gov.uk

To whom it may concern.

Ref: Consultation - Hastings Borough Council's revised Licensing Act Policy Statement 2021-2026.

As a responsible authority under the Licensing Act 2003 I would like to submit a response to the consultation on Hastings Borough Council's revised Licensing Act Policy Statement 2021-2026.

Public Health fully support continuing the Cumulative Impact Policy (CIP) to limit the number and type of licenses granted within the existing CIP areas in support of the four licensing objectives. The following report outlines the rationale and evidence in support of the CIP from Public Health at East Sussex County Council.

Alcohol related harm and access to alcohol

The multi-agency [East Sussex alcohol harm reduction strategy 2021-2026](#) includes five ambitions to reduce alcohol related harm in the county.

The strategy outlines the contribution that access makes to alcohol harm. Alcohol harm is broad and multi-faceted, it includes health (accidents, chronic illness, dependence), social (relationship breakdown, exacerbating domestic violence, anti-social behaviour) and economic harm (lost productivity, strain on public services). This harm is determined by levels of consumption which in turn is heavily influenced by access, including availability of alcohol through on or off-license premises (PHE, 2016).

Fig.1 Path to alcohol harm

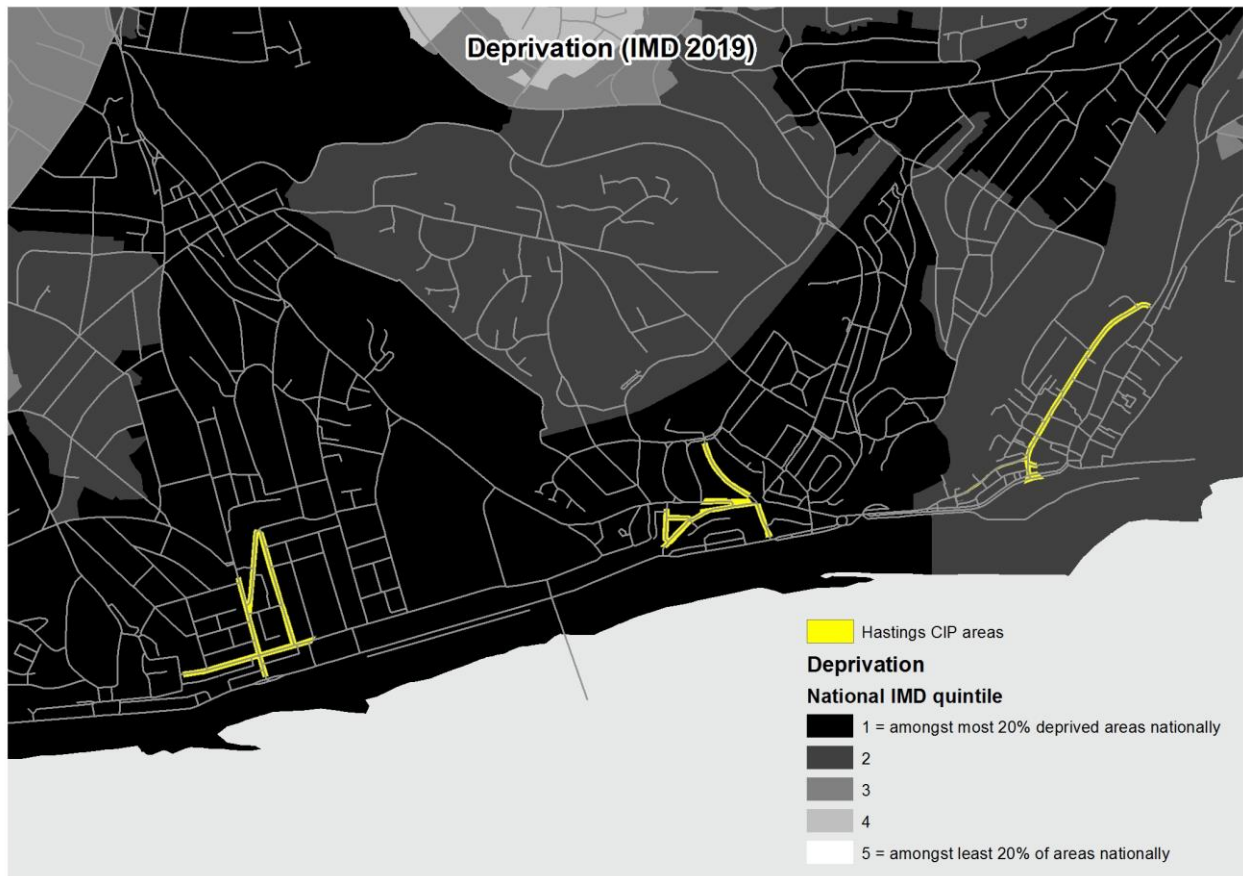


The CIP is a key mechanism for reducing access, consumption and therefore alcohol related harm, to support the four licensing objectives.

Deprivation and alcohol related harm.

Alcohol related harm is highest in communities with higher deprivation and those communities also tend to have a higher density of outlets selling alcohol (WHO, 2014, PHE, 2016). Hastings has the highest levels of deprivation in East Sussex and Fig. 2 shows the current areas covered by the CIP are in the 10% most deprived areas in England (English Indices of Deprivation, MHCLG, 2019).

Fig. 2



Alcohol related hospital admissions and ambulance call outs.

When cross referenced with the IMD map (Fig. 2), fig. 3 and 4 below highlight the link between alcohol health harm and deprivation. Two of the CIPs cover areas with the highest alcohol related hospital admissions (Fig.3) and the CIP in Hastings town centre is in a zone with the highest alcohol related ambulance call outs (Fig. 4).

