

Cabinet Agenda

Monday, 6 June 2022 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY

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	Page No.
1. Apologies for Absence	
2. Declaration of Interests	
3. Minutes of Last Meeting	1 - 4
4. Reviewing the Anti-Social Behaviour Public Space Protection Order (ASB PSPO) <i>(Natasha Tewkesbury, Customer Services, Communications and Emergency Planning Manager)</i>	5 - 24
5. Bye Laws for Pleasure Grounds, Public Walks and Open Spaces <i>(Cameron Morley, Waste and Cleansing Services Manager and Mary Kilner, Chief Legal Officer)</i>	25 - 48
6. Hastings Museum & Art Gallery Business Plan 2022-25 <i>(Victoria Conheady, Assistant Director Regeneration and Culture)</i>	49 - 82
7. Notification of Additional Urgent Items	
8. Urgent Items (if any)	

9.	Household Support Fund <i>(Peter Grace, Assistant Director Financial Services & Revenues)</i>	83 - 90
10.	Energy rebate policy <i>(Peter Grace, Assistant Director Financial Services & Revenues)</i>	91 - 102
11.	Budget Update May 2022 <i>(Peter Grace, Assistant Director Financial Services & Revenues)</i>	103 - 116

8 MARCH 2022

432. DECLARATION OF INTERESTS

The Managing Director declared no interests.

433. ADDITIONAL RESTRICTIONS GRANT (ARG) SCHEME POLICY (TRANCHE 4 - EXTENDED SCHEME - 2 MARCH 2022)

The purpose of the scheme is to determine eligibility for a payment under the Council's Additional Restrictions Grant Scheme (ARG). The Council, as the Business Rates Billing Authority, is responsible for payment of these Grants.

This policy is being designed as the Government has provided further funds to support businesses that may have been severely impacted by the Omicron variant, including those outside of the business rates system.

Eligibility for this scheme is restricted due to the limited availability of funding.

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

RESOLVED:

To agree the revised Hastings Additional Restrictions Grants Policy Tranche 4 extended scheme and allocate the remaining £40,205 to those eligible.

Reason:

The council needs a policy to determine eligibility criteria.

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Minute Annex B

Managing Director Decision Notice



In accordance with Rule 26.22 of the Constitution the following decision was made using the emergency powers granted to the Managing Director.

The reasons for the decisions are set out in the relevant minutes.

Item: Additional Restrictions Grant (ARG) Scheme Policy (Tranche 4 – Extended Scheme – 2 March 2022)

Report Author: Peter Grace, Assistant Director, Financial Services and Revenues (Chief Finance Officer)

Decision Type: Cabinet

Decision:

To agree the revised Hastings Additional Restrictions Grants Policy Tranche 4 extended scheme and allocate the remaining £40,205 to those eligible.

Decision made in consultation with:

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

Signed

A handwritten signature in black ink that reads "Jane Hartnell". The signature is written in a cursive style with a large initial 'J'.

Jane Hartnell
Managing Director
Hastings Borough Council

Agenda Item 4



Report to: Cabinet

Date of Meeting: 6th June 2022

Report Title: Reviewing the Anti-Social Behaviour Public Space Protection Order

Report By: Customer Services, Communications and Emergency Planning Manager

Purpose of Report

To summarise consultation feedback on proposals to update the Anti-social Behaviour Public Spaces Protection Order (ASB PSPO).

Agree any changes to the draft ASB PSPO.

Seek approval for the Chief Legal Officer to update and extend the Order in accordance with regulations published by the Secretary of State.

Recommendation(s)

- 1) Agree the proposed extension of the reviewed ASB PSPO, and authorise the Chief Legal Officer to update and extend the Order by 3 years on 9th July 2022, in accordance with regulations published by the Secretary of State.**
- 2) Authorise the Chief Legal Officer to correct any minor drafting errors that may be identified, and make minor amendments including deletions and insertions that may be necessary to ensure the ASB PSPO is accurate.**

Reasons for Recommendations

PSPOs are made under the Anti-social Behaviour, Crime and Policing Act 2014, and are valid for up to 3 years. They enable local authorities and the police to address serious anti-social behaviour in specified public places. PSPOs can be varied and extended in response to changes in patterns of ASB. The existing ASB PSPO originally came into force on 12th June 2017, was fully reviewed in Spring 2019, and then varied and extended by cabinet on 9th July 2019. It now needs to be reviewed and potentially varied and extended again before it expires in July this year.

Background

1. The original ASB PSPO came into force on 12th June 2017 following a public consultation process that was reported to the council's cabinet in May 2017. It introduced prohibitions on specified types of anti-social behaviour in defined public spaces in Hastings. For example prohibiting the consumption of alcohol in some outdoor public spaces, as a measure to try and address ASB typically associated with the street community.
2. PSPOs must be reviewed and consulted on at least every 3 years, in order to establish whether or not there is a continuing need for them, and whether they need to be varied and/or extended. The current ASB PSPO was comprehensively reviewed and consulted on in 2019, before cabinet met on 8th July 2019 and agreed for it to be varied and extended for another 3 years.
3. At that meeting in July 2019, cabinet considered feedback from the consultation, as well as the latest Government guidance, and decided:-
 - It was no longer appropriate for the ASB PSPO to have any provisions prohibiting unauthorised 'camping', as this was contrary to the latest guidance, and the council had alternative enforcement tools for addressing this issue.
 - The alcohol ban areas were extended to take account of displacement, such as in relation to the Queens Road bus shelters and also Wellington Square.
 - The general prohibition on ASB, such as recklessly screaming and shouting or acting in a way likely to cause nuisance or annoyance or alarm or distress or harassment, was extended to apply borough wide.
 - The definition of aggressive begging was clarified, so it included reference to begging in a way that people might find intimidating and/or menacing. This was important as the council wanted to make it clear that it didn't want to criminalise begging per se.

Is There a Continuing Need for the ASB PSPO?

4. Since July 2019, the council's Warden Service have taken a lot of enforcement action in relation to ASB associated with the street community. Principally relating to the prohibition on the consumption of alcohol in areas like the town centre, and aggressive begging offences. This has resulted in multiple warning letters and notices to offenders, and then also to action in the Magistrates Court. There have been a large number of successful prosecutions for non-compliance with the ASB PSPO, and also successful applications for Criminal Behaviour Orders, which are a form of injunction.
5. A summary of the enforcement action taken by the Wardens is attached at appendix A.

6. This clearly demonstrates that there continues to be an ongoing problem with anti-social behaviour in the borough, largely associated with the consumption of alcohol in areas such as the town centre, but also with aggressive begging.
7. It is worth noting that in accordance with our enforcement policies and protocols, the wardens take a graduated approach to enforcement. Following face to face engagement, Community Protection Warning Letters are served on offenders. Then if they continue to offend, Community Protection Notices are served on them. Only if this isn't a sufficient deterrent and they continue to offend, does the Council instigate further action against them in the Magistrates Court.
8. To achieve a successful prosecution relating to breach of a Community Protection Notice the Magistrate must be content that the behaviour has a:
 - Detrimental effect on the quality of life of those in the locality;
 - Be of a persistent and continuing nature; and
 - Be unreasonable.
9. Applying for a Criminal Behaviour Order is treated as a last resort, because the order is intended for tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court. As a result, before we apply to the Magistrates Court for a Criminal Behaviour Order, we will generally have already successfully prosecuted that offender twice for non-compliance with the terms of a Community Protection Warning Notice.
10. Although this enforcement action has had a positive impact on the behaviour of some offenders, and reduced the scale of the issues in some areas, there remain significant challenges with ASB throughout the borough. Especially in the town centre areas of St Leonards and Hastings. It is common for improvements to be relatively short lived, as the ASB is often displaced to new locations, before returning to the original hotspots.
11. To a lesser extent, Sussex Police have also taken enforcement action to help address ASB associated with the street community. The Council's Warden Service continues to liaise closely with them, and to share intelligence on ASB issues across the borough.
12. Unfortunately, as outlined above, despite all of this extremely difficult and time-consuming work, the need for more enforcement action remains, and officers are satisfied that there is an ongoing justifiable need to retain the ASB PSPO.

The Process for Reviewing and Potentially Updating the ASB PSPO

13. Officers don't currently think that the scope of the existing ASB PSPO needs to be significantly updated, and that we simply need to extend it for a further 3 years from when it is due to expire in July 2022 to July 2025.
14. The Council has to follow a statutory consultation process to extend the ASB PSPO, seeking views on the proposals from statutory consultees such as Sussex Police, as well as the general public. The process is set out in statutory guidance,

which has been carefully followed. The Community Safety Manager co-ordinated the consultation, which ended on 2nd March.

15. The Community Safety Manager is the Council's main point of contact on community safety issues, and receives complaints about ASB made by residents, businesses and visitors to the town. He also chairs the local Joint Action Group. This is a multi-agency group that regularly meets to discuss ASB hotspots and ways to address them. He also works with other local groups and partners such as East Sussex County Council (ESCC), in relation to the development and provision of outreach services for people such as the street community. To provide support in relation to alcohol and substance abuse and mental health issues.

Feedback on the proposal to retain and extend the ASB PSPO

16. When the Council first proposed the ASB PSPO in 2017, and again when we consulted on proposals to amend and extend it in 2019, we received a lot of feedback from a wide range of interested parties. However, on this occasion there has been very little feedback. This is because the ASB PSPO is now far better understood by partner agencies, and those directly affected by it, such as residents, traders and offenders. It is also worth noting that unlike some other local authorities with PSPOs, in 2019 we decided not to proceed with some prohibitions that potentially criminalised rough sleepers. We also amended the prohibition relating to begging, to ensure that it only related to 'aggressive begging'. For these reasons, the ASB PSPO proposals are not considered to be contentious, and this is likely to be why we received so little feedback.
17. We received a total of 13 responses to our consultation. One from the local Inspector from Sussex Police. Another from the Head of Safer Communities at East Sussex County Council. Plus 9 from people who appear to be either residents or traders of Hastings. One from a resident of Bexhill. As well as a comprehensive response from the human rights organisation Liberty.

Feedback from the Police

18. The Police support the council's proposals.
19. They also suggested that this might be an opportunity to consider introducing measures within the ASB PSPO to restrict access to the town centre by delivery drivers. However, there is already an enforcement framework for addressing the issue using highways legislation, which is enforced by East Sussex County Council's on-street parking enforcement contractor (NSL Services).
20. The issues with the delivery drivers started to develop a few years before COVID. With takeaway delivery drivers illegally accessing the pedestrianised zone on scooters and in small cars, and potentially causing safety issues for pedestrians. There have also been serious problems with unauthorised access to the pedestrianised area due to maintenance issues with the rising bollards outside the old town hall. The bollards should limit access to the town centre pedestrianised area, between 10am and 4pm but they are now almost obsolete, and spares for repairs are extremely difficult to source. These issues became far worse during the COVID lockdowns of 2020 and 2021.

21. Although ESCC is the enforcement authority for these traffic management issues, Hastings Borough Council has led on discussions about them with ESCC Highways and the Police. As a result, in March 2022 it was agreed that the Borough Council would establish a multi-agency working group to develop and implement solutions to these problems. ESCC Highways and the local Police have representatives on this working group. There is also a general rule that if there are existing national enforcement powers to tackle an issue, local authorities shouldn't 'duplicate' them in local 'byelaws'. On this basis, it would currently be inappropriate to use the ASB PSPO to try and resolve these issues.

Feedback from East Sussex County Council

22. East Sussex County Council agrees that the ASB PSPO in Hastings should be renewed under the same terms, as one tool in a co-ordinated response to tackling anti-social behaviour in our town centres. Although they would welcome the addition of an explicit expectation that the issuing of any sanction or enforcement action is complemented by active signposting/ referral into drug and alcohol treatment and recovery services. In fact, the Council's Warden Service already does this, as we agree that the key to a more sustainable approach to reducing ASB is to work closely with colleagues in support services to tackle the root causes. Such as alcohol and drug abuse that so often manifest as ASB in our public spaces. We are grateful to our colleagues at ESCC (and the services they commission in the borough), for their ongoing support on these issues, and look forward to working ever more closely with them.

23. As part of this response, ESCC Public Health also agreed in principle that HBC should retain/extend the current order. It will help to support delivery of the multi-agency East Sussex Alcohol Harm Reduction Strategy 2021-2026, and more specifically priority 4 which is 'Creating a Safer Environment in East Sussex'. Measures include using and supporting regulatory powers to stop/suppress access to alcohol increasing, and would therefore want this to continue. Hastings Borough Council were a key stakeholder in the development of the Strategy.

Feedback from Liberty

24. Liberty is concerned about the impact of PSPOs, particularly the potential misuse of PSPOs, especially where they punish poverty-related behaviours such as begging. They state they have persuaded some authorities not to pursue proposed PSPOs. However, this Council's position is that the PSPO does not criminalise begging save for in specific circumstances where begging is 'aggressive' in which case it meets the conditions set out in Section 59 of the Act, namely:

Condition 1: that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality or they are likely to have such an effect.

Condition 2: the effect of the activities is or is likely to be of a persistent or continuing nature, unreasonable and justifies the restrictions imposed.

25. Given the freedom available to authorities in the drafting of PSPOs and the differing requirements of authorities across the country, the actions of other authorities are not a relevant consideration.

26. Liberty state there is a lack of evidence to support the extension of the duration of the PSPO under section 60 of the Act. However, the Council's position is that there is sufficient evidence, as summarised earlier in this report.
27. Liberty also highlight that an Equality Impact Assessment does not appear to have been carried out. However, in 2017 when the Council first considered introducing the ASB PSPO it carried out equalities impact screening. This identified that enforcement of the ASB PSPO would involve work with vulnerable people such as the street community. But it also concluded that there would be no discrimination against any group with protected characteristics. In fact, the multi-agency approach to addressing issues associated with the street community should result in greater access to support services. So there is no requirement to carry out a full Equalities Impact Assessment.
28. They also comment that the presence of people living in the streets, who may be begging, is a symptom of poverty and of the detrimental impact of economic inequality, not the cause. The Council should liaise with local community partners to address causes of homelessness, not renew a PSPO that targets and criminalises those living in the streets. The first part of this point is irrelevant to the PSPO which seeks to control anti-social behaviour in the Borough. It does not in any way state or suggest begging is a cause of poverty or economic inequality. As to the second part, the Council does work with local community partners to address causes of homelessness. However, it also has to regulate anti-social behaviour in the Borough. The PSPO is the power Government has provided for the Council to do this. As for their 3rd point, the PSPO does not target and criminalise those living in the streets.
29. Liberty suggest the PSPO is a potential interference with Articles 8 (respect for private and family life) and 10 (right to freedom of expression) of the European Convention of Human Rights. These are both qualified human rights which can be interfered with by the Council if the Council can justify their actions.
30. Liberty has concerns relating to paragraph 3 of the PSPO which is the general anti-social behaviour prohibition. They suggest it may be used as an unlawful dispersal power akin to section 35 of the Act which can only be used by the Police. This is incorrect. While section 35 provides a constable in uniform the power to direct a person to leave and not return to an area, enforcement powers relating to the PSPO do not provide Council officers the power to require a person leave an area.
31. They suggest that the provision has no objective and enforceable standard and the officer is provided disproportionate and needlessly broad discretion. While discretion is provided there is nothing to suggest this is disproportionate or needlessly broad. Some degree of discretion needs to be provided to the officer to avoid rigid application of the rules which could in turn lead to injustice.
32. They suggest there is disproportionate impact on those with hidden disabilities. This is unsubstantiated. It also fails to take into account the wording of the offences section which confirms an offence is only committed if the person breaches the requirement or prohibition "without reasonable excuse".
33. Liberty has concerns relating to paragraph 4 of the PSPO which relates to aggressive begging prohibition. They suggest there is no evidence to support the

prohibition. But this is clearly not the case, given the ongoing enforcement work carried out by the Wardens on this specific provision over the last 3 years.

34. They suggest that the wording is unclear and uses unduly wide language amounting to a blanket ban on begging. This is not the case as the activity has to meet certain conditions to be considered aggressive and therefore is distinct from begging generally. In fact, the Council clarified what it meant by 'aggressive begging' in the last review, for example in close proximity to cash machines. Therefore, the suggestion that the wording lacks precision is not accepted.
35. They suggest a ban on begging could have a harmful and disproportionate impact on the most vulnerable people in Hastings. This statement is based on the incorrect assessment of the PSPO being a ban on begging when the ban is on aggressive begging. They state blanket bans on begging are ineffective and unlawful. This again is based on the incorrect assumption the Council has a blanket ban on begging which it does not. They suggest this is interference with Articles 8 and 10 of the ECHR. This is discussed above. Again they make reference to a blanket ban which is incorrect and therefore the caselaw referenced is irrelevant.
36. Liberty concludes by stating that the renewal of the PSPO is unreasonable and potentially unlawful. This is disputed for the reasons set out above. Liberty states the PSPO disproportionately interferes with people's basic rights including the right to inherent human dignity. The Council's position is that, for the reasons set out above, we consider it to be proportionate. Liberty state the PSPO adds nothing to the fight to alleviate poverty. However, this is not the purpose of the PSPO. The PSPO is to regulate the behaviour of persons in the town where it meets the conditions in Section 59 of the Act.

Feedback from residents/traders

37. A recurring theme was a call for more effective enforcement of the ASB PSPO by the Police. Recognising the difficulty faced by the Police, one respondent also made the point that the Police should be properly resourced to enforce the PSPO.
38. Some respondents focussed on issues that are not covered by the ASB PSPO, for example drunken behaviour late at night in the vicinity of particular town centre licensed premises. Whilst not directly relevant to this consultation, it is easy to understand why they have been raised in this context, and the information has been fed back to our Licensing Team.

Proposed amendments to the Anti-Social Behaviour PSPO proposals arising from the consultation feedback

39. Having carefully reviewed the feedback received via the statutory consultation process, officers can see no reason to amend the draft reviewed ASB PSPO that was consulted on. It is attached at Appendix B.

Process for implementing the updated ASB PSPO

40. This report seeks authorisation for the Chief Legal Officer to vary and extend the existing Order in accordance with regulations published by the Secretary of State.

41. Any challenge to the PSPO must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. This right to challenge also exists where an Order is varied by a Council.
42. Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the Council did not have power to make the Order, or to include particular prohibitions or requirements, perhaps because there was insufficient evidence of a particular problem. In addition, the interested person could argue that one of the requirements (for instance consultation) had not been complied with. When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.
43. The maximum duration of a PSPO is 3 years. At any point before the expiry, the Council can extend a PSPO by up to 3 years if they consider that it is necessary to prevent the original behaviour from occurring and recurring. However, they should first consult with the local police and any other community representatives they think appropriate. If a new issue arises in an area where a PSPO is in force, the Council can vary the terms at any time. This is the process that has been followed in relation to these proposals.

Enforcement of the ASB PSPO

44. Enforcement of the ASB PSPO will continue to be a partnership between the Council and the Police. The council's warden service achieved Community Safety Scheme Accreditation from the Chief Constable in January 2018. This means they can be authorised to use additional powers normally only available to the Police. For example requiring the surrender of alcohol, and requiring a person suspected of committing an offence to provide their name and address.
45. Since the introduction of the original PSPO in 2017 the warden service has updated their operating procedures and now uses body worn video to help evidence their interaction with potential offenders, and safeguard their health and safety.
46. The Wardens should be thanked for their hard work and professionalism over the last 5 years of enforcing the ASB PSPO. This is very difficult and challenging work, and only part of their wide range of core duties.
47. Given the nature of some of the offending behaviour the wardens will continue to require police support.

