

Council Meeting

**Wednesday, 26th
April, 2023**

HASTINGS BOROUGH COUNCIL

Dear Councillor

You are hereby summoned to attend a meeting of the Hastings Borough Council to be held at the Council Chamber, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY. Please enter the building through the Contact Centre entrance via the seafront., on Wednesday, 26th April, 2023 at 6.00 pm at which meeting the business specified below is proposed to be transacted.

Yours sincerely,

Chief Legal Officer

Muriel Matters House
Breeds Place
Hastings

18 April 2023

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the last meeting
3. Declarations of Interest
4. Announcements from the Mayor and Leader
5. Questions (if any) from:
 - a) Members of the public under Rule 11
 - b) Councillors under Rule 12
6. Motion (Rule 14)
Councillor Evans to propose:

This Council:

a. notes that:

- (i) Hastings is proud of our history of welcoming people seeking safety in our town.
- (ii) there are significant problems with the UK asylum system that affect people in Hastings, including a record backlog of cases awaiting a decision, a de facto ban on working, and enforced poverty and homelessness;
- (iii) the Nationality and Borders Act does not address these issues, and has instead created a two-tier system, punishing people seeking safety based on the journeys they make;
- (iv) under these laws, people seeking safety will be criminalised and threatened with removal to Rwanda;
- (v) people will be warehoused in large accommodation centres, segregated from communities and denied support;
- (vi) many recognised refugees will receive a temporary and precarious status;
- (vii) over 400 charities and faith groups have signed a national pledge to 'Fight the 'Anti-Refugee Laws'.

b. believes that:

- (i) everyone's claim for asylum should be treated equally and fairly;
- (iii) these are fundamentally 'anti-refugee' laws that undermine internationally recognised rights for people fleeing war and persecution to seek safety;
- (iv) these measures will create ever-longer delays in the asylum process, lead to greater poverty and homelessness in Hastings and will undermine people's ability to rebuild their lives;
- (v) people seeking safety should be accommodated as our neighbours and as a part of our communities;
- (vi) the UK needs an asylum system that empowers people seeking safety to rebuild their lives and enables communities to welcome them;

c. resolves to:

(i) defend the right to seek safety from war and persecution in the UK and sign the national 'Fight the Anti-Refugee Laws' pledge;

(ii) call on the UK Government to withdraw the UK-Rwanda agreement, repeal the Nationality and Borders Act, and work with Local Authorities and communities to build a refugee protection system that treats all people with dignity and compassion;

(iii) work with local organisations and people with lived experience of the asylum system to identify ways to mitigate the effects of these measures in Hastings;

(iv) Continue as members of City of Sanctuary Local Authority Network which promotes the inclusion and welfare of people who are fleeing violence and persecution and continue being a Council of Sanctuary.

7. Motion (Rule 14)

Councillor Carr to propose:

This Council recognises that as the 13th most deprived town in England on the Indices of Deprivation many children in our town often go hungry, impacting on their education, health, general wellbeing and happiness.

As a Council we want to do all that we can to make sure no child is hungry and to that end we ask that the Leader of this Council writes to East Sussex County Council, who manages free school meals for this area, to ask that they engage with Feeding Britain to discuss enrolling the area in their new trial aimed at increasing the uptake of free school meals for eligible families, and that Hastings is prioritised for any such pilot due to the extreme level of local need – this would hopefully not just lead to more local children receiving a free school meal but would increase linked funding for our local schools that could benefit the most disadvantaged children in our town.

Further, this Council asks the Leader of the Council to write to the Prime Minister asking that there be a review of the systems for free school meals, making it an opt out rather than an opt in system so meals are more easy to access, and also that he seeks to find the funds so that all children in England receive a free school meal or at the very least that he extends the programme to all children in households receiving Universal Credit or similar benefits. This action could make sure that the poorest children in our society are enabled to

receive a free meal and be ready to learn and live a happier and healthier life rather than suffering the daily hunger that impacts the lives of so many children in our town currently.

8. Motion (Rule 14)

Councillor Carr to propose:

St Mary in the Castle is a well-loved and significant part of Hastings' historic and cultural heritage and has recently been listed as an Asset of Community Value.

Its future is of concern to residents from all parts of Hastings and St Leonards and to their representatives across all political parties here at Hastings Borough Council.

This council believes that any decision made about the future of St Mary in the Castle is too important and impactful a decision to be made by a portfolio holder, the cabinet and one political party, or by officers alone.

This Council therefore resolves that the final decision to let or sell St Mary in the Castle will become a full council decision following an officer report on the viable option (s) identified that secures the buildings long term future.

This Council believes this process will allow for a greater level of openness and transparency and gives councillors the best opportunity to make an informed decision about the future of this iconic building on behalf of the town and residents they represent and achieve the best possible outcome for the local community we all serve.

9. Membership of Committees

To give effect to any request received from a political group for a change in their representation on committee(s).

10. Interim appointment of directors to the Hastings Housing Company

11. Report of the Independent Remuneration Panel

12. Appointment of Chief Finance Officer (Section 151 Officer)

13. Reports of Committees

- a) To resolve that the public be excluded from the meeting during the discussion of any items considered while the public were

excluded by the relevant committee because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in the respective paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the minutes of the relevant committee.

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

Minute No.	Subject	Cabinet Member / Chair
CABINET – 6 MARCH 2023		
522.	Reviewing the Need for a Dog Control Public Space Protection Order	Rogers
523.	To Appoint a Vice-Chair of the Country Park Management Forum	Barnett
CABINET – 3 APRIL 2023		
527.(C)	Review of the Hastings Borough Council Gambling Act 2005 Statement of Principles	Roark
528.(C)	Town Living Project	Evans
589	Energy Procurement – Electricity	Willis
530	Museum Committee Recommendations	Batsford

C= Council decision
E= Exempt from publication

Notes:

1. The Mayor will call over the minutes and members will rise and indicate those items which they wish to have discussed.
 2. No discussion shall take place at this stage upon part II minutes covered by the resolution 13a) above. Any such discussion shall be deferred to item 14 on the agenda.
14. To consider the recommendations and decisions of committees (if any) which the Council has resolved should be discussed after the exclusion of the public from the meeting.

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

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Agenda Item 2 Public Document Pack

FULL COUNCIL

8 FEBRUARY 2023

Present: Councillors Bacon (Chair), O'Callaghan (Deputy Chair), Arthur, Barnett, Batsford, Beaney, Beaver, Bishop, Cannan, Carr, Collins, Cooke, Edwards, Evans, Fernando, Foster, Haffenden, Hay, Hilton, Jobson, Marlow-Eastwood, Patmore, Pragnell, Rankin, Rogers, Sinden, Turner, Webb and Williams.

In attendance: Jane Hartnell (Managing Director) and Mary Kilner (Chief Legal Officer).

294. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Roark, Roberts, and Willis.

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

RESOLVED – that the Minutes of the Council Meeting held on 15th December 2022 be approved and signed by the Mayor as a correct record of the proceedings.

296. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Marlow-Eastwood	300. Motion	Prejudicial – Is a member of the East Sussex Fire Authority
Cannan	Cabinet – 495. Housing Acquisition Proposal (Part 1)	Personal – Works for the Seaview Project which supports homeless individuals
Foster	300. Motion	Personal – Family member is an active Fireman at the Ridge Fire Station

297. ANNOUNCEMENTS FROM THE MAYOR AND LEADER

The Mayor presented three Mayoral Civic Awards. Andrew Colquhoun received an award in recognition of his years of voluntary service as Chair of the Grants Advisory Panel. Jenny and Donna Bloomfield were recognised for organising an annual Christmas tree festival for the community in Hollington.

Councillor Barnett noted the upcoming one-year anniversary of the terrible war in Ukraine on 24th February and confirmed the Council will be supporting the local Ukrainian community by attending a vigil at the Stade and by flying the Ukrainian flag on the Town Hall.

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298. QUESTIONS (IF ANY) FROM:

298a) Members of the Public under Rule 11

No questions from the public were received.

298b) Councillors under Rule 12

Councillor Edwards submitted a written question to Councillor Evans, a written response was received and published on the Council's website.

In a supplementary question Councillor Edwards asked when will the first tenants be moving into York Buildings? Councillor Evans replied that there are regulatory issues which are holding things up. The Council does not yet have the required certifications and systems in place as a registered housing provider, and the Council is therefore in negotiations with another registered provider to temporarily manage the building.

Councillor Haffenden submitted a written question to Councillor Roark, a written response was received and published on the Council's website.

In a supplementary question Councillor Haffenden asked, in light of the cost of agency staff, why is there not an adequate street cleansing service in Hastings, particularly in Tressell Ward where street cleansing is far less frequent compared to other parts of the Borough? Councillor Roark was not present to reply and a written answer will be provided.

Councillor Jobson submitted a written question to Councillor Barnett, a written response was received and published on the Council's website.

In a supplementary question Councillor Jobson asked, in light of the recent flooding in Bulverhythe following a burst sewer pipe, can we update the 2015 Hastings flood plan to take account of flood incidents in this area? Councillor Barnett replied that the flood plan will be updated.

Councillor Foster submitted a written question to Councillor Roark, a written response was received and published on the Council's website.

In a supplementary question Councillor Foster asked in what document, if any, is the intention of the e-bike charging motion captured so that when exploring potential regeneration schemes officers are prompted to consider e-bike charging infrastructure opportunities? Councillor Roark was not present to reply and a written answer will be provided.

Councillor Hilton submitted a written question to Councillor Barnett, a written response was received and published on the Council's website.

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In a supplementary question Councillor Hilton asked Councillor Barnett to ensure the Council has a robust measurement system in place for the embedded carbon impact of Town Deal projects. Councillor Barnett replied that he would consider the resources Councillor Hilton outlined. However, although the Council would like to go beyond government standards it would not be able to insist on that as all contracts have to be approved through the Department for Levelling Up, Housing and Communities.

Councillor Cooke submitted a written question to Councillor Roark, a written response was received and published on the Council's website.

In a supplementary question Councillor Cooke asked if Councillor Roark had considered meeting with local cycling groups to see if they have any ideas on alternative routes that could be put forward to East Sussex County Council? Councillor Roark was not present to reply and a written answer will be provided.

Councillor Carr submitted a written question to Councillor Rogers, a written response was received and published on the Council's website.

In a supplementary question Councillor Carr asked Councillor Rogers if she agreed that every time the Council cuts community safety funding the town gets less safe for residents? Councillor Rogers replied that a lot of the community safety funding comes from the Police and Crime Commissioner and Safer Streets funding. Councillor Rogers asked Councillors to feedback on ideas for the next round of Safer Streets funding. The town centre CCTV is still operational and is being used by the police.

Councillor Collins submitted a written question to Councillor Roark, a written response was received and published on the Council's website.

In a supplementary question Councillor Collins asked, as plants of the rose family are particularly vulnerable to brown tailed moths will the Council consider replanting Warrior Square gardens with more sustainable species, perhaps supplied by the nurseries at Great Dixter? Councillor Roark was not present to reply and a written answer will be provided.

Councillor Patmore submitted a written question to Councillor Willis, a written response was received and published on the Council's website.

In a supplementary question Councillor Patmore asked Councillor Willis to ask Cabinet members not to espouse the amount of money being made from capital assets until we actually know how much money they make. Councillor Willis was not present to reply and a written answer will be provided.