Fig.3

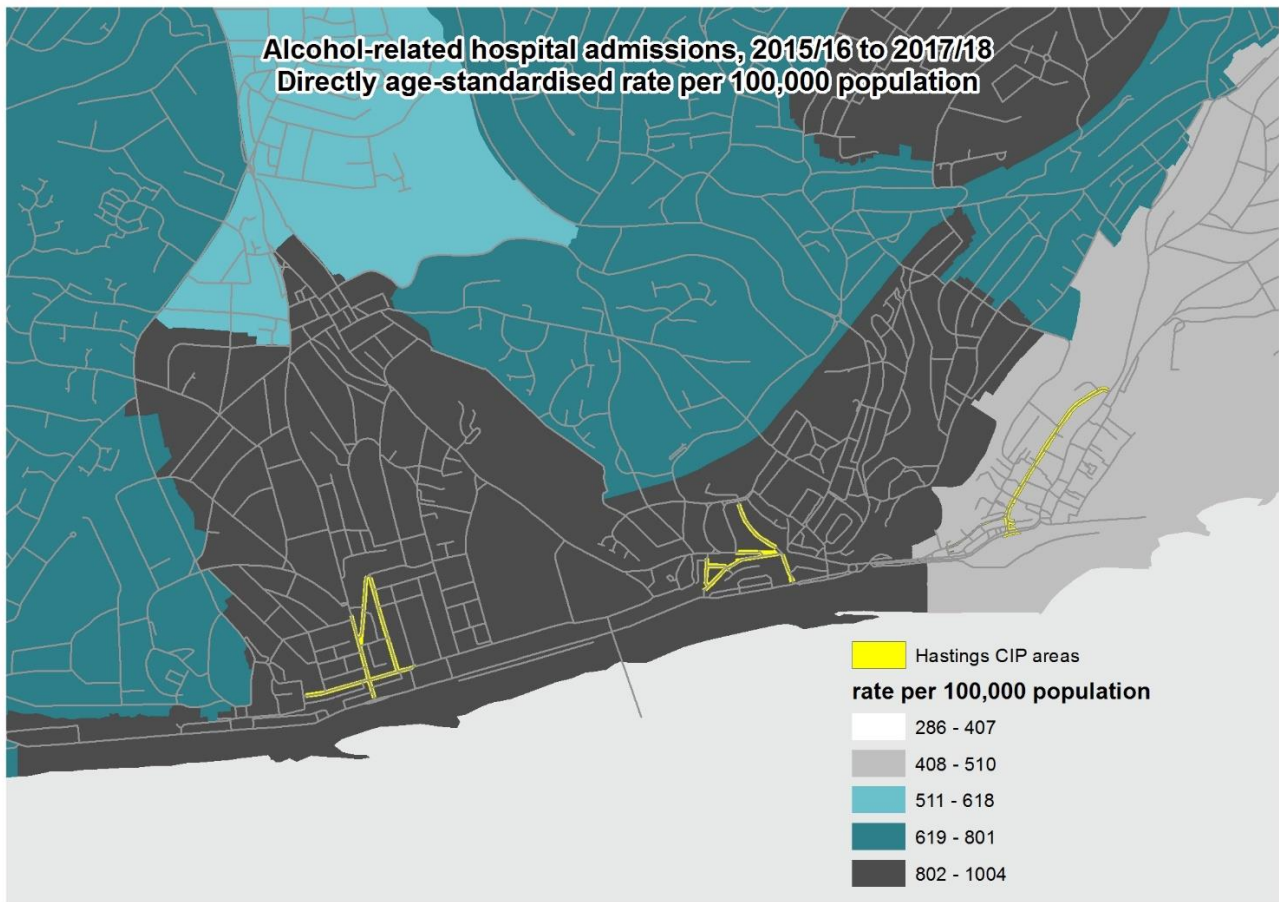