Policy Implications

Financial Implications

48. Subject to cabinet agreeing these proposals, essentially making no substantive changes to the PSPO, there will be no significant financial implications, and any costs will be met from within existing community safety budgets.

Local people's Views

49. The consultation process has given the opportunity for local people to express their views on the proposals.

Crime and Fear of Crime/Environmental Issues

50. The ongoing enforcement of the ASB PSPO should have a positive impact on crime and fear of crime. However, the degree of success will to some extent be dependent upon the council's ability to recruit and retain a full complement of wardens, and the continued support of the police. As well as decisions made in the Courts when the council seeks to prosecute offenders, and/or applies for Criminal Behaviour Orders for persistent offenders.

Environmental Issues

51. Enforcement of the updated ASB PSPO should have a positive impact on the local environment as enviro-crime is often associated with the sort of ASB that the PSPO prohibits.

Equalities and Community Cohesiveness

52. From an equalities and community cohesiveness perspective, ASB issues associated with the wider street community have continued to generate a lot of complaints and probably undermined community cohesiveness. It is hoped that if the ASB PSPO is extended, community cohesiveness will improve, and enforcement linked with assertive outreach support will help vulnerable members of the street community to address their health and wellbeing issues, and improve their quality of life.
53. In 2017 when the Council first considered introducing the ASB PSPO it carried out equalities impact screening. This identified that enforcement of the ASB PSPO would involve work with vulnerable people such as the street community. However, it concluded that there would be no discrimination against any group with protected characteristics. In fact, the local multi-agency approach to addressing issues associated with the street community should result in greater access to support services. So there is no requirement to carry out a full Equalities Impact Assessment.

Organisational Consequences

54. There will be significant continuing demands on our Legal Services providing ongoing advice and support to our enforcement officers, for example when enforcement action is required in the local Magistrates Court.

Human Rights Act

55. The submission from Liberty raised potential Human Rights Act concerns. The Council's position on this is set out in the section of the report that reviews the consultation feedback. We don't believe that their concerns are warranted. Legal Services have worked closely with colleagues in Community Safety, and advised on the legal implications raised by Liberty, as well as the overall process of reviewing and extending the ASB PSPO.

Timetable of Next Steps

Action	Key milestone	Due date (provisional)	Responsible
Cabinet approves proposals to vary and/or extend the ASB PSPO	Cabinet meeting in Spring 2022	June 6 th 2022	Community Safety Manager
	Chief Legal Officer varies and/or extends the ASB PSPO	June 2022	Chief Legal Officer

Wards Affected

All Wards

Policy Implications

Relevant project tools applied? Yes

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

Climate change implications considered? Yes.

This report doesn't propose any new measures relevant to climate change.

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

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

Additional Information

Appendices

Appendix A - Summary of enforcement action related to the ASB PSPO

Appendix B – Draft Reviewed ASB PSPO

Officer to Contact

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**APPENDIX A
SUMMARY OF ENFORCEMENT ACTION TAKEN BY THE COUNCIL'S
WARDEN SERVICE SINCE THE ASB PSPO WAS LAST EXTENDED IN
2019**

2019 - July to December inclusive

67 different names people were dealt with concerning a total of 155 PSPO offences.

31 Community Protection Warnings were issued, 3 of these were for aggressive begging, 2 for anti-social behaviour and 26 were related to drinking alcohol.

8 of these warnings were progressed to full Community Protection Notices, 1 for aggressive begging, 7 for drinking alcohol.

17 breaches were witnessed for these 8 notices (1 for aggressive begging, 16 for alcohol).

In this 6 month period we prosecuted 3 people in the magistrates court, all for alcohol related offences.

2020 - Calendar Year

79 different individuals were dealt with concerning a total of 444 PSPO offences.

62 Community Protection Warnings were issued, 54 for alcohol related offences, 5 for aggressive begging, 3 for ASB.

36 Community Protection Notices were issued, 32 for alcohol, 2 for aggressive begging, 2 for ASB.

232 breaches were witnessed for these 36 Community Protection Notices (9 for aggressive begging).

20 successful prosecutions at the Magistrates Court, (1 for aggressive begging) and 2 Criminal Behaviour Orders were granted.

2021 - Calendar Year

75 different people were dealt with concerning a total of 410 offences.

60 Community Protection Warnings were issued, 54 for alcohol offences, 6 for aggressive begging.

35 Community Protection Notices were issued, 32 for alcohol offences, 3 for aggressive begging.

198 breaches of these Community Protection Notices were witnessed.

23 successful prosecutions and 6 Criminal Behaviour Orders were granted (only 2 of the prosecutions were for aggressive begging).

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The Anti-Social Behaviour, Crime and Policing Act 2014

The Public Spaces Protection Order (No 2) Hastings Borough Council 2017

In exercise of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in Section 59 of the Act have been met Hastings Borough Council (in this order called "the Authority") hereby makes the following Order.

This Order came into effect on 12 June 2017 for a period of 3 years and was subsequently varied and extended for a further period of 3 years on 9th July 2019.

This Order relates to various public spaces within the Borough. The plan of the whole Borough of Hastings is marked as Map 1, being public space in the Council's area to which the Act applies.

The effect of the Order is to impose the following prohibitions at all times within the relevant Restricted Areas:-

BY THIS ORDER

1. Prohibition on Drinking in Public Place within the Restricted Area (land coloured red - Map 2)

(i) All persons are restricted from drinking alcohol in any public place located within the Restricted Area. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or S115E of the Highways Act 1980.

(ii) Where an Authorised Person reasonably believes that a person is consuming alcohol or has been consuming alcohol in breach of Paragraph 1.(i) (above) then the Authorised Person may require that the person must stop consuming alcohol or anything which the Authorised Person reasonably believes is an alcoholic beverage and the Authorised Person may require that the person must surrender any alcohol, or anything which the Authorised Person reasonably believes to be alcohol, that is in the person's possession including a container for alcohol.

2. Surrender Alcohol on request within the Borough of Hastings (Land Edged Black - Map 1)

Where an Authorised Person reasonably believes that a person is, has or intends to consume alcohol within the Borough of Hastings and is causing or is likely to cause nuisance or annoyance or alarm or distress or harassment to a member of the public, or disorder associated with the consumption of alcohol then the Authorised Person may require that the person must surrender any alcohol, or anything which the Authorised Person reasonably believes to be alcohol, that is in the person's possession including a container for alcohol.

Disposal of alcohol may be undertaken by the Authorised Person in whatever way he or she thinks fit.

3. Prohibition on Anti-Social Behaviour within the Borough of Hastings (Land Edged Black - Map 1)

Persons are prohibited from intentionally or recklessly, shouting, swearing, screaming or acting in a manner to cause, or likely to cause, nuisance or annoyance or alarm or distress or harassment to a member of the public, or disorder within the Borough of Hastings.

4. Prohibition on aggressive begging within the Restricted Area (Land Edged Black - Map 1)

Persons are prohibited from Aggressive Begging within the Restricted Area. For the purposes of this paragraph, "Aggressive Begging" means:

- a. Approaching people in order to beg for money in a way that people may find intimidating and/or menacing.
- b. Using verbal requests for money, donations, goods or other materials, help or assistance in a way that people may find intimidating and/or menacing.
- c. Loitering or approaching people in close proximity to a cash machine.

This prohibition shall not apply to any authorised collections made on behalf of registered charities or other approved organisations with the prior written express consent of the Authority

AUTHORISED PERSON

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

EXEMPTIONS

Nothing in Prohibition 1, i & ii (alcohol) shall apply to:-

- a) Premises authorised by a premises licence to be used for the supply of alcohol;
- b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- c) A place within the curtilage of premises within paragraph (a) or (b);
- d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
- e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under S115 of the Highways Act 1980 (highway related uses);
- f) Council-operated licensed premises -
 - (i) When the premises are being used for the supply of alcohol, or
 - (ii) Within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

OFFENCES

- (a) A person commits an offence if they fail, without reasonable excuse, to comply with an Authorised Person's request pursuant to Paragraph 1 above that the person:
- i. Stop consuming alcohol or anything which the Authorised Person reasonably believes is an alcoholic beverage, and/or
 - ii. Surrender any alcohol or anything which the Authorised Person reasonably believes to be alcohol, that is in the person's possession including a container for alcohol, and

And the Authorised Person told the person that failing without reasonable excuse to comply with the requirement was an offence. A person convicted of an offence under this Sub-Paragraph (a) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

- (b) A person commits an offence if he breaches a prohibition listed in Paragraphs 2-3 above without reasonable excuse. A person convicted of an offence under this Sub-Paragraph (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

FIXED PENALTIES

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

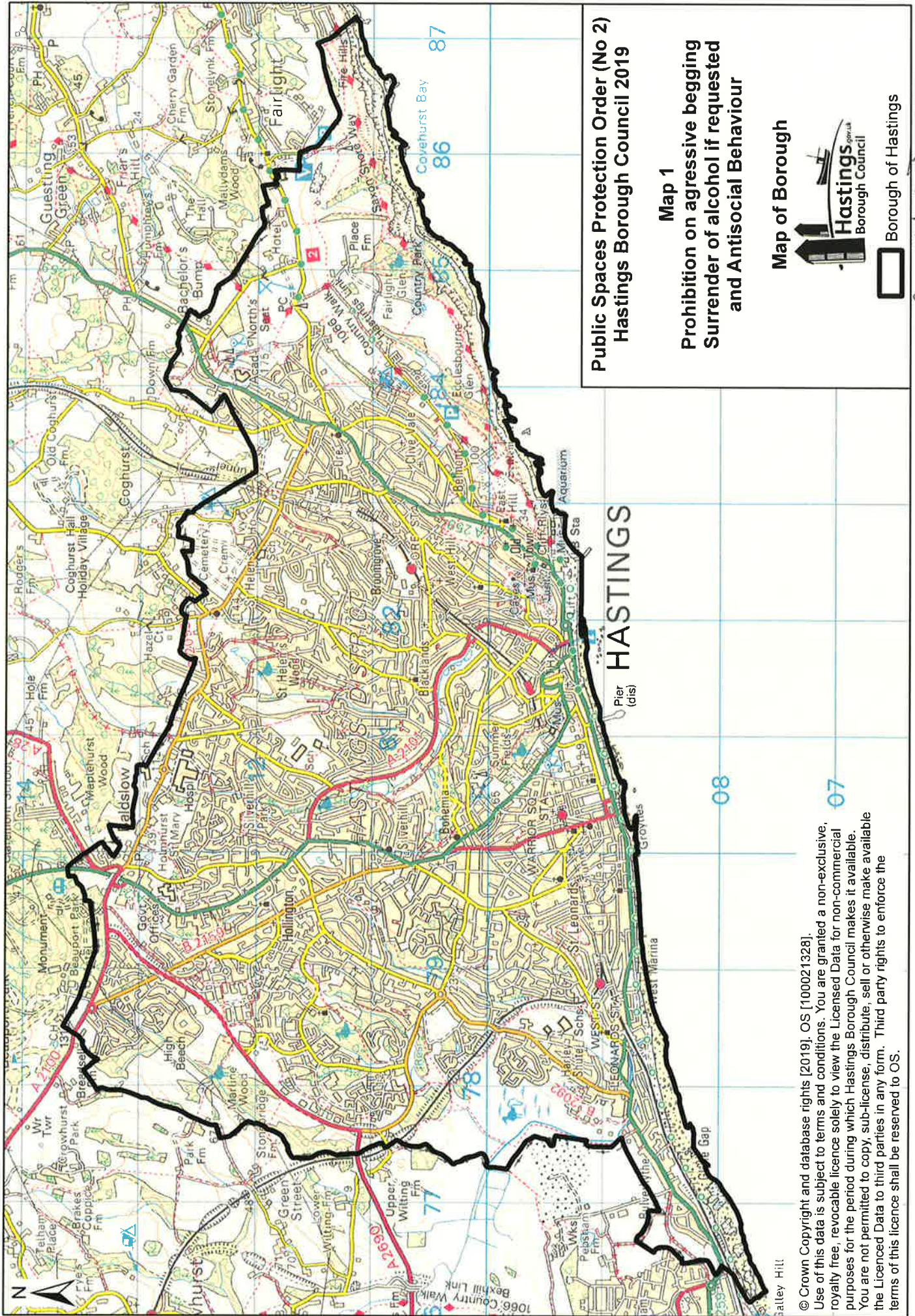
THE COMMON SEAL of HASTINGS

BOROUGH COUNCIL was hereunto affixed the 9th

July 2019


Authorised Signatory





**Public Spaces Protection Order (No 2)
Hastings Borough Council 2019**

Map 1

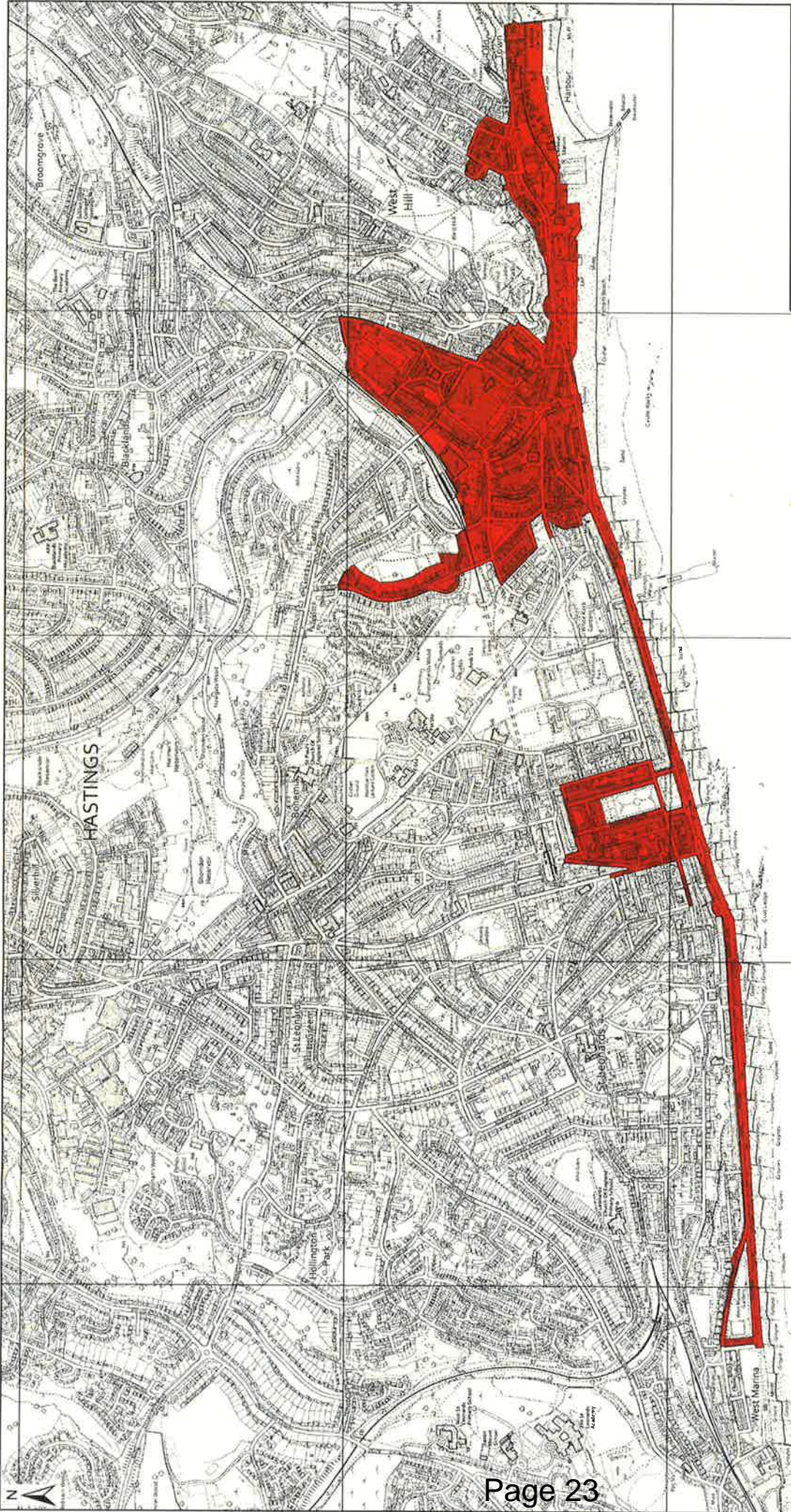
**Prohibition on aggressive begging
Surrender of alcohol if requested
and Antisocial Behaviour**

Map of Borough



Hastings

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Public Spaces Protection Order (No 2)
Hastings Borough Council 2019

Map 2

Prohibition on Alcohol



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Agenda Item 5



Report To: Cabinet

Date of Meeting: 6th June 2022

Report Title: Bye Laws for Pleasure Grounds, Public Walks and Open Spaces

Report By: Waste and Cleansing Services manager

Key Decision: N/A

Classification: open

Purpose of Report

To present new, updated byelaws for our parks and open spaces as approved by the Secretary of State for Levelling Up, Housing and Communities, for adoption by Full Council.

Recommendation(s)

- 1. Cabinet considers the following report for presentation to Full Council on 13th July 2022 to adopt the byelaws for pleasure grounds, public walks and open spaces and the revocation of existing byelaws stated in Section 1 of this report.**

Reasons for Recommendations

1. The current byelaws for parks and open spaces are out of date. The proposed new single set of byelaws for pleasure grounds, public walks and open spaces will supersede the old byelaws which will be revoked by Full Council.
2. The proposed byelaws have been approved by the Secretary of State for Levelling Up, Housing and Communities following public consultation and due legal process required to adopt new byelaws.

Background

1. There are several byelaws covering parks and open spaces in the Borough.
 - a. Byelaws with respect to Pleasure Grounds, 1965.
 - b. Byelaws with respect to skating on pieces of water in Alexandra Park, 1902.
 - c. Byelaws with respect to the parks known as the East and West Hills, 1923.
 - d. Byelaws relating to Warrior Square Gardens (Restriction on Ball Games), 2003.
2. The proposal is to replace the out-of-date byelaws with a single set of byelaws for pleasure grounds, public walks and open spaces and revoke the old byelaws.
3. The byelaws for pleasure grounds, public walks and open spaces are wholly separate from the adopted byelaws for Local Nature Reserves.

Process for declaring byelaws

4. In proposing the new byelaws, the council has followed the legal process set out in the Byelaws (Alternative Procedure) (England) Regulations 2016/165 (the regulations). The summary procedure, together with the council's actions is outlined in Appendix 1.
5. The proposed byelaws are consistent with the government's standard template for byelaws and have been approved by the Department for Levelling Up, Housing and Communities for adoption by Hastings Borough Council and are attached as Appendix 2.

Public Consultation

6. The legal process required the council to undertake a public consultation to seek wider community views. A 6-week consultation took place from 15th July 2021 - 30th August 2021.
7. The consultation resulted in a total of 42 responses. 29 were opposed to the byelaws and 12 approved. One response was neutral.
8. Most opposition responses related to the proposed cycle route in Alexandra Park. Whilst cycling in parks is an emotive issue, the consultation was solely about new byelaws for parks, not about cycling or a proposed cycle route in one of our parks. The byelaws prohibit cycling in any park or open space unless on a designated route. There are presently no designated cycle paths in any of our parks and open spaces, therefore cycling is prohibited until such times as designated cycle paths are implemented.
9. Around 25 respondents requested additional byelaws to prohibit loud music, to have dogs on leads, banning professional dog walkers, banning release of balloons and various other suggested prohibitions.
10. The government require the council to present them with rigorous evidence to support any deviation from the model byelaws that were subject to consultation. Whilst we received requests for addition byelaws by members of the local community, the council has no material evidence to present to government to support the need for additional byelaws, and therefore a deviation from the model byelaws.

