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Council Meeting

Wednesday, 13th April, 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, 13th April, 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

5 April 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. Election of Leader of the Council
6. Membership of Committees
To give effect to any request received from a political group for a change in their representation on committee(s).
7. To consider draft Corporate Plan update 2022/23 and proposed amendments

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

Minute No.	Subject	Cabinet Member / Chair
EMERGENCY DECISION – 16 FEBRUARY 2022		
420.	Covid-19 Additional Relief Fund (CARF)	Chowney
CABINET – 7 MARCH 2022		
424.	Cornwallis Street Car Park	Chowney
425.	Climate Change Strategy update and plans for 2022	Evans
426.	Energy Procurement – Electricity contract renewal	Chowney
427.	Management Response to the Overview and Scrutiny Recommendations on reviewing the process and procedure of motions submitted at Full Council	Rogers
428.	Leisure Services Externally Funded Projects update 2022-23	Barnett
429. (C)	Affordable Housing Development	Batsford
430. (C)	Hastings Contemporary	Chowney
431.	East Sussex Rough Sleeping Initiative - Commissioning Update	Batsford
EMERGENCY DECISION – 8 MARCH 2022		
433.	Additional Restrictions Grant (ARG) Scheme Policy (Tranche 4 –	Chowney

	Extended Scheme)	
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Notes:

1. The Mayor will call over the minutes and members will rise and indicate those items which they wish to have discussed.
 2. No discussion shall take place at this stage upon part II minutes covered by the resolution 9a) above. Any such discussion shall be deferred to item 10 on the agenda.
10. To consider the recommendations and decisions of committees (if any) which the Council has resolved should be discussed after the exclusion of the public from the meeting.
11. Questions (if any) from:
- a) Members of the public under Rule 11
 - b) Councillors under Rule 12
12. 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 for entire home rentals in Hastings within the AirBnb platform. AirBnb currently has a lock on their platform that does not allow Greater London entire home properties to be rented out for more than 90 days a year.

13. 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

14. 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.

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

FULL COUNCIL

9 FEBRUARY 2022

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

225. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Bacon, S Beaney, Fernando, Foster and Turner. Apologies for lateness received from Councillor Cooke.

226. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE LAST MEETING

RESOLVED (unanimously) that the minutes of the Full Council meetings held on 15th December 2021 and 6th January 2022 be signed by the Mayor as a correct record of the proceedings.

227. DECLARATIONS OF INTEREST

Councillor	Meeting	Minute	Interest
Webb	Cabinet, 4 th January 2022	398 - Part of Bowls Pavilion and Bowling Green at Alexandra Park	Personal – Member of East Sussex Health and Wellbeing Board & Trustee, His Place Church
Webb	Cabinet, 4 th January 2022	397 - Afghan Relocation Programme	Personal – Member of East Sussex County Council People's Scrutiny Committee
Chowney	Cabinet, 4 th January 2022	396 - Fees and Charges	Personal - Pays for parking permit
Forward	Cabinet, 4 th January 2022	396 - Fees and Charges	Personal – Pays for beach hut
Batsford	Cabinet, 4 th January 2022	396 - Fees and Charges	Personal – Pays for beach hut

228. ANNOUNCEMENTS FROM THE MAYOR AND LEADER

The Leader of the Council invited the Managing Director to give an update on the Covid-19 situation in Hastings.

Covid infections in Hastings are currently at 1083 per one 100,000 and rates have plateaued at this high level.

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The Sussex-wide NHS system is still experiencing extremely high levels of demand and this, coupled with sickness and the challenges of segregating covid-patients from others, continues to cause significant operational issues.

The rates of un-vaccinated people continues to be a concern as protection is significantly greater with two vaccinations and a booster. The percentage of unvaccinated people in Hastings is still high at 18.7%.

229. MEMBERSHIP OF COMMITTEES

The Leader of the Council proposed a motion regarding the reallocation of committee seats, seconded by Councillor Roberts.

Councillor Beaver requested a recorded vote on the proposal, which was agreed.

Councillors Arthur, Barnett, Batsford, Battley, Bishop, Chowney, Cox, Evans, Forward, Roark, Roberts, Rogers, Scott, Sinden and Webb voted in favour. Councillors K Beaney, Beaver, Carr, Edwards, Hay, Hilton, Marlow-Eastwood, Patmore, Pragnell, Rankin and Williams voted against.

RESOLVED (by 15 votes for, to 11 against):

- 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**

230. REPORTS OF COMMITTEES

The Deputy Mayor adjourned the meeting at 6.56pm and the meeting resumed at 7.07pm.

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

Meeting	Minute	Councillor
Cabinet, 4 th January 2022	395 - Neighbourhood Planning – Scheme of Delegation	K Beaney
Cabinet, 4 th January 2022	396 - Fees and Charges	Patmore

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Cabinet, 4 th January 2022	397 - Afghan Relocation Programme	Sinden
Cabinet, 4 th January 2022	398 - Part of Bowls Pavilion and Bowling Green at Alexandra Park	Roark
Cabinet, 4 th January 2022	400 - Agreeing the delivery model for Building Cleaning Services from April 2022	Edwards
Emergency Decision, 14 th January 2022	403 - Omicron Hospitality and Leisure Chowney Grant Policy	Battley
Emergency Decision, 26 th January 2022	405 - Additional Restrictions Grant (ARG) Scheme Policy (Tranche 4)	Battley
Cabinet, 31 st January 2022	409 - Reviewing the Council's Licensing Act 2003 Licensing Policy Statement	Roberts

Minute 398 of Cabinet on 4th January 2022, Part of Bowls Pavilion and Bowling Green at Alexandra Park, was a matter requiring Full Council approval. The recommendations were proposed by Councillor Chowney, seconded by Councillor Roark and agreed unanimously.

Minute 400 of Cabinet on 31st January 2022, Reviewing the Council's Licensing Act 2003 Licensing Policy Statement, was a matter requiring Full Council approval.

Councillor Evans clarified that an amendment to the policy was made at the Cabinet meeting on 31st January 2022 as set out in the minutes of that meeting. It was confirmed that the amendment was in order to correct a typo in the policy.

The recommendations were proposed by Councillor Evans, seconded by Councillor Sinden and agreed unanimously.

RESOLVED (unanimously):

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.

RESOLVED (unanimously):

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Full Council agrees the updated licensing policy statement at appendix A as amended by Cabinet.

Reason:

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.

Councillors discussed minutes 395, 396, 397, 403 and 405. These items did not require Full Council approval.

Minute 400 of Cabinet on 4th January 2022, Agreeing the delivery model for Building Cleaning Services from April 2022, was an exempt item. When this item was reached the Deputy Mayor proposed a motion for the exclusion of the public from the meeting, seconded by Councillor Battley.

RESOLVED that the public be excluded from the meeting during the consideration of minute number 400 of the Cabinet meeting held on 4th January 2022 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.

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

Councillor Edwards proposed an amended to the motion, to appoint contractor five as set out in the Cabinet report, seconded by Councillor Patmore.

Councillor Evans did not accept the amendment.

The Deputy Mayor adjourned the meeting at 8pm and the meeting reconvened at 8.16pm.

The amendment proposed by Councillor Edwards was rejected by 12 votes for, to 15 against.

RESOLVED (by 15 votes for, to 12 against):

To bring the building cleaning services in-house and to be added to the Hastings Direct Service Organisation (HDSO).

Reason:

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

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building cleaning to the Hastings Borough Council Direct Services Organisation (HDSO) has been provided.

(The Deputy Mayor declared the meeting closed at 8.33pm)

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FULL COUNCIL

16 FEBRUARY 2022

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

231. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Bacon and Marlow-Eastwood.

232. DECLARATIONS OF INTEREST

None.

233. REVENUE BUDGET 2021/22 REVISED AND 2022/23, PLUS CAPITAL PROGRAMME 2022/23-2024/2025

The Deputy Mayor proposed suspending Rule 16.6b of the Council's Constitution, seconded by Councillor Beaver.

RESOLVED that council suspends Rule 16.6b of the Constitution to permit the substantive motion and any proposed amendments to be on the table and open for discussion at the same time.

The Deputy Mayor proposed that, in order for the Councillors to take advice from the Chief Finance Officer, Full Council proceed as if in committee, seconded by Councillor Battley.

RESOLVED that in order for Full Council to take advice from the Chief Finance Officer where appropriate, under Rule 16.14 of the Constitution the Council proceed as if in committee.

Councillor Chowney, the Finance and Property portfolio holder, proposed a motion, seconded by Councillor Rogers, to approve the recommendations set out in minute 418 of Cabinet on 7th February 2022, Revenue Budget 2021/22 Revised and 2022/23, plus Capital Programme 2022/23-2024/2025.

Councillor Chowney thanked the finance team, and Peter Grace, the Chief Finance Officer, for their work on the budget.

Councillor Patmore, Leader of the Conservative Group, spoke in relation to the Budget and proposed two amendments, seconded by Councillor Rankin, as set out below.

Amendment A:

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Add the following words: *Reverse the decision taken under emergency powers by the Managing Director at full council on 9th February 2022.*

The Council to accept Contractor 5 (indicated in Part 2 papers from the Cabinet meeting dated 4th January 2022) as the best option to carry out Building Cleaning Services.

Amendment B:

Add the following words: *With a four-yearly cycle starting in 2024, we propose that Borough Council elections take place as all out elections every 4 years instead of halves every two years.*

To resolve to formally start this process and seek government approval for the change.

Councillor Beaver proposed an amendment, seconded by Councillor Cooke, as set out below.

Amendment C:

Add the following words: *To reduce the budget for the cost of democracy for 2022/23 by £30,000 as a one-off in year saving and use that amount to stop the sale of the civic silver and regalia.*

Councillor Carr proposed two amendments to the budget, seconded by Councillor Hilton, as set out below:

Amendment D:

Amend recommendation 7 of the budget report to read: *Approve that the use of the limited monies in the budget and Reserves for "Invest to Save" schemes be determined by the Chief Finance Officer in consultation with the lead member for Finance, with details of any spend being presented quarterly to both the Overview and Scrutiny Committee and the Audit Committee. This should set the procedural precedent for any fund or scheme, particularly where the decision is made by 4 people or less in the interest of financial transparency in all that we do.*

Amendment E:

Amend recommendation 9 of the budget report to read: *Approve the revised Land and Property Disposal Programme (Appendix L) in principle and agree that disposals can be brought forward if market conditions make it sensible to do so, but where legislation allows for disposal at less than best consideration, all disposals should be offered to local community groups and land trusts, before going out to the market and that all options on sales from this list or of any Council owned land or building comes before Full Council to be considered on its own individual merits before disposal can proceed to completion.*

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The Deputy Mayor adjourned the meeting at 6.43pm in order for the political groups to discuss the proposed amendments. The meeting resumed at 7pm.

Councillor Chowney accepted amendment D and rejected amendments A, B and C. Councillor Chowney recommended that the 4-yearly elections proposal be referred to the Working Arrangements Group for discussion.

Amendment E was withdrawn by Councillor Carr.

Councillors debated the substantive motion and proposed amendments A, B and C.

The Deputy Mayor proposed the meeting return to Full Council mode, seconded by Councillor Beaver.

RESOLVED that the meeting return to Full Council mode in order to vote.

Councillors voted on amendments A, B and C in reverse order.

Amendment C was rejected by 11 votes for, to 19 against. Councillors K Beaney, Beaver, Cooke, Edwards, Fernando, Foster, Hay, Patmore, Pragnell, Rankin and Williams for. Councillors Arthur, Barnett, Batsford, Battley, S Beaney, Bishop, Carr, Chowney, Cox, Evans, Forward, Hilton, Roark, Roberts, Rogers, Scott, Sinden, Turner and Webb voted against.

Amendment B was rejected by 13 votes for, to 17 against. Councillors K Beaney, Beaver, Carr, Cooke, Edwards, Fernando, Foster, Hay, Hilton, Patmore, Pragnell, Rankin and Williams for. Councillors Arthur, Barnett, Batsford, Battley, S Beaney, Bishop, Chowney, Cox, Evans, Forward, Roark, Roberts, Rogers, Scott, Sinden, Turner and Webb voted against.

Amendment A was rejected by 13 votes for, to 17 against. Councillors K Beaney, Beaver, Carr, Cooke, Edwards, Fernando, Foster, Hay, Hilton, Patmore, Pragnell, Rankin and Williams for. Councillors Arthur, Barnett, Batsford, Battley, S Beaney, Bishop, Chowney, Cox, Evans, Forward, Roark, Roberts, Rogers, Scott, Sinden, Turner and Webb voted against.

The substantive motion as amended was agreed by 17 votes for, to 11 against, with 2 abstentions. Councillors K Beaney, Beaver, Cooke, Edwards, Fernando, Foster, Hay, Patmore, Pragnell, Rankin and Williams for. Councillors Arthur, Barnett, Batsford, Battley, S Beaney, Bishop, Chowney, Cox, Evans, Forward, Roark, Roberts, Rogers, Scott, Sinden, Turner and Webb voted against. Councillors Carr and Hilton abstained.

RESOLVED (by 17 votes for, to 11 against, with 2 abstentions) that Full Council:

(i) Approve the revised revenue budget for 2021/22 (Appendix A).