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Questioner	Question	Reply given by
Councillor Patmore	<p><u>York Buildings</u> – In 2017 we first talked about renovating York Buildings and six years later we still don't have tenants in the building. Can you ask officers to make sure we have all the regulatory issues resolved when we come to buy property under the housing acquisition scheme?</p> <p>Councillor Barnett replied that York Buildings was a project only the Council wanted to take on because it was a difficult and expensive building to renovate and it took some time to get the funding in place.</p>	Councillor Barnett
Councillor Carr	<p><u>St Mary in the Castle</u> – Will you back the campaign to see St Mary in the Castle listed as an asset of community value, and will you commit to any decision on its future being brought to Full Council?</p> <p>Councillor Barnett replied that he hadn't seen the application for St Mary in the Castle to be a listed as a community asset but the application will be determined by officers based on legal advice. If the application does meet the criteria for a community asset it will go to a panel of Councillors and the decision of the panel cannot be prejudged.</p>	Councillor Barnett
Councillor O'Callaghan	<p><u>Southern Water</u> – Have we had any explanation from Southern Water regarding the recent town centre flooding?</p> <p>Councillor Barnett replied that the recent flooding has raised questions about how the town centre is used and designed. It is a priority for the Council to ensure that action is taken in response to the flooding. East Sussex County Council is the local flood authority and they have agreed to commission an independent expert to undertake an investigation into the flood. This is likely to take two months. It is too early to jump to conclusions and we need to wait for the results of the independent investigation.</p>	Councillor Barnett

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Councillor Beaver	<p><u>Armed Forces Covenant</u> – A new Armed Forces covenant passed into law last year which places a statutory obligation on local government to provide fair treatment to all serving military personnel and veterans. Can you explain why Hastings Borough Council has not been attending the East Sussex Civil Partnership board meetings or South East regional military briefings?</p> <p>Councillor Barnett said he would reply in writing.</p>	Councillor Barnett
Councillor Haffenden	<p><u>Graffiti</u> – Can you update us on what the Council will be doing to address graffiti within the town?</p> <p>Councillor Barnett replied that there needs to be a distinction between graffiti that is criminal damage and artwork which is trying to make the town look better. Councillor Barnett said he would write to Councillor Haffenden about what is being done to tackle graffiti in Hastings.</p>	Councillor Barnett
Councillor Webb	<p><u>Health Improvements Initiative</u> – Can you update us on this initiative?</p> <p>Councillor Batsford replied that some of the work currently being undertaken is looking at improving interpreter access in healthcare settings and making GP surgeries more accessible for younger people. The focus at the moment is how to bring together the cultural, arts and sports sectors to address health inequalities in Hastings.</p>	Councillor Batsford
Councillor Jobson	<p><u>New Idea Form</u> – Some voluntary groups submitted an idea via the form back in October 2022. Their forms were lost but subsequently found. Can the process be made easier for local groups who have ideas for local projects?</p> <p>Councillor Rogers replied that this is what is being done. The new form is on the website and is much simpler. New ideas will go to a panel of Councillors for decision.</p>	Councillor Rogers

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Councillor Sinden	<p><u>Voter ID</u> – Can Councillors take application forms for voter ID certificates and return them to electoral services on behalf of residents?</p> <p>Councillor Rogers replied that the simplest option is to vote by post as this does not require ID. There will be a form available which Councillors can give to residents to complete in order for them to get a voter ID certificate.</p>	Councillor Rogers
Councillor Foster	<p><u>Housing Acquisitions</u> – Can you guarantee we won't have the same issues with new housing acquisitions as we have seen with York Buildings?</p> <p>Councillor Barnett replied that he can guarantee there won't be delays.</p>	Councillor Barnett
Councillor Collins	<p><u>Fly tipping</u> – This is a persistence challenge in the town. What does the Council propose to do to address this problem?</p> <p>Councillor Barnett replied that fly tipping needs to be reported in order to be dealt with. The Council has a good record of dealing with fly tipping on public land.</p>	Councillor Barnett
Councillor Pragnell	<p><u>Town Centre Flooding</u> – Can I suggest we arrange a Full Council forum where we can meet informally to get a briefing on this issue and have a full discussion.</p> <p>Councillor Barnett replied that he agreed and the appropriate time for a discussion would be after the independent investigation has completed.</p>	Councillor Barnett
Councillor Turner	<p><u>Healthcare</u> – Integrated Care Boards are now deciding who can and can't have surgery, and when and where it will take place. This undermines patient choice and GP autonomy. When you next meet local healthcare providers will you please raise this issue?</p> <p>Councillor Batsford replied that he would raise this important issue in future meetings.</p>	Councillor Batsford

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Councillor Edwards	<p><u>Graffiti</u> – Can the Council remove the graffiti under the bridge at Ebdens Hill on the A21? The Highways Agency have not been cooperative and the graffiti has now been there for six months.</p> <p>Councillor Barnett replied that it would be an expensive undertaking due to the health and safety requirements and Councillor Edwards should continue to make progress with the Highways Agency as they should be paying for the removal of the graffiti.</p>	Councillor Barnett
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299. MEMBERSHIP OF COMMITTEES

No changes to membership of Committees were proposed.

300. MOTION (RULE 14)

Having declared a prejudicial interest Councillor Marlow-Eastwood left the Council Chamber for the duration of this item.

Councillor Barnett proposed a motion as set out in the agenda, seconded by Councillor O’Callaghan.

Councillor Beaver proposed an amendment to the motion, seconded by Councillor Patmore, to delete paragraphs 3, 4, 5 and 6. Councillor Barnett did not accept the amendment.

The Mayor proposed that the Council suspend Rule 16.6(b) of the Council’s Rules of Procedure in order that the amendment and original motion be open for discussion at the same time. Councillor Batsford seconded the proposal, which was agreed unanimously.

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

A recorded vote was requested on the proposed amendment and Councillors voted as follows:

Councillors Beaney, Beaver, Cooke, Edwards, Fernando, Foster, Hay, Patmore, Pragnell and Williams voted for.

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Councillors Arthur, Barnett, Batsford, Bishop, Cannan, Carr, Collins, Evans, Haffenden, Hilton, Jobson, O'Callaghan, Rankin, Rogers, Sinden, Turner and Webb voted against.

The amendment was rejected by 10 votes for, to 17 against.

A recorded vote was requested on the original motion and Councillors voted as follows:

Councillors Arthur, Barnett, Batsford, Beaney, Beaver, Bishop, Cannan, Carr, Collins, Cooke, Edwards, Evans, Fernando, Foster, Haffenden, Hay, Hilton, Jobson, O'Callaghan, Patmore, Rankin, Rogers, Sinden, Turner, Webb and Williams voted for.

Councillor Pragnell abstained.

RESOLVED (by 26 votes for, with 1 abstention) that Full Council accepts the motion as set out below:

Following the severe flood and major fires in Hastings between January 16 – 21 2023, this Council would like to place on record its appreciation of the response from the East Sussex Fire and Rescue Service.

The prompt, professional and caring way in which each incident was dealt with has met nothing but praise from all those affected.

So it is extremely concerning that in the same week, we heard of proposals from the East Sussex Fire Authority to downgrade Fire and Rescue services in Hastings. Local firefighters fear that the residents of Hastings, Rye and surrounding villages including Fairlight, Guestling, Pett, Winchelsea, Icklesham, Camber, Iden and Peasmarsh would face a long wait to be rescued overnight.

In many cases, as at all the major incidents here last week, more than one fire engine is required on the scene to mount a rescue or a response. Downgrading The Ridge Fire Station could drastically increase the time it takes for sufficient fire crews to be in place.

These proposed cuts come at a time when the demand on the Fire and Rescue Service is increasing, in part due to the more frequent extreme weather events. Additional heavy rainfall, fierce storms and extreme heat which brings the risk of wild fires as last summer all put our residents and those of Rother at greater risk, which downgrading the current service would significantly worsen.

This Council therefore calls upon the Fire Authority to withdraw these dangerous proposals and agree to maintain the current excellent service for Hastings.

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301. REPORTS OF COMMITTEES

The Mayor adjourned the meeting at 7.35pm and the meeting reconvened at 7.49pm.

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

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

Only those items which were reserved were discussed as follows:

Meeting	Minute	Councillor
Cabinet, 3 rd January 2023	493 – Portfolio Organisation Funding 2023-26	Bishop
Cabinet, 3 rd January 2023	495 – Housing Acquisition Proposal (Part 1)	Hilton
Cabinet, 30 th January 2023	Draft Annual Treasury Management, Annual Investment Strategy and Capital Strategy 2023/24	Hilton

Minute 495, Housing Acquisition Proposal (Part 1), was a matter requiring Full Council approval. Under rule 16.7 of the Council's rules of procedure Councillor Evans proposed an alteration to the recommendations as follows:

Recommendation 2 is altered to reduce the capital budget from £11,865,400 to £11,800,000 and now reads:

'that a capital budget for £11,800,000 is established to meet the cost of the acquisitions with revenue costs met by the Temporary Accommodation budget'

A 4th recommendation is added, to read:

'that a cross-party Housing Acquisition Review Group is established to monitor the programme outcomes.'

Reason 3 is altered to reflect a 50-year loan period instead of 40 years and now reads:

'In addition to the revenue cost savings to be achieved, the Council will be obtaining capital housing assets with no outstanding debt on the properties at the end of a 50-year loan period.'

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The Council accepted the alterations. Councillor Evans proposed the recommendations, seconded by Councillor Batsford.

RESOLVED (unanimously):

The Full Council approves:

- 1. An acquisition programme to acquire up to 50 homes for temporary accommodation use;**
- 2. that a capital budget for £11,800,000 is established to meet the cost of the acquisitions with revenue costs met by the Temporary Accommodation budget; and**
- 3. that delegated authority be given to the Assistant Director, Housing & Built Environment, and the Chief Finance Officer, to complete the acquisitions, including any associated procurement;**
- 4. that a cross-party Housing Acquisition Review Group is established to monitor the programme outcomes.**

Reasons:

1. The Council urgently needs to find more suitable placements for many of the homeless households who the council are required to accommodate whilst arranging access to longer term and more settled accommodation.
2. A programme of acquiring up to 50 homes will provide a better solution for those owed such a duty by the council and will also have a significant positive impact upon the council's temporary accommodation costs.
3. In addition to the revenue cost savings to be achieved, the Council will be obtaining capital housing assets with no outstanding debt on the properties at the end of a 50-year loan period.

Minute 502 of Cabinet on 30th January 2023, Draft Annual Treasury Management, Annual Investment Strategy and Capital Strategy 2023/24, was a matter requiring Full Council approval. Councillor Batsford proposed approval of the recommendations, seconded by Councillor Barnett.

Councillor Hilton proposed an amendment, seconded by Councillor Collins, to amend paragraph 97 of the Capital Strategy to read:

This Capital Strategy and the Treasury Management Strategy will be reviewed and updated when we review the Asset Management Strategy to ensure we understand

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the value of our capital assets and the potential for funding our capital projects from assets sales, not more borrowing.

Councillor Batsford accepted the amendment.

RESOLVED (by 15 for, to 13 against):

Subject to the agreed amendment:

- 1. The Council approve the Treasury Management Strategy, Minimum Revenue Provision (MRP) Policy, Annual investment Strategy and the Capital Strategy.**
- 2. The strategies listed are updated as necessary during 2023/24 in the light of changing and emerging risks and the Council's evolving future expenditure plans.**

Reasons:

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

Councillors debated minute 493, Portfolio Organisation Funding 2023-26. This item did not require Council approval.

(The Mayor declared the meeting closed at 8.35pm)

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FULL COUNCIL

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Present: Councillors O’Callaghan (Chair), Arthur, Barnett, Batsford, Beaney, Beaver, Bishop, Cannan, Carr, Collins, Cooke, Edwards, Evans, Foster, Haffenden, Hay, Hilton, Jobson, Patmore, Pragnell, Rankin, Roark, Roberts, Rogers, Sinden, Turner, Webb, Williams and Willis.

In attendance: Jane Hartnell (Managing Director), Mary Kilner (Chief Legal Officer), and Kit Wheeler (Chief Finance Officer).

302. APOLOGIES FOR ABSENCE

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

303. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Patmore	304. Draft Corporate Plan update 2023/24	Personal – Member of the National Residential Landlords Association
Webb	305. Revenue Budget 2022/23 Revised and 2023/24, plus Capital Programme 2023/24 2025/2026	Personal – East Sussex County Councillor

304. DRAFT CORPORATE PLAN UPDATE 2023/24

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

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

Councillor Hilton proposed five amendments to the draft Corporate Plan update, seconded by Councillor Carr, as follows:

1. To add the following to paragraph 20:

Investigate how a levy can be created on parking charges to fund active travel initiatives including secure bike storage on council owned land.