11. Following the consultation, the council presented the draft byelaws to the Secretary of State for Levelling Up, Housing and Communities seeking their approval for the council to progress towards adoption.
12. The Secretary of State approved the draft byelaws in January 2021. A further 28-day public consultation from 25th February - 25th March 2022 was done which provided an additional opportunity for representations to be made.
13. This further consultation resulted in 39 responses, the overwhelming majority of which were objections to the proposed cycle route in Alexandra Park and cycling in Alexandra Park in general.
14. Presently there are no designated cycle paths in any of our parks and open spaces, so even after the byelaws are implemented, cycling would still be prohibited until such times as designated cycle paths are implemented.

Conclusions

15. The council has followed proper consultation and all due legal process in proposing new and updated byelaws for pleasure grounds, public walks and open spaces. The proposed byelaws are based upon the model byelaws published by the Department for Levelling up, Housing and Communities. The draft byelaws which have been subject to two rounds of public consultation have been approved by the Secretary of State for the council to consider adoption.
16. The new byelaws for pleasure grounds, public walks and open spaces should be presented to Full Council for adoption within 6 months from the end of the representation period, by 25th of August 2022.

Crime and Fear of Crime

17. The byelaws are a statutory instrument that can lead to prosecution and a criminal conviction.

Local People's Views

18. Two consultations took place and representations received to inform the proposed decision.

Legal

19. The due legal process for adoption of byelaws has been followed.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Cabinet agree to present byelaws to Full Council	Full Council	13 th July	Chief Legal Officer

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Wards Affected

(All Wards);

Policy Implications

Reading Ease Score:

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

Additional Information

Appendix 1 Summary legal process for declaring byelaws for pleasure grounds, public walks and open spaces

Appendix 2 Byelaws for pleasure grounds, public walks and open spaces.

Officer to Contact

Officer Murray Davidson, Environment and natural Resources manager
 Email Parks@hastings.gov.uk
 Tel

Appendix 1 Summary legal process for declaring byelaws for pleasure grounds, public walks and open spaces

21. The process for making byelaws which govern the pleasure grounds and parks is set out in the Byelaws (Alternative Procedure) (England) Regulations 2016/165 (the Regulations), a summary is as follows:

The legal process	Actions taken by Hastings Borough Council
The council drafts the proposed byelaws based on a standard template published by the Department for Levelling Up, Housing and Communities.	April 2021, the council drafted a set of byelaws based on a standard template published by the Department for Levelling Up, Housing and Communities.
Public consultation to seek wider community views.	<p>Public consultation was undertaken between 15th July 2021 and 30th August 2021.</p> <p>The consultation was publicised in the local press, available on the council's web site and available through the information centre.</p> <p>The council wrote directly to a number of organisations that would have an interest in commenting.</p>
The council publish a Statement of Assessment on its website to confirm the byelaws are both reasonable and proportionate.	The Statement of Assessment confirming the bye laws were both reasonable and proportionate was published on the council's web site on 24 th September 2021
Following the public consultation, the Council write to the Department for Levelling up, Housing and Communities seeking their approval of the proposed byelaws.	The council wrote to the Department for Levelling Up, Housing and Communities on 24 th September 2021 seeking their approval of the proposed byelaws.
The Department for Levelling up, Housing and Communities confirm whether they approve the proposed byelaws.	24 th January 2022, the Secretary of State for Levelling up, Housing and Communities confirmed the draft byelaws for approval.

<p>On receipt of approval from the Department for Levelling up, Housing and Communities, the Council publicise the proposed byelaws on its website and in a local newspaper and any other way it sees fit, giving a further 28 days for further representations.</p>	<p>A 28-day consultation was undertaken 25th February to 25th March 2022</p>
<p>The Council review representations received during the 28-day period. Only minor amendments can be made to the proposed byelaw. Major amendments would require the whole process to start again.</p>	<p>All representations received have been reviewed.</p>
<p>Finally, the Council decide within 6 months of the end of the representation period whether to make the byelaws. If it does make the byelaws, it will publish the decision and the byelaws on the Council website and publicise as it sees fit.</p>	<p>Full Council are required to approve the byelaws and revoke old ones.</p>

Appendix 2 Proposed Byelaws for Pleasure Grounds, Public Walks and Open Spaces

HASTINGS BOROUGH COUNCIL

**BYELAWS FOR PLEASURE GROUNDS, PUBLIC
WALKS AND OPEN SPACES**

CONSULTATION (INSERT DATE)



ARRANGEMENT OF BYELAWS

PART 1

GENERAL

1. General interpretation
2. Application

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

3. Protection of structures and plants
4. Unauthorised erection of structures
5. Climbing
6. Grazing
7. Protection of wildlife
8. Gates
9. Camping
10. Fires
11. Missiles
12. Interference with life-saving equipment

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

13. Horses
14. Cycling
15. Motor vehicles
16. Overnight parking

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

17. Children's play areas
18. Children's play apparatus
19. Skateboarding, etc
20. Ball games
21. Rules for ball games in designated areas

- 22. Cricket
- 23. Archery
- 24. Field sports
- 25. Golf

PART 5
WATERWAYS

Interpretation of Part 5

- 26. Bathing
- 27. Ice skating
- 28. Model boats
- 29. Boats
- 30. Fishing
- 31. Blocking of watercourses

PART 6
MODEL AIRCRAFT & MODEL CARS

Interpretation of Part 6

- 32. Model aircraft permitted in designated areas
- 33. Model aircraft subject to certain control
- 34. Quieter types of model aircraft permitted

PART 7
OTHER REGULATED ACTIVITIES

- 35. Provision of services
- 36. Excessive noise
- 37. Public shows and performances
- 38. Aircraft, hang-gliders and hot air balloons
- 39. Kites
- 40. Metal detectors

PART 8
MISCELLANEOUS

- 41. Obstruction
- 42. Savings
- 43. Removal of offenders

44. Penalty

45. Revocation

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Rules for playing ball games in designated areas

Byelaws made under section 164 of the Public Health Act 1875 and section 15 of the Open Spaces Act 1906 by Hastings Borough Council with respect to pleasure grounds, public walks and open spaces.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

“the Council” means Hastings Borough Council;

“the ground” means any of the grounds listed in Schedule 1;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. These byelaws apply to all of the grounds listed in Schedule 1.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Interpretation of Part 2

In this Part:

“Sky lantern” means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere.

Protection of structures and plants

3. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) Any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) Any stone, soil or turf or the whole or any part of any plant, shrub or tree.

- (2) No person shall walk on or ride, drive or station a horse any vehicle over:
 - (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

4. No person shall without the prior written consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

5. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Grazing

6. No person shall without the prior written consent of the Council turn out or permit any animal for which they are responsible to graze in the ground.

Protection of wildlife

7. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Gates

8. (1) No person shall leave open any gate to which this byelaw applies and which they have opened or caused to be opened.
 - (2) Byelaw 8(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

9. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.

Fires

10. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire or release a lighted sky lantern into the atmosphere.
 - (2) Byelaw (1) shall not apply to:

- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
- (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues.

Missiles

11. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

Interference with life-saving equipment

12. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

13. (1) No person shall ride a horse except:
- (a) On a designated route for riding; or
 - (b) In the exercise of a lawful right or privilege.

- (2) Where horse-riding is permitted by virtue of Byelaw 13(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

14. (1) No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.
- (2) Outside the designated areas, no person shall cycle on any footway or carriageway in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the footway or carriageway.

Motor vehicles

15. (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.
- (2) Where there is a designated route for motor cyclists, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.
- (3) No person with written permission from the Council to enter a ground with a vehicle is to exceed 10mph.

Overnight parking

16. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10pm and 6am.

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children’s play areas

17. No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.

Children’s play apparatus

18. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

19. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.

(2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

20. No person shall play ball games outside a designated area for playing ball games in such a manner
 - (a) As to exclude persons not playing ball games from use of that part;
 - (b) As to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
 - (c) Which is likely to cause damage to any, tree, shrub or plant in the ground.

Rules for ball games in designated areas

21. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 2 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking these rules.

Cricket

22. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

Archery

23. No person shall engage in the sport of archery except in connection with an event organised by or held with the prior written consent of the Council.

Field sports

24. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council.

Golf

25. No person shall drive, chip or pitch a hard or soft golf ball.

PART 5

WATERWAYS

Interpretation of Part 5

In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

Bathing

26. No person shall without reasonable excuse bathe or swim in any waterway.

Ice skating

27. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

28. No person shall operate a power-driven model boat on any waterway except in a designated area for model boats.

Boats

29. No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council.

Fishing

30. No person without the prior written permission of the Council shall in any waterway cast a net or line for the purpose of catching fish or other animals (except in a designated area for fishing).

Blocking of watercourses

31. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

“model aircraft” means an unmanned aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

“Radio control” means control by a radio signal from a wireless transmitter or similar device.

Model Aircraft permitted in designated areas

32. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
- (b) land in the ground without reasonable excuse;

other than in a designated area for flying model aircraft.

Model aircraft subject to certain control

33. Byelaw 32 does not apply to any model aircraft which is attached to a control line/kept under effective radio control.

Quieter types of model aircraft permitted

34. Byelaw 32 does not apply to any model aircraft which;

- (a) Gives a noise measurement of more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of

Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and

- (b) where it is reasonably practicable to fit, fitted with an effectual silencer or similar device.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

- 35. No person shall without the prior written consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

- 36. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
 - (a) Shouting or singing;
 - (b) Playing on a musical instrument; or
 - (c) By operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 36(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

- 37. No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang gliders and hot air balloons

- 38. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider, or hot air balloon.

Kites

- 39. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

40. (1) No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

PART 8

MISCELLANEOUS

Obstruction

41. No person shall obstruct:
- (a) Any officer of the Council in the proper execution of their duties;
 - (b) Any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) Any other person in the proper use of the ground.

Savings

42. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of their duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

43. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

44. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

45. The byelaws relating to skating on pieces of water in Alexandra Park which were made by the Hastings Borough Council on 7th March 1902 and confirmed by the Local Government Board on 30 April 1902 are revoked.

The byelaws relating to East and West Hills which were made by the Hastings Borough Council on 6 April 1923 and confirmed by the Minister of Health on 30 May 1923 are revoked.

The byelaws relating to Pleasure Grounds which were made by the Hastings Borough Council on 18 November 1965 and confirmed by the Secretary of State on 28 January 1966 are revoked.

The byelaws relating to Warrior Square Gardens (Restriction on Ball Games) made by the Hastings Borough Council on 17 April 2003 and confirmed by the Secretary of State on 30 May 2003 are revoked.

SCHEDULES

SCHEDULE 1

GROUNDS TO WHICH BYELAWS APPLY

The grounds referred to in byelaws 1 - 45 are as follows:

Alexandra Park

Amherst Gardens

Arborvale area of land north of Lilac Court

Archery Field

Beauharrow Pond

Beckley Close kick about area

Bembrook Road public open space and play areas

Bexhill Road recreation ground

BOS Field (public open space)

Butlers Gap

Carnoustie Close play area

Celandine Drive playground

Cooden Ledge open space and woodland

Cookson Gardens play area and open space

Cornwallis Gardens

Darwell Close play area and open space

Dog Kennel Wood

Duke Green open space

Etchingham Drive play area

Fernside Avenue/Albourn Close open space

Fleetwood Close play area

Gensing Gardens

Halton Churchyard

Harrow Lane recreation ground

Harvest Way play area

Helmsman's Rise play area and open space

Heron Close play area

Hastings Cemetery open space

Highwater View play area and open space

Hollington Recreation Ground

Hollington Valley Local Wildlife Site (areas in private ownership)

Kensington Close play area

Knowsley Close play area
Linton Crescent open space
Linton Gardens
Little Ridge Avenue open spaces
Mare Bay Close play area
Old London Road open space, Ore
Ore Place open space
Ore Valley Road play area
Redgeland wood
Redmayne Drive play area
Robertson Terrace open space
Robsack Avenue open space
St Johns Road play area
St Leonards Gardens
St Marys Chapel, Bexleigh Avenue
Sandhurst Recreation Ground
Sandrock open space (areas in private ownership)
Seafront (front line open spaces and play areas)
Seaside Road play area
Springside Walk open space (Fern Road)
Streamside Walk open space (Ashford Road)
Stonebeach Rise play area and open space
Swan Gardens
The Oval open space
Tilekiln Recreation Ground
Torfield Open Space
Torfield School (multi use games area) (private ownership)
Warrior Square Gardens
Waterside Close play area and open space
Wellington Square
Welton Rise upper and lower play areas and open space
West Hill public open space
West Marina Gardens
Whatlington Way open space
White Rock Gardens
Wishing Tree Road North open space (areas in private ownership)

SCHEDULE 2

BYELAW 21 – BALL GAMES

Any person using a designated area for playing ball games is required by byelaw 21 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

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Agenda Item 6



Report To: Cabinet

Date of Meeting: 6 June 2022

Report Title: Hastings Museum & Art Gallery Business Plan 2022-25

Report By: Damian Etheraads, Museum and Cultural Development Manager

Key Decision: N

Classification:

Purpose of Report

To outline the museum's business plan for 2022-25 and share the review of the previous business plan.

Recommendation(s)

1. To accept this report and recommend approval by Cabinet.

Reasons for Recommendations

1. The museum requires a business plan to operate effectively.

Introduction

1. The museum's business plan was adopted in 2018 and is now due for review. This report reviews the museum's progress since 2018. It also outlines the museum's next business plan for the period 2022-2025.

Business Plan 2018-21

2. The aim of the 2018-21 business plan was to create a museum:
 - that was focused on community engagement, particularly with groups from disadvantaged areas, minorities and vulnerable groups
 - with a strong emphasis on promoting health, well-being, education and lifelong learning
 - that is resilient and positioned to capitalise on funding opportunities.
3. By the end of 2021 the ambition was for the museum to be delivering high-quality and meaningful community projects, particularly with people from disadvantaged areas, minorities and with vulnerable groups. The museum's work would have a growing emphasis on health, well-being, education and lifelong learning. It would be a more resilient museum, capitalising on funding opportunities from sector funding bodies, and generating increased income through retail, hires and events.
4. The museum has achieved or exceeded the majority of the outcomes:

2018-21 Target	Outcome
<i>Aim One: Entrepreneurial</i>	
The museum will have diversified its income streams and increased the level of earned income	<p>A full review of income opportunities was undertaken. Benchmarked fees and charges, new income streams through ArtUK and shop products were introduced. Prior to Covid-19, up to March 2020, earned income had increased 45% on the 2017-18 baseline figures. Since reopening in May 2021 income has exceeded 2017-18 levels as well. Although income has increased, due to Covid-19, it has not been consistent from year-to-year.</p> <p>Since 2018 the museum has benefited from £168,000 of Museum and Schools Programme funding from Arts Council England and the Department for Education. It has also secured £689,945 of grants (including CRF2) and received £57,850 in-kind support from partner organisations.</p>
The museum will have an established regular programme of high-quality work experience placements for secondary schools, including Special Education Needs, and externally funded placements for higher education providers	<p>The museum's activity programme increased dramatically – there have been over 280 in-person and over 200 digital activities since 2017-18.</p> <p>A new school's work experience programme was introduced, and the museum hosted placements from the Supported Education Department at Sussex Coast College, University of Sussex and University of Leicester. These programmes will resume in 2022.</p>
The museum will have a robust volunteering programme supporting the work of the museum team.	Volunteer numbers have risen from 2 to an average of 15 on a weekly basis. The volunteers have helped support a range of projects and research activities.

<i>Aim Two: Inclusive</i>	
The museum will have reduced barriers to participation and enhanced the quality and reach of projects, events and exhibitions	<p>Barriers have been reduced since 2018. A range of actions have been taken including:</p> <ul style="list-style-type: none"> • All members of staff received Dementia Friends training from the Alzheimer's society. • A visual storyboard was developed with families of people living with autism to help prepare for visits. • "Rules" for visiting were developed with families and young people. • The on-gallery learning activities were refreshed and updated in all rooms • Free period products and sanitary bins were made available in all public toilets • Home educating, people seeking sanctuary and LGBTQI+ people have been included in projects, co-curated exhibitions and added stories to the collections
The museum will have increased visitor numbers through investment in displays, exhibitions, events and effective marketing to existing and new audiences	Museum visitor figures had increased 47% from 2017-18 to 2019-20. Since reopening visitor have been slow to return. There are likely to be 10,000 visitors in 2021-22.
The museum programme will be shaped by our visitors, partnerships, focus groups and volunteers of community and cultural activity including annual events, youth programmes, community engagement projects.	This target has not been achieved. The museum has increased its work with community groups but has not yet moved beyond this. This remains an area for on-going action.
<i>Aim Three: Educational</i>	
The museum will have increased school visits through investment in resources, formal learning sessions and marketing	<p>Over 7,000 pupils visited the museum from September 2018-March 2020. This is a substantial increase; 500 pupils were recorded as visiting in 2017-18. Covid-19 has greatly impacted on this and virtually stopped all in-person visits.</p> <p>New and refreshed loans boxes and blended learning sessions have been developed during lockdown. The museum's Lego Education Innovation Studio contract has been extended.</p>
The museum will have an established programme of informal learning activities for early years, the seniors and other vulnerable groups	This outcome has been largely achieved. Informal learning for early years and seniors has been a core part of the in-person and digital programmes.
The museum programme will be shaped by our partnerships and we will have reduced barriers to participation and enhanced the quality and reach of our formal and informal education programmes.	As in Aim Two, although barriers have been reduced and more people are involved in the museum, we are not yet working directly with communities to decide on programming or engagement activities.
<i>Aim Four: Connected</i>	
The museum will play a central role in the tourism activities of Hastings and 1066 Country	Marketing and communications remains a challenge for us to deliver. Since 2018 we tested paid-for digital advertising and contracted with a new leaflet distributor covering Brighton, Surrey and Kent. We now make greater use of the 1066 Country website, but we are not doing so consistently or with enough focus.
The museum will have developed a range of cross-arts programmes	We have worked with or supported more than 15 local organisations since 2018. This work has varied from hosting

with partners.	one-off events and pop-up exhibitions to longer-term collaborations through our project working.
<i>Aim Five: Reflective</i>	
The museum will use evaluation analysis and visitor feedback to develop and improve displays, events, learning and the exhibition programme	We now collect a range of visitor information. This is used to inform programming and planning but is not as thoroughly embedded as it could be.
The museum will use Audience Finder and internal evaluation forms to develop targeted marketing to core and target audiences	Audience Finder was introduced in 2020 and has proven successful when combined with online ticket booking. Despite this we still need more responses to create an adequate visitor profile for the museum.
The museum will have increased the number of residents engaged in opportunities and events	Through postcode analysis we can see that the majority of our visitors are local people living within Hastings. We also know that people are now traveling further to visit us and spending longer in the museum than before.
<i>Aim Six: Responsible</i>	
The museum will have submitted a funding application for a capital redevelopment of the site	We have not done this. However, we have made substantial progress on developing plans to meet this aspiration.
The museum will have significantly improved the collection care, display and access standards.	Significant steps forward have been made in collections care including: <ul style="list-style-type: none"> • Integrated pest management has been introduced • The environmental control monitors have been calibrated and better positioned • Additional storage space has been created • Over 3,000 objects have been documented and cleaned since 2018.