(ii) Approve the draft 2022/23 revenue budget (Appendix A)

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- (iii) Approve a 1.99% increase in the Borough Council's part of the Council Tax.**
- (iv) Agree that the absolute minimum level of reserves that shall be retained is £6m (plus General Fund Balance) and that if reserves look to fall below this level urgent action be taken to limit this and restore the reserves as soon as possible to recommended levels; and that Full Council be advised of the actions being taken.**
- (v) Approve the Capital Programme 2021/22 (revised) to 2024/25 (Appendix P).**
- (vi) Approve the proposed expenditure from the Renewal and Repairs Reserve, and Information Technology Reserve (Appendices J and I respectively) and those items from other reserves shown in Appendix H that can proceed without further reference to Cabinet or Council.**
- (vii) Approve that the use of the limited monies in the budget and Reserves for "Invest to Save" schemes be determined by the Chief Finance Officer in consultation with the lead member for Finance, with details of any spend being presented quarterly to both the Overview and Scrutiny Committee and the Audit Committee. This should set the procedural precedent for any fund or scheme, particularly where the decision is made by 4 people or less in the interest of financial transparency in all that we do.**
- (viii) Agree again that the Council does not seek to undertake any capital project/scheme purely for yield that would prevent the Council from borrowing either commercially or from the PWLB to fund its Capital programme.**
- (ix) Approve the revised Land and Property Disposal Programme (Appendix L) and agree that disposals can be brought forward if market conditions make it sensible to do so.**
- (x) Agree that where a Capital scheme involves a net increase in overall revenue costs to the Council, or where any guarantee is to be provided which does, or could, incur costs for the Council, such decisions continue to be made by full Council.**
- (xi) Agree that, no Council properties or land be disposed of, either by sale or lease, at less than market value without further express approval by Full Council - except where the lease is no longer than 5 years and the difference is less than £5,000 p.a. in which case Cabinet will have the authority to determine.**
- (xii) Agree that schemes marked with an asterisk in the Capital Programme can**

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proceed without further reference to Cabinet or Council.

(xiii) Agree that work on Priority Income and Efficiency Reviews (PIER) through the Strategic Oversight and Planning Board should continue, and where possible identify a sustainable budget for a period in excess of one year. A mid-year review, for members and officers, to be undertaken in the light of the continuing severe financial pressures.

(xiv) Approve the detailed recommendations in Appendix M, which relate to the setting of Council Tax in accordance with Sections 31 to 36 of the Local Government Act 1992.

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

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

(xvii) It is recommended that the Council reviews the affordability of the Council Tax Support Scheme during the early part of 2022/23 in order for a consultation exercise to be undertaken.

(xviii) A task force be set up urgently to help identify and make recommendations to Council on alternative options to control, and reduce, spiralling Temporary Accommodation costs.

Reasons:

1. The Council is under severe financial pressure. It is facing increased costs, particularly from inflation and homelessness, it has large Capital projects in the pipeline and must by law set a balanced budget. It has had to use large elements of its reserves to fund the cost pressures and to balance the budgets in each of the last few years and will need to do so again in 2022/23.

2. A major overhaul of the funding mechanism for local authorities has again been postponed and when combined with a Spending Review that continues to underfund disadvantaged councils will leave the Council with little option but to cut services to the barest minimum. The Council is able to increase Council Tax by a maximum of 1.99% without a referendum against a background of inflation currently running at above 5%.

3. Despite identifying Priority Income and Expenditure Review (PIER) savings of £1.36m for 2022/23 these are insufficient to balance the budget without the further use

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of Reserves. Once again further significant savings need to be found during 2022/23 in order to reduce the call on the Reserves, achieve a balanced budget in future years, and to try and ensure that reserve levels can be maintained at above the minimum recommended level.

4. The Council needs to be in a position to match its available resources to its priorities across the medium term and to maintain sufficient reserves and capacity to deal with potentially large and unexpected events in addition to fluctuations in income and expenditure levels – as highlighted by the Covid-19 crisis and one off expenditure items such as dangerous structures, cliffs and reservoir works. The increased in-year spend on temporary housing accommodation necessitates a much greater degree of service reductions elsewhere in the Council.

5. The Council remains exposed to a much greater degree of volatility in terms of its income from Non Domestic Rates and expenditure in terms of Council Tax Support claims – the cost falling directly on the Council and the preceptors.

6. The government provided additional funding for Covid-19 in 2020/21 and 2021/22, which has significantly helped the financial position. However even with this additional assistance the Council's costs have exceeded the income it receives and overall there is less government funding for the Council in 2022/23.

234. TREASURY MANAGEMENT, ANNUAL INVESTMENT STRATEGY AND CAPITAL STRATEGY 2022/23

The Deputy Mayor proposed suspending Rule 16.6b of the Council's Constitution, seconded by Councillor Battley.

RESOLVED that council suspends Rule 16.6b of the Constitution to permit the substantive motion and any proposed amendments to be on the table and open for discussion at the same time.

Councillor Chowney, the Finance and Property portfolio holder, proposed a motion, seconded by Councillor Batsford, to approve the recommendations set out in minute 417 of Cabinet on 7th February 2022, Treasury Management, Annual Investment Strategy and Capital Strategy 2022/23.

Councillor Hilton proposed an amendment, seconded by Councillor Carr, as set out below:

Add the following to the list of requirements for specific investment appraisals as set out in paragraph 33, page 9 of the Capital Strategy: *Consideration of how the investment will mitigate climate risk using the best available data*

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Councillor Chowney accepted the amendment and Councillors debated the substantive motion as amended.

RESOLVED (by 17 votes for, to 11 against, with 2 abstentions) that:

1. The Council approve the Treasury Management Strategy, Minimum Revenue Provision (MRP) Policy, Annual investment Strategy and the Capital Strategy.
2. The strategies listed are updated as necessary during 2022/23 in the light changing and emerging risks and the Council's evolving future expenditure plans.
3. The Financial Rules and the Financial Operating Procedures of the Council are reviewed and revised as necessary to meet the requirements of the Code of Practice.
4. 'Consideration of how the investment will mitigate climate risk using the best available data' be add to the list of requirements for specific investment appraisals as set out in paragraph 33, page 9 of the Capital Strategy.

Reasons:

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

235. BUDGET AND CORPORATE PLAN CONSULTATION RESPONSE AND DRAFT CORPORATE PLAN UPDATE 2022/23

FULL COUNCIL

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The Deputy Mayor proposed suspending Rule 16.6b of the Council's Constitution, seconded by Councillor Beaver.

RESOLVED that council suspends Rule 16.6b of the Constitution to permit the substantive motion and any proposed amendments to be on the table and open for discussion at the same time.

The Leader of the Council, Councillor Forward, proposed a motion, seconded by Councillor Barnett, to approve the recommendations set out in minute 416 of Cabinet on 7th February 2022, Budget and Corporate Plan consultation response and draft Corporate Plan update 2022/23.

The Leader of the Council thanked everyone who responded to the consultation process.

Councillor Rankin, Deputy Leader of the Conservative Group, spoke in relation to the Corporate Plan update.

The Deputy Mayor adjourned the meeting, to be reconvened on a date to be agreed.

(The Deputy Mayor declared the meeting closed at 9.02pm)

Public Document Pack

FULL COUNCIL

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

236. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Bacon, Forward, S Beaney and Fernando. Apologies for lateness received from Councillor Beaver.

237. DECLARATIONS OF INTEREST

None.

238. QUESTIONS (IF ANY) FROM:

238.1 Members of the Public under Rule 11

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

Any supplementary questions will be taken in writing and the answer published online.

238.2 Councillors under Rule 12

Councillor Carr submitted a written question to Councillor Barnett regarding the sewage leak at Bulverhythe. A written response was received and published on the council's website.

As a supplementary question Councillor Carr asked Councillor Barnett to consider further community engagement with Southern Water. Councillor Carr also asked if minutes of the Bathing Water Quality Group could be made available, and further details on membership of the group shared. Further to this Councillor Carr asked Councillor Barnett to commit to a review of the council's emergency protocols.

Councillor Barnett said that transparency is vital and the way the council communicates with the public about meetings with Southern Water and the Environment Agency needs to be as comprehensive as possible. Additional signage along the seafront is also being looked into.

Councillor Hilton submitted a written question to Councillor Evans regarding Climate Scorecards. A written response was received and published on the council's website.

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As a supplementary question Councillor Hilton asked when the council would be publishing a climate adaptation strategy, as this doesn't appear in the current Climate Action Plan.

Councillor Evans said the next Climate Action Plan update is due in March and the suggestion of including climate adaptations will be taken forward.

The Deputy Mayor took oral questions from councillors to the Leader and cabinet portfolio holders.

Questioner	Subject	Reply given by
Councillor Patmore	<p><u>Harold Place Development</u> – Why is the council deviating from building regulation best practice in relation to passenger lifts in the proposed Harold Place development, and will the council ask its architects to reconsider the design?</p> <p>Councillor Barnett said he had been campaigning for improved disabled access for the poorest residents in the town. All public facilities should be fully accessible and the detail of the issues raised by Councillor Patmore will be looked into.</p>	Councillor Barnett
Councillor Hilton	<p><u>The Lewes Model</u> – Are you aware of this ambitious Lewes Model retrofitting scheme which is bringing together eight local authorities and will the council lobby Optivo to join this collaboration and benefit from shared learning?</p> <p>Councillor Evans replied that the project is an exciting prospect and the council will lobby Optivo to join the collaboration and take note of the learning.</p>	Councillor Evans
Councillor Bishop	<p><u>Town Centre vehicle access</u> – Given the rise in vehicular activity in the town centre can you provide an update on pedestrian safety?</p> <p>Councillor Rogers said there have been meetings with county council officers and Hastings Police to discuss the issue. There is the possibility of replacing the existing bollards, which are still down, and potentially installing an Automatic Number Plate Recognition (ANPR) camera. County council wardens have the ability to issue tickets which they will now start doing. Hastings Borough Council is also looking to provide delivery drivers with a safe place to park in the town centre.</p>	Councillor Rogers
Councillor	<u>Summer Events</u> – As Covid restrictions lift can	Councillor

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Scott	<p>you give us an idea of events we will see in Hastings over the summer?</p> <p>Councillor Barnett said that the festival season is now starting in earnest with Last Thursday, a new event in the town centre, beginning next week. The following day Fat Tuesday begins, which is the largest Mardi Gras event in the UK. We also have the Hastings International Piano Concerto coming up. Finally, there is the return of the Jack in the Green event on May Day.</p>	Barnett
Councillor Roark	<p><u>Nationality and Borders Bill</u> – In July we passed a motion reaffirming a commitment to be welcoming to refugees and those seeking asylum. The Nationality and Borders Bill is widely seen as anti-refugee. I ask the leadership of the council to write to Sally-Ann Hart MP and the Home Secretary to formally express our concerns and formal opposition to the Bill.</p> <p>Councillor Barnett said that he would send the letter as requested and hoped to see changes.</p>	Councillor Barnett
Councillor Battley	<p><u>Optivo</u> - I welcome the recent walkabouts with representatives of Optivo. Can you give us an update of recent progress in our working relationship with Optivo?</p> <p>Councillor Batsford thanked all Councillors who attended the recent walkabouts. Councillor Batsford explained that the council wrote to the Chief Executive of Optivo laying out key concerns. This has led to some positive discussions in terms of dealing with fly-tipping, retrofitting, litter picking and Disabled Facilities Grant.</p>	Councillor Batsford

The Deputy Mayor called a vote on whether to extend the period of time set aside for oral questions.

RESOLVED (by 24 for, to 1 against): That the period of time set aside for oral questions by Councillors to the Leader, Deputy Leader and other Portfolio Holders be extended.

Councillor Hay	<p><u>In-house cleaning DSO</u> – It was said previously that not all staff would want to, or would be able to, transfer their employment to the in-house cleaning DSO. In order to maintain full-time employment they may have to remain with their</p>	Councillor Evans
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	<p>existing employer and be redeployed, possibly out of town. If these new arrangements do not suit them, they may have to leave their work. So how many hours will they be contracted to and would the increase in their hourly wage make up for any reduction in hours?</p> <p>Councillor Evans said it was difficult to answer as she did not know the personal circumstances of current members of staff. The council will do all it can to keep the current cleaning staff.</p>	
<p>Councillor Sinden</p>	<p><u>Airbnb</u> - Can you provide an update on how many houses are available for use by people in the town? Many residents are seeing rent increases and many properties are being turned into Airbnb's.</p> <p>Councillor Batsford replied that the rental market in Hastings was out of control as hundreds of homes have been removed from the rental market in the town. The council has lobbied the local MP on the issue of second homes and Airbnb's. Councillor Batsford called for the introduction of fair rent reviews and rent caps.</p>	<p>Councillor Batsford</p>
<p>Councillor Carr</p>	<p><u>Castle Ward crime rate</u> – How are you implementing Section 17 of the Crime and Disorder Act and can you also tell us when councillors might get training on Section 17, equalities training, training on the budget and also carbon literacy training.</p> <p>Councillor Rogers replied that there will be announcements shortly about how the police will manage the town centre. The council is fitting in as much as it can to its councillor training programme and equalities training is currently being organised. Carbon literacy is on the list of potential training sessions.</p>	<p>Councillor Rogers</p>
<p>Councillor Webb</p>	<p><u>Southern Water</u> – Can you provide an update on the discussion with Southern Water regarding the Bulverhythe sewage leak?</p> <p>Councillor Evans replied that the source of the leak has been identified as a 30-year-old pipe and the council were informed that it is the first time this type of pipe has failed. Southern Water were going to use a toxic chemical to clean up the beach but this was stopped after council officers raised concerns. There was also a failure to</p>	<p>Councillor Evans</p>

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	<p>consult an ecologist on the clean-up process. Southern Water have reached out to all beach hut owners and offered compensation, however some owners have been put off by the compensation process. Councillor Evans also called for more regular testing of local bathing water by the Environment Agency.</p>	
Councillor Roberts	<p><u>Covid Grants</u> – Could you update us on the various grant schemes the council has been administering?</p> <p>Councillor Chowney replied that there are still a lot of schemes running, although they will be coming to an end soon. Over £97,000 has been paid out in the Local Restrictions Grant Tranche 4. Just over £1 million has been distributed through the Omicron Hospitality Grant. Additionally, over £400,000 has been paid out via the Test and Trace Grant.</p>	Councillor Chowney
Councillor Marlow-Eastwood	<p><u>Consultation on local NHS services</u> – We have had a low take up of local residents having their say on the proposed relocation of NHS services from the Conquest Hospital. Will the council do more to encourage local engagement with the consultation process?</p> <p>Councillor Barnett said that there is no clinical reason for the cardiology service to leave Hastings. The Leader of the Council and the local MP have discussed a joint campaign to try to raise the level of responses from local residents. The council is continually promoting the consultation via its social media and newsletter.</p>	Councillor Barnett
Councillor Foster	<p><u>Fly Tipping</u> – Does the Deputy Leader agree that we should offer one free bulky waste collection to each resident in order to tackle fly tipping?</p> <p>Councillor Barnett said that a review of the bulky waste collection service is included in the most recent Corporate Plan update.</p>	Councillor Barnett