2. To add the following to paragraph 21:

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Complete our work on our Local Plan engaging our citizens and partners to help set how the borough will shape up for the future especially responding further to the challenges of the climate emergency. Ensure the Local Plan

- *complies with Age Friendly principles*
- *requires developers to carry out whole life cycle carbon assessments of any new buildings*

Bring a report within six months on how we can ensure zero carbon building methods on our own land

3. To amend paragraph 27 to read:

Set up a cross party working group to support climate emergency work, with specialist officer support at least equivalent to a full-time post to focus on bringing in funds for partnership working with the third and business sector, tapping into the huge skill resource available in the town and establishing a local environment commission to shape policy.

4. To amend paragraph 43 to read:

Support work of Overview and Scrutiny Committee, and Local Strategic Partnership, to strengthen promotion and delivery of equalities for staff and residents, including the involvement of residents from communities especially impacted by inequality.

5. To add a new paragraph (paragraph 44), to read:

To reaffirm our commitment to Hastings as an Age Friendly Community we will make older people a specific considered demographic by creating a target tracker for all reports. We will actively work with our third sector partners so that Hastings continues towards WHO Age Friendly status.

Councillor Barnett, Leader of the Council, accepted the amendments and proposed a motion, seconded by Councillor Rogers, to approve the draft Corporate Plan update as amended.

Councillor Rankin, Deputy Leader of the Conservative Group spoke in relation to the Corporate Plan, followed by Councillor Carr, Deputy Leader of the Green Group.

RESOLVED (by 14 votes for, to 10 against, with 5 abstentions):

Subject to the agreed amendments:

1. **Full Council approve the draft annual update to the corporate plan 2020-24 including the amendments made at Budget Cabinet.**

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- 2. That delegated authority be given to the Managing Director, after consultation with the Leader of the Council to make further revisions as is considered necessary.**

Reasons:

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

305. REVENUE BUDGET 2022/23 REVISED AND 2023/24. PLUS CAPITAL PROGRAMME 2023/24-2025/26

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

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

Councillor Carr proposed an amendment to the 2023/24 revenue budget, seconded by Councillor Hilton, to remove the proposed £5,000 reduction to the Community Safety budget. Councillor Willis accepted the amendment.

Councillor Willis, Finance and Equalities Portfolio Holder, proposed a motion, seconded by Councillor Batsford, to approve the Revenue Budget 2022/23 Revised and 2023/24, plus Capital Programme 2023/24-2025-2026, as amended.

Councillor Willis thanked the finance team for their work on the budget

Councillor Patmore, Leader of the Conservative Group, spoke in relation to the budget and capital programme, followed by Councillor Hilton, Leader of the Green Group.

The proposals as amended were agreed by 13 votes for, to 10 against, with 5 abstentions.

Councillors Arthur, Barnett, Batsford, Bishop, Cannan, Evans, Roark, Roberts, Rogers, Sinden, Turner, Webb, and Willis voted for.

Councillors Beaney, Beaver, Cooke, Edwards, Foster, Hay, Patmore, Pragnell, Rankin, and Williams voted against.

Councillors Carr, Collins, Haffenden, Hilton, and Jobson abstained.

RESOLVED (by 13 votes for, to 10 against, with 5 abstentions):

- (i) Approve the draft 2023/24 revenue budget, subject to the agreed amendment**

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- (ii) Approve a 2.99% increase in the Borough Council's part of the Council Tax.**
- (iii) Approve the Capital Programme 2023/24 to 2025/26 (Appendix D).**
- (iv) Approve the proposed expenditure from the Renewal and Repairs Reserve, and Information Technology Reserve (Appendices J and I respectively) and those items from other reserves shown in Appendix H that can proceed without further reference to Cabinet or Council.**
- (v) Approve that the use of the limited monies in the budget and Reserves for "Invest to Save" schemes be determined by the Chief Finance Officer in consultation with the lead member for Finance and Chief Executive.**
- (vi) Agree once again that the Council does not seek to undertake any capital project/scheme purely for yield that would prevent the Council from borrowing either commercially or from the PWLB to fund its Capital programme.**
- (vii) Approve the revised Land and Property Disposal Programme (Appendix F) and agree that disposals can be brought forward if market conditions make it sensible to do so and as part of the future Capital Asset Strategy.**
- (viii) Agree that where a Capital scheme involves a net increase in overall revenue costs to the Council, or where any guarantee is to be provided which does, or could, incur costs for the Council, such decisions continue to be made by full Council.**
- (ix) Agree that no Council properties or land be disposed of, either by sale or lease, at less than market value without further express approval by Full Council - except where the lease is no longer than 5 years and the difference is less than £5,000 p.a. in which case Cabinet will have the authority to determine.**
- (x) Agree that schemes marked with an asterisk in the Capital Programme can proceed without further reference to Cabinet or Council.**
- (xi) Approve the detailed recommendations in Appendix M, which relate to the setting of Council Tax in accordance with Sections 31 to 36 of the Local Government Act 1992 (Appendix M – to be provided/updated for full Council).**
- (xii) Approve that the budget be amended as necessary to reflect the final grant figures including Disabled Facility Grants - once received.**
- (xiii) Full Council adopt the existing Council Tax Support Scheme subject to amendments to allowances in line with national changes. Determination of the**

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allowances to be delegated to the Chief Finance Officer in line with prior year practice.

(xiv) It is recommended that the Council reviews the affordability of the Council Tax Support Scheme during 2023/24 in order for a consultation exercise to be undertaken.

Reasons:

1. The Council continues to be under severe financial pressure. It is facing increased costs, particularly from inflation and homelessness, it has large Capital projects in the pipeline and must by law set a balanced budget. It has had to use large elements of its reserves to fund the cost pressures and to balance the budgets in each of the last few years and will need to do so again in 2023/24 and 2024/25.
2. A major overhaul of the funding mechanism for local authorities has again been postponed and when combined with a Spending Review that continues to underfund disadvantaged councils will leave the Council with little option but to cut services to the statutory minimum. The Council is able to increase Council Tax by a maximum of 2.99% without a referendum against a background of inflation currently running at above 9%.
3. Despite identifying Priority Income and Expenditure Review (PIER) savings of over £1.4m for 2023/24 these are insufficient to balance the budget without the further use of Reserves. Once again further significant savings need to be found during 2023/24 to reduce the call on the Reserves, achieve a balanced budget in future years, and to try and ensure that reserve levels can be maintained at above the minimum recommended level.
4. The Council needs to be in a position to match its available resources to its priorities across the medium term and to maintain sufficient reserves and capacity to deal with potentially large and unexpected events in addition to fluctuations in income and expenditure levels – as highlighted by the Covid-19 crisis and one-off expenditure items such as dangerous structures, cliffs and reservoir works. The increased in-year spend on temporary housing accommodation necessitates a much greater degree of service reductions elsewhere in the Council.
5. The Council remains exposed to a much greater degree of volatility in terms of its income from Non Domestic Rates and expenditure in terms of Council Tax Support claims – the cost falling directly on the Council and the preceptors.

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Minute 510 of Cabinet on 6th February 2023, Draft Corporate Plan and Budget consultation feedback, was not called for discussion.

(The Deputy Mayor declared the meeting closed at 7.52pm)

Agenda Item 10



Report To:	Full Council
Date of Meeting:	26th April 2023
Report Title:	Interim appointment of directors to the Hastings Housing Company
Report By:	Mary Kilner, Chief Legal Officer and Monitoring Officer
Key Decision:	N/A
Classification:	Open

Purpose of Report

To confirm the interim appointment of directors and a company secretary to the board of the Hastings Housing Company.

Recommendation(s)

To confirm:

- 1. the appointment of Victoria Conheady, Stephen Dodson, Simon Jones, and Amy Terry as Directors to the board of the Hastings Housing Company; and**
- 2. the appointment of Will Baker as Company Secretary.**

Reasons for Recommendations

To ensure that the Hastings Housing Company board has a minimum complement of directors as required by the Articles of Association and to avoid a potential breach of the Companies Act 2006.

Introduction

1. The Hastings Housing Company Ltd is wholly owned by the Council and was established to purchase, develop, and deliver housing.
2. Article 20 of the Company's Articles of Association states that the minimum number of directors shall be four.
3. Article 13.2 of the Company's Articles of Association states that the quorum for the transaction of business by the Board of Directors shall be three.
4. The Company currently has one director, Andrew Palmer, who is stepping down from a substantive post at Hastings Borough Council and tendering his resignation as a Director of the Company.
5. Should the Council not appoint any new directors before the resignation takes effect the Company will be breach of the Companies Act 2006 which requires private limited companies to have at least one director and the Board will be unable to transact any business.
6. It is therefore recommended that officers of the council: Victoria Conheady, Stephen Dodson, Simon Jones, and Amy Terry be appointed as Directors to the board of the Company and Will Baker be appointed as Company Secretary.
7. These appointments are made on an interim basis and subject to a detailed review of the future purpose of the Company and a review of the permanent Company Directors.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Companies House be informed of the new Directors		ASAP after council decision is made	Mary Kilner

Wards Affected

None.

Policy Implications

Reading Ease Score:

Have you used relevant project tools?: N/A

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

Equalities and Community Cohesiveness	N
Crime and Fear of Crime (Section 17)	N
Risk Management	N
Environmental Issues & Climate Change	N
Economic/Financial Implications	N
Human Rights Act	N
Organisational Consequences	N
Local People's Views	N
Anti-Poverty	N
Legal	Y – Failure to appoint directors could put the
company in breach of the Companies Act 2006	

Additional Information

The Hastings Housing Company Limited Articles of association

Officers to Contact

Officer Name: Mary Kilner
Officer Email Address: mary.kilner@hastings.gov.uk
Officer Telephone Number: 01424 451730

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Agenda Item 11



Report To:	Full Council
Date of Meeting:	26th April 2023
Report Title:	Report of the Independent Remuneration Panel
Report By:	Mary Kilner, Chief Legal Officer
Key Decision:	N/A
Classification:	Public

Purpose of Report

To present the report and recommendations of the Independent Remuneration Panel to Council for consideration.

The Members Allowances have been reviewed in accordance with the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003.

Recommendation(s)

- 1. Full Council to consider and approve the recommendations in the report of the Independent Remuneration Panel (attached)**
- 2. That the members of the Independent Remuneration Panel and contributing Councillors and Officers are thanked**

Reasons for Recommendations

Full Council will need to agree the Members Allowance scheme for 2023/24.

Councillors should be remunerated for the all the work they conduct on committees.

The work of the Independent Remuneration Panel is a specialist role. The Panel is thankful for the contributions that helped form the final recommendations.

Introduction

Background

1. The Council's Independent Remuneration Panel (IRP) last sat in 2018 to consider Member's allowances.
2. Under the Local Authorities (Members' Allowances) (England) Regulations 2003 Reg 10(5), the local authority must not rely on the annual index that it uses for longer than a period of four years before seeking a further recommendation from the Independent Remuneration Panel established in respect of that authority on the application of an index to its scheme.
3. The IRP was reconvened in early September 2022 to test the index for uplifting the allowances paid to Members.
4. The final report from the Independent Remuneration Panel was submitted on 8th November 2022.
5. The IRP undertook the following investigative work and reviews;
 - The report of the previous panel (November 2018)
 - Current Members Allowance Scheme
 - South East Employers'(SEE) Data Return 2022
 - Details of Allowances Schemes from other District Authorities
 - Responses to the Members Allowances Survey circulated to all current Members
 - Individual meetings with 3 Senior Officers and 5 Members
 - The Duties of Councillors
 - Current rates of inflation and RPI
 - Pay awards made to Officers
 - National Joint Council (NJC) agreed pay award for local government employees for 2022/23
 - Feedback from IRP Training Seminar delivered by SEE attended by all Panel members
 - Details of the current financial position of the Council

Report Overview

6. The final report submitted by the Independent Remuneration Panel makes several recommendations in line with the legislation for the Members Allowance scheme 2023/24.
7. A summary of these recommendations follows. The reasoning for these recommendations are contained within the final Independent Remuneration Panel report.