Business Plan 2022-25

5. The 2022-25 business plan is more ambitious than before. It is a bold business plan for creating a museum fit for the future. It builds on the work the team have excelled at and embeds this into the very heart of how we operate.
6. It outlines a strategic direction that puts inclusivity and community involvement at the heart of our decision making. It aims to create the environment needed for the systemic change required for truly participatory practice. It introduces our first serious response to the climate emergency and challenges us to change our current ways of working. It is aligned with Council's Cultural Strategy and Corporate Plan.
7. The business plan's strategic aims are:
 - Inclusive - Reduce barriers to participation facing audiences and communities by including them in decision making to create enjoyable, educational and memorable experiences and foster a sense of ownership and pride in the museum.
 - Connected - Promote a contemporary view of the museum through partnerships and collaboration with local people in their communities with partners and cultural organisations.
 - Educational - Inspire creativity and lifelong learning through the innovative use of collections to create fun and thought-provoking learning opportunities.

- Sustainable - To increase museum's resilience by listening to our visitors, taking action to reduce our carbon footprint, care for the collection, manage the building and increase earned income.
8. The targets are supplemented by the museum's first equality and climate emergency action plans. The equality action plan aims to build:
- a team that understands equality and diversity issues and is confident in creating inclusive and welcoming environments
 - our audiences and volunteers to be more representative of the diverse communities of Hastings
 - programmes and services which are relevant and representative of our communities
 - the collection so that is more representative of our communities.
9. The museum's climate emergency priorities are to:
- understand what the climate emergency and what carbon literacy means
 - consider climate change in the planning and delivery of everything we do
 - reduce our carbon emissions and energy use
 - work with cultural partners and communities to take action
 - support biodiversity and the natural environment of the museum's grounds.

Community participation in decision making

10. Including communities in the decision-making process of the museum is the central drive of the 2022-25 business plan. This approach has been developed to maximise the impact of the museum's activities and increase the benefits gains for improving health, strengthening resilience, social cohesion and equity through community participation. It has drawn on research into the real-life impact of cultural engagement on communities. It brings an assets-based approach to help support community resilience and place making.

Options

11. To accept this report and recommend approval by Cabinet.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Discussion by Museum Committee	Museum Committee	March 2022	Museum and Cultural Development Manager
Approval by Cabinet	Cabinet	April 2022	Museum and Cultural Development Manager

Wards Affected

All

Policy Implications

Reading Ease Score: 34

Have you used relevant project tools?: Y

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

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

Additional Information

Hastings Museum & Art Gallery Business Plan 2022-2025

Officer to Contact

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Business Plan 2022-25



Contents

1.	Introduction	3
2.	Background.....	3
3.	Business Plan 2022-25.....	4
4.	Mission, Vision and Values	4
4.1.	Mission.....	4
4.2.	Vision	5
4.3.	Values.....	5
5.	Strategic Aims	5
6.	Outcomes by 2025	6
7.	Inclusivity.....	7
8.	Climate Emergency	7
9.	Current Position	8
9.1.	Key Strengths.....	8
9.2.	Areas of Weakness / For Development.....	9
10.	Resources.....	9
10.1.	Human	9
10.2.	Physical.....	10
11.	Audiences	11
11.1.	Target Audiences.....	11
12.	Finance.....	12
12.1.	Financial Management.....	13
12.2.	Income Generation, Fees and Charges	13
13.	Risk Analysis	13
14.	Monitoring and Evaluation.....	15
	Appendix 1 Annual Action Plan 2022-23.....	16
	Appendix 2 Equality Action Plan 2022-25.....	21
	Appendix 3 Climate Emergency Action Plan 2022-25	24
	Appendix 2 Museum Development Action Plan 2022-25	26

1. Introduction

This business plan sets out our ambitions and priorities for the next three years Hastings Museum & Art Gallery. We will continue to deliver impactful projects and activities for local people and communities linked to the museum. The next few years will continue to be a period of readjustment and change as the effects of the pandemic will continue to affect our team, and the communities we serve. The ongoing challenges due to the council's financial position will place additional pressures on the museum to adapt and become more entrepreneurial and leaner. As a small team capacity continues to be an issue and we must be mindful of this when delivering this plan.

Over the life of the previous business plan we have taken huge steps forward, despite the pandemic. The museum's economic impact has grown significantly with more than £1.3million net being contributed to the local economy by museum visitors. We have attracted nearly 121,000 in-person visitors since 2018 and had our busiest ever year. Prior to Covid-19 we had seen a 460% increase in school visits. Since 2020 we have reached nearly 2million unique users online through Hastings Digital Museum. We were finalists in the Family Friendly Museum of the Year Awards 2019, the Day Out with The Kids Awards 2019, the Museums Change Lives Awards 2020 and we were awarded a Tourism South East Beautiful South Award for Excellence in 2021.

This business plan is more ambitious than before. It outlines a strategic direction that puts inclusivity and community involvement at the heart of our decision making. It aims to create the environment needed for the systemic change required for truly participative practice. It introduces our first serious response to the climate emergency and challenges us to change our current ways of working. This is a bold business plan for creating a museum fit for the future. It builds on the work the team have excelled at and embeds it into the very heart of how we operate. It aligns with the Council's Cultural Strategy and Corporate Plan and if successful will deliver a service to help improve the communities we serve.

2. Background

The Hastings and St Leonards Museum Association founded Hastings Museum in 1890 and ownership was transferred to the County Borough of Hastings in 1905. Today, the museum is part of the Hastings Borough Council's Regeneration and Culture Directorate and works within the context of a number of local strategies. The Association remain involved via the Museum Committee - an advisory Committee of the Cabinet of Hastings Borough Council that includes councillors, one of whom is chair, and members of Hastings and St Leonards Museum Association.

The museum's collections include fine and decorative arts, social history, local history archives, natural history, geology, Native American and world collections. The collections continue to grow and currently numbers around 97,000 objects. Local history is displayed in three

galleries: Before Hastings tells the story of the area from prehistory to the Saxons, with The Story of Hastings and Seaside galleries continuing the story from 1066 through to today. Natural history collections, including dinosaur are on display in the Fossils and Wildlife galleries. The world collections are on display in the Upper Durbar Hall, Subarctic and Native American galleries, while the Ceramics Gallery is home to the decorative arts collection. Fine art is displayed in the ground floor walkway and around the building alongside other parts of the collections. There is a regular programme of temporary exhibitions offering a mix of historical and contemporary shows as well as a growing education, events and activities programme.

3. Business Plan 2022-25

At the heart of this business plan is the aim to create systemic changes to how the museum operates to make the service fit for the 21st century. Over the next three years we will continue to develop the very successful programmes we have been running since 2018. We will continue to expand our network, who we work with, how we work and the way we speak to communities. Over the next three years we will work with the museum committee to bring on board community representatives and ensure a spread of representation from ward councillors. We will also introduce a community programming board to involve local people and organisations in programming and project decisions. We will work with other heritage and cultural organisations in East Sussex to take collective action to reduce waste and pool resources to help tackle the Climate Emergency.

The actions in this business plan are underpinned by both *The Power to the People framework* (Museums Association 2019) and *Spectrum of Audience Engagement* (Morris, Hargreaves and McIntyre 2015) as well as studies into the asset-based approaches to improving health, strengthening resilience, social cohesion and equity through community participation.

4. Mission, Vision and Values

The museum's mission, vision and values have grown out of and support Hastings Borough Council's vision that "Hastings and St Leonards is a happy, welcoming place with a vibrant, unique culture where everyone has their needs met and is supported and encouraged to live their best lives."

4.1. Mission

To inspire people and connect communities with contemporary issues and the cultural and natural heritage of Hastings.

4.2. Vision

A local museum with a global collection that inspires people and connects communities

4.3. Values

- *Collaborative* - We are committed to community engagement and partnership working
- *Caring* - We are committed to high standards of service and collections care
- *Creative* - We promote lifelong learning and understanding of our cultural heritage
- *Sustainable* - We are forward thinking and promote the economic regeneration of Hastings
- *Open* - We ensure equality and promote diversity in our museum

5. Strategic Aims

Aim One: Inclusive

Reduce barriers to participation facing audiences and communities by including them in decision making to create enjoyable, educational and memorable experiences and foster a sense of ownership and pride in the museum.

Aim Two: Connected

Promote a contemporary view of the museum through partnerships and collaboration with local people in their communities with partners and cultural organisations.

Aim Three: Educational

Inspire creativity and lifelong learning through the innovative use of collections to create fun and thought-provoking learning opportunities.

Aim Four: Sustainable

To increase the museum's resilience by listening to our visitors, taking action to reduce our carbon footprint, care for the collection, manage the building and increase earned income.

6. Outcomes by 2025

By 2025, community working, and participatory practice will be embedded within our way of working. Our community partners will have a say in decision-making. We will work with them to deliver high-quality and meaningful co-developed projects to address contemporary issues and connect people to cultural and natural heritage of the collections. We will have made significant move towards reducing single use materials. We benefit regularly from external funding and be generating more earned income. This business plan will be delivered through the implementation of an annual Action Plan (Appendix 1) agreed each year.

Aim One: Inclusive

- Community partners will have an active say in decision-making with new structures in place to allow them to do so
- In person visitor numbers will have returned to average pre-Covid levels
- Continued investment in displays, exhibitions, events and effective marketing to reach existing and new audiences
- Engagement programmes will be more representative of people in the town, showing a greater range of the collection and covering a broader range of themes and topics.

Aim Two: Connected

- We will work more closely with the council's communications team and 1066 Country Marketing
- We will regularly develop partnerships with organisations and creative practitioners from across the area
- There will be a regular programme of outreach activities at community events in Hastings
- We be working with local people and communities to develop engagement activities at the back of the town.

Aim Three: Educational

- We will have re-established school visit numbers to 2019 levels
- The formal learning programme will be refreshed and include an increased number of blended learning opportunities
- The regular informal learning programme for early years and seniors will be reinstated
- We will continue to offer regular programme of work experience placements for secondary schools, including Special Education Needs, and externally funded placements for higher education providers.

Aim Four: Sustainable

- Visitor feedback will be used to improve displays, events, learning and programming
- Our carbon footprint will be reduced by 50%
- We will have submitted a funding application for the capital redevelopment of the site

- Our collections care, display and access standards will have improved, and we will have retained our Museum Accreditation
- We will have increased the amount of earned income generated by the museum.

7. Inclusivity

We are committed to achieving greater access, opportunity and fairness for our communities to the museum's physical and intellectual resources. Our mission to be a truly community museum is rooted in participatory practice and inclusivity. We started this journey in our 2018-21 Business Plan and associated programming. Over the life of this business plan we aim to embed this approach to effect long-term institutional change. We will continue to diversify our programming, promoting co-production and reduce the representation gap within our collections.

Our inclusivity priorities are:

- to have a team that understands equality and diversity issues and is confident in creating an inclusive and welcoming environment
- for our audiences and volunteers to be more representative of the diverse communities of Hastings
- to have programmes and services which are relevant and representative of our communities
- to develop the collection so that is more representative of our communities.

The work required to deliver our aspirations are outlined in our Equality Action Plan (appendix 2).

8. Climate Emergency

The climate emergency is the most significant challenge facing society today. We have a responsibility to reduce our own carbon footprint and take what actions we can to effect change. We will work partnership to make sure our actions and activities minimise our own carbon footprint.

Our climate emergency priorities are to:

- understand what the climate emergency is and what carbon literacy means
- consider climate change in the planning and delivery of everything we do
- reduce our carbon emissions and energy use
- work with cultural partners and communities to take action
- support biodiversity and the natural environment of the museum's grounds.

The work required to deliver our aspirations are outlined in our Climate Emergency Action Plan (appendix 3).

9. Current Position

We are part of Hastings Borough Council's Regeneration and Culture Directorate. This business plan has been developed in line with the council's Corporate Plan and Culture Strategy. It has also been influenced by the Heritage Strategy for Hastings Borough Council, March 2018, Hastings Sustainable Community Strategy 2009-2026, Arts Council England's Lets Create 10-year strategy, investment principles and delivery plan as well as the National Lottery Heritage Funds' Strategic Funding Framework 2019-2024.

Hastings has a rich and unique culture that engenders local pride, and which is cited by many as a key reason to relocate to the town. From the heritage of 1066 and the fishing fleet, through traditional events like Jack in the Green and the Hastings Bonfire, to the contemporary offer of Project Art Works, Home Live Art, Hastings Contemporary, a thriving local art and music scene, which has grown significantly over the past 10 years.

Page 62 However, Hastings is also a town which is addressing significant problems, including:

- The impact of the Covid-19 pandemic compounded by already existing high incidence of poor mental health
- High levels of multiple deprivation as the 13th poorest town in England with on in three under 15s living in poverty
- High unemployment, particularly amongst the 16-24 age groups
- Low wage levels of those in employment and one in three households on low income
- Low levels of attainment, and very low progression to further and higher education.

9.1. Key Strengths

- The museum's response to Covid-19 in developing activities and transition to digital as well as supporting wider council services during the pandemic.
- A professional and committed staff across all roles in the museum
- Success in securing external funding from strategic funders
- Increased sector recognition especially for Hastings Digital Museum, the Indigenous Engagement Policy and community working
- Growing partnership-working with community groups and openness to establishing new partnerships
- Growing volunteer programme which retains and values existing volunteers as well as brings new people through
- Broad programme of activity and developments to support them i.e. new website.

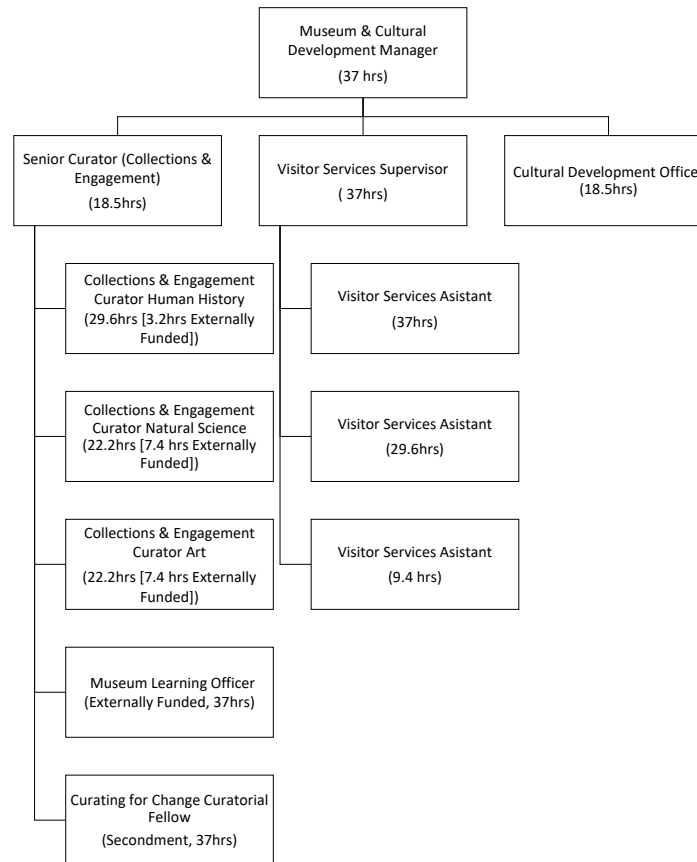
9.2. Areas of Weakness / For Development

- The ongoing impact of the pandemic resulting in reduced visitor figures and people not as willing to visit indoor venues.
- A greater focus on how all staff can contribute to generating additional income and the training and development this will require. Reductions to local government funding means the museum must generate more of its own income for future resilience small number of staff to deliver programme
- There is insufficient space in the building to develop services such as a café and improve collections storage; this also limits schools visits and events.
- Composition of museum committee not aligned with requirements of strategic funding bodies
- Embedding engagement progression meaningfully from project into volunteers and regular visitors

10. Resources

10.1. Human

The museum has 6.2 full time equivalent (FTE) core-funded posts with an additional 1.48 FTE externally funded posts. The museum's human resources, both paid and volunteer, are central to achieving the aims of this business plan. We are committed to continuing to develop our volunteer programme. We aim to improve progression for project participants into volunteer roles that maintains our relationship with communities over the longer period. The museum's 2018 restructure has brought considerable success to the museum. We will regularly review staff structures and our volunteer offer and make improvements as necessary to help in the delivery of this business plan.



**Proposed structure 2022*

10.2. Physical

The museum’s success in recent years has demonstrated that location is not an unsurmountable barrier to reaching more people. Instead, it is the lack of space and facilities in the building that are the major limiting factors. This business plan includes the aspiration to begin the capital redevelopment of the building by 2025. There is an on-going commitment to improving facilities, displays and visibility of the museum where we can from core budgets and in line with our inclusive and climate emergency ambitions.

The museum’s identity is continuing to evolve and is beginning to be recognised more widely across the South East of England. Our digital presence has grown significantly since 2018. We aim develop the museum’s website and social media presence. We are increasing our focus over this business plan on developing collections information and improving our use of our MODES collections database in partnership with volunteers and local people.

11. Audiences

Prior to Covid general visitor attendance had increased by 40% on 2017-18. This increase exceeded the modest increases intended in the previous business plan; sadly lockdown stopped this progress. The continuing prevalence of Covid is making people very nervous of visiting indoor venues and has resulted in very low visitor numbers since reopening. Our visitor targets reflect this, and our ambition is now to recover those visitors. We aim to return to our pre-Covid visitor numbers set during 2017-18 by the end of this plan:

	2021-22	2022-23	2023-24	2024-25
Total Visitors	10,000	21,500	33,000	43,500

Page 65

We have developed an improved understanding of our visitors since 2018. We recognise the continued importance of collecting and analysing visitor data to create programmes that are of interest to our audiences and users. We will continue to collect data through Audience Finder, post codes, evaluation forms and by using evaluators for our externally-funded projects.

11.1. Target Audiences

Over the course of this business plan we will maintain our relevance to residents and visitors. Our audience segmentation recognises that to effectively serve our communities requires a range of programmes, exhibitions and activities. Our target audiences have been developed by evaluating existing audience data and research produced as part of our future development plans. In addition to our own data, we have also used *Audience Segments*, Morris Hargreaves McIntyre’s *Covid Audience Mindsets and Digital Visitor’s New COVID Consumer Segments* to understand our audiences and the effect of the pandemic on their behaviours.

Core Audiences

Primary users <i>Regular, repeat users, larger numbers</i>	Secondary users <i>Regular users, low numbers, activity-based</i>
Families with children	Local studies and researchers

Older Adults Primary Schools	Volunteers and community groups Digital users
---------------------------------	--

Developmental Audiences

Underserved communities working with Optivo	Disabled and neurodiverse communities through Curating for Change	LGBTQ+ communities with the Hastings Queer Heritage Collective	People seeking sanctuary with The Refugee Buddy Project	Home education families through our Facebook group
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12. Finance

Covid-19 has created an unprecedented demand on the council's financial resources. We are very mindful of this and are committed to supporting the council by reducing our core costs and generating more earned income where possible. There can be no guarantee that future budget pressures will not impact on service delivery. The museum budget will be confirmed annual in the budget setting process. The table below is indicative and only for comparison purposes. It includes confirmed grant funding for the Museum & Schools Programme and from the Esmée Fairbairn Collections Fund until March 2023.

	2021-22 ¹	2022-23	2023-24	2024-25
Earned Income	£-18,480	£-20,000	£-25,000	£-30,000
Grant Funding	£-108,745	£-90,500		

Expenditure				
Staffing	£274,128	£265,894	£215,604	£215,604
Building	£77,480	£64,480	£62,000	£60,000
Travel	£1060	£500	£500	£500
Supplies & Services	£100,320	£83,040	£46,670	£46,670
HBC Recharges	£85,970	£85,970	£85,970	£85,970

¹ Projection not actual figures

Operating Cost	£411,733	£389,384	£385,744	£378,744
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12.1. Financial Management

Hastings Borough Council has robust systems and controls for monitoring the movement of monies through internal processes and external audits. A summary of the income and expenditure is reported annually and published with the council's accounts.