(The Deputy Mayor declared the meeting closed at 7.23pm)

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Questioner	Question	Answer
Tony Collins	<p>The Green Homes Grant Local Authority Delivery scheme, Phase 2 (LAD2), is designed to enable local authorities to deliver energy efficiency improvements to low-income households in low energy performance homes, which will also reduce carbon emissions and lower bills. Many said the fund was flawed in design, as covered by Inside Housing in May last year. The fund closes at the end of March 2022. Of the £300m in the fund, the South East was allocated £79.6m.</p> <p>How much of this fund was allocated to this local authority area? How many households successfully applied for grant funding under the scheme? How many household projects i) have been started; ii) have been completed; iii) are expected to successfully access funds?</p> <p>If there is likely to be a significant underspend compared to the allocation and if so what factors do you consider account for this?</p>	<p>Councillor Batsford:</p> <p>The Green Home Grant was split into LAD1A, LAD1B and LAD2. (Local Authority Delivery). The subsequent Sustainable Warmth Fund comprises LAD3 and HUG (Home Upgrade Grant) 1.</p> <p>Hastings Borough Council has led successful East Sussex Consortium bids on LAD 1A, 1B, LAD3 and HUG1, totalling approximately £4.2 million. These rounds all used the same funding model of a direct grant to Hastings Borough Council, who then transferred the funding between East Sussex Warm Home Check Service and Optivo. This funding is due to have supported nearly 500 homes across East Sussex to access energy efficiency measures when delivery of LAD3 and HUG1 is complete.</p> <p>LAD 2 was modelled differently from the other rounds of funding with the East Sussex area funded up to £2 million with approximately £300K for Hastings Borough Council. This money was given to the Greater South East Energy Hub to administer. The Managing Agent initially appointed by them was Happy Energy. Hastings Borough Council officers working across fuel poverty and minimum energy efficiency standards (MEES) met with Happy Energy to identify, identification and referral pathways, particularly landlords and the private rented sector in the town. However, Happy Energy were not able to deliver within the constraints of LAD2 and withdrew as managing agent for East Sussex and beyond. This was mirrored in other areas, with E'ON also withdrawing as the managing agent from West Sussex.</p> <p>Recently, Warmworks were appointed as the replacement managing agent for LAD2, and finally, an extension was granted by BEIS with the delivery timescale of December 2021 moved to 31st March 2022. There are some concerns that Warmworks may also struggle to deliver the LAD2 project.</p> <p>East Sussex Consortium partners, particularly the Hastings</p>

Borough Council resource, has focused on successfully delivering LAD1A, LAD1B, LAD3 and HUG 1.

Local Authorities who did issue communications on behalf of Happy Energy have since received some complaints from residents that did not receive the promised work. Hastings Borough Council made the decision not to issue any communications for Happy Energy in relation to LAD2. We did agree that we would do a direct identification and referral to Happy Energy via the MEES project for any eligible households. However after our initial meeting with them we never heard from them again and later they withdrew as the managing agent.

It was felt by Hastings Borough Council and other East Sussex Local Authorities that the simultaneous communications for both the delivery of the East Sussex Consortium programme and the contradictory model for LAD2 had potential to confuse residents and reduce clarity and faith in the primary East Sussex model resulting in the contracted delivery targets of the Consortium Programme not being met. Concerns were also raised for the long-term impact on resident clarity and faith in energy efficiency schemes – an identified barrier to successful retrofit programmes.

Throughout the LAD2 process, significant officer resource has been dedicated to finding a way for Hastings Borough Council residents to benefit from the LAD2 funding in such a way as to support them and compliment the delivery models we had already committed to.

As far as we are aware no works have been carried out in the Hastings Borough area under LAD2, and we have received no complaints of promised but undelivered works. Therefore, it is anticipated that a potential £300K has not been spent under LAD2; however, due to the factors explained above it is not thought that the funding will be successfully delivered.

Questioner	Question	Answer
Tony Collins	What will HBC be doing to recover the £300,000 that has not been spent under LAD2, and to ensure that it is spent on insulating homes? And what lessons can be learned from this sequence of events?	<p>Councillor Batsford:</p> <p>As mentioned in the first response, the LAD 2 funding followed a different delivery model and was not awarded directly to local authorities. It was awarded to the Greater South East Energy Hub to administer. Therefore, this is not our money to recover. It will be for Central Government to decide whether they wish the local Energy Hubs who were awarded the money, to return any underspend and how to use it going forward. In terms of lessons learnt, again this will be for central government to decide whether they use a LAD 2 funding model in the future or whether there are more effective ways of distributing this funding.</p>

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Questioner	Question	Answer
Councillor Carr	<p>I and several other councillors raised concerns to Councillor Barnett during the sewage leak major incident at Bulverhythe this summer around how the public were informed that the water was dangerous and contaminated from Bulverhythe and all along the coast as far as Pelham Beach by The Stade. When we offered to help make signage etc we were told local news items and a post on the council's website were sufficient and that after the incident had concluded there would be a full investigation in to how it was handled, as well as an opportunity for all councillors to be involved in renewing and updating the council's emergency protocols. Later there was also mention of three electronic signage boards that could be used to warn the public during future incidents. I would like to know when this review of the incident is likely to take place, when the review of the protocols is scheduled for so we all can contribute and also more details on the purchase, specifications and proposed locations of the electronic notice boards.</p> <p>Also as we move away from the incident itself, will the council commit to regular meetings with Southern Water that include not just officers and cabinet members but also councillors from coastal wards and members of the local clean water action group in the interest of openness, transparency and community working and in line with the council's constitution.</p>	<p>Councillor Barnett:</p> <p>There are regular meetings already diarised with the Leadership and Southern Water. The last meeting was on 31st January, when disappointingly there were still a number of outstanding actions that Southern Water had not yet completed. The incident in our view is therefore still not closed until these actions are closed. These meetings are also focusing on the long term actions needed to improve water quality across the town, including improving the communication about incidents to the public who use our beaches.</p> <p>In addition the Bathing Water Quality Group is meeting with SW and the Environment Agency. The most recent meeting was on 31st January, chaired by the Portfolio Holder for Environment.</p> <p>There are two electronic signs which already exist and operate to tell swimmers whether it is safe to swim on our bathing beaches (Pelham and Marina where the lifeguards are based). Additional signs, both electronic and manual, will be considered as resources allow.</p> <p>There was no commitment to including councillors in the review of the incident. The incident itself was handled well from an internal perspective – officers were on-site and working all hours to ensure SW fulfilled their duties and were updating the public via social media and the website regularly. Leadership gave several TV interviews to inform the widest community. Foreshore colleagues and SW also posted numerous warning signs physically at the site.</p>

<p>Councillor Hilton</p>	<p>What is your response to the Council Climate Scorecards release last week? Hastings comes in just below average and 11th out of the 36 councils in the most deprived areas, scoring lower than many other deprived areas in the south east. See the Council Climate Plan Scorecards Climate Emergency UK (councilclimatescorecards.uk) Please can you tell us how the Council will urgently improve action particularly on the following sections;</p> <p>Mitigation and adaption, Education, Skills and Training Diversity and Social Inclusion.</p> <p>Will the council be using the useful Climate Plan Action Plan checklist created by Ashden and used as part of the assessment process to update and improve the rigour of the Hastings Council climate Action plan?</p>	<p>Councillor Evans:</p> <p>The Council Climate Scorecards were based on our 2020-2022 Strategy and Action Plan. This plan was designed to get us started on our journey to net zero but was only ever an interim plan with the main plan for 2022-2030 to be presented in October.</p> <p>Prior to the Climate Scorecards being published, the Council has had the opportunity as part of the 'right to reply' process to run through the strategy and action plan and benchmarked it against the Action Plan checklist. This identified the areas that will need addressing as part of the 2022 refreshed plan, these areas include Adaptation, education, and inclusion.</p> <p>Officers will be using a wide range of tools to inform the development of the next iteration of the strategy and action plan alongside the checklist. These may include the 'Net Zero Navigator One Planet Tool' created by One Planet and Catapult and ' the Climate Adaptation Tool developed on behalf of the LGA by Local Partnerships; this will help to inform our strategy in addressing the key areas cited above.</p> <p>As part of this review we will be looking to highlight and work on areas of co- benefits, although many of the projects we are involved with already achieve these e.g. addressing fuel poverty .</p> <p>The 2022-2030 Climate Action Plan will be a living document and be regularly updated and refreshed as new technology, policy drivers and opportunities arise that can help our ambition to work towards being net zero by 2030.</p> <p>In addition since the plan was developed in 2019 and subsequently published in 2020 there has been many new programmes and projects that have started to be developed that are not cited in the strategy and action plan – these will be included in the next iteration where appropriate.</p>
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		<p>For example</p> <ul style="list-style-type: none">– the development of the £24m Towns Fund Programme and associated projects – in which all projects have to contribute to net zero.-The development of a Green Blue infrastructure strategy to inform the Local Plan <p>We do not accept that mitigation is not included in the current strategy and would refer you to the themes of the existing document which aim to reduce emissions from our energy use for example.</p>
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Agenda Item 7



Report To:	Budget Cabinet
Date of Meeting:	Monday 7 February 2022
Report Title:	Budget and Corporate Plan consultation response and draft Corporate Plan update 2022/23
Report By:	Jane Hartnell, Managing Director
Key Decision:	Y
Classification:	Open

Purpose of Report

To present the draft annual update to the Council's Corporate Plan 2020-24. The annual update reflects the changes in the context within which we are now working and summarises some of the key activities the council will undertake in 2022/23.

To present to Cabinet the consultation feedback summary and responses from the exercise to seek local people's views on the draft corporate plan annual update and draft budget

Recommendation(s)

1. That Cabinet recommends to Full Council, to note and approve the draft annual update to the corporate plan 2020-24.
2. That delegated authority be given to the Managing Director, after consultation with the Leader of the Council to make further revisions as is considered necessary.
3. That all those who submitted views as part of the consultation process be thanked for their contributions.

Reasons for Recommendations

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

Introduction

1. The Council agreed its [Corporate Plan \(2020-24\)](#) and budget (2020-21) back in February 2020. Shortly after, COVID-19 spread with unprecedented impacts across the globe.
2. The [2021/22 Corporate Plan update](#) reflected several new activities, roles and responsibilities the Council took on to support our communities through the pandemic with our partners.
3. This report presents the draft 2022/23 Corporate Plan update (appendix A) and includes a summary of the consultation responses (appendix B) received on both this draft and the draft budget 2022/23.

Draft 2022/23 Corporate Plan Update

4. The bulk of the corporate plan 2020-24 is unchanged, this includes our approach and the three outcomes and six priorities.
5. Where new data is available, the '[Our borough](#)' and '[Your council](#)' sections have been updated to provide the latest figures. These set the local scene and give the demographic context for the key work we are doing.
6. The draft Corporate Plan 2022/23 annual update is set out in appendix A.
7. This update continues to reflect the impact of the pandemic that has exacerbated those budgetary and resources challenges the Council faced pre pandemic.
8. The headline key activities proposed for 2022/23 include:
 - a. Ongoing actions -including those paused or delayed by the pandemic or which were not expected to be completed in 2021/22
 - b. New or changed activities that reflect refocussing to address resource and budgetary challenges.
9. Following approval of the draft annual update, further work will be undertaken to firm up milestones and measures for each key activity so performance can be tracked via the Council's [performance management](#) arrangements.
10. The Overview and Scrutiny Committee will continue to monitor performance quarterly against our milestones and measures and these meetings are streamed live on our website.

Consultation

11. Comments on the annual corporate plan update and draft budget have been sought from residents, council staff and a range of community and business organisations.
12. The consultation closed at 9am on the 7th February 2022 after publication of this report. A summary of the responses received prior to publication of this report is attached below at Appendix B. All other comments will be published as a supplementary item just before the meeting.

Equalities

13. The draft assessment of equality impacts on the service changes proposed is included with the draft budget proposals for 2022/23 within Appendix K2

Options

14. No alternative options were considered. Regular performance monitoring is required to ensure the Overview and Scrutiny Committee can undertake its scrutiny function as set out in the Constitution.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Corporate plan annual update finalised and published on the council's website	Updates approved	1 st March 2022	Continuous Improvement and Democratic Services Manager
2022/23 performance milestones and measures integrated into performance dashboard	Dashboard refreshed.	1 st April 2022	Continuous Improvement and Democratic Services Manager
2021/22 yearend performance data collated and used to propose draft Performance Indicator targets for 2022/23 for consideration by O&S and Cabinet	Cabinet report	July 2022	Continuous Improvement and Democratic Services Manager

Wards Affected

(All Wards);

Policy Implications

Reading Ease Score:

Have you used relevant project tools: Basic scope, SWOT

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

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

Additional Information

Appendix A – Draft headline key activity updates 2022/23

Appendix B - Consultation feedback summary and responses

Officer to Contact

Officer Mark Horan (Continuous Improvement and Democratic Services Manager)

Email mhoran@hastings.gov.uk

Tel 01424 451485

Draft Corporate Plan update and draft Budget Consultation feedback summary

Hastings Area Chamber of Commerce

16. Councillors Forward and Barnett attended the chamber meeting on 27 January and presented the updated corporate plan and draft budget. The Assistant Director for Finance and Revenues also contributed responses where appropriate.