Basic Allowance

8. The Basic Allowance be frozen at its present level and paid to each of the 32 Councillors at the rate of £6429 per annum

Structure of Special Responsibility Allowances (SRA)

9. In the interests of transparency only one SRA is paid to the Leader incorporating the two separate SRAs currently being paid.

10. In the interests of transparency only one SRA is paid to the Deputy Leader incorporating the two separate SRAs currently being paid.
11. The IRP recommend that in line with other councils' practices that only one SRA be paid to any one Councillor, and if two posts of responsibility are held at the same time by one Member then only the higher value SRA to be paid.

Special Responsibility Allowances (SRA)

12. SRA payments remain frozen at their present levels, subject to the recommended change in paragraph 9 & 10 above, and paid to the following post holders as indicated in the table below:

Post	Present to nearest £	Proposed (combining all current total allowances)	Change
Leader	12,861	14,238 + 192.52 per member Currently 17,126	Single SRA, Includes Cabinet and Majority Group Leader No change to amount paid
Deputy Leader	8,364	8,364 + 192.52 per member Currently 11,252	Single SRA, Includes Cabinet and Majority Group Deputy Leader No change to amount paid
Cabinet, including Chair Charity Committee	6,945	6,945	No change
Chair Audit	3,216	3,216	No change
Chair Environment and Safety	615	615	No change
Chair Licensing	1,047	1,047	No change
Chair Overview and Scrutiny	3,216	3,216	No change
Chair Planning	3,861	3,861	No change
Vice-Chair Overview and Scrutiny	630	630	No change
Vice-Chair Planning	1,413	1,413	No change
Opposition Group Leaders	1,377 + 192.52 per member	1,377 + 192.52 per member	No change
Main Opposition Group Deputy Leader	192.52 per	192.52 per	No change

	member	member	
Members Environment and Safety	305	305	No change
Members Licensing per Sub Committee	109	109	No change
Members Planning	1,047	1,047	No change
Mayor's Allowance	6,840	6,840	No change
Deputy Mayor's Allowance	2,235	2,235	No change

Independent Co-optees Member Allowances

13. These should continue to be paid at the current rates as follows:

- Members of Standards Committee: £602.82
- Members of Museums Committee: £70.38

Travel Expenses

14. Where approved travel costs using a private vehicle are reimbursed this is in line with current HMRC specified mileage rates.

Dependent Carer's Allowances

15. Dependant Carer's Allowance should be based on the actual costs incurred whilst undertaking an approved duty, including up to 1 hour in total travelling to and from the place at which the approved duty takes place.

Subsistence Allowances

16. The subsistence allowances should be paid up to the current maximum rates for Officers.

Council Policy on payment of Allowances

17. The Panel endorses the policies in place regarding Renunciation, Part Year Entitlements, Withholding and Repayment of Allowances and Working for another Authority as detailed in the Report.

Annual Review of Allowances Scheme

18. A Working Party be set up as soon as possible to carry out an in-depth review of all SRAs.
19. Following the Report of the Working Party the IRP is reconvened within one year of the date of this Report to carry out a further review of all SRAs based on the recommendations of the Working Party.

Timetable of Next Steps

Action	Key milestone	Due date (provisional)	Responsible
Full Council	Approval needed for the 2023/24 Members Allowance scheme	26/04/23	Mary Kilner

Wards Affected

All

Policy Implications

Reading Ease Score: 30.3

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

Additional Information

Appendix A- Final Independent Remuneration Panel Report

Officer to Contact

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Tel: 01424 451066

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Report of the Independent Panel on the review of Members' Allowances for Hastings Borough Council – November 2022

Section 1 Introduction

1. This is the fourth report of the Independent Allowances and Remuneration Panel (IRP) established by Hastings Borough Council in 2010, with subsequent meetings in 2014 and 2018, to make recommendations to the Council as to the amount of allowances which should be payable to its elected and co-opted members and to independent members of the public sitting on committees (Allowances Scheme).

Section 2 Summary

2. Following its deliberations the Panel RECOMMENDS the following in relation to the Allowances Scheme for 2023/24

2(1) The Basic Allowance

The Basic Allowance be frozen at its present level and paid to each of the 32 Councillors at the rate of £6429 per annum

2(2) Structure of Special Responsibility Allowances (SRA)

2(2)(1) In the interests of transparency only one SRA is paid to the Leader incorporating the two separate SRAs currently being paid.

2(2)(2) In the interests of transparency only one SRA is paid to the Deputy Leader incorporating the two separate SRAs currently being paid.

2(2)(3) In line with recommended good practice only one SRA be paid to any one Councillor, and in the event that two posts of responsibility are held at the same time by one Member then only the higher value SRA to be paid

2(3) Special Responsibility Allowances

SRA payments remain frozen at their present levels, subject to the recommended change in 2(2) above, and paid to the following post holders as indicated in the table below:

Post	Present to nearest £	Proposed (combining all current total allowances)	Change
Leader	12,861	14,238 + 192.52 per member Currently 17,126	Single SRA, Includes Majority Group Leader No change to amount paid

Deputy Leader	8,364	8,364 + 192.52 per member Currently 11,252	Single SRA, Includes Majority Group Deputy Leader No change to amount paid
Cabinet, including Chair Charity Committee and excluding Leader and Deputy Leader	6,945	6,945	No change
Chair Audit	3,216	3,216	No change
Chair Environment and Safety	615	615	No change
Chair Licensing	1,047	1,047	No change
Chair Overview and Scrutiny	3,216	3,216	No change
Chair Planning	3,861	3,861	No change
Vice-Chair Overview and Scrutiny	630	630	No change
Vice-Chair Planning	1,413	1,413	No change
Opposition Group Leaders	1,377 + 192.52 per member	1,377 + 192.52 per member	No change
Main Opposition Group Deputy Leader	192.52 per member	192.52 per member	No change
Members Environment and Safety	305	305	No change
Members Licensing per Sub Committee	109	109	No change
Members Planning	1,047	1,047	No change
Mayor's Allowance	6,840	6,840	No change
Deputy Mayor's Allowance	2,235	2,235	No change

2(4) Independent Co-optees Member Allowances

These should continue to be paid at the current rates as follows:

Members of Standards Committee	£602.82
Members of Museums Committee	£70.38

2(5) Travel expenses

Where approved travel costs using a private vehicle are reimbursed this is in line with current HMRC specified mileage rates.

2(6) Dependant Carer's Allowances

Dependant Carer's Allowance should be based on the actual costs incurred whilst undertaking an approved duty, including up to 1 hour in total travelling to and from the place at which the approved duty takes place.

2(7) Subsistence Allowances

The subsistence allowances should be paid up to the current maximum rates for Officers as set out in Section 10.

2(8) Council Policy on payment of Allowances

The Panel endorses the policies in place regarding Renunciation, Part Year Entitlements, Withholding and Repayment of Allowances and Working for another Authority as detailed in Section 11 of this Report.

2(9) Annual Review of Allowances Scheme

2(9)(1) A Working Party be set up as soon as possible to carry out an in-depth review of all SRAs.

2(9)(2) Following the Report of the Working Party the IRP is reconvened within one year of the date of this Report to carry out a further review of all SRAs based on the recommendations of the Working Party.

3. The Panel and Terms of Reference

3(1) Under Section 99 of the Local Government Act 2003 a local authority can only amend its Allowances Scheme following a review by an independent panel. The IRP established for this purpose comprises three members:

Edward Stone (Chair), Stephen Hallam and Clive Mills.

3(2) The Terms of Reference are shown in the detailed brief for the Panel attached as Annex 1

4. The Panel's Work

4(1) The Panel met on three (3) occasions via the medium of Microsoft Teams and through further discussions conducted by email.

4(2) During the course of its meetings the Panel took account of the following:

- The Report of the previous Panel (November 2018)
- Current Members Allowance Scheme

- South East Employers'(SEE) Data Return 2022
- Details of Allowances Schemes from other District Authorities
- Responses to the Members Allowances Survey circulated to all current Members
- Individual meetings with 3 Senior Officers and 5 members
- The Duties of Councillors
- Current rates of inflation and RPI
- Pay awards made to Officers
- National Joint Council (NJC) agreed pay award for local government employees for 2022/23
- Feedback from IRP Training Seminar delivered by SEE attended by all Panel members
- Details of the current financial position of the Council

5. Background

5(1)(1) The Panel acknowledges the extremely difficult financial position that is confronting the Council at this time, understanding that it is substantially worse now than it was at the time the last report was prepared four years ago.

5(1)(2) The Panel also appreciates that the present position with no overall control for one group is problematical.

5(2)(1) The Panel examined in depth the data provided in the SEE data return for this year for District Authorities and used it to make comparisons in respect of Basic Allowances and SRAs.

5(2)(2) The Panel also used the data in the SEE return to evaluate the impact of Members Allowances on local taxpayers.

6. Responses from Members

A Members Allowances Survey was sent out to all current Councillors inviting their input for the compilation of this Report and responses were received from 15 Members.

The Panel also met with five Members through the medium of Microsoft Teams.

The following is a summary of the issues raised by Members, and the Panel has taken these into account in its deliberations:

- No clear understanding of what can be claimed re Travel, Dependants etc
- Free parking useful, most travel is local, so there is no need to claim
- No one has claimed Carer's Allowances
- Not all travel is met by bus pass, but car travel within the Borough is not remunerated
- Claiming travel is fairly straightforward and when claimed was deemed satisfactory
- Carer's Allowances need widening to cater for adults and children with special needs
- Carer's Allowances should be more accessible with extra support for disabled Councillors
- Briefing of Councillors with regard to Allowances was defined as being somewhere between moderate and poor, depending on group, and has been incorrect in some cases with no reliable information given

- Briefing by Officers is a delicate issue. Role of Councillor is to represent their Residents, not just be a “Council mouthpiece” but information on Allowances is essential
- Clarity is needed with regard to HMRC as although payments are defined as Allowances and not income they do result in loss of benefits eg Maternity pay, UC and free school meals
- Staff giving briefing need to undergo some training
- More guidance needs to be given before standing for election, reality can be a shock
- Lack of clear guidance has led to considerable financial difficulties in respect of Benefits and the need to make repayments when overpayment has been made
- Due to lack of information use has been made of on-line facilities for guidance
- Some training has been provided this year but overall training is lacking and more is required
- Very easy for Members to become involved in wider issues than their role demands, resulting in higher time commitment
- Personal circumstances have a big influence on every Councillor
- Work/life balance suffers, but is accepted as inevitable, the price to pay for being a Councillor
- Becoming a Councillor takes over your life, akin to starting a new career
- Cannot work full time and be a Councillor as you are never off duty
- Impossible for single parents in full time work to be Councillors, the system favours retired people with a steady (pension) income or the self employed
- Demands made on Councillor time vary greatly from ward to ward
- Interaction with other Councillors makes a great demand on time with telephone conversations going on very late at night. There is a need to set boundaries
- Responding to emails is very time consuming
- Many Councillors are involved in other activities which make big calls on their time, often requiring specialised training eg Lifeboat Service
- Thought should be given to the way Allowances are actually paid, 2 months payment at the beginning can cause knock on problems with benefits
- Councillors on working/family tax credits are worse off, extra support should be available for the loss of benefits, eg Free school meals, Free childcare etc
- Although outside the brief for the Panel, consideration should be made for physical and mental wellbeing of Councillors
- Present Allowances are OK, but not representative of the hours put into the role
- Allowance should equate to 16 hours work at the minimum wage
- Basic Allowance is adequate but thought needs to be given to child/family caring duties
- Allowances do meet out of pocket expenses
- Allowance does not always meet travel costs and no travel claim can be made under current Council Policy.
- Time is spent preparing for Licensing meetings but if the meeting is cancelled no Allowance is paid
- The system needs to change, with further thought being given to the spread of Allowances
- With the no overall majority situation the current Allowance structure needs review as it is out of date
- Attendance at Overview and Scrutiny (O & S) is a very time consuming and demanding Committee but does not receive any Allowance, unlike Licensing and Planning

- An Allowance for members of O & S would give it some status
- Members of Audit Committee have a huge responsibility with no financial recognition
- Role of Councillor jeopardises future security for younger (non-retired) people, with loss of pension rights and impacts on career development
- Allowances do not compare with the level of responsibility involved
- It is difficult to raise Allowances at this present time
- Can consideration be given to a graded Basic Allowance to help those on very low incomes
- Not being allowed to act on your own initiative and having to process everything through the portfolio holder is frustrating and time consuming for everyone
- Level of Allowances was felt to be satisfactory although the effect on benefits caused concern.
- Help should be provided for Councillors with disabilities in meetings as well as other duties
- Consideration needs to be given to the timings of meetings. Committees are populated by those available at a given time, school run times and other day time meetings ruling out many younger people
- An Allowance should be made available to meet the cost of hiring venues for ward surgeries
- Re-imburement of stationery and other costs involved in carrying out duties as a Councillor
- The present Cabinet system should be replaced by a Committee system
- Being a Councillor is a privilege and one does not become a Councillor for the money

7. Panel's Rationale for its recommendations

7(1)(1) In line with recommended good practice and for greater transparency the Panel RECOMMENDS that only one SRA is paid to the Leader, with this incorporating the two separate SRAs currently being paid, in recognition of the importance of this role.