12.2. Income Generation, Fees and Charges

The museum's schedule of fees and charges is reviewed annually as part of Hastings Borough Council's budget setting process and updated accordingly. The business plan includes actions to increase spend per visitor and develop new income streams with the aim of improving the level of revenue generated. The indicative income targets from 2022-25 are:

	2021-22	2022-23	2023-24	2024-25
Total Visitors	10,000	21,500	33,000	43,500
Income	£-18480	£-20,000	£-25,000	£-30,000

13. Risk Analysis

The aims of this business plan will be achieved through the identification, evaluation, monitoring of risks across all processes. The responsibility to manage risk rests with all officers and elected members, the risks to the services will be reviewed and updated annually.

	Very Low 1	Low 2	Medium 3	High 4	Very High 5
Probability	<10%	10 - 25%	25 - 50%	50 - 75%	>75%
Impact	Minimal No interruption to service delivery	Minor Temporary disruption to service delivery	Significant Interruption to part of the service	Severe Full interruption to service delivery	Catastrophic Complete service failure

Minimum Score = 1
Maximum Score = 25

Low Risk = 1-4 Medium Risk = 5-11 High Risk = 12-25

No	Risk	Consequence	Control	Risk Level	Change
1.	Unable to implement proposed governance changes	<ul style="list-style-type: none"> Reduction in funding opportunities from strategic funders Representation gap is perpetuated 	<ul style="list-style-type: none"> Transparency in governance discussions Effective communications around changes 	High Very High (P) Severe (I)	New
2.	Funding for the service reduced	<ul style="list-style-type: none"> Decrease in service 	<ul style="list-style-type: none"> Transparency in budget setting and management process 	High Medium (P) Severe (I)	Static
3.	Unforeseen problems occur which require financial input.	<ul style="list-style-type: none"> Decrease in service Cessation of service 	<ul style="list-style-type: none"> Regular inspection and maintenance regime 	High Medium (P) Severe (I)	Static
4.	Natural or other disaster affecting museum	<ul style="list-style-type: none"> Temporary disruption to service Complete service failure 	<ul style="list-style-type: none"> Disaster Recovery Plan is in place outlining all the actions to be undertaken in case of emergencies occurring. 	High Medium (P) Catastrophic (I)	Increased
5.	Revenue income lower than anticipated	<ul style="list-style-type: none"> Budget does not balance and drain on Council reserves Decrease in service 	<ul style="list-style-type: none"> Consolidate existing provision. Review costs and charges Identify income generating opportunities 	Medium Medium (P) Minor (I)	Static
6.	Loss of key members of staff	<ul style="list-style-type: none"> Temporary disruption to service 	<ul style="list-style-type: none"> Documentation and recording procedures in place Handover periods agreed 	Medium Medium (P) Low (I)	Static
7.	Failure to maintain the health, safety and wellbeing of staff, volunteers and visitors	<ul style="list-style-type: none"> Temporary disruption to service Complete service failure 	<ul style="list-style-type: none"> All statutory H&S legislation followed Comprehensive Insurances is in place 	Low Low (P) Catastrophic (I)	Static
8.	Loss or damage to the collection	<ul style="list-style-type: none"> Temporary disruption to service 	<ul style="list-style-type: none"> Documentation and recording procedures in place 	Low Medium (P)	Static

			<ul style="list-style-type: none">• Handover periods agreed	Low (l)	
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14. Monitoring and Evaluation

The museum recognises the performance and achievements of its staff is best supported by encouraging reflective practice and evaluation. Regular staff reviews will identify individual and team development needs to deliver this plan in line with the council's HR policies. The Museum and Cultural Development Manager is responsible for the delivery of this business plan. Annual audits and internal reviews are carried out across the museum service, as part of Hastings Borough Council's corporate practice. We will measure our performance against the objectives of this business plan and meeting our Key Performance Indicators.

Appendix 1 Annual Action Plan 2022-23

Aim One: Inclusive				
Reduce barriers to participation facing audiences and communities by including them in decision making to create enjoyable, educational and memorable experiences and foster a sense of ownership and pride in the museum.				
Objective	Measure	Timescale	Owner²	RAG Status
Introduce community participation in decision making	i. Develop plan for introducing community participation into decision making	September 2022	i. MCDM	
	ii. Update Museum Committee membership iii. Create community programming board iv. Setup a Disability Heritage Coproduction Group	March 2023 (ii.-iv)	ii. MCDM iii. SC iv. SC/CfCCA	
Increase number and range of visitors to the museum	i. Increase visitor figures to 21,500 for 2022-23 ii. 380 Audience Finder Surveys Completed iii. 500 Post Codes collected iv. Evaluation for each exhibition and event undertaken and reviewed	March 2023 (i.-iii.)	i. All ii. SC/VSS iii. VSS iv. CECs/VSS	
		On-going		
Community engagement projects developed with developmental audiences	i. Deliver the Esmée Fairbairn Collections Fund project <i>Democratising the collections for the 21st Century</i> with: a. Home education families b. Hastings Queer Heritage Collective c. People seeking sanctuary d. Disabled and neurodiverse communities ii. Develop partnership with Optivo and one activity in for residents in Bromsgrove, Hollington and Downs Farm	March 2023 (i.-ii.)	i. SC/CECs	
			ii. SC/CECs	
Annual exhibition programme	i. Three gallery exhibitions ii. Two walkway exhibitions	March 2023 (i.-iii.)	i. SC/CECs ii. SC/CECs	
Annual events programme	i. Ten family events ii. Two adult events per gallery exhibition iii. Two special events p.a.	March 2023 (i.-iii.)	i. All ii. All iii. All	
Annual programme of co-curated outputs	i. Three co-produced outputs (displays, digital, events etc.)	March 2023	i. SC/CECs	

² Initials of positions referenced in the organisation chart on page 10

Aim Two: Connected Promote a contemporary view of the museum through partnerships and collaboration with local people in their communities with partners and cultural organisations.				
Objective	Measure	Timescale	Owner	RAG Status
An effective marketing strategy in partnership with HBC	<ul style="list-style-type: none"> i. Meet print deadlines for events and exhibitions ii. Upload all events and exhibitions to 1066 Country website iii. Update the website to include all formal learning sessions and downloadable resources iv. Develop ceremonies marketing v. Develop marketing materials for formal schools sessions and LEGO innovation centre 	March 2023 (i.-iii.) December 2022 September 2022	<ul style="list-style-type: none"> i. ALL ii. SC/VSS/MLO iii. SC/VSS/MLO iv. VSS v. MLO 	
Developed partnerships with communities through outreach activities	<ul style="list-style-type: none"> i. Develop 3 family friend activities for use at community events ii. Attend 3 community events p.a. 	August 2022 March 2023	<ul style="list-style-type: none"> i. SC/CECs ii. CECs/MLO 	
Develop partnerships to support programme development and attend relevant participate in local and sector networks.	<ul style="list-style-type: none"> i. Attend Culture Leaders Group, Culture East Sussex, HRAEN, Action Learning Set and Curating for Change meetings etc. ii. Partner with local organisations and practitioners where the opportunity arises to support programming iii. Curating for change Delivery of programme aims and outcomes 	March 2023 (i.-iii.)	<ul style="list-style-type: none"> i. MCDM/SC/MLO ii. SC/CECs/MCDM iii. SC 	
Maintain a flourishing volunteer programme	<ul style="list-style-type: none"> i. Support 500 hours of volunteering ii. Update the website to include volunteering section iii. Develop induction and exit process for volunteers. iv. Explores ways of acknowledging and supporting volunteers. 	March 2023 July 2022 December 2022 December 2022	<ul style="list-style-type: none"> i. All ii. SC/VSS iii. SC/CECs iv. SC/VSS/MCDM 	

Aim Three: Educational				
Inspire creativity and lifelong learning through the innovative use of collections to create fun and thought-provoking learning opportunities.				
Objective	Measure	Timescale	Owner	RAG Status
Maintain Museum & Schools targets and reporting requirements	i. Comply with funding requirements i. Attend Action Learning Set meetings	March 2023 (i.-ii.)	i. MLO i. MLO	
Increase the number and range schools visiting the museum	ii. Increase school visitor figures 2019 level iii. Establish links with 100% of schools within HBC area	March 2023 (i.-ii)	ii. MLO iii. MLO	
Develop formal learning programme on offer at HMAG	i. Review formal learning workshops ii. Review update loans boxes iii. Roll out blended learning sessions iv. Increase LEGO innovation studio uptake v. Deliver 50 arts awards p.a. vi. Update risk assessments and existing resources vii. Invest in resources and learning infrastructure	June 2022 September 2022 June 2022 March 2023 March 2023 August 2022 March 2023	i. MLO ii. MLO iii. MLO iv. MLO v. MLO vi. MLO/MCDM vii. MLO/MCDM	
Informal learning programme with targeted local groups	i. Continue to support Starlings Music Group ii. Develop adult learning provision in response to local needs, in partnership where appropriate	March 2023 (i.-ii.)	i. MLO/SC ii. MSP/SC/CECs	
Work experience and placements offered to pupils and education providers.	i. Host two week-long work experience placements for local secondary school pupils ii. Host one student placement from Supported Education at East Sussex College. iii. Develop placement opportunities for up to four University level students iii. Maintain Industry Champion status	March 2023 (i.-iii.)	i. ALL ii. VSS/VSA's iii. SC/MLO/VSS	

Appendix 2 Equality Action Plan 2022-25

Introduction

Our Equalities Action Plan sets out the direction of our inclusivity work from 2022-25. It also draws upon Hastings Borough Council's Equalities policies and corporate plan. Equality and diversity is critical to our vision for Hastings Museum & Art Gallery. Our business plan puts inclusivity and representation at the heart of the museum's work for the next three years.

Over the life of this business plan we aim to embed this approach to effect long-term institutional change. We will continue to diversify our programming, promoting co-production and reduce the representation gap within our collections. Our approach is to embed our commitment to equality in all our areas of work from decision making to engagement programmes and activities. This document sets out the context of our work and should be read in conjunction with our business plan.

Mission

Our mission is 'to inspire people and connect communities with contemporary issues and the cultural and natural heritage of Hastings.' Our Equalities Action Plan contributes to this by outlining the actions we are taking to reduce discrimination, advance equality of opportunity and build relationships that allow a wider range of people to take part in our work, decision making and ultimately benefit from the service we provide. We are also committed to making sure the museum workforce is more diverse.

Strategic Aims

Equality and diversity run through our strategic aims and are at the heart of our ambition to create a more equitable and accessible service by 2025:

Aim One: Inclusive

Reduce barriers to participation facing audiences and communities by including them in decision making to create enjoyable, educational and memorable experiences and foster a sense of ownership and pride in the museum.

Aim Two: Connected

Promote a contemporary view of the museum through partnerships and collaboration with local people in their communities with partners and cultural organisations.

Aim Three: Educational

Inspire creativity and lifelong learning through the innovative use of collections to create fun and thought-provoking learning opportunities.

Aim Four: Sustainable

To increase museum's resilience by listening to our visitors, taking action to reduce our carbon footprint, care for the collection, manage the building and increase earned income.

Implementation

All members of the museum team are responsible for delivering this action plan. Where specific duties are allocated, this is indicated in the actions below. We will work with colleagues in the council and with relevant organisations to deliver this plan. We will work with community partners to ensure we are meeting the needs of our communities and also to access appropriate support networks. The action plan will be reviewed as part of our annual planning cycle and action reported or updated as required.

Priorities

Through this action plan we aim:

- Develop our organisation and people: to have a team that understands equality and diversity issues and is confident in creating an inclusive and welcoming environment
- Develop our audiences: for our audiences and volunteers to be more representative of the diverse communities of Hastings
- Make our work accessible: to have programmes and services which are relevant and representative of our communities
- Make our collection accessible: develop the collection so that is more representative of our communities.

Priority	Actions 2022-23	How will the impact of the action be monitored?	Timescale	Owner	RAG Status
Develop our organisation and people	i. Introduce a programme of equality and diversity training	i. Annually through: a. HBC appraisal process b. Individual workplans c. Team skills / CPD needs analysis	April 2023	i. MCDM	
	ii. Review use of data to improve data collection, analysis and reporting	ii. Review data methodology and collection and use of data for colleagues, volunteers, museum committee and engagement programmes	April 2023	ii. SC/VSS	
	iii. Achieve greater diversity in volunteers, programme participants and museum committee through review of recruitment practices	iii. Annually through monitoring data	April 2023	iii. MCDM	
Develop our audiences	i. Maintain audience data collection and evaluation	i. Meeting minutes / records of decisions	Annually 2022-25	i. SC/MCDM	
	ii. Working with social housing provider Optivo and associated organisations to	ii. Documentation, programme outputs, records of meetings, records of decisions	April 2023	ii. SC	

	engage with the most deprived parts of the town through a programme of outreach and fundraising iii. Develop and promote engagement and volunteering opportunities for communities who do not currently have a relationship with the museum	iii. Annual review of data	Annually 2022-25	iii. SC/CECs	
Make our work accessible	i. Work with local groups and community organisations to create programmes relevant to the local communities we serve ii. Identify and act on opportunities to react and engage with current issues affecting communities	i. Documentation, programme outputs, records of meetings, records of decisions ii. Programme outputs, records of meetings, records of decisions	Annually 2022-25	i. SC/MCDM	
Making our collection accessible	i. Improve our understanding of how all communities are represented in the collections through documentation projects ii. Ensure that new interpretation tells accurate stories and fairly represents relevant communities involved	i. Analysis of visitor data and feedback, community participation board and meeting minutes / records of decisions ii. Documentation, programme outputs, records of meetings, records of decisions	Annually 2022-25	i. SC/MCDM	

Appendix 3 Climate Emergency Action Plan 2022-25

Introduction

This action plan has been developed to support the council's Climate Emergency Strategy 2020 and corporate plan to be a 'green' town with zero carbon footprint. We recognise the importance the council gives to addressing global climate change, including biodiversity, through strong commitment and actions. We pledged to do our bit to support the council's ambition to become carbon neutral by 2030. Our Climate Emergency Action Plan aims to reduce the museum's carbon emissions and encourage cultural partners and organisations to also take action.

The museum's climate emergency priorities are to:

- understand what the climate emergency is and what carbon literacy means
- consider climate change in the planning and delivery of everything we do
- reduce our carbon emissions and energy use
- work with cultural partners and communities to take action
- support biodiversity and the natural environment of the museums grounds.

Priority	Action	How will the impact of the action be monitored?	Timescale	Owner	RAG Status
To understanding what the climate emergency and what carbon literacy means	i. To train the team in Carbon Literacy – by 2025 all members staff will have completed Carbon Literacy training ii. To share learning with partners and communities by including the climate emergency and carbon literacy in engagement programmes	i. Number of team members completing Carbon Literacy training ii. Inclusion of climate emergency / carbon literacy in engagement programmes	Annually 2022-55 March 2024	i. MCDM ii. SC/CECs/MLO	
To consider climate change in the planning and delivery of everything we do communities of Hastings	i. To develop process/system for climate change to be included in decision making ii. Climate change and carbon impact to feature in decision making iii. Impact of climate change actively affecting decisions on programming	i. Implementation of climate change into decision making ii. Meeting minutes / records of decisions iii. Meeting minutes / records of decisions	March 2023 March 2024 March 2025	i. SC/MCDM ii. All iii. All	
To reduce our carbon emissions and energy use	i. Continue to replace lighting with LED alternatives	i. Annual inspections and lighting improvements ii. Meeting minutes / records of decisions	Annually 2022-25	i. SC/VSS/VSAs ii. SC/CECs	

	<ul style="list-style-type: none"> ii. We will eliminate single use products from our temporary exhibition programme iii. We will remove single use plastics and materials from education session and on-gallery learning iv. We will no longer stock plastic goods in the shop v. Carbon reduction will be feature of the museum development plans vi. Where possible use local suppliers for goods and services 	<ul style="list-style-type: none"> iii. Audit of materials iv. Annual stocktake, records of new products stocked v. Documentation, records of meetings, records of decisions vi. Meeting minutes / records of decisions 		<ul style="list-style-type: none"> iii. MLO iv. VSS v. MCDM vi. VSS/SC/MLO 	
To work with cultural partners and communities to take action	i. Coordinate with local partners to develop collective actions to reduce waste	i. Records of meetings, records of decisions	On-going	i. MCDM/SC/VSS	
	ii. Work with local groups to engage with current issues affecting the local environment	ii. Documentation, programme outputs, records of meetings, records of decisions	On-going	ii. SC/CECs	
To support biodiversity and the natural environment of the museums grounds	i. Develop the collections garden with support of volunteers	i. Records of meetings, annual review	Annually 2022-25	i. VSS/CECs	
	ii. To introduce a wild meadow area in the grounds	ii. Records of meetings, annual review	March 2023	ii. MCDM/VSS	
	iii. To include biodiversity actions within the museum redevelopment plans	iii. Documentation, records of meetings, records of decisions	March 2023	iii. MCDM	

Appendix 2 Museum Development Action Plan 2022-25

Introduction

The 2022-25 business plan includes the aspiration to begin the capital redevelopment of the building by 2025. Hastings Borough Council is exploring the possibility of a capital development to transform and expand Hastings Museum & Art Gallery. The project aims to address longstanding limitations of the museum building and allow for a much wider range of the collections to be displayed. The growth of the museum since 2018 has highlighted the need to expand the museum to grow income and also to accommodate the significant increase in visitors coming to the museum.

Background

Richard Adams Architects - 2016

A feasibility study on special development at the museum was undertaken in 2016 by Richard Adams Architects. They identified key issues with the existing configuration of the museum:

- Poor circulation routes for both able-bodied and disabled visitors
- The need for clear separation between publicly accessible and back-of-house spaces
- Out of date and poor quality displays
- Poor quality exhibition spaces
- Lack of opportunities for income generation
- Lack of facilities for visitors including café/refreshments space and toilets
- Lack of dedicated learning space and / or multifunction space for hires and events
- Lack of storage space
- Lack of public access to stored collections including the museum archives and library
- Poor staff facilities.

Testing and growth – 2017-2020

Gallery improvements, signage upgrades and new programmes have been introduced since 2017. This has led to an increase in number of people using the building and highlighted the need for additional spaces to accommodate the greater numbers of people as well as the more varied use of the premises. It has also shown that existing infrastructure cannot grow further and that income generation cannot be significantly improved as it currently is.

Imagemakers and Focus Consultants - 2021

In 2021 Imagemakers and Focus Consultants were appointed to develop the necessary plans for a National Lottery Heritage Fund application for the capital redevelopment of the museum including an outline business plan, activity plan, and interpretation plan.

Tate+Co – 2022

In early 2022 Tate+Co were appointed to provide architectural support for the National Lottery Heritage Fund application. They are heading a consortium of experts looking at the feasibility and technical aspects of the proposed development. They are working with Imagemakers and Focus Consultants to complete the documentation required for funding applications.

Timescale

This business plan includes the aspiration to begin the capital redevelopment of the building by 2025. The project timeline is yet to be fully agreed and significant barriers remain to in delivering a successful redevelopment.