17. Councillors Forward and Barnett attended the chamber meeting on 27 January and presented the updated corporate plan and draft budget. The Assistant Director for Finance and Revenues also contributed responses where appropriate.

a) Question: Please can you comment on the £6 million reserves and how these maybe replenished?

Response: Councillor Barnett responded to say that the Council's Chief Finance Officer advises that the Council should not fall below this threshold. One way to replenish these is to sell off Council assets and use the receipts to avoid borrowing costs, thus freeing up the revenue streams - but any such sales would need to be very carefully considered.

b) Comment/Question: Chamber members expressed some frustration with the planning process at HBC... What can be done to make the planning process easier to enable businesses to expand, grow and recover from the pandemic?

Response: Councillor Barnett suggested the need to grow and retain our own planners in house to meet demand. There is a national shortage of planners, and this makes recruitment and retention challenging. Councillor Barnett urged Chamber members to feed into the Council's developing new Local Plan, so their views and ideas can help influence and shape this document and local policy where appropriate.

Councillor Forward gave an open invite to the Chamber members to meet with the political leadership and key officers to identify and work to resolve any specific planning relating issues causing frustration.

c) Questions: How do we help regenerate the town and support the business community in terms of inward investment...We understand CHART funding is coming to an end...what might come next?

Response: Councillor Barnett responded that the CHART project had another year to run and this is demonstrating good partnership working between private companies and the voluntary sector through training and skills provision. However, this will stop and leave a gap. This leaves the challenge of how to address the skills gap having lost the University in the town, with schools and other education partners struggling to recover from the pandemic. The Council will with partners need to arrive at a local solution as there is currently a lack of national guidance, steer, or resource. The Council is open to new ways of working including its approach to regeneration as a whole. Councillor Barnett is keen to hear from the business community in this regard

and similar to Cllr Forward, offered a meeting to take this forward with those Chamber members interested.

d) Question: What can be done about the Queensway Gateway debacle leaving access problems for the Ridge and Conquest hospital and how can the Council put pressure on Seachange to improve the situation?

Response: Councillor Barnett responded that he now sits on the Seachange Board as the HBC representative. He has asked that details should be shared about the proposed solution and that as a result a press release was issued recently.

Councillor Forward echoed the lack of clear information available to the public and concurred that what had been originally promised is seemingly not what is to be delivered.

The Council's Chief Finance Officer advised that the Council originally held the freehold to the car showroom site which was sold to Seachange in order for it to develop the road, reiterating the need for both a practical short- and long-term solution.

The Chamber representatives proposed that both East Sussex Country Council and HBC assume a more forceful role on the Seachange board to ensure a solution and keep the public apprised.

e) Question: What role does HBC take in resolving wider transport issues?

Response: The Council is keen to intervene and work collaboratively on wider transport issues. Councillor Barnett is in talks with the County Highways department to remodel traffic flows through the town centre to ensure this space is more people and business friendly. Mention was made of the pending delivery of cycle paths that are very welcome but delivered too slowly. The Council works closely with Rother District to lobby for transport improvements and has recently put forward joined proposals for bus planning improvements. A better bus service has been identified as a key priority to councillors on the Hastings and Rother Transport Advisory Group (HARTAG) by constituents.

f) Question: What will HBC do to facilitate improvements to the Town Centre and what is the Council's view on the potential second term of the Hastings Business Improvement District (BID)?

Response: Councillor Barnett outlined the cultural shift away from the traditional retail offer towards online shopping, accelerated by the pandemic. He suggested that in discussions with those responsible for the management of Priory Meadow and the previous Debenhams building that there is an appetite to diversify the town centre offer. Exciting proposals for the development of a gym and jobs centre in the old New Look building and a play/leisure offer in the previous Debenhams building were given as examples.

In terms of voting on the potential second term of the Hastings BID, Councillor Barnett suggested that the vote is a chance for businesses to have their say on this and the Council will support whatever businesses decide.

The Council leadership conveyed that they were keen to have further dialogue with the business community to work together to transform the town centre and are open to

continued and ongoing dialogue with regards to any areas of interest Chamber members wish to raise.

Hastings Youth Council

18. Councillor Forward was scheduled to meet the Youth Council on the 20th of January in the Council Chamber. Unfortunately, this meeting did not take place and it was not possible to schedule a further meeting within the consultation timeframe.
19. The Youth Council were forwarded the presentation and invited to comment on the drafts.
20. The Leader also extended an invitation to meet with the Youth Council to pick up on any issues they wished to discuss throughout the year.
21. At the time of writing the Council has been advised that the Youth council intend to submit a written response. As with any response received after the publication deadline of this report and within the consultation timeframe, these will be summarised and published as a supplementary item for Cabinet consideration.

Staff and Management Forum (SMF)

The Staff and Management Forum met with the Leader, Deputy and Senior Officers on 27th January. Feedback from this meeting will be included with the consultation information to be tabled and published as a supplementary item.

Hastings Community Network (HCN)

22. Councillor Forward and Barnett attended a meeting of the Hastings Community Network on 28 January. Questions, comments and responses will be published as a supplementary item to be tabled at Budget Cabinet on the 7th of February as the meeting took place on the same day as agenda publication.

Budget Overview and Scrutiny Committee

23. A meeting of the Council's overview and scrutiny committee was held on 26 January, to consider the draft corporate plan update and budget.
24. The Committee contributed a range of views, comments and questions on the draft documents and these can be found in the draft minutes of the meeting at the following link:

<https://hastings.moderngov.co.uk/documents/g4537/Printed%20minutes%2026th-Jan-2022%2018.00%20Overview%20and%20Scrutiny%20Committee.pdf?T=1>

25. The draft corporate plan update has been amended to reflect the desire of both the Overview and scrutiny Committee and lead Councillors at the meeting to continue to lobby to keep as many specialist units at Conquest Hospital as possible. This is now included in the last bullet in Appendix A (draft Corporate Plan update 2022/23).

Other Consultation responses

26. The council received a range of consultation responses via the council's consultation e mail address outlined below.
27. A response was received suggesting more emphasis could be placed in the corporate plan update with regards to the Council championing, leading and representing the local community where appropriate.
28. These comments are noted and the council's leadership, partnership and place shaping intentions are covered in the final bullet under the 'Ensure the council survive and thrive into the future' theme in the draft corporate plan update.
29. A response was received that expressed personal views on a range of areas with suggestions received on tackling homelessness, retaining the unique character of the town and keeping it safe.
30. These comments have been noted and shared with the appropriate service areas.
31. A response was received suggesting that exploring the sales of civic regalia would be a mistake.
32. In response, budgetary challenges facing the Council require reviewing our use of all assets and resources, to ensure the Council can continue to provide key services to residents, as outlined in the budget report.
33. Responses were received with regards to the Link Road and proposed housing development in Harrow Lane, Bulverhythe and on part of White Rock Gardens with the suggestion that these are at odds with Council aspirations to minimise environment and climate harm in all we do.
34. In response the Council must carefully balance meeting housing needs with climate aspirations and seeks to ensure these considerations are addressed as part of the business cases for associated developments.
35. A response was received in support of the vision set out for the town outlined in the original corporate plan 2020-24.
36. A response was received that suggested there was: little mention of public consultation across the aspirations in the corporate plan and budget documents, with a lack of emphasis on supporting local business; or specific funding to support drug and alcohol addiction, that if funded could reduce costs elsewhere.
37. In response, the Council consults throughout the year seeking local views on existing and new initiatives as well as more generally with regards to the draft corporate plan and budget consultation. Much of the Council's recent role in supporting local businesses has involved disseminating business grants in response to the pandemic and supporting them safely reopen and work safety. These are outlined in the new key activities section of the corporate plan update.
38. In terms of supporting Drug and Alcohol addiction support, these are funded by the Council through the Rough Sleepers Initiative and more recently through some additional public Health funding. The Council will shortly be reviewing arrangements

for partnership working with the Street Community which includes Drug and Alcohol support services.

39. A response was received requesting to flag work the Council is undertaking on securing the long-term management of Hastings Country Park, ongoing work to ensure a first-class environmental hub at the Bale House visitor centre and to encourage walking and cycling across the town
40. Response – plan updated to reflect said commitments.
41. A response was received suggesting the Council consider adapting empty homes for use as affordable rented housing and the need to regulate to minimise second homes and Air B & Bs in preference for affordable long-term accommodation.
42. Although the Council has reduced specific officer capacity to focus on empty homes in previous budget rounds, officers continue to work to secure additional funding through the rough sleeper accommodation programme, other Homes England initiatives and through Town Living. The Council also continues to work with partners such as YMCA to signpost and feed into their empty homes strategies.
43. The Council currently has little scope through legislation to tackling the use of Air B & Bs and notes the points made with regards to empty homes. Should capacity allow, the council will review the approach other councils have taken to second homes (e.g. Cornwall) to explore associated good practice.
44. A response was received highlighting the need for focussed inward investment in the likely absence of Government assistance given the ongoing costs of the pandemic. This response acknowledges the challenge of unemployment, poverty and homelessness and implies that ‘caring policies and investment in homeless’ could be a ‘drawing in’ factor.
45. The response continues suggesting a need to encourage investment in the town centre and seafront and prioritise street cleaning in these areas. It is felt that: the seafront attractions such as the fountains could be improved by coloured lighting to improve their attractiveness and Instagram potential; that White Rock Theatre funding reductions should be reconsidered; the need for closer working with the police and reintroduction of CCTV be reviewed. The response concludes suggesting the Council better capitalise on the move out of cities and focus on investment and prosperity, rather than a ‘managed decline.’
46. Response – The Council notes these points. Through schemes such as our Town Deal the Council continues to attract inward investment and encourage prosperity while managing a challenging financial situation.

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Draft Corporate Plan key activities update for 2022/23

Tackling homelessness, poverty and ensuring quality housing
<ul style="list-style-type: none">• Conclude implementation and encourage take up of new self-service modules for revenues and benefits.• Achieve key performance and collection targets in respect of benefit processing times and collection rates for council tax & business rates.
<ul style="list-style-type: none">• Review our council tax reduction scheme by November 2022.
<p>Continue our programme to maximise delivery of much needed new, affordable and retrofitted homes in our town:</p> <ul style="list-style-type: none">• Mobilise and monitor the pipeline of developments with partners to increase the supply of affordable rented homes by 500 units over the next 5 years.• Progress developments on council owned land to meet our affordable homes target.• Improve access to settled housing for homeless people through our social lettings agency and landlord incentive programmes.• Continue our Housing First programme and explore new funding and partnership opportunities to increase the range of accommodation options for people with multiple and complex needs.• Utilise available grant funding aimed at reducing fuel poverty and improving energy efficiency by promoting and referring residents to the Warm Home Check Service.
<ul style="list-style-type: none">• Develop and adopt a new Housing Strategy and review key policy documents, including the Social Housing Allocation scheme.
<ul style="list-style-type: none">• Continue to review our temporary and emergency accommodation options, ensuring that suitable provision is available and achieve best value, and apply lessons learned to firm up future provision arrangements.
<ul style="list-style-type: none">• Make sure homes are adapted and made fit for the future where we have power and resources to do so.
<ul style="list-style-type: none">• 80 homes adapted through Disabled Facility Grant funding in 2022/23.
Keeping Hastings clean and safe
<p>Ensuring delivery of our statutory refuse, recycling and street cleansing services, including:</p> <ul style="list-style-type: none">• Enhancing our existing contracted out refuse and recycling service by working closely with the contractor. For example, where appropriate, adjusting collection rounds to improve service delivery to residents.

- Seek Government guidance on the implementation of relevant sections of the Environment Act 2021, including food waste, enhancing the garden waste scheme and reviewing the Technically Environmentally and Economically Practicable (TEEP) assessment on our recycling service and progress accordingly.
- Building on the good performance of our in-house street cleansing service, continue to work in partnership (including our voluntary sector partners such as Tidy up St Leonards) towards identifying potential improvements to the way the service is operated, and implement them where sufficient budget is identified and authorised.
- Review bulky waste collection arrangements in order to reduce the cost of fly tipping.
- Maintaining our three green flag accreditations for our parks (St Leonards Gardens, Alexandra Park & Hastings Country Park) Park and deliver service and safety improvements in Alexandra Park in partnership with community organisations.

- Ensuring effective delivery of our statutory street scene enforcement services delivered through our Warden team including:
- Continuing to tackle anti- social behaviour and enviro crime in line with our statutory commitments in partnership with other agencies such as the police.
 - Maintaining a primary focus on the multi-agency approach to reducing negative environmental, social and economic impacts on areas such as the town centre and seafront associated with the street community.

- Ensuring statutory delivery of our licensing and environmental health commitments including:
- Continue supporting businesses to comply with rules (normal and Covid 19 related) as they seek to return to business as usual during 2022/23.
 - Continue supporting local businesses exporting products of animal origin which require export health certification following from EU-exit.

Making best use of our land, buildings, public realm and cultural assets

- Continue to explore options for delivery of succession arrangements following the end of the ground’s maintenance contract in November 2023.
- Implement the succession arrangements for the ending of (i) the Public Convenience Cleaning contract, and (ii) the Building Cleaning contract, from April 2022.
- Complete the statutory safety improvement works to meet Environment Agency requirements at the Buckshole reservoir.
- Consult on and publish new Cultural Regeneration Strategy during 2022/23.

- Keep open council owned and run visitor attractions where it is safe and we can afford to do so, bringing forward ways to run these better, cheaper and or differently.
- 2022/23 milestones include:
- Undertake survey of East Hill Cliff Railway and determine future programme, budget implications and expected downtime for works arising.
 - Others TBD for Museum.