7(1)(2) The Panel RECOMMENDS the same criteria apply to the Allowances paid to the Deputy Leader, with the two Allowances both being incorporated into one Allowance and only one SRA being paid to the Deputy Leader.

7(2)(1) In line with recommended good practice the Panel RECOMMENDS that only one SRA should be paid to any one Councillor, and in the event that two posts of responsibility are held at the same time by one person then only the higher value SRA should be paid.

7(2)(2) The Panel felt uncomfortable with the present structure of the Allowance system. The four-year cycle whereby uplifts to Allowances were automatically applied without consideration to the changing nature of the various roles appears to have created SRAs which do not reflect the current situation with regard to the work and responsibility involved. It appears to the Panel that these increases are simply applied year on year with Officers applying the formula without any referral or formal approval involving full Council. The level of SRA paid should relate in some respect to the Basic Allowance and the Panel found no evidence that this was the case. The Panel RECOMMENDS that a Working Party be set up as soon as possible to carry out a full review of SRAs with its findings being referred to an IRP, to be reconvened within one year of the date of this Report.

7(2)(3) With reference to the recommendation in 7(2)(2) above the Panel RECOMMENDS no change to the present SRA payments pending this review.

7(3)(1) The recent award made for staff salaries is problematical as it is in the nature of a lump sum payment and the percentage effect varies according to the salary of each member of staff. The Panel RECOMMENDS that the current policy of uplifting Allowances in line with NJC criteria is not a viable option.

7(3)(2) In making comparisons with other SEE District Authorities it became clear that the impact of Hastings Councillor Allowances on local taxpayers placed it well inside the top 20% of 44 District Authorities contained in the SEE data report.

7(3)(3) Similar comparisons also showed the present Basic Allowance is approximately 15% above the average for the same District Authorities.

7(3)(4) A suggestion was put before the Panel that the Basic Allowance should be graded in some way to help those Members who lost financial benefits by becoming a Councillor. Although the Panel is sympathetic to this, the rules governing the payment of the Basic Allowance do not permit this.

7(3)(5) The Panel acknowledges the high level of commitment shown by Councillors but must reiterate that these are allowances and not a salary. A suggestion was made that remuneration should be calculated at the rate of 16 hours a week at the minimum wage. Using the National Living Wage (September 2022), and allowing for a 30% element of public service, the current Basic Allowance is slightly in excess of this.

7(3)(6) Following the guidance given during the SEE seminar, the Panel feels comfortable with the present level of Basic Allowance being paid.

7(3)(7) Although appreciating the difficulties being faced by some Councillors, but having to take into account the present financial difficulties in trying to achieve a balanced budget, the Panel RECOMMENDS no increase be applied to the Basic Allowance.

7(4) The Panel RECOMMENDS, in line with the recommendations above, that as all Allowances remain at their present levels, the payments made to Independent Co-Optee Members similarly remain unchanged.

Independent Members of the Standards Committee	602.82
Independent Members of the Museums Committee	70.38

8(4) Travelling Allowances

8(4)(1) The Panel RECOMMENDS that the current HMRC specified mileage rates at the time the travel is undertaken is used for the re-imbusement of all approved essential travel costs. As at November 2022 these were:

- Cars and Vans (regardless of engine size) including electric and hybrid vehicles 45p per mile.
- An additional 5p per mile can be claimed for additional passengers
- Motor Bike, 24p per mile
- Bicycle and other non-motorised forms of transport 20p per mile

8(4)(2) The Panel endorses the current practice of the payment of parking charges and other fixed travelling expenses e.g. tolls and for these to be paid at cost and subject to receipts.

8(4)(3) The Panel RECOMMENDS that costs of travelling whilst on approved Council business should not have to be met from either the SRA or Basic Allowance and that all such travel costs should be reclaimed. The Panel received confirmation that such claims would not place an undue strain on the administration. This change will help mitigate the lack of increase in the Allowances and replace it with reimbursement which will have no tax nor benefit implications.

8(4)(4) The Panel RECOMMENDS that for travelling within the Borough Members should continue to be provided with a car park pass or public transport pass for use on official business within the Borough.

8(4)(5) The Panel RECOMMENDS that attendance at Civic Ceremonies, such as Remembrance Day and other memorial and civic events, in their role of Councillor should be covered for travelling expenses.

9 Dependant Carer's Allowance and Childcare Allowance

9(1) The Panel RECOMMENDS that full use is made of the Dependant Carer's Allowance and Childcare Allowances available where a Member of the Council is obliged to engage and pay a carer for another dependant member of the household or a child because that member would be otherwise unable to attend an approved duty due to the need to ensure that care is provided for that dependant person or child.

9(2)(1) The Panel RECOMMENDS that the Dependant Carer's Allowance should be based on the actual costs incurred while undertaking an approved duty, including up to 1 hour in total travelling to and from the place at which the approved duty takes place. The Dependant Carer's Allowance and Childcare Allowance shall not be paid where the carer is a member of the Councillor's own household.

9(2)(2) The Dependant Carer's Allowance and Childcare Allowance may be claimed for:

- A child or children under the age of 16
- An elderly relative requiring full time care
- A relative with physical or mental disability requiring full time care
- A relative with learning disabilities requiring full time care

The Councillor must notify the Council of the identity of the carer in respect of whose costs the allowance is claimed and the dependant or child(ren) must be registered with the Council in advance of any claim being made. Disabled dependants are excluded where the Member is already in receipt of a carer's allowance.

10 Subsistence Allowances

The Panel RECOMMENDS that subsistence allowances should be paid for approved duties up to the maximum rates as set out for Officers at the time the expense is incurred, with the exception of the Tea Allowance which no longer seems to be appropriate. All such

payments must be supported by receipts confirming the amount actually spent. As at November 2022 these were:

Breakfast allowance (more than 4 hours away from normal place of residence before 11.00am) up to	£6.88
Lunch allowance (more than 4 hours from normal place of residence including the lunchtime between 12 noon and 2.00 pm) up to	£9.50
Evening meal allowance (more than 4 hours away from the normal place of residence, ending after 7.00pm) up to	£11.76
Overnight subsistence	£93.08
	£106.16

(Absence overnight in London or at the Annual Conference of the LGA)

11 Present Practice

11(1) Renunciation

A Councillor or Independent Co-optee Member may, by giving notice in writing to the Chief Legal Officer, elect to forgo all, or part, of his/her entitlement to allowance under this Scheme.

11(2) Part Year Entitlements

During the operation of this Scheme, where there is an amendment to the Scheme, or where there is a change in the person receiving the allowance, the Scheme shall be applied on a daily pro-rata basis with any overpayment paid back to the Council.

11(3) Withholding of Allowance

Where a Councillor or independent co-opted member is suspended or partially suspended from his/her responsibilities or duties as a Member, that part of the allowance, or travelling or subsistence payable to him/her in respect of the period over which he/she is suspended, or partially suspended, shall be withheld, subject to such sanction being so recommended by the Council's Standards Committee.

11(4) Repayment of Allowances

Where a Councillor or independent co-opted Member has already received payment of allowances, or travelling and subsistence payments in respect of any period during which they:

- Are suspended, or partially suspended from their responsibilities or duties
- Cease to be a Member
- Or become in any way not entitled to receive such an allowance in respect of that period

it shall be a requirement that the part of the allowance for the period in question shall be repaid to the Council.

11(5) Membership of another Authority

Where a Councillor is also a member of another Public Authority from which allowances can be claimed, that Councillor must not claim, nor receive, any allowances from more than one Authority in respect of the same duties.

12 Other Matters arising from Councillor feedback

12(1) Various other matters were brought to the attention of the Panel both during their interviews with Councillors and in response to the Members Survey. Some of these issues have already been covered by this Report and some were outside the Panel's Terms of Reference.

12(2)(1) Concern was expressed with the quality of information that was being given to anyone considering offering themselves as a candidate for election. Incorrect advice concerning the impact of Allowances on benefits and tax had resulted in considerable hardship in some cases. Although this does not form part of its remit, as these issues were raised the Panel requests that the way this is carried out should be reviewed.

12(2)(2) The quality of training provided by Officers for Councillors was generally felt to be well below what should be expected, with Members having no clear understanding of the Allowances available. There was also concern expressed regarding lack of training and guidance on work load and expectations of the various roles of Councillors. Although this does not form part of its remit, as these issues were raised the Panel requests that the way this is carried out should be reviewed.

12(2)(3) The Panel RECOMMENDS that a definitive list of Approved Duties for which Allowances can be claimed in line with HMRC rules should be made easily available for all Councillors.

12(3)(1) Although outside its Terms of Reference the Panel recognised the considerable emotional and mental pressure being felt by some Councillors and requests that the facilities already freely available to Staff and Members should be clearly communicated to all Councillors.

12(3)(2) The Panel was advised that although there was some provision for disabled members this did not fully address their needs during meetings. The Panel RECOMMENDS that some form of personal assistance be provided for any Councillor in need of such help.

12(4)(1) There did appear to be anomalies regarding payments made for membership of different committees. The Panel requests that this should be included as part of the overall review that has been recommended.

12(4)(2) The Panel's attention was drawn to the fact that should a scheduled meeting be cancelled then no payment is received for that meeting, although considerable time may already have been spent in preparation and reading all the relevant documentation. The Panel RECOMMENDS that in such cases the respective payment should be made.

12.5 The Panel was made aware of the present policy of not re-imbursing travel costs in some cases for Councillors when carrying out their duties, with the expectation that such costs should come from their Allowance. The Panel wishes to reiterate its recommendations made earlier in this Report that all such costs necessarily incurred should be reimbursed as this is a benefit with no impact on tax or benefits.

13 Conclusion

The members of the Panel would like to express their thanks to all the Members and Officers who submitted returns to the survey and/or attended an interview with them. They would also like to thank the Continuous Improvement and Democratic Services Officer for all the help and support she provided.

Edward A Stone Chair
29th November 2022

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Agenda Item 12



Report To:	Full Council
Date of Meeting:	26th April 2023
Report Title:	Appointment of Chief Finance Officer (Section 151 Officer)
Report By:	Jane Hartnell, Chief Executive
Key Decision:	N
Classification:	Open

Purpose of Report

The council is required by law to appoint three statutory officers, each of whom have responsibility for elements of governance within the authority. These are the Head of Paid Service (Chief Executive), Monitoring Officer (Chief Legal Officer) and the Chief Finance Officer (Section 151 Officer).