Stage	2021				2022				2023				2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Appoint business plan, interpretation and activity planners		Aug														
Consultation on interpretation and activity plans			Oct													
Appoint architectural services consultant				Dec												
Development of building options				Feb												
First issue of building, interpretation and activity plans				Mar												
Consultation on building, interpretation and activity plans					Apr											
Final issue of building, business plan, interpretation and activity planners					Apr											
National Lottery Heritage Fund Expression of Interest						May										
Project Management Toolkit Type 4										Mar						
Application submitted to National Lottery Heritage Fund												Mar				
National Lottery Heritage Fund Decision													Aug			
Development Phase Begins																Mar

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Agenda Item 9



Report To: Cabinet

Date of Meeting: 6 June 2022

Report Title: Household Support Fund

Report By: Peter Grace (Chief Finance Officer)
Scott Herridge (Benefits Team Leader)

Key Decision: Yes

Classification: Open

Purpose of Report

The purpose of this report is to advise the Cabinet and Council of the launch of a second phase of the grant scheme for the period April 2022 to 30 September 2022. The Council will be in receipt of grant funding from East Sussex County Council (ESCC) amounting to £412,280 for the government's Household Support Fund scheme. The funding will assist with energy, water, and food costs to those claiming benefits.

Recommendations

- 1. To agree the actions taken by the Council's officers, in consultation with lead Councillors, to launch, and administer a second phase of the Household Support Fund scheme.**
- 2. To continue to administer payments to residents who qualify in accordance with the scheme's revised eligibility criteria.**

Reasons for Recommendations

- 1. To advise the Council of urgent actions taken in the administration and distribution of the Household Support Grant to qualifying vulnerable households in the Borough, in order to support those most in need with the rapidly rising cost of essentials.**

Introduction

1. On the 23 March 2022 the Department for Work and Pensions (DWP) announced an extension to the Household Support Fund designed to assist vulnerable households with the rapidly rising cost of essentials such as fuel, water, and food. The Household Support Fund has had to be set up and delivered quickly, with the grant to be spent by 30 September 2022.
2. East Sussex County Council have received funding of £3,896,783.88 and they have requested assistance from the East Sussex District and Borough Councils to distribute approximately £1,590,083.
3. Wealden DC have led a Task and Finish group with support from Rother, Hastings, Eastbourne, and Lewes to design a support scheme that meets the DWP guidance and supports vulnerable households.
4. The scheme has been authorised on the grounds of urgency, with no perceived net cost to the authority, and in consultation with the lead member of each of the political groups following the recent election.
5. Whilst there is no net cost, there is an impact on resources and the delivery of existing services particularly within the Revenues and Benefits team and backfilling of posts is required.
6. The Council will distribute the monies received less 12% - which is towards administration costs.

Eligibility and Award levels

7. The Household Support Fund provides additional financial support for households struggling to meet the costs of utilities and essential supplies. The government's fund guidance identifies that the following could be covered by the grant:
 - a) **Energy and Water** – the Fund should primarily be used to support with energy bills for any form of fuel that is used for the purpose of domestic heating, cooking, or lighting, including oil or portable gas cylinders. It can also be used to support with water bills including for drinking, washing, cooking, and sanitary purposes and sewerage.
 - b) **Food** - the Fund should also primarily be used to provide support with food whether in kind or through vouchers or cash.
 - c) **Essentials linked to energy and water** - the Fund can be used to provide support with essentials linked to energy and water (including sanitary products, warm clothing, soap, blankets, boiler service/repair, purchase of equipment including fridges, freezers, ovens, etc.), in recognition that a range of costs may arise which directly affect a household's ability to afford or access food, energy and water.
 - d) **Wider essentials** - the Fund can be used to support with wider essential needs not linked to energy and water, should Authorities consider this appropriate in their area. These may include, but are not limited to, support with other bills including

broadband or phone bills, clothing, and essential transport-related costs such as repairing a car, buying a bicycle, or paying for fuel.

8. The Task and Finish Group concluded that the Fund should initially focus on the two primary support measures a) and b) – Energy and Water and Food. However, the project will be closely monitored and the wider aspects c) and d) considered if appropriate and subject to funding being available.

9. Eligibility criteria

Applicants must be over the age of 18
Resident in East Sussex (and resident in the LA to which they are applying), and

In receipt of one of the following means tested benefits –

- a. Universal Credit
- b. Housing Benefit
- c. Pension Credit
- d. Council Tax Reduction
- e. Working Tax Credit
- f. Income Support
- g. Income Based Job-Seeker's Allowance
- h. Income-related Employment and Support Allowance

10. Officers have set up a new application process using the Ascendant system. The Ascendant system was also used for the Household Support Fund that ran very successfully from October 2021 to March 2022.
11. Whilst the application process is being administered and assessed by the Revenues and Benefits team, they are being supported by the Community Hub/Contact Centre, and the Finance team who will issue payments for Energy and Water. At the time of drafting this report (19 May 2022) the funding from ESCC is awaited – expected shortly.
12. The Fund is being launched across the whole of East Sussex using the same eligibility criteria and level of award. The Council's communications team are again involved on website and media messaging.
13. The level of awards are detailed briefly below and in Appendix 1 to the report. In brief the payment levels are lower from the last round in order that the monies reach more people.

Energy and Water costs – Support will be provided for the following

- Utility bills for gas (mains or LPG), oil, or electricity
- Water and/or sewerage bills

There will be one award of £50.00 for energy and water costs.

Food – Support with the costs of food will be provided in vouchers which can be spent in all the main supermarkets. Vouchers will be administered via [Huggg](#)

The following allowances for food vouchers will be given:

Child	£30 each child in the household
Adult	£50 each adult in the household

Multiple applications

Applicants can make one application to the council for both the food scheme and the utilities during the lifetime of the scheme.

Implications

Financial

14. The council will receive £412,280 of the Household Support Grant from ESCC and redistribute to residents. All distributing councils are able to retain 12% of the grant to cover the administration costs involved, resulting in a grant funding pot of £362,807. The Council has already paid £6,700 for the cost of the Ascendant software solution – this is licenced for 1 year and is not due to expire until November 2022.
15. The funding scheme is being designed to be available to more applicants and over a longer timescale; this will result in greater staff time being incurred by the Council. The 12% is expected to fully cover the costs of staff time and associated payment and administration costs but may not do so in practice.

Legal

16. The administration of the Household Support Grant was developed by District and Borough Councils (housing and benefit officers) to ensure it meets the requirements established by Central Government and the Council's powers under the Localism Act 2011.

Anti-poverty

17. The Household Support Grant is designed to help the most vulnerable households in the Borough. The government guidance states that at least one third of the total funding must be ring-fenced to support households with children, at least one third of the total funding must be ring fenced to support pensioners and up to one third of the total funding is to be administered to other households genuinely in need of support . In order to meet these requirements East Sussex County Council will primarily focus on households with children while District and Borough Council's will run separate schemes for the pensioner and working age groups. The funds will be available to pension and working age households both with and without children as well as single applicants.

Organisational consequences

18. Several teams across the Council have urgently prioritised work to support the implementation of this new scheme in a matter of days, including Revenues and Benefits, ICT, Legal, Transformation, Communications, Financial Services, and the Community Contact Centre. The costs of staff resources will be met by the Household Support Grant as part of the administration charge. However the diversion of senior staff onto this and other grant schemes is already impacting on other work – particularly within Revenues and Benefits.

Risk Management

19. This is effectively an extension to the Household Support Fund scheme that has been run successfully to date, which involves distribution of financial assistance and food vouchers. There are Fraud assurance checks built into the systems and procedures in place. Should the take up of the scheme be lower than anticipated then it will be possible to amend the eligibility for the scheme in conjunction with the other authorities within East Sussex and subject to the determination by ESCC.
20. A risk log is being maintained with the project documentation. Additional staffing resources are being identified within the existing Revenues and Benefits team and further backfilling of posts may well be required.

Wards Affected

All

Policy Implications

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

Additional Information

Appendix 1 – Local Eligibility Framework

Officers to Contact:

Scott Herridge
sherridge@hastings.gov.uk

Peter Grace
pgrace@hastings.gov.uk

HOUSEHOLD SUPPORT FUND LOCAL ELIGIBILITY FRAMEWORK

EAST SUSSEX DISTRICT AND BOROUGH COUNCILS

Introduction

On 23 March the government announced a further Household Support Fund to support those most in need. The grant will run from 1 April 2022 to 30 September 2022 and East Sussex County Council has been allocated **£3,896,783.88**. The Department for Work and Pensions has set out how the scheme should be allocated. The criteria include a requirement for at least one third of the total funding to be spent on pensioners; at least one third of the total funding to be spent on vulnerable households with children; the remainder to be spent on other vulnerable households; and there is a stronger emphasis on energy bills.

East Sussex County Council have allocated Hastings Borough Council **£412,280** to provide support to vulnerable households and cover the Council's administration costs.

One half of the funds allocated to Hastings Borough Council are to be spent on pensioners and the remainder is to be spent on other vulnerable households. The funds will be available to households both with or without children as well as single applicants.

There will be separate Food and Energy/Water schemes for State Pension age and Working Age applicants.

The schemes will be open to all applicants that meet the eligibility criteria below-

Eligibility criteria

- Applicants must be over the age of 18
- Resident in East Sussex (and resident in the LA to which they are applying)
- In receipt of one of the following means tested benefits –
 - Universal Credit
 - Housing Benefit
 - Pension Credit
 - Council Tax Reduction
 - Working Tax Credit
 - Income Support
 - Income Based Job-Seeker's Allowance
 - Income-related Employment and Support Allowance

Scheme criteria

1. Energy and Water costs – Support will be provided for the following

- Utility bills for gas (mains or LPG), oil, or electricity

- Water and/or sewerage bills

There will be one award of £50 for energy and water costs.

2. Food – Support with the costs of food will be provided in vouchers which can be spent in all the main supermarkets. Vouchers will be administered via [Huggg](#)

The following allowances for food vouchers will be given:

Child	£30 each child in the household
Adult	£50 each adult in the household

Multiple applications

Applicants can make one application to the council for both the food scheme and the utilities during the lifetime of the scheme.

If an applicant moves to another authority area, they can claim again subject to eligibility.

Housing costs in exceptional circumstances

Websites will be updated to direct those who identify themselves at risk of losing their home to contact Housing Options (referral link provided on webpage)

Complaints and appeals

There is no right of appeal under this scheme. All decisions are final. Any complaints should be directed to [Our Customer Promise | East Sussex County Council](#)

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Agenda Item 10



Report To: Cabinet

Date of Meeting: 6 June 2022

Report Title: Discretionary Council Tax (Energy) Rebate Scheme

Report By: Peter Grace (Chief Finance Officer)
Buki Adekoya (Revenues and Benefits - Recovery Project Manager)

Key Decision: Yes

Classification: Open

Purpose of Report

To determine a discretionary scheme that will assist, in the first instance, those who have not been eligible for a £150 energy assistance payment under the government's mandatory Council Tax rebate scheme.

Recommendations

1. To agree the scheme proposed in Appendix 1
2. To delegate authority to the Chief Finance Officer in consultation with the Managing Director and lead Councillor for Finance to amend the scheme from 1 August 2022 to ensure any remaining government funding is fully distributed by 30 November 2022.
3. To accept donations from anyone wishing to add to this fund – that will seek to assist those eligible residents least able to afford the large increases in energy costs.

Reasons for Recommendations

1. The agree a discretionary scheme for qualifying vulnerable households that will support those that have missed out on the £150 payment under the government's mandatory scheme, and that are most in need with the rapidly rising energy costs.

Introduction

1. The purpose of this policy is to determine the eligibility for a payment under the Council's Discretionary Council Tax (Energy) Rebate Scheme.
2. The Government announced on 3 February 2022 that it would provide funding for billing authorities to give all households in England, whose primary residence is valued in council tax bands A – D, a one-off payment of £150 from April 2022 to assist with the rise in energy costs (the Mandatory Scheme). The Government also announced that it would be providing funding for billing authorities, such as Hastings Borough Council, to operate a cash limited discretionary fund for households in need, who would not otherwise be eligible.
3. The Government has determined that individual Councils can decide locally the eligibility and award criteria. They have advised that this could include, for example, individuals on low incomes who live in properties valued in bands E – H. The government have also stated that occupants of Class M (student halls) are unlikely to be eligible for discretionary support unless they are exposed to rising energy prices in a similar way to other households and discretionary support should NOT be offered to occupants of property in exemption Class O, where the ministry of defence will provide cost of living support.
4. This rebate will only apply to a household that occupies a property which meets all of the scheme's criteria on 1 April 2022.
5. The government have set council's a deadline to ensure all payments (from government funding) are made by 30 November 2022.

Funding

6. The government have provided funding amounting to £258,750 for the discretionary scheme.
7. The Council will accept donations from anyone who wishes to do so and will use these donated funds to help those who meet the eligibility and award criteria detailed in the scheme and any future amendments to it that provide financial assistance to those struggling to meet energy costs within the borough. The use of any donated monies will follow the use of the government funding and the allocation of these monies could extend beyond the 30 November 2022 deadline.

Eligibility criteria & Award level

8. The Council will make a single one-off payment of £150 which will be made provided the household has their sole or main residence in a dwelling and the following conditions are met:

(a) The household is liable for Council tax and resides in a dwelling with a Council Tax band of E-H,

or

the household is not liable for Council Tax and resides in a dwelling with a Council Tax band of A-D but is responsible for energy bills, and Applicants must be over the age of 18 and be resident in the borough, and

In receipt of one of the following means tested benefits –

- a. Universal Credit
- b. Housing Benefit
- c. Pension Credit
- d. Council Tax Reduction
- e. Working Tax Credit
- f. Income Support
- g. Income Based Job-Seeker's Allowance
- h. Income-related Employment and Support Allowance

Or, is not on those benefits but has net income of not more than £257.69 pw for a single person or £384.62pw for a couple and has capital of no more than £6,000.

9. There will be an application process, either using Ascendant (external system used for mandatory scheme) or an in-house application system if timescales /cost/complexity are prohibitive with the Ascendant system.
10. There are some 57 properties in band E to H where residents claim Council tax reduction. The numbers claiming other means tested benefits are not known. Likewise the numbers of residents , who do not pay Council Tax in the borough but are responsible for energy bills is not known. Hence flexibility, in terms of delegated authority, is sought to amend the scheme, if necessary, after August 2022 should the take up of the scheme make it look likely that not all funds would be distributed by the 30 November 2022.
11. The Council will receive new burdens funding from the government for the management of the mandatory and discretionary schemes. This money will be used to back fill some staff time. The various grant schemes are however impacting on the Revenues and Benefits teams and creating backlogs of work and delaying the start dates of other projects.

Anti-Poverty

12. The distribution of grants under this scheme is part of a package of measures that is aimed at assisting the most vulnerable households in the borough and those on means tested benefits or low incomes (where benefits are not claimed).

Wards Affected

All

Policy Implications

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

Additional Information

Appendix 1 – Discretionary Council Tax (Energy) Rebate Scheme

Officers to Contact:

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HASTINGS BOROUGH COUNCIL

Discretionary Council Tax (Energy) Rebate Scheme

2022-23

Contents

Definitions

1. Purpose of the scheme and Background
2. Funding
3. Eligibility Criteria and Awards
4. Effective Date
5. Alterations to Liability or Council Tax Band
6. Eligibility Disputes
7. How the Council Tax (Energy) Rebate will be paid
8. If you do not pay Council Tax by Direct Debit
9. Completion by online form to claim
10. Provision of Information to the Council
11. Scheme of Delegation
12. Notification of Decisions
13. Review of Decisions
14. Complaints
15. Taxation and provision of information to Her Majesty's Revenues and Customs (HMRC)
16. Managing the Risk of Fraud
17. Recovery of Amounts Incorrectly Paid
18. Data protection and Use of Data

Definitions

The following definitions are used within this document:

‘Chargeable Dwelling’; means any dwelling that appears on the Council’s Council Tax Valuation List on 1 April 2022;

‘Council Tax Exemption or Exempt Dwelling’; means any chargeable dwelling which is determined by the Council as exempt from Council Tax as prescribed by the Council Tax (Exempt Dwellings) Order 1992 as amended;

‘Council Tax Rebate (Energy) Scheme or Mandatory Scheme’; means the scheme announced by the Secretary of State for Levelling Up, Housing and Communities on 3 February 2022 as part of a package of support for rising energy costs;

‘Council Tax Payer or Liable Person’; means the liable person determined by the Council as being responsible for Council Tax under section 6 of the Local Government Finance Act 1992;

‘Council Tax Reduction (or Support)’; means any entitlement awarded under section 13A 1(A) of the Local Government Finance Act 1992;

‘Discretionary Scheme or Fund’; means the scheme determined by the Council in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Effective Date’ ; means the effective date of this scheme. The effective date shall be the situation as at the end of the day on 1 April 2022

‘Empty Dwelling (or premises)’; means any dwelling that is not deemed to be the sole or main residence of a person and are substantially unfurnished;

‘Liability for Owner’; means any dwelling determined to fall within the Council Tax (Liability for Owners) Regulations 1992, for example, House in Multiple Occupation or Residential Care homes;

‘Mandatory Scheme’; means the scheme determined by Government in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Second Home’; means any dwelling not deemed to be the sole or main residence of the liable person and which is furnished as defined by the Council Tax (Prescribed Class of Dwellings) (England) Regulations 2003 as amended; and

‘Sole or main residence’; means the dwelling determined by the Council to be the sole or main residence of a person.

1. Purpose of the Scheme and Background

- 1.1 The purpose of this policy is to determine the eligibility for a payment under the Council's Discretionary Council Tax (Energy) Rebate Scheme.
- 1.2 The Government announced on 3 February 2022 that it will provide funding for billing authorities to give all households in England, whose primary residence is valued in council tax bands A – D, a one-off payment of £150 from April 2022 to assist with the rise in energy costs (the Mandatory Scheme).
- 1.3 The Government also announced that it would be providing funding for billing authorities, such as Hastings Borough Council, to operate a cash limited **discretionary fund** for households in need, who would not otherwise be eligible.
- 1.4 The Government has determined that individual Councils can decide locally the eligibility and award criteria. They have advised that this could include, for example, individuals on low incomes who live in properties valued in bands E – H. The government have also stated that occupants of Class M (student halls) are unlikely to be eligible for discretionary support unless they are exposed to rising energy prices in a similar way to other households and discretionary support should NOT be offered to occupants of property in exemption Class O, where the ministry of defence will provide cost of living support.
- 1.5 This rebate will only apply to a household that occupies a property which meets all of the criteria in the scheme on 1 April 2022.
- 1.6 The government have set council's a deadline to ensure all payments (from government funding) are made by 30 November 2022.

2. Funding

- 2.1 The government have provided funding amounting to £258,750 for the discretionary scheme.
- 2.2 The Council will accept donations from anyone who wishes to do and will use these donated funds to provide assistance to those who meet the eligibility and award criteria detailed in the scheme and any future amendments to it that provide financial assistance to those struggling to meet energy costs within the borough. The use of any donated monies will follow the use of the government funding and the allocation of these monies could extend beyond the 30 November 2022 deadline.

3. Eligibility Criteria and Awards

- 3.1 The Council will make a single one-off payment of £150 which will be made provided the household has their sole or main residence in a dwelling and the following conditions are met:

a) The household is liable for Council tax and resides in a dwelling with a Council Tax band of E-H, or the household is not liable for Council Tax and resides in a dwelling with a Council tax band of A-D but is responsible for energy bills, and is either:

(i) in receipt of one of the following means tested benefits

- a. Universal Credit
- b. Housing Benefit
- c. Pension Credit
- d. Council Tax Reduction
- e. Working Tax Credit
- f. Income Support
- g. Income Based Job-Seeker's Allowance
- h. Income-related Employment and Support Allowance

Or

(ii) is not on those benefits but has net income of not more than £257.69 pw for a single person or £384.62pw for a couple and has capital of no more than £6,000.

For the purpose of this scheme,

(i) Capital shall be calculated based on the Housing benefit regulations.