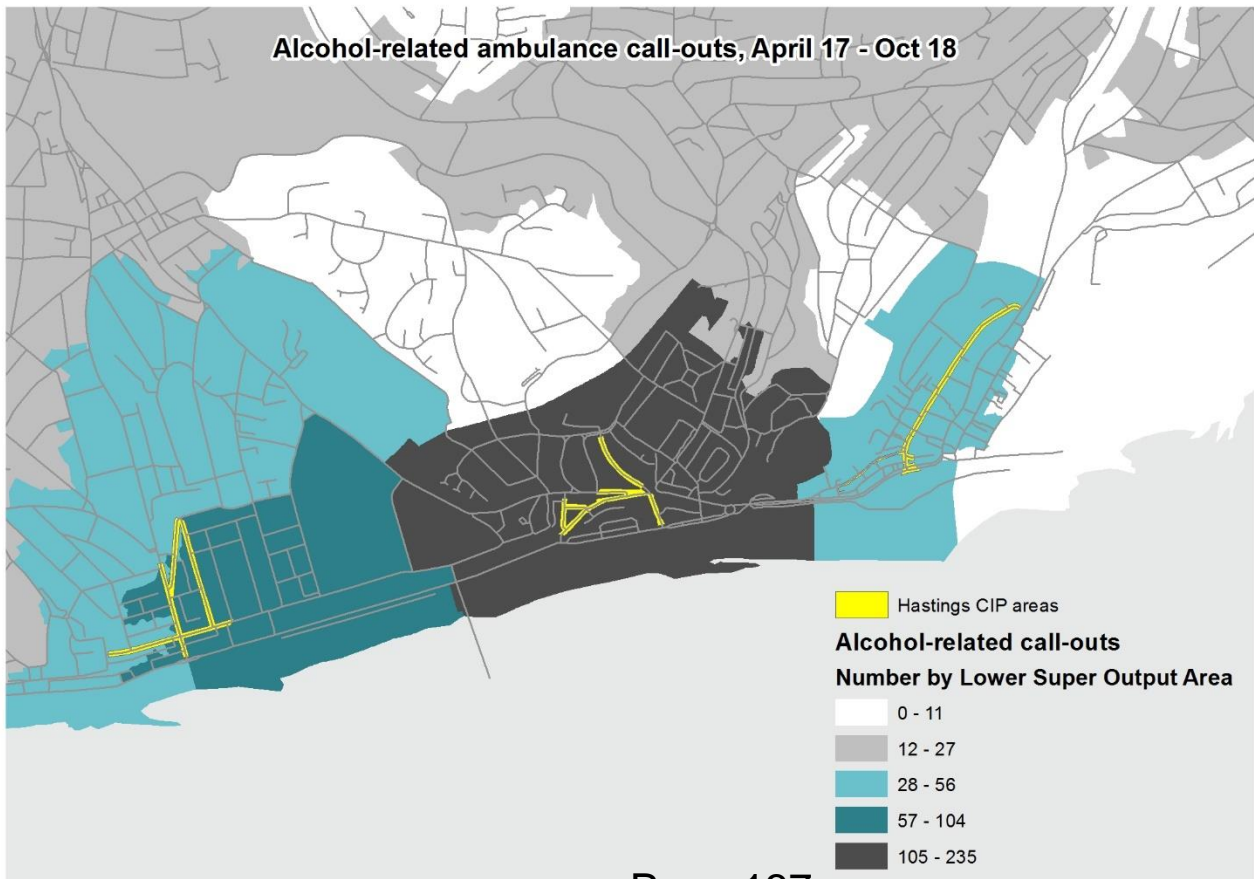