- Promote better and safer walking and cycling routes around town to encourage active and healthy lifestyles.
- Work with partners to develop a first-class environmental hub and resource centre at the Bale House straw bale visitor centre at Hastings Country Park Nature Reserve

Page 41	<ul style="list-style-type: none"> • Work with partners to secure the long-term management of Hastings Country Park Nature Reserve and Combe Valley Countryside Park
	<ul style="list-style-type: none"> • Continue work on our Local Plan engaging our citizens and partners to help set how the borough will shape up for the future. 2022/23 Milestones include: <ul style="list-style-type: none"> • Completion of Regulation 19 consultation by end of quarter 2. • Submit draft Local Plan to Secretary of State by end of quarter 3. • Prepare for examination in public during 2022/23 (subject to decision by the Planning Inspectorate).
	<ul style="list-style-type: none"> • Asset Management and Capital programme reviewed and 2022/23 plans and actions refreshed and delivered accordingly. 2022/2023 Milestones include: <ul style="list-style-type: none"> • Churchfields Business Centre – construction complete by end of quarter 3. • Cornwallis – planning consent granted by end of quarter 1 and construction commenced by end of quarter 3. • Harold Place – planning consent granted & legal agreement completed by end of quarter 1 and construction commenced by end of quarter 3.
	<p>Minimising environment and climate harm in all that we do</p>
<ul style="list-style-type: none"> • Complete our actions in the climate change strategy and action plan for 2022/2023 having reviewed lessons learned and opportunities in response to Covid 19. Examples for 2022/23 include: <ul style="list-style-type: none"> ○ Development of a refreshed strategy and action plan for October 2022. ○ Respond to the Environmental Act with Sussex partners to consider local nature recovery strategies as required, informed by results of Local Plan commissioned research. ○ Work collaboratively with regional and county partners to respond to the climate emergency and draw down associated funding. ○ Supporting net zero ambitions of all the Towns Fund projects. ○ Solar for Business – commence installations subject to fiscal due diligence. minimum target 5 during 22/23 offsetting XXX tonnes (TBD) of Co2. ○ Building on the delivery of the Wayfinding and DestiSmart projects continue to take opportunities to move around the town on foot, by cycle (active travel) and through sustainably powered vehicles (subject to movement and access, garden town and skills development programmes through the Town Deal). ○ Scoping how to best restore, protect, rewild and enhance the towns natural spaces and where feasible, integrate findings into the climate change action plan, including incorporating relevant policy within the emerging Local Plan and via Towns Fund projects such as the garden town and green skills initiatives. • Continue to implement our sustainable procurement policy and review take up through the council's performance review process. • Review our services, assets and activities to look at how we can run them in an environmentally friendly way. 	

Delivery of our major regeneration schemes

- Having successfully bid for 24.3m Town Deal Funding, ensure delivery of the programme, keep the Town Board and other stakeholders updated and work to lever in any further private investment or other government funding streams as possible e.g. Levelling Up funding.
Examples for 2022/23 include supporting:
 - Towns Fund project leads in developing robust business cases and deliver their projects.
 - the Town Deal Board to continue to champion the programme and maximise impact.
 - the 4 Town Deal accelerated project to successfully complete works, this includes The Source Park Courtyard, East Sussex College Group Station Plaza works, EV charging points and works to the Alley in the Heritage Action Zone area.
 - Submit a Levelling Up bid subject to new published guidelines and timetable.

- Deliver the Connecting Hastings and Rother Together projects to December 2022 with the programme closing in June 2023

- Progress the development of West Marina project.

Milestones for 2022/23 include:

- Developer undertakes technical and survey work and consults local groups (quarters 1-3).
- Developer commences master planning (quarter 4).

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Ensuring the council can survive and thrive into the future

Reprioritising and reorganising services and learning lessons from Covid19, in order to meet our commitments, budgetary challenges and rebuild reserves, and where necessary make in year budget reductions during 2022/23.

Further improve our performance reporting arrangements using our dashboard on our website to help citizens track how we are doing by:

- smartening existing targets.
- better integrating performance, risk and finance reporting.
- publishing an action plan for the delivery of our corporate standard, subject to capacity.

- Integrate lessons learned and continue to realise benefits from the digital first programme and maintaining on-line access to services, subject to capacity and budget.
- Facilitating good programme and project management practice across the Council's key areas of work, subject to capacity and budget.

- Lead and work with partners to enable citizen-centred services that tackle health inequalities, improve quality of life and benefit the breadth of our local community.

New key activities (i.e. not previously included in our 2020-24 Corporate Plan)

On-going management to:

- Work in partnership with NHS, public health and the community to support the NHS COVID vaccination programme with communication and engagement activities to maximise uptake In Hastings across all community groups.
- Facilitate and support ESCC public health in providing testing facilities for residents of Hastings.
- Undertake prevention control and manage outbreaks of COVID-19 cases in Hastings.
- Work with the Community Hub partners as required to support residents affected by COVID.

Identifying and implementing learning from pandemic:

- Review pandemic working arrangements balancing needs of service delivery and staff welfare with environmental benefits of reduced travel to inform the development of a hybrid working culture efficiently using office space.
- Ensuring provision of essential ICT infrastructure to embed hybrid working for staff.
- Share learning with our partners to inform joint recovery efforts.

Recovering from the pandemic, where capacity, resources and safety arrangements allow by:

- Ensuring delivery and the on-going assurance programme of business support grants allocated as a result of Covid 19 (until March 2022).
- Supporting the arts, heritage, culture, leisure and tourism sectors and encourage wellbeing, healthy and active lifestyles (Milestones TBD).
- Continuing to work to build, sustain and retain resources in the town, for example – by lobbying to keep as many specialist units at Conquest Hospital as possible.

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Corporate Plan update - Green Group amendments

1. Tackling homelessness, poverty and ensuring quality housing

Mobilise and monitor the pipeline of developments with partners to increase the supply of affordable rented homes by 500units over the next 5 years.

ADD

Commit to these being built in alignment with the [Healthy Homes principles](#) as outlined by the Town and Country Planning Association.

2. Minimising environment and climate harm in all that we do

ADD

We will make creating a just transition that meets everyone's needs within planetary limits the lens through which we examine every decision this council makes and we will commit to being the leader in our town to that commitment, challenging and working with all the key stakeholders and the wider community.

We need to be honest about the scale of the task ahead and will become a campaigning council actively calling on the government for the funding that local communities need to deliver this transition especially around the challenge of retrofitting local housing stock.

3. Ensuring the council can survive and thrive into the future

Lead and work with partners to enable citizen-centred services that tackle health inequalities, improve quality of life and benefit the breadth of our local community.

ADD

We will integrate this work with action on the climate and ecological emergency. We know for example that initiatives to increase walking cycling, gardening and growing your own veg all massively benefit mental and physical health and can contribute to reducing our town's carbon footprint.

Agenda Item 8



Report To: Full Council

Date of Meeting: Wednesday 13th April 2022

Report Title: Delegation of Statutory Powers (Assistant Director, Environment and Place)

Report By: Jane Hartnell, Managing Director

Key Decision: Y

Classification: Open

Purpose of Report

To delegate the statutory powers previously allocated to the Assistant Director Environment and Place, following the retirement of the current post holder.

Recommendation(s)

- 1. That Council agrees and approves the delegation of the statutory powers previously allocated to the Assistant Director Environment and Place to as set out in the attached Appendix.**

Reasons for Recommendations

1. The council is required to delegate statutory powers which must be reserved to certain authorised officers to discharge the functions of the council. The powers that were previously delegated to the Assistant Director Environment and Place need to be re-allocated following the retirement of the post-holder. These are interim arrangements and will be reviewed as part of the organisational re-structure planned for early in the new municipal year 2022.

Introduction

1. Following the retirement of the Assistant Director Environment and Place, interim management arrangements have been put in place until the full organisational restructure is undertaken early in the new municipal year.
2. The interim arrangements require the re-allocation of the relevant statutory duties as set out in the attached Appendix which Council is recommended to approve.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Full council to agree delegations of statutory powers	Full council to confirm the recommended delegations	13/4/22	Jane Hartnell, Managing Director

Wards Affected

(All Wards);

Policy Implications

Reading Ease Score:

Have you used relevant project tools?: N

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

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

Additional Information

Officer to Contact

Jane Hartnell

jhartnell@hastings.gov.uk

01424 451844

Interim allocation of Assistant Director Environment and Place Statutory Responsibilities

1. The following officers are the Council's Proper Officers for the purposes of the provisions of the legislation described in these Instructions insofar as it provides for there to be a 'Proper Officer' or 'Authorised Officer' authorised to act for the Council including:

- a. Building Act 1984;
- b. East Sussex Act 1981 (bye-law);
- c. Food Safety Act 1990 (as amended)
- d. Prevention of Damage by Pests Act 1949;
- e. Public Health Acts 1936 and 1961;
- f. Public Health (Control of Disease) Act 1984;

Proper officers:

- Assistant Director Housing and Built Environment
- Assistant Director Regeneration and Culture
- Corporate Customer Services Manager
- Waste and Street Cleansing Manager

2. The Assistant Director Housing and Built Environment, (and certain subordinate staff) are appointed inspectors, authorised officers or duly appointed officers for the purposes of enforcing:

- a. Environmental Protection Act 1990 (as amended); and
- b. Health and Safety at Work Act 1974.

3. The Assistant Director Housing and Built Environment, is responsible for professional work and advice to the Council, the Cabinet, the Managing Director and Officers on public health, environmental control and regulation issues and the statutory regulation of licensing matters.

4. The Assistant Director Housing and Built Environment, (which may include contractors and officers of another authority acting on behalf of the Council) duly authorised in writing by him/her is authorised to discharge the Council's functions under the following legislation and any other legislation conferring powers and/or duties exercisable by the Council which bear upon his/her function including but not limited to:

A. Regulation of

A.1 Acupuncture, tattooing, ear piercing and electrolysis including:-
Part VIII Local Government (Miscellaneous Provisions) Act 1982
East Sussex Act 1981 (Section 27).

A.2 Animal welfare and management, including:-
Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018
Animal Welfare Act 2006
Breeding of Dogs Act 1991
Dangerous Wild Animals Act 1976

Guard Dogs Act 1975
Riding Establishments Acts 1970
Slaughterhouses Act 1974
Slaughter of Poultry Act 1967 (as amended by the Animal Health and Welfare Act 1984)
Zoo Licensing Act 1981.

A.3 Betting, gaming and lotteries including amusements with prizes:-
Gambling Act 2005.

A.4 Boats, including:-
Part IV Public Health (Control Of Disease) Act 1984
Public Health Acts Amendment Act 1907
East Sussex Act 1981 (Section 10(2)).

A.5 Camping and caravan sites, including:-
Public Health Act 1936 (Section 269)
Caravan Sites and Control Of Development Act 1960.
Mobile Homes Act 2013

A.6 Charitable and similar collections, including:-
House To House Collections Act 1939
Police, Factories etc. (Miscellaneous Provisions) Act 1916;
Part III Charities Act 1992;
Charities Act 2006 (as amended)

A.7 Cinemas, including:-
Licensing Act 2003.

A.8 Food premises, food production and sale, including:-
Food Safety Act 1990 (as amended)
Official Feed and Food Controls (EC) Regulations 2009
Food Safety and Hygiene (England) Regulations 2013 Regulations
(EC) 178/2002
Regulations (EC) No. 852/2004
853/2004
854/2004
882/2004
Food Information Regulations 2014

A.9 Game:-
Game Act 1831

A.10 Late night refreshment houses, including:-
Licensing Act 2003.

A.11 Liquor licensing and regulated entertainment:-
Licensing Act 2003.
Police Reform and Social Responsibility Act 2011

A.12 Public and private entertainment licensing:-
Part IX East Sussex Act 1981

Licensing Act 2003.

A.13 Taxis (hackney carriages) private hire cars and horse drawn omnibuses, including:-

Town Police Clauses Act 1847 And 1889

Part II Local Government (Miscellaneous Provisions) Act 1976

Transport Act 1980 (Section 64)

Transport Act 1985 (Sections 10-16) (as amended)

Local Services (Operation by Taxis) Regulations 1986

Disability Discrimination Act 1995.

A.14 Scrap metal dealers, including:-

Scrap Metal Dealers Act 2013

Motor Salvage Operators Regulations 2002

A.15 Sex establishments, including:-

Part II Local Government (Miscellaneous Provisions) Act 1982.

Part II Policing and Crime Act 2009

A.16 Street trading, including:-

Part III Local Government (Miscellaneous Provisions) Act 1982

Children and Young Persons Act 1933 (Section 20)

Children and Young Persons Act 1963 (Section 35).

A.17 Sunday trading, including:-

Sunday Trading Act 1994.

A.18 Theatres, including:-

Licensing Act 2003.

A.19 Miscellaneous Activities, including:-

Self-operated laundries and dry cleaners:-

East Sussex Act 1981 (Section 24).

Temporary markets:-

East Sussex Act 1981 (Section 37).

B. Public Health and Environmental Protection

Public Health Acts

Public Health (Control of Disease) Act 1984

National Assistance Act 1948 and National Assistance (Amendment) Act 1951

B.1 Public Health Act 1936 Sections - including:-

Section 45 - Buildings with defective closets

Section 50 - Overflowing and leaking cesspools

Section 51 - Care of water closets/earth closets

Section 52 - Common water closets

Section 78 - Scavenging of common courts and passages

Section 83 - Cleansing filthy or verminous premises

Section 84 - Cleansing or destruction of filthy or verminous articles

Section 85 - Cleansing of verminous persons and clothing

Section 140 - Polluted sources of water supply

Section 268 - Statutory nuisance from use of tents, vans, sheds, etc.

B.2 National Assistance Act 1948 and National Assistance (Amendment) Act 1951:-
removal to suitable premises of persons in need of care and attention and to the Proper Officer also in the case of emergency applications under the 1951 Act.