(ii) A household is a person or group of persons occupying a single dwelling, as defined in section 3 of the local Government Finance Act 1992. No award will be made for any unoccupied premises or second homes.

Public organisations cannot apply; this includes government departments, legislative bodies, and the armed forces.

4. Effective Date

4.1 The effective date for the scheme is 1 April 2022. The Council will determine eligibility based on the position at the end of that day.

5. Alterations to Liability or the Council Tax Band

5.1 Where the Council has reason to believe that the information they hold about the valuation list, liable taxpayer(s), or residents' circumstances in respect of 1 April 2022 is inaccurate, it will withhold the payment and take reasonable steps to determine the correct information.

5.2 Where records relating to the liable taxpayer (s) or the residents' circumstance in respect of 1 April 2022 are retrospectively updated, the Council will take reasonable steps to either pay the discretionary award or potentially reclaim any payment made.

5.3 In any case, where the Council; tax band of the chargeable dwelling is amended retrospectively after 1 April 2022, for example where a successful appeal is made to

the Valuation Office Agency (VOA) that concluded after this date, the council is not required either to pay any discretionary award or to reclaim any payment made.

6. Eligibility Disputes

- 6.1 The decision of the Council on any eligibility dispute shall be final. Should any taxpayer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details are available on the Council's website.

7. How the Council Tax (Energy) Rebate will be paid

- 7.1 Where the Council determines that all of the eligibility criteria are met in full, payment will be made to the household as defined within Section 3 above. It should be noted that only one discretionary payment will be made per household, regardless of the number of occupants or liable Council Taxpayers.
- 7.2 In all cases an application will be required from household who meet the eligibility conditions. Details on how to claim are available on the Council's website.
- 7.3 Where bank details are provided as part of the application process, the Council is required to verify that the bank details held are those of the eligible household and where multiple residents of an eligible household are jointly and severally liable for Council Tax, the full payment will be made to the account for which the direct debit is held only. Payment of the award, however, is for the benefit of the household as a whole.
- 7.4 No payment will be made where the name on the bank details does not match a liable party. Should the Council require additional information in order to establish the correct person to receive the payment, it is expected that the household provides all necessary details as soon as possible. Further details of how this request will be made and responsibilities to supply such information are detailed below.
- 7.5 In all cases the Council must ensure that payments are made correctly and where appropriate, require household to verify that they are eligible for the payment. Where no such verification can be made or where a household fails to respond to the Council's request, no payment whatsoever shall be made.

8. If you do not pay Council Tax by Direct Debit

- 8.1 Where the household pays by Direct Debit, the billing authority is expected to pay the £150 directly into the bank account in use. People who do not currently pay by Direct Debit will continue to be encouraged to do so to ensure they receive the £150 at the earliest opportunity.
- 8.2 The Council will not be offering payment by cheque but may look to pay via a Post Office (should the system to do so be in place and be sufficiently secure). As a final option, where the recipient may not have a bank account, the Council will credit the

applicant's Council Tax account.

9. Completion by online form to claim

- 9.1 The Council will only accept applications made electronically, as we are using dedicated systems to perform our pre-payment checks.

10. Provision of Information to the Council

- 10.1 Residents, owners and managing agents should note that the Council has powers available to it under Regulation 3 (1) (c) of the Council Tax (administration and enforcement) Regulations 1992, to request such information to determine the correct liable person for Council Tax purposes. The government have stated that these powers may also be used for Council Tax Rebate purposes.
- 10.2 Failure to respond to such a request, without a reasonable excuse, within 21 days could lead to penalties being imposed. The Council therefore encourages all such persons to provide any requested information as soon as possible.

11. Scheme of Delegation

- 11.1 The Council has approved this scheme.
- 11.2 Officers of the Council will administer the scheme, and the Section 151 Officer is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and in line with government guidance and will determine the final distribution of any remaining monies. In the absence of the Chief Finance Officer the Managing Director will be so authorised.

12. Notification of Decisions

- 12.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.
- 12.2 All decisions made shall be notified to the applicant either in writing or by email.

13. Review of Decisions

- 13.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 13.2 All such requests must be made in writing to the Council within 7 days of the Council's decision and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's appeal.

13.3 The application will be reconsidered by a senior officer, as soon as practicable, and the applicant informed in writing or by email of the decision. That decision shall be final.

14. Complaints

14.1 The Council's 'Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this scheme.

15. Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

15.1 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.

16. Managing the Risk of Fraud

16.1 Neither the Council, nor government, will accept deliberate manipulation of the schemes or fraud. Any applicant caught falsifying information to gain grant money will face prosecution and any funding issued will be recovered from them.

17. Recovery of Amounts Incorrectly Paid

17.1 If it is established that any award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

18. Data Protection and Use of Data

18.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

18.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to the relevant government departments and HMRC.

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Agenda Item 11

Report To: Cabinet

Date of Meeting: 6 June 2022

Report Title: Budget Update - May 2022

Report By: Peter Grace
Chief Finance Officer

Key Decision: Yes

Classification: Open

Purpose of Report

1. This report highlights the expected impact of the rapid increases in both inflation and bank base rate since setting the 2022/23 budget in February 2022. The report makes a number of recommendations as a result.

Recommendation(s)

Cabinet recommend to full Council the following:-

- (i) The existing Harold Place project be removed from the Capital programme until such time as a revised scheme for the area is determined.
- (ii) The Capital programme budget for the Castleham Industrial units be increased to £250,000 (from £140,000).
- (iii) The Capital programme budget for Buckshole Reservoir works be increased to £1,353,000 (From £1,253,000)
- (iv) Undertake a Mid-year budget review to potentially increase fees and charges, reduce expenditure, and sell assets.

Reasons for Recommendations

2. The budget report in February 2022 identified that a balanced budget in 2022/23 could only be achieved by using £2.33m of reserves, and that further savings would be required given

the relentless increases in homelessness costs in particular. The forecasts for future years showed annual deficits increasing e.g. £2.426m in 2023/24, £2.544m in 2024/25, and £2.531m in 25/26.

3. Following the steep increases in inflation and bank rates the forecast for the current and future years shows annual deficits potentially increasing by over £900,000 in 2022/23 and over £1,000,000 in 2023/24. Costs for Capital schemes are likewise increasing dramatically.

Introduction

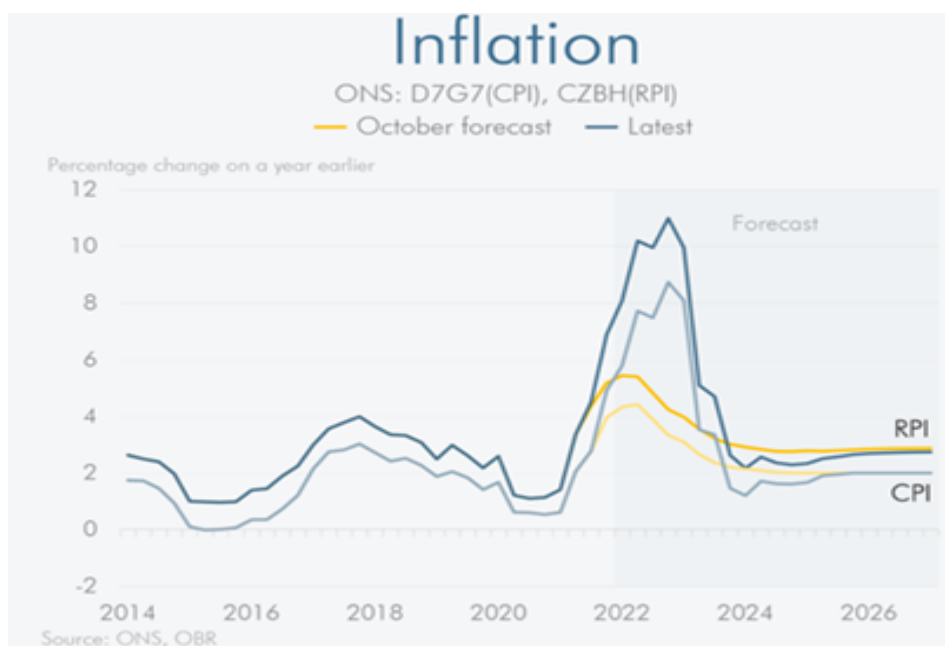
4. When setting the budget for 2022/23 in February 2022 the deficit was estimated at £2.33m. The forecasts for future years showed annual deficits increasing e.g. £2.426m in 2023/24, £2.544m in 2024/25, and £2.531m in 25/26. These deficits look set to increase by over £900,000 in 2022/23 and by more than £1,000,000 in 2023/24. Unless significant savings are identified quickly, and achieved, the Council will fall below the minimum recommended level of reserves in this financial year, and may have exhausted its remaining useable reserves by the end of 2023/24.
5. Whilst inflationary pressures were identified when determining the budget, as a result of Covid-19, Brexit and supply issues, the invasion of Ukraine and resulting implications on energy and food prices means that the resultant impact will be far greater and is predicted to be far more prolonged.
6. High inflation has serious implications for salary and contract costs, along with the cost of borrowing; all of which will impact on the Council in terms of its available resources and size of budgets deficits, which in turn necessitates greater and deeper cuts in services.
7. A number of small amendments to the 2022/23 budget figures will be made during the year as final grant payments are advised to us e.g. Council Tax Support Administration Grant (£153,627, rather than the £156,974 estimate).
8. The financial out-turn position for 2021/22 is being finalised. Initial indications are that income is higher than estimated e.g. car parks and expenditure lower than estimated. As such the deficit may result in a lower call on reserves at 31 March 2022 (previously estimated at £344,623).

Inflation

9. When putting the budget together the Retail Price Index (RPI) was 7.5% and Consumer Price Index (CPI) was 5.4%. The government's projections were for inflation to return to the 2% target level by late 2023.
10. The budget allowed for contract inflation at 3% overall for 2022/23, with all other budgets frozen in cash terms. The report highlighted that any increases above this level would need to be contained within service budgets within the year and also highlighted the need for inflation to be brought under control quickly for costs to be contained within the budget estimates. Whilst the Council had allowed for a £300,000 contingency sum, given the many cost uncertainties the Council is facing this will be insufficient to meet the pressures now faced.

The inflation projection from the Office of Budget Responsibility (23 March 2022) highlights RPI reaching 11% and CPI reaching almost 9% (a 40 year high). The figures for April 2022

showed RPI at 11.1% and CPI at 9% with some forecasters expecting inflation to reach 13% by October 2022. The graph below shows the inflation forecast to 2026.



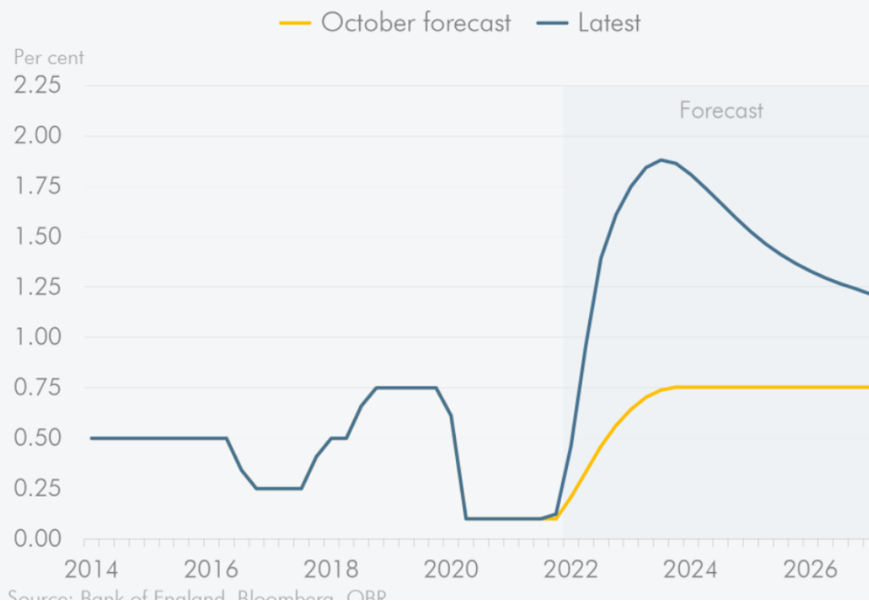
- As an example of the increased costs faced is that of gas prices. These have increased from the 1 April 2022 from 4.76p/kWh to 8.71p/kWh (an 83% increase). So taking the crematorium as an example (about half of our total gas usage) the cost will increase from £40,000 a year to around £80,000 a year including the increase in the standing charge. New electricity prices are being sought very shortly which will impact across the Council from 1 October onwards.

Borrowing

- Base rates decreased in March 2020 firstly to 0.25% (from 0.75%) and then to 0.1% where they remained until December 2022 when they were increased to 0.25% and again to 0.5% in January 2023. At its meeting ending on 16 March 2023, the Monetary Policy Committee (MPC) voted by a majority of 8-1 to increase Bank Rate by 0.25 percentage points, to 0.75%. In April the rate was increased to 1%. Treasury advisers are still anticipating further rate rises throughout 2023/24.
- The Office of Budget Responsibility includes the graph below within its report which forecasts base rates will increase to just under 2%. Council advisers and other forecasters anticipate rates increasing to between 2.5% and 3%

Bank Rate

Official Bank Rate, quarterly average, Bank code: IUQABEDR



14. As of 31 March 2022 the Council's long term PWLB debt stands at £66,063,341. This is all fixed rate debt and much of it is long term debt. The Council would only be exposed to higher interest rates (on existing debt) should it ever wish to, or need to, refinance the debt.
15. Higher inflation can potentially be positive for the Council's balance sheet, as assets appreciate, and the value of the debt (liabilities) decreases in real terms. However, the Council's revenue account will be adversely affected when it comes to taking on new debt at higher interest rates. This can be avoided if the Council sells more assets and finances new projects by using the Capital receipts received to finance the expenditure i.e. avoid new borrowing.
16. The Council will have additional borrowing requirements of some £1.3m in 2021/22 i.e. to finance the Capital expenditure in the year.
17. In 2022/23 and beyond borrowing requirements are high given the ambitious plans of the Council. Borrowing is estimated at £9.6m in 2022/23 and could be far higher if Capital receipts are not received.
18. The affordability of some of these plans needs to be properly tested, on a regular basis given the ongoing uncertainty around Council funding, and the level of reserves available. The Capital programme does not yet include all the Towns Fund schemes – just those accelerated schemes that have been approved.
19. The Capital programme as approved will increase borrowing levels to some £93.6m by 2024/25 and potentially far greater thereafter. The figures exclude any borrowing in respect of Bohemia or in respect of the town centre and any leisure centre. A significantly enhanced programme would increase annual borrowing costs substantially as well as the amount required to be set aside each year to repay this debt (the Minimum Revenue Provision). These schemes could proceed if appropriate funding is identified and the Council can achieve a sustainable budget.

20. There are a number of potential projects and developments that are identified in the Capital Strategy that are currently considered unaffordable given the current level of financial commitments, the sustainability of the Council's budget, and the continued uncertainty on future funding.

Investments

21. The fast diminishing reserves, and the fact that the Council is using internal borrowing to temporarily finance the capital programme results in the Council having lower balances to invest.
22. Given the restricted counterparties list, investment returns of around 0.4% (excluding property funds) were estimated for 2022/23. The returns are expected to increase to around 1%.
23. The Treasury Management Strategy has continued to advocate a policy of keeping the respective levels of debt and investment under review.

Public Sector Pay Settlement and National Living Wage

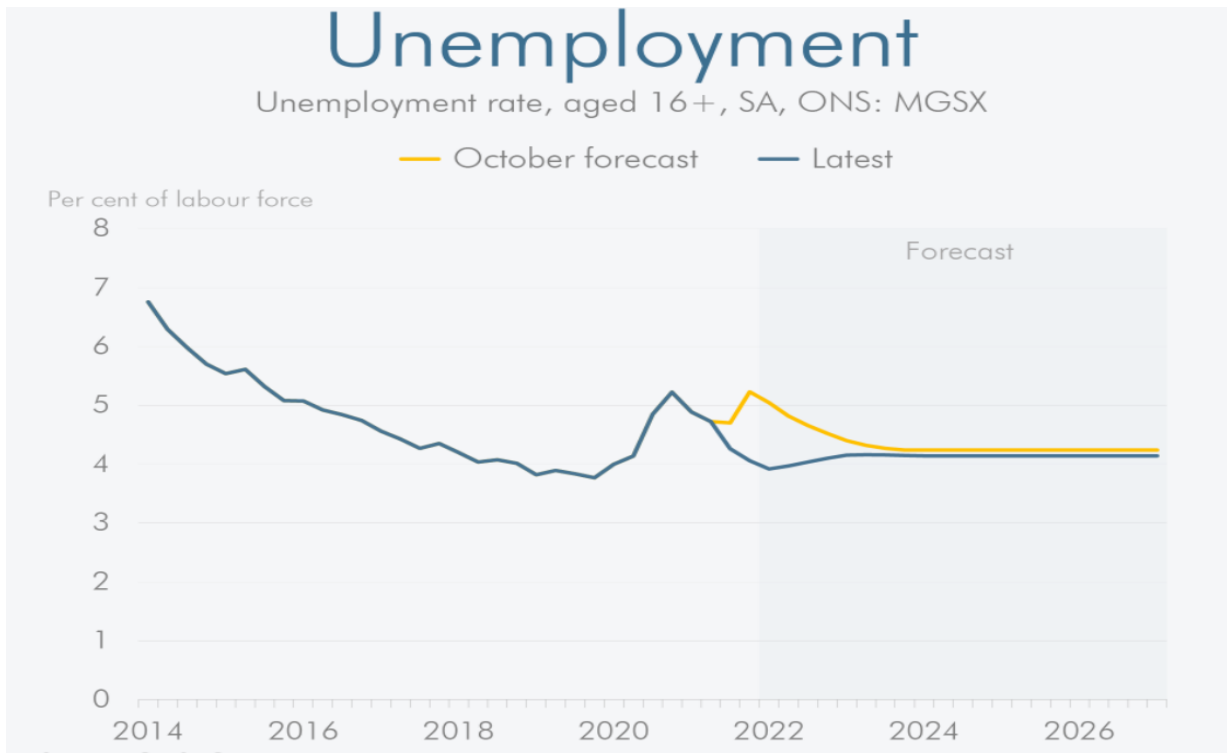
24. The salary increase for 2021/22 was finally agreed at 1.75% (backdated to April 2021). This percentage was allowed for in the revised 2021/22 budget along with contractual increments (equivalent of around ½%).
25. The salaries budget together with national insurance and pension costs amount to some £13.2m in 2022/23.
26. The Council remains committed to paying the accredited living wage of £9.90 per hour (for over 18's from 1 April 2022 – up from £9.50p/h (a 4.2% increase). This is higher than the national minimum/living wage - which increases to £9.50 from 1 April 2021 from £8.91 (a 6.6% increase). These payment levels were extended to the over 23's (previously over 25's).
27. The budget allowed for a 2% pay increase in 2022/23 (plus increments). It was advised that “this estimate may be too low if inflation remains high for long. Any increase above this would need to be met from Contingency”.
28. Given the well below inflation pay rise in 2021/22, and inflation for this year increasing well above expected levels a high pay claim increase can be expected from the unions – against a background of real term grant decreases for this authority. A 4% to 5% increase may be more realistic – but is still a real term pay cut. This percentage increase would translate into an estimated additional cost for the Council of £407,000 p.a.