Fig. 4



Conclusion

All CIPs/CIP areas should be maintained or extended in support of the four licensing objectives. Increasing the number and density of outlets selling alcohol in the existing areas covered by the CIPs will increase access and ultimately add to the burden of social, economic and health harms in these areas. In line with the [East Sussex alcohol harm reduction strategy 2021-2026](#) the CIPs are an important regulatory tool for reducing access to alcohol in areas where the harm is highest, and they also support the four licensing objectives.

Yours sincerely,



Colin Brown
Alcohol and Tobacco Lead
Public Health

Appendix: references

1. [Alcohol public health burden evidence review 2016 \(publishing.service.gov.uk\)](#) pg 15
2. [Alcohol and Inequities \(who.int\)](#)2014
3. [WHO | Strengthen restrictions on alcohol availability](#) 2018

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APPENDIX F

From: John Whittington <JWhittington@hastings.gov.uk>

Sent: 24 September 2021 14:25

To: Licensing <Licensing@hastings.gov.uk>

Subject: Hastings Borough Council's revised Licensing Act Policy Statement 2021-2026

Dear Licensing Team

This policy statement is supported by the Hastings Community Alcohol Partnership and the Safer Hasting Partnership as the principles, aims and goals coincide and complement both the SHPs and the CAPs priorities.

As you well know the amount of alcohol that is available in Hastings impacts considerably of the amount of public place violence and associated ASB.

Both partnerships that I coordinate are attempting to reduce crime and disorder in the borough and created a safe environment for both residents and visitors

A number of interventions have already been implemented, based on the community impact zones associated with the previous policy statement

- The ASB PSPO prohibits alcohol consumption outside of licenced premises within the confines of a designated area along the sea front and into the three towns of St Leonards, Hastings and Hastings Old Town.

The ASB PSPO has been helped manage the high numbers of street drinkers in the towns , but has not resolved the issues associated with alcohol availability to those who abuse it.

HBC@s Wardens service and local police are regularly intervening with these individual resulting in a number of prosecutions associated with street drinking

- The Safer Hastings Partnership together with HBC's Community Safety service support a Taxi Marshal scheme in Havelock Road, central Hastings that regularly deals with drunks attempting to cause nuisance during the evenings and nights of Friday and Saturday nights.
- The Safer Hastings Partnership together with Sussex Police, Sussex PCC's and the East Sussex CCG have managed to re-start the late night Safe Space (run by Hastings Street Pastors) the for those suffering the ill effects of alcohol on Saturday nights associated with the night time economy.