B.3 Public Health Act 1961, including:-

Section 17 - Defective and stopped-up drains etc.

Section 22 - Cleansing and repairing drains

Section 34 - Accumulations of rubbish

Section 35 - Filthy or verminous premises

Section 36 - Fumigation of premises

Section 37 - Disinfested or destroying household articles intended for sale.

B.4 Building Act 1984, including:-

Section 59 - Proper provision of drainage

Section 64 - Closets to be provided in buildings

Section 65 - Sanitary conveniences to be provided in workplaces

Section 70 - Food storage accommodation to be provided in houses

Section 72 - Means of escape in case of fire

Section 76 - Carrying out works in default

Section 93 - Requisition for information

Section 113 - Prosecutions.

B.5 Prevention of Damage By Pests Act 1949, including:-

Section 4 - Notice to keep land free of rats and mice

Section 5 - Works in default

Section 6 - Notice to eradicate rats and mice.

B.6 East Sussex Act 1981 Sections, including:-

Section 17 - Dust from building operations

Section 19 - Urgent repairs to water pipes and fittings

Section 20 - Control of rats and mice

Section 21 - Rights of entry under Prevention of Damage by Pest Act 1949

Section 22 - Control of foxes

Section 23 - Control of brown tail moth

Section 32 - Touting, hawking and photographing etc.

B.7 Control of Pollution Act 1974 (as amended), including:-

Section 60 - Control of noise on construction sites

Section 61 - Prior consent for work on construction sites

Section 62 - Loudspeakers in streets

Section 91 - Rights of entry

Section 93 - Requisitions for information.

B.8 Local Government (Miscellaneous Provisions) Act 1976, including:-

Section 16 - Requisitions for information as to ownership of land

Section 20 - Sanitary facilities to be provided/maintained at places of entertainment

Section 35 - Obstruction of private sewers.

B.9 Public Health (Control Of Diseases) Act 1984.

B.10 Public Health (Infectious Diseases) Regulations 1988:-
Schedule 3 - Notices re typhus or relapsing fever
Schedule 4 - Notices re food poisoning and food borne infection.

B.11 Food and Environment Protection Act 1985 (as amended).
Environmental Protection

B.12 Environmental Protection Act 1990 (as amended)

Part I Integrated Pollution Control, Air Pollution including:-

Section 6 - To grant or refuse authorisation for prescribed processes and collect fees.

Section 7 - To decide what conditions (other than approved standard conditions) are to apply to individual authorisations.

Section 9 - To receive notices of transfers of authorisations from one holder to another.

Section 10 - To vary conditions on which authorisations have been granted whether following a direction from the Secretary of State or not, and serve variation notices. To give notice advising of requirement for substantial change in manner of carrying out an authorised process.

Section 11 - To issue determinations on proposals to change an authorised process. To refuse applications for the variation of an authorisation or to issue a variation notice.

Section 12 - To revoke a Section 6 authorisation for a prescribed process:

a. where reason to believe authorised process not carried out at all or at any time during the last 12 months;

b. upon the direction of the Secretary of State;

c. in any other case.

Section 13 - To serve enforcement notices for breach of conditions of authorisation or anticipated breach requiring remedial or preventative action to be taken within a set period.

Section 14 - To serve prohibition notices to prevent imminent risk of serious pollution from an authorised process requiring steps to be taken and suspending the authorisation until the notice is partly or wholly withdrawn.

Section 15 - To deal with appeals to the Secretary of State.

Section 16(6) - To appoint suitably qualified persons (including employees or consultants) as Air Pollution Inspectors to advise and carry out the functions of Inspectors under Part I of the Act.

Section 19 - To serve notice requiring specified information to be provided (Requisitions for Information).

Section 20 - To maintain the statutory public register of information about prescribed processes; applications, authorisations, variations, etc.

Sections 22(2) & (4) - To determine whether information provided in support of applications or otherwise obtained is commercially confidential (and should be excluded from the public register) or not.

Section 59 - To require removal of waste unlawfully deposited.

Part IIA Contaminated land

Part III Statutory Nuisances And Clean Air including sections:-

Sections 80/80A - Abatement notices

Section 81 - Abatement notices - supplementary provisions.

Schedule 2 in relation to the Act, and subordinate legislation including:-

Control of Pesticides Regulations 1986

Pesticides (Fees and Enforcement) Act 1989.

Food Safety

B.13 Food Safety Act 1990, including:-

Section 7 - Rendering food injurious to health

Section 8 - Selling food not complying with food safety requirements
Section 9 - Inspection and seizure of food
Section 14 - Food not of the quality of substance demanded
Section 19 - Registration and licensing of food premises
Section 27 - Appointment of public analyst
Sections 29 and 30 - Procurement and analysis of samples
Section 32 - Power of entry, seizure etc.
Section 33 - Obstruction of officers.

B.14 Water Industry Act 1991, including:-
Sections 77 to 85 - Sufficiency and wholesomeness of water supply

Clean Air:-

B.15 Clean Air Act 1993 (as amended)

B.16 Health Act 2006, Part I
Noise – see also Environmental Protection Act 1990 above:-

B.17 Noise And Statutory Nuisance Act 1993

B.18 Environment Act 1995 (as amended)

B.19 Noise Act 1996

C. Health and Safety at Work

C.1 Health And Safety At Work Act 1974 (the Act), where the Council is the enforcing authority, including:-

Section 19 - Enforcement

Section 20 - Inspectors powers

Section 21 - Improvement notices

Section 22 - Prohibition notices

Section 25 - Action to deal with cause of imminent danger

Section 33 - Prosecutions

Section 39 - Prosecutions by inspectors.

And all health and safety regulations made under the Act and otherwise.

C.2 Control of Asbestos at Work Regulations 2012.

D. Anti-Social Behaviour

D.1 Noisy premises, including:-
Anti-Social Behaviour Act 2003.

5. In relation to the delegations set out above it is intended to delegate the Council's functions fully to the Authorised Officer and his/her nominees as described in paragraphs 10 to 16 above.

6. The Corporate Customer Services Manager, (which may include contractors and officers of another authority acting on behalf of the Council) duly authorised in writing by

him/her is authorised to discharge the Council's functions under the following legislation and any other legislation conferring powers and/or duties exercisable by the Council which bear upon his/her function including but not limited to:

Cemetery and Crematorium

All relevant powers, duties and functions including authority for:

- Disinfection of premises
- Disposal of dead bodies
- the approval of works and materials used in the construction of monuments.
- the approval of the erection of cemetery monuments which comply with the regulations
- governing cemeteries.
- the exercise of the powers of the Council contained in the regulations relating to the
- selection or purchase of graves or vaults.
- to approve the use of music, flags or banners in cemeteries.
- to issue notices to users and authorize works to facilitate maintenance of graves and cemeteries to meet the requirements of the memorial testing regulations
- Public Health (Control of Disease) Act 1984, section 46 - public health funerals

Civil Contingencies - Civil Contingencies Act 2004

7. The Assistant Director Regeneration and Culture (which may include contractors and officers of another authority acting on behalf of the Council) duly authorised in writing by him/her is authorised to discharge the Council's functions under the following legislation and any other legislation conferring powers and/or duties exercisable by the Council which bear upon his/her function including but not limited to:

Anti-Social Behaviour

Anti Social Behaviour Orders and Dispersal Orders in consultation with the Chief Constable, Sussex Police

Including:-

Anti-Social Behaviour Act 2003

Anti-Social Behaviour Crime and Policing Act 2014

Counter Terrorism Act 2015

Crime and Disorder Act 1998

D.2 Graffiti and Flyposting, including:-

Town and Country Planning Act 1990 (as amended)

Anti Social Behaviour Act 2003

Clean Neighbourhoods and Environment Act 2005

D.3 Sale of aerosol paints, including:-

Anti-Social Behaviour Act 2003.

D.4 Anti-Social Behaviour, Crime and Policing Act 2014

E. Dogs

E.1 Control of Dogs:-

Clean Neighbourhoods and Environment Act 2005.

Anti-Social Behaviour Crime and Policing Act 2014
Criminal Justice and Public Order Act 1994

E.2 Control of stray dogs
Environmental Protection Act 1990 (as amended)

E.3 Control of Dangerous Dogs, including:-
Dogs Act 1871
Dangerous Dogs Act 1989

Dangerous Dogs Act 1991
Town Police Clauses Act 1847

G. Highways, Traffic and Parking

G.1 Regulation and control of use of highways, traffic management, and off street parking where a district council is authorized to act;
Town Police Clauses Act 1847
Highways Act 1980
Road Traffic Regulation Act 1984 (as amended)
Transport Act 1985 (Objections to applications to Traffic Commissioners) (after consultation with the relevant Lead member)
Road Traffic Act 1991
The Traffic Management Act 2004

G.2 Nuisance parking, abandoned vehicles and illegally parked vehicles:-

Clean Neighbourhoods and Environment Act 2005
Control of Pollution (Amendment) Act 1989

H. Seashore and Access

East Sussex Act 1981 including:-
Section 11 - Removal of boats from the highway or where obstructing access to the seashore.
Section 12 - Removal of boats from seashore.

Part IV Provisions relating to litter as well as Refuse Disposal (Amenity) Act 1978

Clean Neighbourhoods and Environment Act 2005

B.20 Anti-Social Behaviour Act 2003

Clean Neighbourhoods and Environment Act 2005

I. Abandoned Property, Litter and Waste including:-

I.1 Refuse Disposal (Amenity) Act 1978

I.2 Clean Neighbourhoods and Environment Act 2005.

I.3 Environmental Protection Act 1990 (as amended), including:-
Section 33 - Prohibition on unauthorised or harmful deposit etc of waste
Section 34 - Duty of care as respects waste
Section 59 - Removal of waste unlawfully deposited

8. The Waste and Street Cleansing Manager (which may include contractors and officers of another authority acting on behalf of the Council) duly authorised in writing by him/her is authorised to discharge the Council's functions under the following legislation and any other legislation conferring powers and/or duties exercisable by the Council which bear upon his/her function including but not limited to:

I.3 Environmental Protection Act 1990 (as amended), including but not limited to:-
Section 45 – Collection of Controlled Waste
Section 55 - Recycling waste
Section 46 - Receptacles for household waste
Section 47 - Receptacles for commercial and industrial waste
Section 48 - Duties of waste collection authorities as respects disposal of waste collected
Section 60 - Interference with receptacles for waste
Section 89 - Duty to keep land and highways clear of litter etc.

Agenda Annex Document Pack

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7 MARCH 2022

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

421. APOLOGIES FOR ABSENCE

None.

422. DECLARATION OF INTERESTS

Councillor	Minute	Interest
Rogers	426. Leisure Services Externally Funded Projects update 2022-23	Personal – Works in sport

423. MINUTES OF LAST MEETING

RESOLVED (unanimously) that the minutes of the meeting held on 7th February 2022 be approved as a true record.

RESOLVED - the Chair having called over the items on the agenda, under rule 13.3 of the Council's Constitution the recommendations set out in minutes number 422 and 429 are agreed without being called for discussion.

424. CORNWALLIS STREET CAR PARK

The Chief Finance Officer submitted a report to seek approval for the council to use the existing Cornwallis Street car park for an alternative use. To do this the council has to formally appropriate the land, which it already owns. A planning application to construct an 84 bedroomed hotel with ancillary ground floor restaurant, car parking, landscaping and all associated works was submitted on 3 September 2021. This was considered at the Planning Committee on 23 February 2022.

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

RESOLVED that:

- 1. Cornwallis Street Car Park, as shown edged red on the attached plan, is no longer required for the purposes for which it is currently held (i.e. as a car park).**
- 2. Approve the appropriation of the land pursuant to section 122 of the Local Government Act 1972 for the planning purposes of facilitating redevelopment for residential and other uses pursuant to section 226 of the Town and Country Planning Act 1990.**
- 3. Approve the use of powers to override any easements and other rights in respect of the land pursuant to section 203 of the Housing and Planning Act**

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2016.

4. Agrees the approach of notifying, engaging with, and negotiating with affected third parties.

Reasons:

1. The appropriation of the car park is necessary in order to secure the benefits from the redevelopment of the site to provide a new hotel.
2. Appropriation of the site will enable the development to proceed without the risk of an injunction from adjoining landowners.

425. CLIMATE CHANGE STRATEGY UPDATE AND PLANS FOR 2022

The Managing Director introduced a report to update the cabinet on progress against the agreed priority actions in the climate emergency action plan.

Much of the council's climate emergency ambition has become embedded into service provision, and the council will continue to build on this in the coming months to help deliver its 2030 carbon neutral target.

However, to meet the target it is essential the whole community takes part and that every organisation, business, and resident acts to reduce their carbon footprint. In turn, the council will continue to lobby for resources and amendments to national climate change policy.

Councillor Evans called on the government to provide more resources to local authorities to tackle climate change. The Leader of the Council confirmed that the issue is raised on a regular basis in meetings between the Leader, Deputy Leader, Managing Director and Sally-Ann Hart MP.

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

RESOLVED (unanimously) that:

- 1. To acknowledge the progress made against the actions of the climate emergency action plan since the last report to Cabinet in October 2021.**
- 2. To recognise the breadth and scale of the challenge of our net-zero ambitions, and that these can only be delivered by collaborating and working together across all sectors from national and local government to local business and organisations and individuals through their lifestyle choices.**
- 3. To acknowledge the need to continue to lobby for additional finances, and to**

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encourage others to do so the same, to meet the scale and pace of investment required to meet the ambitions of the strategy.

Reasons:

1. To recognise the achievements to date since adoption of the action plan in March 2020.
2. This report covers the period October 2021 to March 2022 building on the annual report that was presented to Cabinet October 2021

426. ENERGY PROCUREMENT - ELECTRICITY CONTRACT RENEWAL

The Managing Director introduced a report to agree the procurement route for the electricity supplied to the council's owned and operated buildings.