Recommendation(s)

- 1. That Kit Wheeler is appointed statutory Chief Finance Officer (Section 151 Officer) with immediate effect.**

Reasons for Recommendations

1. Following the departure of the previous Chief Finance Officer, Kit Wheeler was appointed as interim Chief Finance Officer (Section 151 Officer). A senior management restructure has now taken place and Kit has been appointed as the permanent Chief Finance Officer (Section 151 Officer) subject to Full Council approval.

1. The council is required by law (section 151 of the Local Government Act 1972) to make arrangements for the proper administration of their financial affairs and appoint a S151 Officer, also known as a Chief Financial Officer (CFO) to have responsibility for those arrangements.
2. The Chief Finance Officer (CFO) must be a member of a specified accountancy body (section 113 of the Local Government Finance Act 1988).
3. The CFO and the Monitoring Officer have a role in advising councillors whether particular decisions are likely to be contrary to the policy framework or budget of the authority.
4. The Chief Financial Officer is also required to report to the authority at the time that the budget is considered and the Council Tax set on both the robustness of the budget estimates and the adequacy of financial reserves. S/he is also required to ensure that the guidelines and ratios set down for the purposes of Prudential Capital regime are adhered to once fixed and report to Council if they are going to be infringed. (Local Government Act 2003)
5. Kit Wheeler was appointed as interim CFO/S151 in May last year. Following successful performance in the interim role, and as part of the senior management restructure, Kit was appointed as CFO subject to Full Council approval.
6. My recommendation to Council, is therefore that Kit Wheeler be appointed as the permanent Chief Finance Officer and Section 151 officer.

Wards Affected

Policy Implications

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

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

Officer to Contact

Officer: Jane Hartnell, Chief Executive
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Tel: 01424 451482

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Agenda Annex Document Pack

CABINET

6 MARCH 2023

Present: Councillors Barnett (Chair), Batsford, Cannon, Evans, Roark, Rogers and Willis

In attendance: Jane Hartnell Managing Director, Mary Kilner Chief Legal Officer, Paul Cosson Enforcement Manager

518. APOLOGIES FOR ABSENCE

None received

519. DECLARATION OF INTERESTS

Councillor	Item	Interest
Cllr Rogers	5	Personal – Member of Charity Committee

520. MINUTES OF LAST MEETING 30/01/23 & 06/02/23

RESOLVED – that the minutes of the meeting held on 30th January 2023 and 6th February be approved as a true record.

521. NOTIFICATION OF ADDITIONAL URGENT ITEMS

Item 6 - To appoint a Vice-Chair of the Hastings Country Park Management Forum

522. REVIEWING THE NEED FOR A DOG CONTROL PUBLIC SPACE PROTECTION ORDER (DC PSPO)

The Enforcement Manager explained there are currently no dog PSPO's as they lapsed in June 2020 during Covid. The new proposed dog control PSPO's have been out to consultation. There were 835 responses to the consultation with 601 specifically opposing the new restrictions on the beach, 114 advised they felt the old restrictions seemed fair and 74 agreed with the new proposal. The new PSPO's are based on the previous PSPO's with some amendments to the beaches and the parks and gardens. Dog exclusion orders will cover fixed equipment playgrounds, and parks with no playgrounds will require dogs to be on leads between 9:00am and 5:00pm in the summer and 10:00am and 16:00pm in the winter. There was a consultation response from the Charity committee asking for restrictions to be in line with the previous PSPO's with two amendments. These were for the beach at Rock A Nore to be included in the restrictions and for the restrictions to start in April instead of the previous start time of May.

CABINET

6 MARCH 2023

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Councillors asked a question regarding the number of responses to the consultation. The Enforcement Manager answered that the consultation had one of the highest responses to any consultation recently.

Councillors asked regarding responses from statutory partners. The Enforcement Manager explained that East Sussex County Council had not responded. Sussex Police did respond and support the proposed dog control measures.

The Councillors debated and discussed the need for dog control measures. It was discussed how renewing the Dog control PSPO gave an opportunity to make the PSPO's clearer and easier to understand. The Councillors discussed that there will be now dog exclusion areas in play parks. The Rock A Nore beach has now been included in the beach exclusion area, but it was noted that the Fisher's working dogs are allowed. The beach exclusion will now start in April as this is now the start of the summer season.

Councillor Rogers explained that the Dog control PSPO will be reviewed after 12 months and asked for the public to comment on any changes they feel are needed especially regarding the number of dogs one person can walk at once.

Councillor Barnett explained that the orders will need to be created and will hopefully come into place by the summer.

Proposed by Councillor Rogers and seconded by Councillor Willis

RESOLVED (unanimously):

1) Agree the proposed and recommended restrictions for a new Dog Control Public Space Protection Order and authorise the Chief Legal Officer to create this Order to last 3 years, 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:

-
1. The Hastings Dog Control PSPO lapsed in June 2020, and a new PSPO is required to enable enforcement to be carried out where needed to address problems like fouling and dogs not being under control.

2. Before making these recommendations, the council gathered views from local people and affected organisations and parties during the public consultation.

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6 MARCH 2023

523. URGENT ITEM: TO APPOINT A VICE CHAIR OF THE COUNTRY PARK MANAGEMENT FORUM

The Chief Legal Officer explained a vice chair needs to be appointed for the Hastings Country Park Management Forum. Councillor Willis will be the vice chair of the Hastings Country Park Management Forum.

Proposed by Councillor Barnett and seconded by Councillor Roark

RESOLVED (unanimously):

1) Cabinet appoint Councillor Willis as Vice-Chair of the Hastings Country Park Management Forum.

Reasons

The Forum requires a Vice-Chair to be appointed to act in the absence of the Chair

(The Chair declared the meeting closed at. 6.45 pm)

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Public Document Pack CABINET

3 APRIL 2023

Present: Councillors Evans (Chair), Cannon, Roark, Rogers and Willis

In attendance: Mary Kilner Chief Legal Officer, Stephen Dodson Head of Strategic Programmes, Natasha Tewkesbury Head of Community and Regulatory Services Stewart Bryant Senior Environmental Health Officer, Andrew Palmer, Sam Phyll Senior Programmes Manager, Kevin Boorman Marketing and Major Projects Manager, Susan Hanson Housing Development Manager

524. APOLOGIES FOR ABSENCE

Apologies received from Councillor Barnett and Councillor Batsford

525. DECLARATION OF INTERESTS

Councillor	Item	Interest
Cllr Cannon	5	Personal – Member of the Planning Committee
Cllr Evans	7	Personal – Member of the Buddy project

526. MINUTES OF LAST MEETING 06/03/23

RESOLVED – that the minutes of the meeting held on 6th March 2023 be approved as a true record.

527. REVIEW OF THE HASTINGS BOROUGH COUNCIL GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

The Senior Environmental Health Officer reported that the purpose of the report is to seek approval to agree to the updated statement of principles which is required by the Gambling Act 2005 and recommend a No Casino resolution to not issue casino premises licences in the borough. These recommendations would be passed to Full Council. This process is needed every three years. The current resolution expired on 31 January 2022 and the Council needs to pass a new resolution at Full Council on 26 April 2023, to then come into effect 4 weeks later on the 24th May 2023. The reason to have No Casino Resolution is based around the level of deprivation within the Borough as a whole and areas such as Castle Ward to protect vulnerable people. A

CABINET

3 APRIL 2023

six-week consultation process took place whereby no negative no concerns have been raised about the amended Statement of Principles or the No Casino Resolution.

Councillors debated and agreed the ethos of the No Casino Resolution is correct and recognised the harm caused by excessive gambling.

Proposed by Councillor Roark and seconded by Councillor Rogers

RESOLVED (unanimously):

- 1. Cabinet agree the Gambling Act 2005 Statement of Principles and recommend to Full Council for adoption.**
- 2. Recommend a No Casino resolution to not issue casino premises licences in the borough to Full Council.**

Reasons:

It is a statutory requirement for the council to review the Gambling Act Statement of Principles and the No Casino Resolution every three years. Failure to do so could result in judicial review proceedings against the council and call in to doubt the decisions made by the Licensing Committee under the Act.

528. TOWN LIVING PROJECT

Councillor Carr was welcomed to ask questions. Councillor Car highlighted that the tenants have not been made aware of the plans set out in the report and requested an apology to the tenants.

Councillor Evans agreed an apology should be provided to the current tenants. Andrew Palmer answered that the clients are in temporary accommodation with the aim to move them to permanent accommodation.

Andrew Palmer explained that this report is for phase one of the Town Living Project refurbishing and retrofitting the first property, which is a Council owned property currently used for temporary accommodation. The cost is around £794,000 at present and any remaining money would be used to help fund a second property as part of Stage 2. The point was made that there isn't a scheme until Full Council approves the capital funding for the project. It's not currently in the Council's capital program, so this will be a Full Council decision. There would also need to be planning permission secured and there will be necessary consultation undertaken as part of that process. The property is not in the greatest condition and will need some significant reinvestment. This would mean at some point the Council would need to spend a considerable amount of money on upgrading this property.

CABINET

3 APRIL 2023

Training and employment opportunities would be created for whole house retrofitting and will be used as an example of how other properties can be successfully retrofitted as well.

The Housing Development Manager apologised that the clients currently living in the property had not been made aware of this report. It was explained that none of the works in the report will go ahead until Full Council approval and planning permission has been approved. The property will incur further costs for the Council later if this opportunity is not taken to use external funding.

Councillors asked officers that the clients are kept up to date at all stages. The Head of Strategic Programmes confirmed the communications on projects will be reviewed.

Councillors debated and recognised the need for sustainable and environmentally friendly housing. This will be an opportunity to create a template on how to retrofit the borough's historical buildings.

Proposed by Councillor Evans and seconded by Councillor Rogers

RESOLVED (unanimously):

That Cabinet recommends that Full Council approves:

- 1. to progress Phase 1 of the Town Living project;**
- 2. to establish a capital budget of £1,037,615 (to be funded via the Town Fund programme) for the Town Living project;**
- 3. to delegate authority to the Managing Director to complete Phase 1 of the Town Living project, including any associated procurement; and**
- 4. to source a property/properties for Phase 2 of the Town Living project.**

Reasons

1. The Hastings Town Fund Programme has awarded the Town Living project £1,037,615. Phase 1 has been awarded £794,000 which is the estimated cost of completing this phase.
2. The project will provide a best practice example of how to renovate and retrofit a listed building, increase the supply of permanent affordable housing in the town centre, support reductions in carbon emissions and energy costs and provide training and employment opportunities in whole house retrofitting.

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3 APRIL 2023

3. A Council owned Grade II listed property will be fully restored, energy efficient and converted to Affordable Rent housing.

529. ENERGY PROCUREMENT- ELECTRICITY

The Senior Programmes Manager reported that last year a procurement for electricity for one year was agreed. This report asks to acknowledge the change from the Laser Framework to eEnergy, with a requirement of 100% renewable energy, as per the Council's Green Electricity purchase plans. It also requests to delegate authority to the Chief Finance Officer, in consultation with the Finance Portfolio Lead Member, to finalise the agreements as the tendering process happens within a single day and therefore there is no timeframe to delay the decision.

The Chief Finance Officer explained if this report is agreed it will give the opportunity to have security in our electricity supply and at a reduced rate in a time when the prices are increasing

Councillors asked regarding REGO. The Senior Programmes Manager explained that REGO (renewable energy guarantee of origin) is a certificate that suppliers can purchase when they purchase energy to state it comes from a renewable source. Various companies make money in the trading of REGO's, not necessarily the generator of the energy. If we commit to the 100% renewable energy provider, then we can ensure that the money we are paying for electricity is going to the generator

Councillors asked why eEnergy will be able to give a better rate. The Energy Development and Delivery Project Manager explained eEnergy has more 100% renewable energy providers who can bid and undercut each other.

Proposed by Councillor Willis and seconded by Councillor Roark

RESOLVED (unanimously):

1. **Acknowledge the change from the Laser Framework to eEnergy, with a requirement of 100% renewable energy, as per the Council's Green Electricity purchase plans.**
2. **Agree to the Bureau Service from eEnergy, at a cost of £4,800 a year, to supply Portfolio Management, Bill Validation and Bureau management.**
3. **To delegate authority to the Chief Finance Officer, in consultation with the Finance Portfolio Lead Member, to finalise the agreements.**

Reasons

1. The Council's Constitution, Part 9 Financial Rules Section 3, requires Cabinet approval for expenditure exceeding £200,000.