Other Costs Pressures

29. With a tightening of the economy the Council faces numerous significant risks. These include, for example:
- income receipts, car parks, property rents, cliff railways, beach huts,
 - the collection of Council Tax and business rates,
 - an increase in benefit claimants

- the level of homelessness and rough sleepers

30. The government's latest projection, as per the OBR, indicates an increase in unemployment numbers in the near term.



31. Increases in unemployment levels and housing costs will result in an increase in the costs of the Council Tax Reduction Scheme that this Council operates. The Council resolved, when setting the budget, to review the affordability of the scheme during the early part of 2022/23, as significant levels of consultation and lead in times for software changes are required when amending such schemes in readiness for 2023/24. Whilst the preferred option is not to make any changes at all, changes to the scheme to reduce administration costs will be one option investigated amongst others.

Pension Fund Contributions

32. A new valuation exercise is being undertaken and new rates will become payable from 2023/24. The higher inflation and wage impact assessments will no doubt impact on the future funding requirements and the resultant sums payable by the Council and employees.

Budget 2022/23

33. The Council's total service expenditure in 2022/23 was estimated at £13.531m. The total expenditure for the Council increased to £16.852m in 2022/23 once interest and borrowing are taken into account. A balanced budget only being achieved with the use of £2.33m of reserves in 2022/23 This deficit being funded from the Council's Resilience and Stability Reserve (£100,000) and the General Reserve (£2.23m). The projected balance on the General Reserves being £4.996m by March 2023 - well below the minimum level recommended of £6m.

34. The original budget projection (February 2022)

	2021/22 (Revised)	2022/23	2023/24	2024/25	2025/26
	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)
Net Expenditure	14,597	16,013	16,351	16,810	17,148
Funding	(£14,253)	(£13,683)	(£13,825)	(£14,266)	(£14,616)
Shortfall	345	2,330	2,526	2,544	2,531
Use of Reserves	(£345)	(£100)	(£100)		
Estimated Shortfall	0	2,230	2,426	2,544	2,531

35. The Revised Projection

Based on current inflation and base rates additional costs of £954,000 may be anticipated in 2022/23 with yet further additional costs in 2023/24 potentially amounting to some £1,000,000 (above the figures detailed in the table below) if the inflation rate remains high.

May-22	2021/22 (Revised)	2022/23	2023/24	2024/25	2025/26
	(£000's)	(£000's)	(£000's)	(£000's)	(£000's)
Net Expenditure	14,597	16,967	17,357	17,824	18,162
Funding	(£14,253)	(£13,683)	(£13,825)	(£14,266)	(£14,616)
Shortfall	344	3,284	3,532	3,558	3,546
Use of Reserves	(£344)	(£100)	(£100)		
Estimated Shortfall	0	3,184	3,432	3,558	3,546

36. The Council's Medium Term Financial Strategy will include a detailed review and longer term projections. This is updated in the early autumn to help inform the budget process when producing the budget for the following year.

37. The PIER process will continue in 2022/23 and its immediate priorities will involve reviews across a number of council activities:

- (i) Homelessness and temporary accommodation (Gross expenditure Budget £ 4.929m (£2.907m net))
- (ii) Tourism and marketing, including decorative lighting, event funding, etc (Various budgets)
- (iii) Ground Maintenance (Budget £1.324m net)
- (iv) Reorganisation of service structures (Wages and Salaries – circa £13m)
- (v) Civic Regalia (Estimated value -£100k to £200k one off capital receipt)

- (vi) Bulky Waste – review and consider making free to those on means tested benefits
- (vii) Planning Services – Sustainability of the service (Budget £836,000 net)
- (viii) Gateway reviews of major projects – not all schemes may be affordable given changing priorities and inflationary pressures – unless external grant funding is available.
- (ix) Asset reviews and disposals – these are now going to be imperative, and could involve disposal of assets that are being held for other purposes.
- (x) New Environment Act and waste contract implications

Capital Programme

38. The gross expenditure in 2022/23 was estimated at £21.746m (£14.854m net). The level of borrowing required was expected to be some £9.62m after use of all available capital receipts.
39. The capital programme in summary is shown in the table below.

	Revised 2021/22 £'000s	2022/23 £'000s	2023/24 £'000s	2024/25 £'000s
Gross Capital Expenditure	7,961	21,746	13,229	8,141
Net Capital Expenditure	3,674	14,854	9,173	6,085
Financing from own resources	50	5,234	73	50
Borrowing Requirement	3,624	9,620	9,100	6,035

40. The table below identifies the estimated Capital Financing Requirement (CFR) for the current and next three years and the Minimum Revenue Provisions (MRP).

CFR	2020/21 (unaudited) £'000s	2021/22 (Rev Est) £'000s	2022/23 (Estimate) £'000s	2023/24 (Estimate) £'000s	2024/25 (Estimate) £'000s
CFR-Opening	66,372	72,683	74,689	82,752	89,869
Less MRP	(1,500)	(1,668)	(1,741)	(2,006)	(2,327)
Plus New Borrowing	7,811	3,674	9,804	9,123	6,035
CFR Closing	72,683	74,689	82,752	89,869	93,577

41. These figures are very much dependent upon the level and timing of capital acquisitions/payments, the level of capital receipts received, and the useful life of the assets acquired or constructed. The figures will continue to be reviewed throughout 2022/23 and regularly thereafter, based on the proposed Capital programme, and subsequent changes and timing thereof.

Capital Programme - Revisions

42. The **Harold Place** scheme did not receive planning permission and the cost increases in materials will in all likelihood exceed the existing budgetary provision making the scheme unaffordable. It is recommended that the scheme be removed from the existing programme and an externally funded scheme be sought for the area through future regeneration funding and other Towns Deal funded schemes.

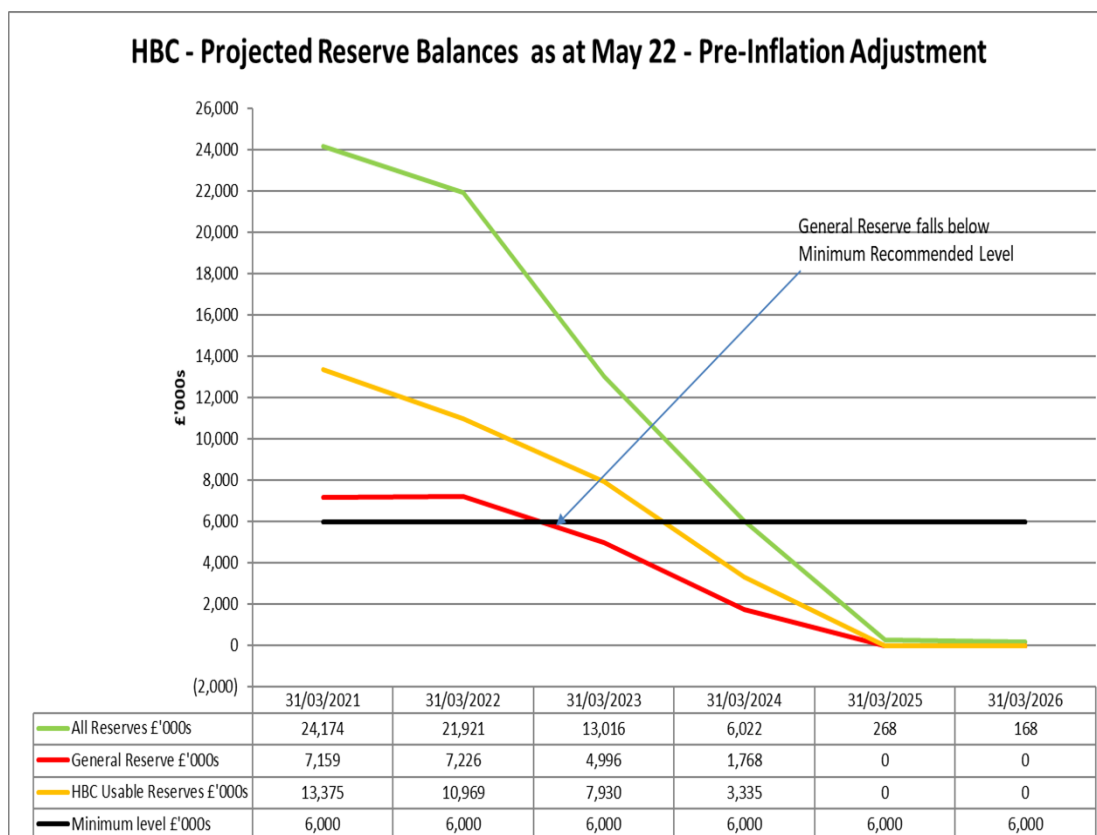
The removal of the scheme from the programme will affect future borrowing and MRP costs, but these were balanced by the future rental stream and thus the overall deficit figures remain the same.

43. The delays to the **Buckshole Reservoir** scheme are expected to increase costs still further (as material and labour costs rise) and the contingency is recommended to **be increased by £100,000**, thus increasing the total scheme cost to £1,353,000. This is a scheme that emanates from the higher national safety standards set by the governmental bodies, and is considered unavoidable for the Council given the health and safety risks. Neither DEFRA nor DLUHC will provide funding for these costs, albeit it is admitted that such costs are not considered in the government's annual grant funding mechanisms.
44. The dangerous structure at Battle Road continues to present challenges and the Council may need additional resources to complete the works. This would be subject to a further report to full Council.
45. Castleham Industrial estate – over roofing units 6,7,8 & 9/10. Costs have been estimated at £250,000 – **an increase of £110,000** on the original budget of £140,000. This figure includes an amount to ensure the roof is strong enough for the installation of PV arrays (for which an alternative budget exists). The annual income for these 5 units is currently £105,000 p.a. and the works will remain necessary to avoid loss of future income.

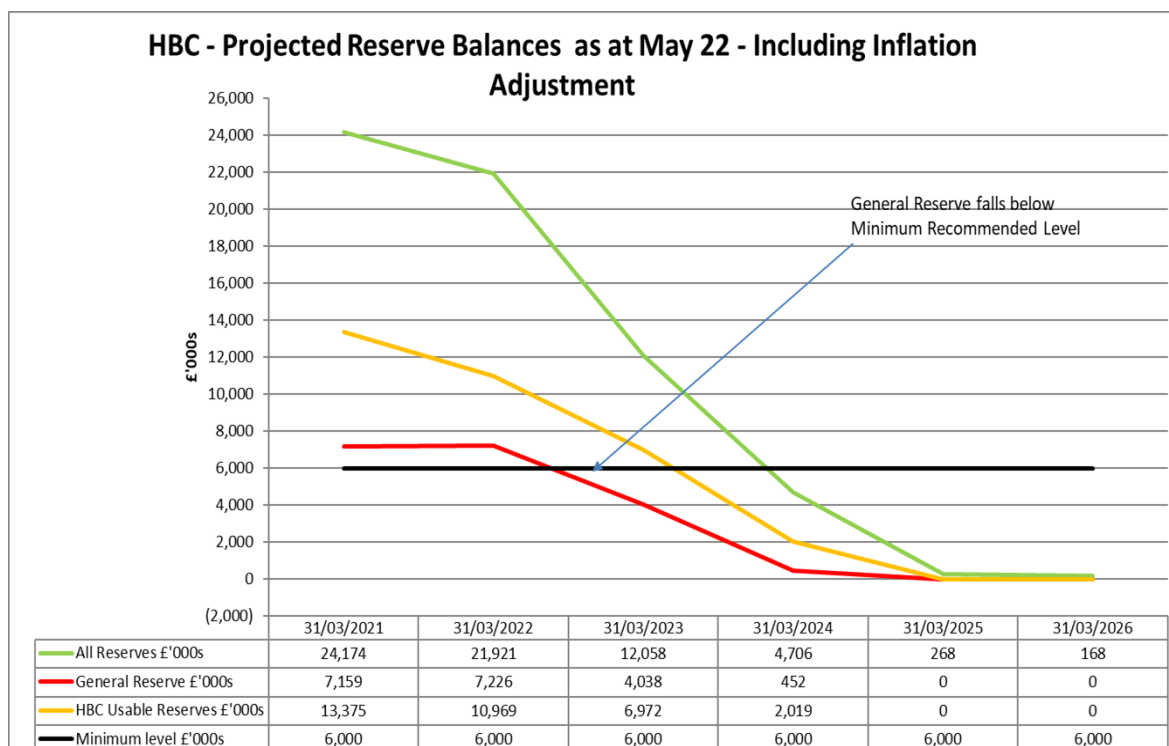
Reserves

46. The Local Government Act 2003 (Part 2) requires the Chief Finance Officer to report on the adequacy of the proposed financial reserves, and determine the minimum level required when setting the annual budget. There is no statutory minimum requirement, but reserves must be set at a prudent level given the activities of individual councils and potential liabilities that they face or may face in the future i.e. a risk based approach.
47. The strategic reasons for holding reserves are:-
 - a. A working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing.
 - b. A contingency to cushion the impact of unexpected events or emergencies
 - c. A means of building up funds to meet known or potential liabilities (provisions are used for liabilities with uncertain timings or amounts). Such reserves are referred to as Earmarked reserves.
 - d. To assist in the transition to a lower spending Council
 - e. To provide the Council with some resources in future years to meet elements of the Council's capital programme that can not be capitalised e.g. feasibility studies.
48. The Council maintains a working balance in accordance with (a) above in the sum of £500,000. In respect of (c) above there is a need to maintain assets to avoid higher maintenance costs and declining assets. This is vital where the Council's commercial estate is involved if rental streams are to be maintained and industry is to be attracted to the area. The full Renewals and Repairs programme is attached in Appendix J.

49. In determining the 2022/23 budget the projected balances on the reserves were predicted to fall below the minimum recommended level of £6m during 2022/23 unless significant savings are identified and made.
50. **As part of the budget process it was estimated that there would be £4.996m of unallocated (at present) General Reserve by the end of 2022/23, and just £3.7m of earmarked reserves left at that time (once DFG's are excluded). The 2022/23 budget is supported not only by £2.23m of General Reserves but also by £1.528m of Earmarked reserves. The unallocated General Reserve is the only remaining funding that would be available to help fund and cover those costs that cannot be capitalised in any development programme, meet future deficits, and the costs of unexpected events or unavoidable expenditure.**
51. The graph below highlights the position before the major impacts of inflation and the war in Ukraine.



52. Once the higher inflation and borrowing costs are included the annual deficits could increase substantially, resulting in reserves diminishing at a much faster rate. Namely:



It is the opinion of the Chief Finance Officer that given the risks and uncertainties that the Council faces, the level of Reserves should still be set at a minimum of £6m and that urgent action needs to be taken to ensure a balanced budget and maintain reserve levels.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Cabinet	Consider report	6 June 2022	Chief Finance Officer
Full Council	Consider report	13 July 2022	Chief Finance Officer

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Policy Implications

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

Additional Information

The Council's budget is available from the Council's website under the heading of Hastings Borough Council budget

http://www.hastings.gov.uk/decisions_democracy/transparency/budgets_finance/

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APPENDIX 1

Impact of inflation on HBC Budget – 2022/23 and 2023/24

Description	Original Budget	Measure	3%	5%	10%	Likely Increase in Budget for	Revised Budget for	Likely Increase in Budget for	Budget for
	2022-23					2022/23	2022/23	2023/24	2023/24
Salaries and Wages	13,582,570		407,480	679,130	1,358,260	407,480	13,990,050	419,700	14,409,750
Electricity	273,950		8,220	13,700	27,400	27,400	301,350	30,140	331,490
Gas	74,260		2,230	3,710	7,430	7,430	81,690	8,170	89,860
Water	117,170		3,520	5,860	11,720	11,720	128,890	12,890	141,780
Repairs and maintenance Total	732,870		21,990	36,640	73,290	0	732,870	0	732,870
Repairs and maintenance (Arboriculture - Gristwood)	112,000		3,360	5,600	11,200	0	112,000	0	112,000
Homelessness / Temporary accommodation costs Total	4,500,380		135,010	225,020	450,040	225,020	4,725,400	236,270	4,961,670
Postage Total	153,140		4,590	7,660	15,310	7,660	160,800	8,040	168,840
Photocopiers Total	24,000		720	1,200	2,400	1,200	25,200	1,260	26,460
Software costs Total	774,380		23,230	38,720	77,440	38,720	813,100	40,660	853,760
Petrol / Diesel costs	91,780		2,750	4,590	9,180	4,590	96,370	4,820	101,190
Vehicle Repairs / Maintenance Total	112,000		3,360	5,600	11,200	5,600	117,600	5,880	123,480
Waste Services (Contract - BIFFA)	2,406,050	CPI & Wages	72,180	120,300	240,610	120,300	2,526,350	126,320	2,652,670
Grounds Maintenance Contract	1,060,230	CPI	31,810	53,010	106,020	53,010	1,113,240	55,660	1,168,900
Cleaning Contract - Toilets	230,710	CPI & Wages	6,920	11,540	23,070	11,540	242,250	12,110	254,360
Cleaning Contract - Toilets (FST)	150,380	CPI & Wages	4,510	7,520	15,040	0	150,380	0	150,380
Cleaning Contract - Buildings	180,960	CPI & Wages	5,430	9,050	18,100	0	180,960	0	180,960
Mobile Phones	19,540		590	980	1,950	980	20,520	1,030	21,550
Telephones Total	75,850		2,280	3,790	7,590	3,790	79,640	3,980	83,620
White Rock Theatre	225,330	Fixed Contract	6,760	11,270	22,530	11,270	236,600	11,830	248,430
Car Leasing (HBC Vehicles)	53,860		1,620	2,690	5,390	2,690	56,550	2,830	59,380
Car Leasing (Employees)	38,090		1,140	1,900	3,810	1,900	39,990	2,000	41,990
Security (Alarms)	48,350		1,450	2,420	4,840	2,420	50,770	2,540	53,310
Cash Collections	36,360		1,090	1,820	3,640	1,820	38,180	1,910	40,090
Insurance (Premises)	55,320		1,660	2,770	5,530	0	55,320	2,770	58,090
Insurance (Vehicles)	9,750		290	490	980	0	9,750	490	10,240
Insurance (Supplies and Services)	136,740		4,100	6,840	13,670	0	136,740	6,840	143,580
Bank Fees	65,000		1,950	3,250	6,500	3,250	68,250	3,410	71,660
Treasury Management (Link Group)	10,000		300	500	1,000	500	10,500	530	11,030
Audit Fees	64,650		1,940	3,230	6,470	3,230	67,880	3,390	71,270
Books and Subscriptions (Westlaw - Reuters)	15,000		450	750	1,500	750	15,750	790	16,540
	25,430,670		762,930	1,271,550	2,543,110	954,270	26,384,940	1,006,260	27,391,200

General Reserves	Estimated Balance at 31.3.2022 £'000s	Estimated Balance at 31.3.2023 £'000s
Revenue Reserves	7,226	4,996
Capital Reserve (Revenue monies)	150	100
Total	7,376	5,096

Earmarked Reserves	Estimated Balance at 31.3.2022 £'000s	Estimated Balance at 31.3.2023 £'000s
Renewals and Repairs Reserve	896	748
Insurance & Risk Management Reserve	300	285
IT Reserve	203	178
On Street Car Parking	40	40
Section 106 Reserve (Revenue)	416	367
Section 106 Reserve (Capital)	63	63
Government Grant Reserve	388	309
Monuments in Perpetuity	45	44
Ore Valley Reserve	250	250
Resilience and Stability Reserve	800	700
Redundancy Reserve	440	215
Safer Hastings Partnership	78	78
Disabled Facilities Grants Reserve (DFG'S)	4,267	4,267
Invest to Save and Efficiency Reserve	79	68
Carry Forward Reserve	0	0
Controlling Migration	116	
Towns Fund	53	0
Housing Licensing Reserve	404	232
Revenue Hardship Fund	80	80
Community Housing Fund	35	35
Total	£8,954	£7,958