In the financial year 2020-2021 the council used 855,702 kWh of electricity in the non-domestic assets, which cost £213,885, with a further £16,515 being added from Social Lettings. The total electricity bill was £230,400.

The council currently purchases 100% renewable energy through Ecotricity on a fixed term price contract, this fixed term price is set between three and six months prior to contract start. This price is based on wholesale market rates at the time of the tender. Ecotricity are the only 100% renewable provider on the Laser framework.

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

RESOLVED (unanimously) that:

1. Agree to purchase electricity through the Laser Fixed Term Fixed Price Framework 2019-2023 Ecotricity option, to continue the Council's Green Electricity purchase plans.

2. To delegate authority to the Chief Finance Officer in consultation with the Finance Portfolio Lead Member, to finalise the agreements.

Reasons:

1. The Council's Constitution, Part 9 Financial Rules Section 3, requires Cabinet approval for expenditure exceeding £200,000.
2. The Council's electricity contract with the Laser purchasing group ends October 2022. A decision needs to be made about procurement options by March 2022 to ensure a new supplier can secure the Council's energy needs from the energy market, six months in advance of the new supplier commencing.

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3. Officers have engaged with the Procurement Hub and investigated three procurement options to buy the Council's electricity from October 2022 and met with three alternative providers.

4. All three suppliers offer a slightly different approach to procuring the energy, the Laser Framework is the lower risk option offering a fully green electricity supplier (rather than a REGO backed supply).

427. MANAGEMENT RESPONSE TO THE OVERVIEW AND SCRUTINY RECOMMENDATIONS ON REVIEWING THE PROCESS AND PROCEDURE OF MOTIONS SUBMITTED AT FULL COUNCIL

Councillor Battley, Chair of the Overview and Scrutiny Committee, spoke in relation to the report responding to the recommendations made by the Overview and Scrutiny review team on the process and procedure of motions submitted to Full Council.

The Overview and Scrutiny Committee concluded that there is a need for better tracking of motions in order to identify the actions that arise and to minimise the duplication of motions coming to Full Council. The Overview and Scrutiny Committee would like to see a named individual assigned to each action arising from motions passed at Full Council and a public facing action tracker to improve transparency and inform the public of progress. In addition, the report asks for a six-monthly update to be presented to Full Council on the progress of implementing motions.

The Leader of the Council thanked Councillor Battley and the Overview and Scrutiny Committee for their work on this issue.

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

RESOLVED (unanimously) that:

1. That Cabinet thank the Scrutiny review team for their report

2. That Cabinet approve this management response to the review team recommendations

Reasons:

1. To respond to recommendations agreed by the Overview and Scrutiny at their Committee meeting on the 9th of December 2021.

428. LEISURE SERVICES EXTERNALLY FUNDED PROJECTS UPDATE 2022-23

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The Leisure Development Manager introduced a report to update on the additional external funding applications for leisure related revenue and capital proposals, and to seek approval to progress if the applications are successful.

£142,000 of external funding has been committed to Active Hastings for this current year 2021/22. Recent discussions with East Sussex County Council Public Health indicate that their financial contribution, including the Healthy Weight Management grant, will continue into 2022/23.

Since April 2021, over 500 residents have attended an activity delivered by the Active Hastings team, with over 3100 visits to sessions. 40% of these participants live within the 5% most deprived areas nationally.

A funding application has been submitted to the Lawn Tennis Association (LTA) to enhance the 5 tennis courts at Alexandra Park and to bring an adjacent sixth court area back into operation. If successful, the LTA's grant of £92,500 will cover 100% of the costs.

The council has also been successful with a recent application to the Football Foundation's Local Authority Grass Pitch Programme Pilot.

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

RESOLVED (unanimously) that:

- 1. To be advised of the Active Hastings team's current externally funded programme.**
- 2. Delegate authority to Assistant Director Regeneration and Culture, or her nominee, in consultation with the Lead Member for Regeneration to enter into contract and utilise approx. £220,000 of funding to deliver the activity outlined in paragraphs 13-18**
- 3. To be advised of the capital funding application for the enhancement of Alexandra Park tennis courts and to delegate authority to Assistant Director Regeneration and Culture, or her nominee, in consultation with the Lead Member for Regeneration, to enter into contract and progress the project if the grant is successfully awarded.**

Reasons:

1. The size of Council's Active Hastings team and the level of service is dependent upon the amount of external funding raised each year. This report outlines the current position.
2. Alexandra Park hosts the only public tennis courts in the town. A funding application

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has been submitted to enhance these facilities. We are seeking approval to progress if the application is successful.

429. AFFORDABLE HOUSING DEVELOPMENT

The Assistant Director, Housing and Built Environment, introduced a report to seek Cabinet and Full Council approval to progress the first phase of the sites Bexhill Road (south) and Mayfield E, within the 500 Affordable Rented Homes pipeline.

In November 2021 cabinet agreed a strategic commitment to increasing the supply of affordable rented accommodation by an additional 500 units over the next 5 years. This target will be achieved through a combination of direct delivery by the council and partnership working with registered providers and developers.

Officers set out the next steps for progressing the first phase of developments in the pipeline. The approach includes bringing existing empty properties back into use, as well as new developments on council-owned land. Full Council, at its budget meeting on 16 February 2022 agreed the inclusion of the council-owned sites at Bexhill Road and Mayfield E as two development projects in the capital programme.

The council has completed the development of 6 self-contained 1-bedroom flats at 12/13 York Buildings. The property is a grade II listed building where the upper floors had been empty for many years. The council secured grant funding of £303,910 from Homes England, which will enable the units to be brought into use as affordable housing (with rents capped at local housing allowance).

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

RESOLVED (unanimously) that:

- 1. To bring 6 units of accommodation at 12/13 York Buildings into use as affordable housing**
- 2. That Cabinet recommends to Full Council that a detailed business case and initial surveys are commissioned to facilitate this for the development of land to the rear of 419 – 447 Bexhill Road at a cost of up to £75,000.**
- 3. That Cabinet recommends to Full Council that a detailed business case and initial surveys are commissioned to facilitate this for the development of land at Mayfield E at a cost of up to £75,000.**
- 4. That Cabinet recommends to Full Council that delegated authority is given to the Assistant Director, Housing and Built Environment, in consultation with the**

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Lead Member for Housing to finalise the specification for the business case and procure these services

Reasons:

1. Delivery of new affordable housing in Hastings has failed to keep pace with rising demand. A shortage of affordable housing is creating additional pressures and costs to the council, particularly the rising use of temporary accommodation. The council has agreed a commitment to increase the supply of new affordable rented homes by 500 units over the next 5 years.

430. HASTINGS CONTEMPORARY

The Managing Director introduced a report to recommend that the council accepts the surrender of the existing lease and agree terms for a new lease with the Hastings Contemporary Gallery.

The existing lease holder has indicated that they would be prepared to surrender their lease of the Hastings Contemporary Gallery site and effectively gift this to the council as a public benefit for the people of Hastings.

Should the council accept the surrender of the lease it would be in a position to grant a new long-term lease to an organisation that would be well placed to attract grant funding; this would in turn help to ensure the longer-term sustainability of the gallery and its associated activities.

In accepting the lease back the council would thereafter be responsible for the building and its associated costs, but these costs would be met by Hastings Contemporary.

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

RESOLVED (unanimously) that:

1. To recommend to Full Council that delegated authority be granted to the Chief Finance Officer in consultation with the Assistant Director Regeneration and Culture and the Leader of the Council to agree terms to accept a surrender of the lease to Gallerium Establishment Ltd (GEL)

2. To recommend to Full Council to delegate authority to the Chief Finance Officer in consultation with the Assistant Director Regeneration and Culture, and the Leader of the Council to agree terms to grant a lease to Hastings Contemporary (HC).

Reasons:

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The existing lessee has offered the building to the Council as a public benefit for the people of Hastings on the basis that it is retained for its current use. This presents an opportunity for the Council to secure the future of the site. Delegated authority is sought in order to negotiate and complete the respective agreements in a short period.

431. EAST SUSSEX ROUGH SLEEPING INITIATIVE - COMMISSIONING UPDATE

The Assistant Director, Housing and Built Environment submitted a report to update on the development of the Rough Sleeping Initiative (RSI) programme for 2022/25 and to seek approval for interim arrangements.

The East Sussex Rough Sleeping Initiative (RSI) is a local response to the national rough sleeping strategy which is seeking to end rough sleeping in the next 3 years.

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

RESOLVED that:

- 1. To grant an exemption under rule 21c of the council's financial operating procedures to commission services for an interim extension to the Rough Sleeping Initiative services from 1 April 2022 to 30 June 2022 to avoid gaps in provision**
- 2. To grant an exemption under rule 21c of the council's financial operating procedures to commission services funded by Public Health by the end of March 2022, for delivery in 2022/23**

Reasons:

1. The application process for the Rough Sleeping Initiative has been delayed by the pandemic. Extending existing contracts will prevent any gaps in provision.

(The Chair declared the meeting closed at 7.10pm)

Report To: Cabinet

Date of Meeting: Monday, 7 March 2022

Report Title: Affordable Housing Development

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

Key Decision: Y

Classification: Open

Purpose of Report

To seek Cabinet and Council approval to progress the first phase of sites, Bexhill Road (south) and Mayfield E, within the 500 Affordable Rented Homes pipeline.

Recommendations

- 1. To bring 6 units of accommodation at 12/13 York Buildings into use as affordable housing**
- 2. That Cabinet recommends to Full Council that a detailed business case and initial surveys are commissioned to facilitate this for the development of land to the rear of 419 – 447 Bexhill Road at a cost of up to £75,000.**
- 3. That Cabinet recommends to Full Council that a detailed business case and initial surveys are commissioned to facilitate this for the development of land at Mayfield E at a cost of up to £75,000.**
- 4. That Cabinet recommends to Full Council that delegated authority is given to the Assistant Director, Housing and Built Environment, in consultation with the Lead Member for Housing to finalise the specification for the business case and procure these services**

Reasons for Recommendations

1. Delivery of new affordable housing in Hastings has failed to keep pace with rising demand. A shortage of affordable housing is creating additional pressures and costs to the council, particularly the rising use of temporary accommodation. The council has agreed a commitment to increase the supply of new affordable rented homes by 500 units over the next 5 years.

Introduction

1. In November 2021, Cabinet agreed a strategic commitment to increasing the supply of affordable rented accommodation by an additional 500 units over the next 5 years. This target will be achieved through a combination of direct delivery by the council and partnership working with registered providers and developers.
2. This report sets out the next steps for progressing the first phase of developments in the pipeline. The approach includes bringing existing empty properties back into use, as well as new developments on council-owned land. Full Council, at its budget meeting on 16 February 2022 agreed the inclusion of the council-owned sites at Bexhill Road and Mayfield E as two development projects in the capital programme. Before any capital project can commence the authorisation by Full Council is required.

12/13 York Buildings

3. The council has completed the development of 6 self-contained 1-bedroom flats at 12/13 York Buildings. The property is a grade II listed building where the upper floors had been empty for many years, and the building was in a very poor state, prior to the redevelopment. The flats are located above a retail unit in Hastings town centre.
4. The council has secured grant funding of £303,910 from Homes England, which will enable the units to be brought into use as affordable housing (with rents capped at local housing allowance).

Development of Council Land

5. There are numerous options available to the Council when looking to develop and/or dispose of its own land for housing. These are summarised in the table below.

Option	Advantages	Disadvantages
Disposal on the open market	<ul style="list-style-type: none"> • Capital receipt for the council • No ongoing cost liability to the council for development or management 	<ul style="list-style-type: none"> • No control over timescales for development • Lack of control over development e.g. in terms of environmental performance, social value, governance • Affordable housing contribution likely to be challenged on viability grounds • Loss of potential grant funding to support the development
Disposal to a Registered Provider	<ul style="list-style-type: none"> • Would contribute to 500 Affordable Rented Homes Target • Capital receipt to the council • Nomination rights for 75% of schemes 	<ul style="list-style-type: none"> • Reduced control over timescales for development • Lack of interest from Registered Providers in small scale sites • Unlikely to deliver an entirely affordable rent scheme • Lack of control over development

		e.g. in terms of environmental performance, social value, governance
Market development by council-owned company	<ul style="list-style-type: none"> • Council receives capital receipt for the sale of units, plus any development profit • Contribution towards the 500 Affordable Rented Homes Target (in line with planning requirements) • Housing company already established • Removes risk of right-to buy on affordable units 	<ul style="list-style-type: none"> • Additional borrowing costs to the company and council to fund the development • Additional risks associated with development and market sales
Direct development by the council	<ul style="list-style-type: none"> • Maximises number of affordable units on the site, by delivering an entirely affordable rent scheme • Maximises temporary accommodation savings • Opportunities to secure additional funding through Homes England's affordable housing schemes • Provides a model for ongoing development of council sites • Opportunities to improve the energy performance of the development and reduce energy costs for residents • Council will retain asset post development • Expands council's residential portfolio • Opportunities to enhance social value through appointment of local SME contractor & Employment & Skills Plan 	<ul style="list-style-type: none"> • Forego capital receipt from the sale of the land • Additional borrowing costs to fund the development of the site

Governance and sign off

6. Full Council is required to authorise new capital schemes and significant variations to projects or where additional costs will result in a net increase to the council's ongoing costs e.g. additional borrowing. Where a scheme is included in the capital programme as an un-asterisked item, they require a Cabinet report to Full Council to commence. In the case of the development of council land for housing the proposed process is:

Stage 1 (this report)

7. Cabinet recommends to Full Council new projects /sites for which further due diligence work is required before a decision on how best to proceed can be made e.g., business case/procurement options produced, initial surveys, architect. Full Council agree the proposal can proceed and an initial budget allocation is made (revenue monies funded from the General Reserve). If the scheme does proceed to completion these initial costs can be capitalised (not feasibility studies) – and money borrowed to finance the scheme or capital receipts used (if there are any). If it does not proceed these costs fall on the council's revenue account or must be permanently funded from the council's limited reserves

Stage 2

8. The outcome of this due diligence is reported back to Cabinet before a recommendation is made to Full Council on whether to proceed and on what basis. At this time the full project documentation should have been completed and risks assessed, and there will be a more informed view of the total costs. At this point Full Council determine whether the scheme proceeds further and determine a revised budget as necessary.