- The SHP also contributes to the running of the Hastings Area BCRP with its Barwatch and Shop Watch looking to ban those who are causing concern to retailers , many of which have consumed a great deal of alcohol and disturbed those enjoying the Night time economy of the town
- Crime figures do show that these interventions together with a strong policy statements and licensing enforcement regime from both HBC & Sussex Police are managing the provision of alcohol across the towns and the wider borough.
- The East Sussex Violence Reduction Unit identified Castle Ward as a priority area for interventions associated with public place violence mainly caused by excessive alcohol consumption
- The SHP & HBC's Community Safety team regularly intervene and look to reduce the 'out of the way areas' where the effects of alcohol cause ASB .e.g. by gating PROWs, alleys and twittens
- The Hastings CAP continues to lobby for greater education of the effects of alcohol in young people, vulnerable to the wider effects of alcohol consumption
- The East Sussex Alcohol Strategy demonstrates the high numbers of those with medical conditions affected by alcohol consumption in the Borough.

All of the above can provide evidence and support for this robust alcohol policy statement with both partnership supporting and endorsing the continuation of the CIZ's and ongoing licensing enforcement

If there is any further evidence of support needed to retain this statement please do not hesitate to contact me

Regards

John Whittington

Community Safety Manager

(Cooridnatror of the Safer Hastigs Partnership and Hastings Community Alcohol Partnership)

Hasting Borough Council, Muriel Matters House, Breeds Place, Hastings TN34 3UY

Tel: 01424 451438

Mobile: 07710 854658

@SaferHastings

www.hastings.gov.uk/my_community/community_safety

Report to: Cabinet

Date of Meeting: 31st January 2022

Report Title: Pay Policy Statement 2022/23

Report By: Jane Hartnell – Managing Director

Purpose of Report

The purpose of the report is for approval of the Pay Policy Statement for 2022/2023, as required by the Localism Act 2011.

Recommendation(s)

1. Recommendation of the pay policy statement to full council for approval

Reasons for Recommendations

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

Introduction

1. The Localism Act 2011 requires Hastings Borough Council to prepare and publish a pay policy statement for each financial year.
2. The attached statement (Appendix 1) sets out the key policy principles that underpin the Council's requirements to provide accountability under the Localism Act. It takes into account and has due regard to guidance issued by the Department of Communities and Local Government.
3. 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.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Cabinet	Cabinet	31 st January 2022	Verna Connolly
Full Council	Full Council	9 th February 2022	Verna Connolly
Publish on HBC website	Published	1 st April 2022	Verna Connolly

Wards Affected

Insert the list of wards affected

Implications

Relevant project tools applied? No

Have you checked this report for plain English and readability? Yes

Climate change implications considered? Yes

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

Equalities and Community Cohesiveness Yes
Crime and Fear of Crime (Section 17) No

Report Template v29.0

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

Additional Information

Appendix 1 – Pay Policy Statement 2022/2023

Officer to Contact

Officer Name	Verna Connolly
Officer Email Address	vconnolly@hastings.gov.uk
Officer Telephone Number	01424 451707

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Appendix 1

Hastings Borough Council

Pay Policy Statement for the year 1 April 2022 to 31 March 2023

Introduction

1. This pay policy statement under section 38 of the Localism Act 2011 shall apply for the financial year 2022- 2023 until amended.
2. The purpose of the statement is to provide transparency regarding the Council's approach to setting the pay of its employees by identifying:
 - the methods by which remuneration of all employees are determined, including the remuneration of its most senior staff;
 - the arrangements for ensuring the provisions set out in this statement are applied consistently throughout the Council.
3. This statement applies to all employees under the following conditions of employment:

JNC for Chief Officers of Local Authorities
NJC for Local Government Services
4. The council defines its senior management as:

Managing Director
Assistant Directors
General Managers/Professional leads who are directly accountable to a statutory or non statutory officer in respect of all or most of their duties (excluding roles which are clerical or secretarial). Such officers are invited to provide expertise in their role as head of their profession.
5. This Pay Policy will operate subject to any requirements regarding exit payments pursuant to the Enterprise and the Small Business, Enterprise and Employment Act, 2015 and associated regulations.