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3 APRIL 2023

2. The Council's electricity contract with the Laser purchasing group ends on 30th September 2023. A decision needs to be made about procurement options by March 2023 to ensure a new supplier can secure the Council's energy needs from the energy market, six months in advance of the new supplier commencing.
3. Officers have engaged with the Procurement Hub and investigated three procurement options to buy the Council's electricity from 1st October 2023.
4. All three suppliers offer a slightly different approach to procuring energy, the eEnergy Framework can offer the best chance of receiving a competitive price from a fully green electricity supplier (rather than a Renewable Energy Guarantee of Origin (REGO) backed supply) due to this framework having a higher number of suppliers offering this service.
5. Delegated Authority is required as the tendering process happens within a single day and therefore there is no timeframe to delay the decision.

530. MUSEUM COMMITTEE RECOMMENDATIONS

The Marketing and Major Projects Manager explained that the visitor numbers are 20% up on what is expected for the year. He thanked the previous manager Damian Etheraads and the new Senior Creator Alice Roberts-Pratt for all their work.

Councillor debated and recognised the work of officers and volunteers at the museum.

Proposed by Councillor Rogers and seconded by Councillor Willis

RESOLVED (unanimously):

That Cabinet note and approve the recommendations of the Museum Committee meeting held on 13 March 2023

Reasons

The Museum Committee has no formal decision-making powers and acts as an advisory committee to Cabinet.

531. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None

532. URGENT ITEMS (IF ANY)

None

CABINET

3 APRIL 2023

(The Chair declared the meeting closed at. 6.55 pm)

Report To: Cabinet

Date of Meeting: 3 April 2023

Report Title: Review of the Hastings Borough Council Gambling Act 2005 Statement of Principles

Report By: Natasha Tewkesbury, Head of Community & Regulatory Services

Key Decision: Yes

Classification: Public (Part 1)

Purpose of Report

To seek approval from Cabinet to agree the updated Statement of Principles as required by the Gambling Act 2005 and agree to recommend the proposal to pass a No Casino resolution to Full Council.

Recommendations

- 1. Cabinet agree the Gambling Act 2005 Statement of Principles and recommend to Full Council for adoption.**
- 2. Recommend a No Casino resolution to not issue casino premises licences in the borough to Full Council.**

Reasons for Recommendations

1. It is a statutory requirement for the council to review the Gambling Act Statement of Principles and the No Casino Resolution every three years. Failure to do so could result in judicial review proceedings against the council and call in to doubt the decisions made by the Licensing Committee under the Act.

Introduction

1. The Gambling Act 2005 (“the Act”) requires Licensing Authorities (the council) to prepare and publish for a three-year period, a Statement of Principles for their area which apply when exercising its functions under the Act.
2. The current Statement of Principles was approved by Full Council after review and public consultation and came into effect on 31 January 2019. As a result of the COVID pandemic, the review was delayed due to the additional burden and resources being diverted to COVID response work. An updated policy is attached at **Appendix A**.
3. The Act places a duty on the Licensing Authority to develop a Statement of Principles that promotes the three licensing objectives:
 - a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - b. Ensuring that gambling is conducted in a fair and open way
 - c. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
4. The Act requires Licensing Authorities to review the Statement of Principles every three years.
5. The Gambling Act 2005 (the Act) allows a licensing authority to pass a No Casino Resolution and to specify the date on which the resolution takes effect. This decision must be taken by Full Council and must be published in the Policy. The resolution must specify the date it comes into effect, and it may also be revoked by passing a further resolution, subject to further consultation.
6. On the 20 December 2018, the council as the Licensing Authority agreed to pass a resolution not to issue casino licences (A No Casino Resolution) and agreed amendments to the Council’s Gambling policy (the Policy). The resolution came into effect on 31 January 2019, as it cannot take effect until 4 weeks after the date of the council decision.
7. The decision to pass the resolution was based on the council’s priorities and commitments to improving the wellbeing of people in Hastings and St Leonards. The decision was based on:
 - a. addressing poverty and the impact of poverty on its communities.
 - b. research which suggests that casinos are associated with higher bankruptcy rates in their localities and the increased likelihood of a person becoming a problem gambler,
 - c. the links between problem gambling and the negative impact on communities; and
 - d. the promotion of the licensing objective *“Protecting children and other vulnerable persons from being harmed or exploited by gambling”*.
8. A ‘No Casino’ resolution needs to be passed every 3 years to remain in place. The current resolution expired on 31 January 2022 and the council needs to pass a new resolution at Full Council on 26 April 2023. This will come into effect 4 weeks later on the 24 May 2023.

No Casino Resolution

9. The Gambling Act 2005 (the Act) allows a licensing authority to pass a No Casino Resolution and to specify the date on which the resolution takes effect. This decision must be taken by Full Council and must be published in the Policy.
10. The resolution must specify the date it comes into effect, and it may also be revoked by passing a further resolution, subject to further consultation.
11. A No Casino Resolution will only affect new casinos. It will not have any effect on casino premises that were originally licensed under the Gaming Act 1968, casino premises licences issued before the resolution takes effect. There are currently no Casino licences granted in Hastings.

Consideration when passing a No Casino Resolution

12. In making the decision to pass a No Casino Resolution, the council may take into account any principle or matter in addition to the licensing objectives. The licensing objectives in respect of the Gambling Act 2005 are:
 - a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - b. Ensuring that gambling is conducted in a fair and open way
 - c. Protecting children and other vulnerable persons from being harmed or exploited by gambling

Current Considerations for a No Casino Resolution

13. Tackling poverty remains a key priority of the council as Hastings continues to have an above average level of deprivation. The cost of living crisis has exacerbated the economic issues of the town and many more households are experiencing poverty.
14. According to the latest Index of Multiple Deprivation (IMD2019), relative multiple deprivation has risen in East Sussex since 2015. Hastings ranks as the most deprived lower tier local authority in the Southeast, Transport for South East (TfSE) area and South East Local Enterprise Partnership (SE LEP) by almost all measures. Nationally, it ranks as 13th most deprived in terms of rank of average rank, out of 317 lower tier local authorities, and in terms of local concentration, it is 16th.
15. The majority of the county's deprived neighbourhoods are located in Hastings, where 16 out of 53 neighbourhoods (30%) rank in the most deprived decile nationally, with two among the most deprived 1% of LSOAs, in Baird (Hastings 005A, rank 147 out of 32,844) and Tressell (Hastings 005D, rank 186) wards. This is the same proportion as in 2015. The full details of that report are attached at Appendix B and provides the evidence for the rationale behind a No Casino resolution.
16. Previous research has shown that disadvantaged social groups who experience poverty, unemployment, dependence on welfare and lower levels of education and household income are more likely to suffer the adverse consequences of increased gambling. Problem gambling can lead to debt, divorce, crime, mental health issues and also suicide, all of which can have a negative impact on communities, particularly those already experiencing the stresses of life on low income.
17. The licensing objective 3; "Protecting children and other vulnerable persons from being harmed or exploited by gambling" remains relevant in this case. The term "vulnerable

persons” is not defined but the statutory guidance produced by the Gambling Commission states that for regulatory purposes it must be assumed that this group includes people who gamble more than they want to, people who gamble beyond their means and people who are unable to make informed or balanced decisions about gambling.

Consultation Process

18. The existing Policy was amended to ensure readability and removal of excess jargon making it understandable for the wider community. There were no significant changes to the policy. The amended Statement of Principles is included at Appendix A and was published for a six-week consultation period starting on the 21 October 2022.
19. Consultation was undertaken with existing licence holders, representatives of persons carrying on gambling businesses, statutory bodies including the Chief Officer for Sussex Police, representatives of interested parties and borough councillors, representatives of those in the Gambling Trade, those likely to be affected by the authority’s functions, and public consultation on the council’s website. www.hastings.gov.uk
20. The consultation period ended on 2 December 2022. We did not receive any responses, therefore no concerns have been raised about the amended Statement of Principles and the No Casino Resolution. These should be formally agreed at Cabinet and then Full Council for adoption.

Legal Considerations

21. Under section 349 of the Gambling Act 2005 a licensing authority shall before each successive period of three years prepare a Statement of the Principles which they will apply in exercising their functions under the Act during that period. The same section states that the Licensing Authority shall consult with the Chief Officer of Police, those who represent the interests of people carrying on gambling businesses in the authority’s area and those who appear to the authority to represent the interests of people who are likely to be affected by the exercise of the authority’s functions.
22. The Licensing Authority should also take account of The Gambling Act 2005 (Licensing Authority Policy Statement) Regulations 2006 which states the legal rules for the form of the Statement and the procedure to be followed in preparing and publishing a Statement.
23. A No Casino resolution is a non- executive function and cannot be delegated therefore it has to be passed by Full Council. The resolution must be published in the Policy before it takes effect.

Policy implications

24. Crime and Fear of Crime (Section 17). The Council’s Gambling Act 2005 Statement of Principles is clearly highly relevant to the Council’s statutory duty to consider crime and the fear of crime. An effective Licensing Statement Policy should contribute to reducing crime and fear of crime.

Risk management implications

25. In accordance with the Council’s Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. A failure by the Council to review and adopt a Statement of Principles contravenes Section 349 Gambling Act 2005 and renders it impossible for the Gambling Sector within the Borough to be properly administered and enforced.

Local People’s Views

26. The statutory consultation process provided an opportunity for local people to comment on the amended policy and statement of principles and this was completed.

Equalities and Community Cohesiveness

27. Equalities Impact Assessments carried out during previous reviews of this policy did not identify any scope for discrimination as a result of the policy. As no substantive changes are proposed to the policy, there will be no change from an equalities impact perspective. From a community cohesiveness perspective, a No Casino resolution should help to continue to promote the council’s priority in relation to reducing poverty.

Human Rights Act

28. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property. Holding a premises licence would be considered a possession. These are qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done, has its basis in law, and

- a. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim
- b. Is proportionate to the aims being pursued; and,
- c. Is related to the prevention of crime; or, the protection of public order or health.

Options

29. The consultation has not raised any concerns about the proposed updated Statement of Principles. The options are to:

- a. Approve the updated Statement of Principles and choose to propose a No Casino resolution

Or

- b. Approve the updated Statement of Principles and choose not to propose a No Casino Resolution.

30. Based primarily on the data provided in this report, Option 1 should be implemented. If Cabinet agrees, the Statement of Principles and No Casino resolution can be updated and then reported to Full Council for adoption.

Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Agreed at Cabinet		3/4/23	Natasha

			Tewkesbury
Adopted at Full Council		26/4/23	Natasha Tewkesbury

Wards Affected

All Wards

Policy Implications

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

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

Additional Information

Appendix A. Proposed Revised Gambling Act 2005 Statement of Principles.
Appendix B. East Sussex Indices of Deprivation 2019

Background papers

[Gambling Commission Guidance to Licensing Authorities](#)
[East Sussex Indices of Deprivation 2019](#)

Officer to Contact

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Gambling Act 2005 Statement of Principles

Hastings Borough Council

Gambling Policy

24 May 2023 to 30 January 2026

Document History

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Full review	01.10.2022	In draft 21.10.2022
Full review	01.10.2026	TBC

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Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005, the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31 January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission.

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives, which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The Council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the Council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. The policy describes the Council's enforcement principles and the principles underpinning the right of review.