Land to rear of 419 - 447 Bexhill Road

9. This is a small council owned site for which the estates team has already gained outline planning permission for 16 units and the regeneration / upgrading of the car park. Development staff at Eastbourne and Lewes Council have modelled a scheme based upon a cost plan produced by a local modular housing company who has successfully delivered schemes nearby. This has been done at no cost to the council. The models demonstrate not just site viability, but also takes account of the cost of borrowing and impact of this on the council's overall debt and resourcing. The initial modelling estimates the cost of the development at £3,500,000. The council has allocated £3,575,000 in its capital programme to develop the site directly, with potential completion by the of March 2024.
10. The council will now commission the development of a more detailed business case and initial surveys to facilitate this, up to a total cost of £75,000, which will be reported back to Cabinet.
11. The council has secured funding of £142,000 through the brownfield land release fund (One Public Estate) to help remediate the site and will update the funding model to reflect this. To meet the funding requirements, the development must have begun by 31 March 2024. It is intended that the council will also apply to Homes England's affordable homes programme for further grant funding to offset the cost of the development.

Mayfield E

12. This council's estates team has obtained outline planning for up to 38 units. The council recently acquired specialist viability software Podplan via a grant from the Local Government Association. Initial modelling has been undertaken and the estimated cost of an all-affordable rent housing development is £8,785,000. The council has allocated £8,000,000 within the capital programme to complete the development. The project is earmarked for completion by the end of March 2025 in the capital programme.
13. The council will now commission the development of a more detailed business case and initial surveys to facilitate this, up to a total cost of £75,000 which will be reported back to Cabinet.

14. Again, the council will also explore funding opportunities with Homes England to bridge the funding gap and offset the cost of the development.

Financial Implications

15. The growing demand for emergency accommodation is creating an unsustainable financial pressure on the council. Increasing the supply of affordable accommodation in the town is key to addressing this trend and reducing costs in the longer term.
16. The development of York Buildings is now to be financed by borrowing from the Public Works Loans Board (PWLB) and from the grant funding from Homes England. This grant reduces the borrowing requirement for the project and the lower borrowing costs will be capable of being funded by rental income (capped at LHA rates).
17. The council included the potential to develop sites at Bexhill Road (South) and Mayfield E in its Capital programme in February 2022. The development to be funded through borrowing from the PWLB. The Council will need to consider the various options available e.g., to retain the properties and manage them, sell them and use the receipts to develop further sites, etc.
18. The council needs to be able to fund the projects through the feasibility and development stages and will need to have sufficient resources to do.
19. The council faces the potential for significant calls on its limited reserves and resources given the potential Towns Deal projects in the pipeline and its existing capital programme commitments. The council's Treasury Management Policy and capital strategy will need to be updated and approved by Full Council if existing limits on borrowing and affordability look set to be breached.
20. Alongside investment by the council, the council is exploring a range of grant funding opportunities to support the 500 Affordable Homes Programme. This includes Homes England funding streams and the Town Deal. The council is also able to invest Section 106 affordable housing receipts in the projects and will look to do wherever possible.

Risk Management

21. Some of the key risks associated with the project are set out below:

Risk	Mitigation	Residual Impact
Insufficient capacity in-house to carry out further due diligence	The council is outsourcing the due diligence for the project and will be working with East Sussex Procurement Hub to commission suitable services.	Medium
Insufficient capital funding	The council has provisionally earmarked sums within its capital programme. The further due diligence will establish if this is sufficient and if it viable for the council to proceed with the development. Additional borrowing costs will be offset by rental income if the council retains the	Medium

	completed units.	
Insufficient grant funding	The council is already a Homes England Investment Partner and is having ongoing discussions regarding links with the affordable homes programme. We have also successfully secured additional grant funding from other sources.	Low
Loss of grant funding	The grant funding the council has secured so far is time limited, there is a risk that this will be lost if the council is unable to meet the timescales for completing due diligence and then delivery.	Medium
Planning approval not granted	The sites at Mayfield E and Bexhill Road (South) have outline planning approval for residential development. The due diligence will explore planning matters in more detail.	Medium

Climate Change

22. Residential accommodation is the biggest source of carbon emissions in the town. The council is committed to achieving a high standard of energy performance from new developments in the town. The council will model design features to reduce carbon emissions from the development as part of the design process, alongside the viability assessment, to meet the zero carbon commitments.

Timetable of Next Steps

Action	Key milestone	Due date (provisional)	Responsible
Homes England bid in respect of 12/13 York Buildings	Outcome of funding bid	February 2022	Strategic Housing and Projects Manager
Progress development of land to the rear of 419-447 Bexhill Road	Due diligence completed	September 2022	Housing Development Manager
Progress the development of Mayfield E	Due diligence completed	September 2022	Housing Development Manager

Wards Affected

(All Wards);

Policy Implications

Reading Ease Score: 38.4

Have you used relevant project tools? Y

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

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

Additional Information

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

Officer to Contact

Officer Michael Courts / Susan Hanson

Email mcourts@hastings.gov.uk / shanson@hastings.gov.uk

Tel 01424 451315 / 01424 451328

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Report to: Cabinet

Date of Meeting: 7 March 2022

Report Title: Hastings Contemporary

Report By: Chief Finance Officer

and

Assistant Director Regeneration and Culture

Purpose of Report

The report recommends that the Council accepts of the surrender of the existing lease and agree terms for a new lease with the Hastings Contemporary Gallery.

Recommendation(s)

- 1. To recommend to Full Council that delegated authority be granted to the Chief Finance Officer in consultation with the Assistant Director Regeneration and Culture and the Leader of the Council to agree terms to accept a surrender of the lease to Gallerium Establishment Ltd (GEL)**
- 2. To recommend to Full Council to delegate authority to the Chief Finance Officer in consultation with the Assistant Director Regeneration and Culture, and the Leader of the Council to agree terms to grant a lease to Hastings Contemporary (HC)**

Reasons for Recommendations

The existing lessee has offered the building to the Council as a public benefit for the people of Hastings on the basis that it is retained for its current use. This presents an opportunity for the Council to secure the future of the site.

Delegated authority is sought in order to negotiate and complete the respective agreements in a short period.

Introduction

1. GEL have indicated that they would be prepared to surrender their lease of the Hastings Contemporary Gallery site as shown edged red on the attached plan (the site) and effectively gift this to the Council as a public benefit for the people of Hastings.

Background

2. The Council owns the freehold of the site (Hastings Contemporary/Jerwood gallery). The existing lessee, who constructed the building at some considerable costs has offered the building to the Council on the basis that it is retained for its current use.
3. Should the Council accept the surrender of the lease it would be in a position to grant a new long-term lease to an organisation that would be well placed to attract grant funding; this would in turn help to ensure the longer-term sustainability of the gallery and its associated activities.
4. The Council in accepting the lease back would thereafter be responsible for the building and its associated costs, but these costs would be met by Hastings Contemporary.

Legal Agreements

5. The site is let to GEL on a full repairing and insuring lease (the head lease) for a term of 99 years from 1 September 2010 at a rent of a peppercorn per annum.
6. GEL sublet the site to HC. The contractual term of this agreement has expired but HC continue in occupation holding over under the Landlord & Tenant Act 1954. HC require a long-term lease so that they can ensure sustainability of the site by securing necessary external funding.

Proposal

7. GEL's legal advisers have prepared draft Heads of Terms for a lease surrender, and these are summarised below:
 - a. The surrender to be for nil consideration
 - b. The Council will not dispose of the site without the prior written consent of GEL except for granting a renewal of the HC lease
 - c. The Council will not change the use of the site without the prior written consent of GEL
 - d. If the Council disposes of the site or changes the use during a defined period, then an uplift payment will be made to GEL on an agreed basis

8. Once the head lease has been surrendered the Council would be able to grant a renewed lease to HC.
9. Initial discussions have taken place with HC and in principle Heads of Terms for a new lease have been agreed. This would be for a term of 30 years on a full repairing and insuring basis at a rent of £1 per annum if demanded.

Financial Implications

10. Due diligence will need to be undertaken which will include considering the condition of the Gallery building and obtaining an external valuation report.
11. The position in terms of income and liability remains the same as the Council currently receives no rent but has no repairs liability and this will continue.
12. The Council could be left with financial liabilities should the Hastings Contemporary not be sustainable in the future. The site is a very prominent one and could potentially be used for a similar purpose or a variety of other purposes should it ever prove necessary to do so. Any change of use would be subject to the terms negotiated within the surrender agreement as outlined above.

Conclusion

13. It is considered in the best interests of the Council to accept a surrender of the head lease. This will enable us to grant a new long-term lease to help secure the ongoing operation of Hastings Contemporary.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Finalise Heads of Terms for deed of surrender and lease	Legal instructed	TBC	Estates Manager/Legal
Consideration by Full Council	Authority to complete agreements	TBC	Estates Manager
Complete	Deed of surrender and lease signed	TBC	Estates Manager/Legal

Wards Affected

Old Hastings

Implications

Relevant project tools applied? Yes/~~Ne~~

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

Climate change implications considered? Yes/~~Ne~~

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

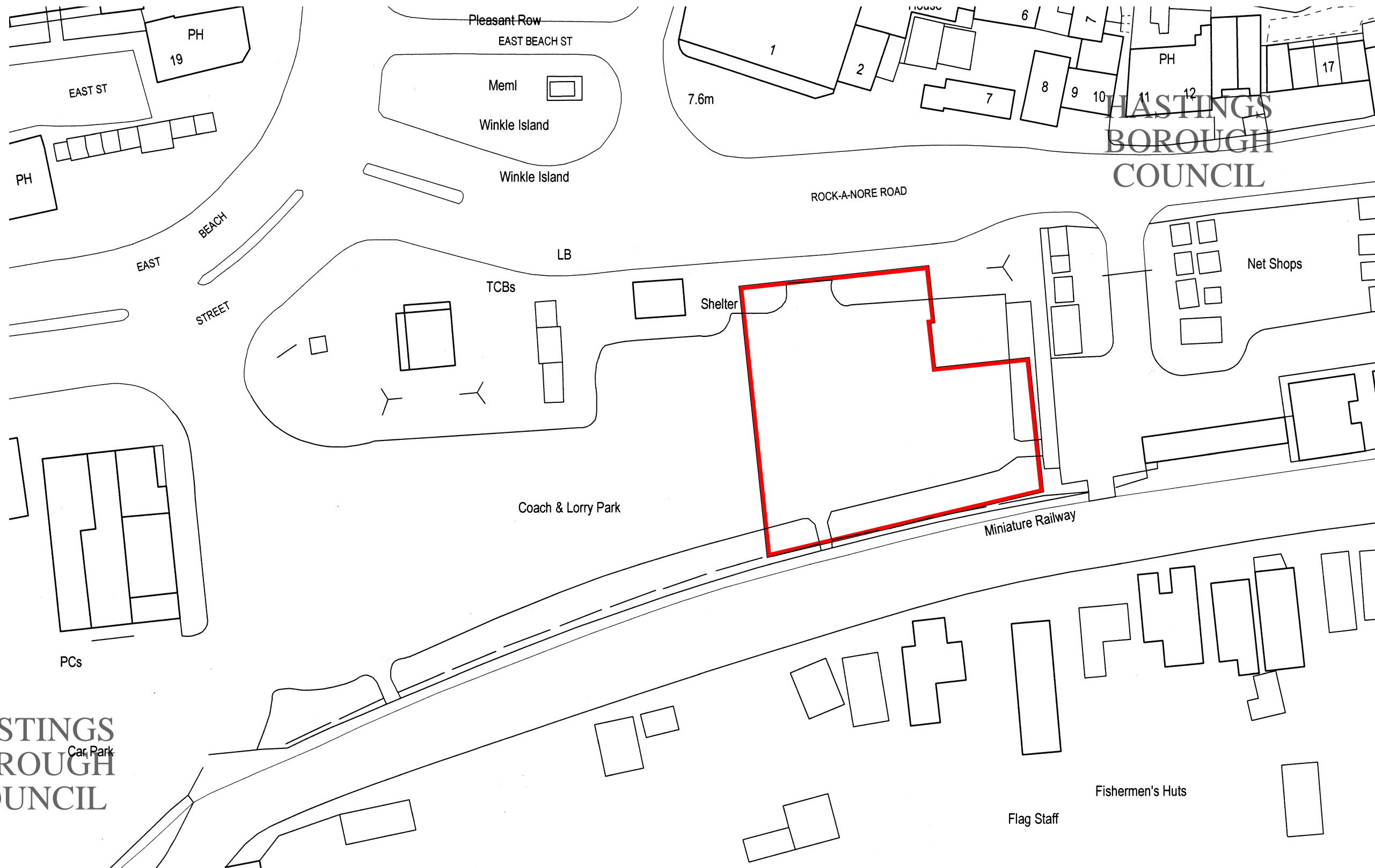
Equalities and Community Cohesiveness	N
Crime and Fear of Crime (Section 17)	N
Risk Management	Y
Environmental Issues	N
Economic/Financial Implications	Y
Human Rights Act	N
Organisational Consequences	N
Local People's Views	Y
Anti-Poverty	N

Additional Information

Red line plan of the site.

Officer to Contact

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HASTINGS
BOROUGH
COUNCIL

**Jerwood Gallery,
The Stade,
Rock-a-Nore Road,
Hastings**



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Date: April 2010

Scale: 1:500

Drawn: DWD

Drawing No. ESAD 1443

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