The Council's policies for setting remuneration

6. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.
7. With the exception of the Managing Director and Assistant Directors, the Council uses the nationally negotiated pay spine as the basis for its local grading structure. The grade of a post is determined by application of an agreed Job Evaluation process. The value of scale points changes in line with national agreements, including any "cost of living" increases, the most recent of these at the time of preparation of this policy, was a 2.75% increase effective from 1st April 2020 – negotiations for April 2021 have still not concluded.

Grade and Salary Band (from 1st April 2020) – negotiations still ongoing for April 2021 pay award

Grade	Salary Band
11	£18,328 to £19,312
10	£19,312 to £20,493
9	£19,698 to £22,183
8	£20,903 to £24,491
7	£23,080 to £27,041
6	£25,481 to £30,451
5	£28,672 to £33,782
4	£32,234 to £36,922
3	£34,728 to £40,876
2	£39,880 to £45,859
1	£44,863 to £51,754

8. All other pay-related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council policy.
9. New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where possible, the Council will ensure the requirement for such approaches is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector.
10. There are a number of pay points within each grade. For staff not on the highest point within the band, there is a system of annual progression to the next point on the band. Faster progression is possible for posts identified and evaluated as career grades.
11. Regarding the equal pay requirements of the Equality Act 2010, the Council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed job evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

Chief Officer Grade Range pay rate (officers who are JNC Chief Officers Terms and conditions of employment)

12. Chief Officer pay is £113,025 (value at 1st April 2020)

Chief Officers

13. The Council's policy and procedures regarding recruitment of Chief Officers are set out in the Officer Employment Procedure Rules in Part 4, Section 30 of the Council's Constitution. The determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with this pay policy statement and other relevant policies in place at the time of recruitment. In the case of recruitment of Directors and Assistant Directors, the decision on remuneration will be taken by the Employment Committee. Any appointments at this level

offering a salary in excess of £100,000 would require approval by Full Council. Where the Council is unable to recruit to a post at the designated grade, it may consider the use of temporary market forces supplements in accordance with its relevant policies.

14. Where the Council remains unable to recruit Directors or Assistant Directors under a contract of service, or there is a need for interim support to provide cover for a vacant substantive Director or Chief Officer post, the Council will, where necessary, consider engaging individuals under 'contracts for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate value for money from competition in securing the relevant service.

Additional payments

15. In addition to the basic salary for the post, staff are or may be eligible for other payments under the Council's existing policies. Some of these payments are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties:

Lease car provision, the Council no longer offers subsidised lease cars to new employees. A small number of employees remain eligible under historical contracts of employment;

Benefits allowance, employees who are not entitled to a lease car but are required to travel in order to carry out their duties may receive a benefits allowance to cover motor costs of travel including mileage except for journeys over 50 miles.

Reimbursement of mileage, Employees can claim mileage travelled in the course of council business. Hastings Borough Council mileage rates are paid dependant on which scheme the employee is in.

This could be:-

NJC rates which are based on the engine size, fuel type for protected employees in post prior to 27th November 2001

HMRC Company Advisory Fuel Rates for lease cars.

HMRC Approved Mileage Rates for all other employees. Passenger rate is also paid if appropriate;

Professional fees. The Council will meet the cost of a legal practicing certificate for all those employees where it is a requirement of their employment; and professional body subscriptions for staff who are studying providing sponsorship has been agreed by the Council.

Long service awards. The Council allows staff to purchase a gift to a maximum amount if they have completed 25 years of service;

Honoraria, in accordance with the Council's policy on salary and grading. Generally, these may be paid only where a member of staff has performed a role at a higher grade. Deputy returning officers are paid an honorarium.

Fees for returning officer and other electoral duties, such as acting as a presiding officer of a polling station, excluding deputy returning officers. These are fees which are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda;

Pay protection, where a member of staff is placed in a new post and the grade is one grade below that of their previous post, for example as a result of a restructuring, pay protection at the level of their previous post is paid for the first 18 months;

Childcare vouchers are available to all eligible employees via the HMRC-approved salary sacrifice scheme. There is no direct subsidy towards childcare costs by the Council;

Standby and/or call-out payments, employees who are required to be on standby at times which are outside their normal working week and/or who may be called-out to attend to an issue at the Council's premises or other location may receive an additional payment in accordance with the provisions of the relevant Council policy;

Provision of mobile telephones, mobile telephones are provided to employees based on business need where they are necessary to enable them to undertake their duties effectively. The Council funds the provision of the phone and business calls.

Discounted loans, permanent employees who have satisfactorily completed their probationary period have access to discounted loans for:

- The purchase of cars/bicycles; and/or
- The purchase of season tickets for travel;

Interest is charged on Car and Bicycle loans at current PWLB (Public Works Loan Board) rates plus 1.25%. For a small number of employees employed before 27th November 2001 no interest is chargeable under historical contract of employment terms. Travel season ticket loans are interest free;

Employee assistance programme, is a 24/7 confidential support service for information and guidance on a range of work-life topics funded by the Council and made available to all staff.

Lifestyle scheme is an online benefits scheme that works with well-known retailers, both online and on the high street, to provide market-leading offers and discounts to all staff.

Performance-related pay and bonuses

16. The Council does not operate a scheme of performance-related pay or bonuses for its staff.

Lowest-paid employees

17. The Council's definition of lowest-paid employees is people employed in Grade 11 of the Council's grading structure. This is because it is the lowest pay band operated by the Council for permanent staff. Hastings Borough Council ensures its lowest paid employees are paid the current published UK Accredited Living Wage or higher.

Relationship between remuneration of chief officers and remuneration of employees who are not chief officers

18. The Council's ratio of pay at the top, to pay at the median is currently 1:4.1. The Council will look to ensure the ratio does not exceed the national average for the public sector. This ratio is based on basic salary only, excluding variable pay and benefit in kind.

Payments on termination etc.

19. The Council's approach to statutory and discretionary payments on termination of employment is set out within its Early Termination of Employment – Compensation Policy which includes the written statement in accordance with regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. At the time of preparation of this policy statement, the policy is:

- to pay statutory redundancy payments in accordance with the Employment Relations Act 1998, which provides for a maximum calculation of up to 30 weeks' pay, multiplied by two. The payment will be based on an employee's actual weekly salary rather than the figure set by the Government.
20. The Council's policy is normally not to make any awards under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011: this constitutes its written policy statement under the regulations.
 21. Any large severance payments will be considered by the Employment Committee and referred to full Council for approval. Large payments would be those in excess of £95,000 including salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid. The basis of any exit payment is subject to a maximum salary of £80,000.
 22. Employees re-employed by a relevant body, as specified in the Modification Order, within 12 months of receiving of an exit payment in excess of £80,000 will be required to repay an amount of the payment. Tapering provisions will be implemented using Government guidelines when they become available
 23. The restriction of Public Sector payment regulation 2020 (including the actuarial, came in force on the 4 November 2020, which introduced a cap on the total exit payment (including the actuarial strain costs where applicable) of 95K. However, the Government issued a treasury direction to suspend the exit cap on the 12 February, 2021 and the formal revocation date was the 19 March, 2021.

Publication of information

24. This statement will be published on the Council's Website www.hastings.gov.uk
In accordance with regulation 7 of the Accounts and Audit (England) Regulations 2011, for posts where the remuneration in a year is £50,000 or more, the Council's Annual Statement of Accounts will include a note setting out the total amount of - salary, fees or allowances paid to or receivable by the person in the current and previous year;
 - any sums payable by way of expenses allowance that are chargeable to UK income tax;
 - any compensation for loss of employment and any other payments connected with termination;
 - any benefits received that do not fall within the above

The statement of accounts is available on the Council's website.

25. The Council also publishes information about remuneration of JNC Chief Officers and staff in the transparency section of its website.
http://www.hastings.gov.uk/my_council/transparency/
This information is updated from time to time and includes a list of Directors and Assistant Directors as defined in the Localism Act 2011.

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