The policy has six appendices, describing the stakes and prizes which determine the category of a gaming machine, permits, premises licensing, responsible authorities, list detailing who this authority has consulted, summary of gaming machines by premises, and a summary of licensing authority delegations under the Gambling Act 2005

1 The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

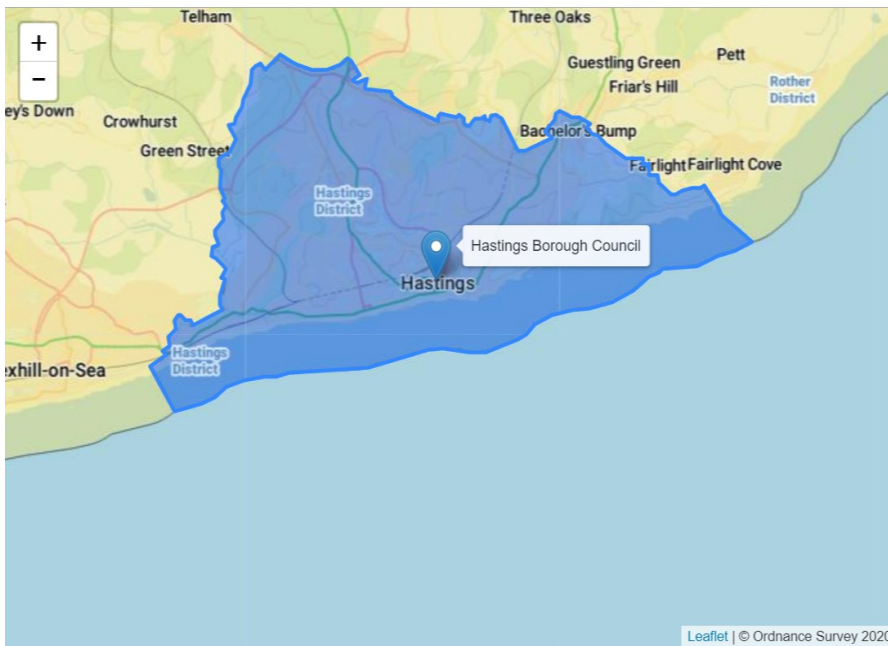
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Hastings Borough Council as the Licensing authority for the Hastings and St Leonards will aim to permit the use of premises for gambling as set out in section 153 of the Gambling Act 2005.

Principles to be applied - Section 153

- (1) In exercising its functions, a licensing authority will only permit the use of premises for gambling:
 - a) in accordance with any relevant code of practice under section 24;
 - b) in accordance with any relevant guidance issued by the Commission under section 25;
 - c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b));
 - d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a Premises licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.
- (3) Any objection to an application for a Premises licence or request for a review of an existing licence should be based on the licensing objectives of the Gambling Act 2005. It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective of prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

2 Introduction



This statement applies throughout the borough of Hastings, which includes St Leonards on Sea.

The population is approximately 95,000 but the number increases significantly in the summer months with an influx of tourists, day trippers and foreign students.

Licensing authorities are required by the Gambling Act 2005 to publish a Gambling Policy statement setting out the principles that they propose to apply when exercising their functions. This statement may be reviewed from time to time but must be republished at least every three years.

Hastings is one of the most deprived districts in the Country, with higher than average levels of unemployment. There is also a higher than average incidence of residents with mental health and/or substance misuse issues, and therefore of vulnerable children and adults

In determining its policy the Licensing Authority must have regard to Gambling Commission guidance and give appropriate weight to the views of those who respond to its consultation.

The Authority will consult widely on the Gambling Policy statement before being finalised and published.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

- the chief officer of police for the authority's area.
- one or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area.
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The persons consulted when preparing this Policy statement was deliberately wide. A list of those persons consulted is attached at Appendix 4.

The consultation for the policy took place between 21/10/2022 and 02/12/2022

The Authority has followed the Revised Code of Practice (April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by the Authority of those will be available upon request to: The Licensing Team via email or by telephone 01424 451042.

The policy is published on [Hastings Borough Council's website](#).

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3 Declaration

In producing the final licensing policy statement, this Licensing Authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as part of the council's policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, the Guidance, or regulations issued under the Act.

4 Casinos

No Casinos resolution. This Licensing Authority previously passed a 'No Casino' Resolution under Section 166 of the Gambling Act 2005 on 20 December 2018, review of this policy continues to support the section 166 'No Casino' resolution, with a recommendation to pass at Cabinet and adopt Full Council following consultation which ended on 2 December 2022.

A No Casino Resolution was passed by Full Council on the **Insert Date** and takes effect from **Insert Date**.

5 Functions

The following functions are dealt with by the Licensing Authority

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises licences
- Issue Provisional Statements

- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section 8 on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- The following functions are dealt with by the Gambling Commission –
- Issue and renewal of Operating Licences
- Review Operating Licences
- Issue Personal Licences
- Issue Codes of Practice
- Issue Guidance to Licensing Authorities
- Licence remote gambling through Operating Licences
- Issue licences in relation to the manufacture, supply, installation, adaptation, maintenance or repair of gaming machines

The following functions are dealt with by the Gambling Appeals Tribunal

- Deal with appeals against Commission decision

The Licensing authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

6 Operators

Gambling businesses are required to obtain an Operating licence issued by the Gambling Commission before they can operate in Great Britain. An Operating licence permits a gambling operator to provide gambling facilities, but if the operator wishes to provide non-remote gambling facilities (betting, arcades, bingo or casinos) at a premises in a local authority area, they must obtain a premises licence for each premises at which those facilities will be provided.

Operators are required to comply with conditions attached to both their Operating and premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

7 Risk Assessments

Gambling operators have been required to undertake a risk assessment for all their existing premises from 6 April 2016. In undertaking their risk assessments, they must take into account relevant matters identified in the Licensing authority's Statement of Policy.

The Licensing authority expects applicants for Premises licences in its area to submit a risk assessment with their application when applying for a new or variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.

The risk assessment should demonstrate the applicant has considered, as a minimum:

- a) local crime statistics;
- b) any problems in the area relating to gambling establishments such as anti- social behaviour or criminal damage;
- c) the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- d) whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- e) the type of gambling product or facility offered;
- f) the layout of the premises;
- g) the external presentation of the premises;
- h) the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
- i) the customer profile of the premises;
- j) staffing levels;
- k) staff training, knowledge and experience;
- l) whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

The licensing authority expects a copy of the risk assessment to be held at each premises so that it can be inspected by officials and staff alike.

8 Responsible Authorities

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area and

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the following for this purpose:

Children's and Families – East Sussex Safeguarding Children Partnership

The contact details of all the Responsible Bodies under the Gambling Act 2005 are listed at Appendix 3.

9 Interested parties

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Section 158 of the Gambling Act 2005 says a person is an interested party if he/she;

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities or;
- c) represents persons who satisfy paragraph (a) or (b).

An interested party can make representations about licence applications or apply for a review of an existing licence.

Each application will be decided upon its merits. This Authority will not apply rigid rules to its decision-making. However, it will consider the following (Gambling Commission's Guidance to local authorities (paragraphs 6.33 and 6.34))

The Gambling Commission has emphasised that 'demand' cannot be a factor in determining applications.

Gambling Commission's Guidance states that moral objections to gambling are not a valid reason to reject applications for premises licences, as such objections do not relate to the licensing objectives (Guidance to Licensing Authorities Para 5.34). All objections must be based on the licensing objectives.

The Gambling Commission has recommended that the licensing authority state within its Gambling Policy Statement that interested parties may include trade associations, trade unions, and residents and tenants' associations (paragraph 8.16). However, this Authority will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005. (i.e. lives sufficiently close to the premises and is likely to be affected by the application.)

Interested parties can be persons who are democratically elected, such as Councillors and MP's. No evidence of being asked to represent an interested person will be required provided the Councillor/MP represents the relevant ward. Likewise, parish councils may be considered to be interested parties. Apart from these exceptions this Authority will require written evidence that a person/body/advocate/relative) represents someone likely to be

affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter of authorisation from one of these persons, requesting the representative to speak on their behalf will be sufficient.

Councillors who are on the Licensing Committee dealing with the licence application will not be able to make representations. If there are any doubts, please contact The Licensing Team email licensing@hastings.gov.uk or by telephone 01424 451042

10 Exchange of Information

Licensing Authorities are required to include in their Gambling Policy Statement the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information and the provision that the Data Protection Act 1998 (DPA) or the General Data Protection Regulations (GDPR) will not be contravened. The Licensing authority will have regard to any Guidance issued by the Gambling Commission on this matter as well as any regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

We recognise the need to share information with other agencies about our inspections and compliance activities. The Licensing Authority has various policies relating to General Data Protection Regulations (GDPR), which will be considered when deciding what information to share and the process for doing so. The Licensing Authority will share information with other responsible authorities and the Gambling Commission where there is evidence of non-compliance with other legislation and regulatory regimes relevant to the operation of the applicant's business for the purpose of the preventions and detection of crime and for public protection.

Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or a Subject Access Request.

11 Enforcement

This Licensing authority will act in accordance with the relevant legislation and guidance from the Gambling Commission and adopt the principles of better regulation set out in the Regulators Code.

The purpose of this Licensing authority's enforcement protocol is to facilitate co-operation and co-ordination between enforcement agencies in pursuance of both the Gambling Act 2005 and the Licensing Act 2003.

In accordance with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is possible.

This Licensing Authority, as recommended by the Gambling Commission's Guidance, has adopted a risk-based inspection programme.

Licensing Authorities are required by regulation under the Gambling Act 2005, to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that:

It will adopt the guidance for local authorities, and it will endeavour to be:

a) Proportionate:

regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised.

b) Accountable:

regulators must be able to justify decisions and be subject to public scrutiny.

c) Consistent:

rules and standards must be joined up and implemented fairly.

d) Transparent:

regulators should be open, and keep regulations simple and user friendly; and

e) Targeted:

regulation should be focused on the problem and minimise side effects.

New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will attract a higher risk rating. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also attract a higher risk rating. The council will conduct baselining assessments to assess initial risk ratings for gambling premises in its district.

The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act or working with colleagues from other council departments or outside agencies.

The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises licence. To achieve this, the Licensing Authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.

Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high-risk operations receiving more attention than premises carrying lower risk.

Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.

The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the Enforcement Policy.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.

The Authority has an ongoing test purchasing operation developed with the Gambling Commission and Sussex Police to test the ability of operators to promote the licensing objectives. The Authority will consider all its enforcement options if premises subject to random test purchasing fail on more than one occasion. This could include the review of a premises licence.

The Gambling Commission will be the enforcement body for Operating and Personal Licences.

Concerns relating to manufacture, supply or repair of gaming machines, or concerns relating to on-line or remote gambling is part of the Commissions role.

12 Decision making

This Licensing Authority will ensure that the licensing functions contained within the Act are delegated to an appropriate level so as to ensure speedy, efficient and cost effective determination of licensing applications. Its licensing functions will be discharged as at **Appendix 6**.

Those decisions which are not delegated will be determined by the Licensing Committee which has been established by the Licensing Authority to administer a range of licensing functions.

A Licensing Sub-Committee, drawn from members of the Licensing Committee, will normally sit in public to hear applications where representations have been received from interested parties and responsible authorities.

Ward Councilors will not sit on a Sub-Committee involving an application within their ward.

Where a Councilor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence or application in question.

Every decision of the Licensing Committee or Licensing Sub-Committee shall be accompanied by clear reasons. The decision will be sent to the applicant and those who have made representations as soon as is practicable.

The Licensing Authority's Licensing Officers will deal with licensing applications where no relevant representations have been received or where representations have been withdrawn. Even where there are no relevant representations, a hearing must occur where certain conditions to the licence are to be attached or excluded unless the applicant waives their right to a hearing.

Decisions as to whether representations are inadmissible, irrelevant, frivolous or vexatious will be made by licensing officers. Where representations are rejected, the person making that representation will be given written reasons for this. There is no right of appeal against a determination that representations are not admissible.

The Licensing Sub Committee will determine each case before it on its individual merits whilst taking into consideration the Codes of Practice, the Guidance, the licensing objectives and the terms of this Policy and may add conditions.

13 Gambling Prevalence and Problem Gambling

Participation in gambling and rates of problem gambling statistics are updated regularly and published on the Gambling Commission website.

Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling because of borrowings and loans to cover gambling losses. However, the effects of problem gambling can involve more than money.

Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities.

There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes.

Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

There are around 280,000 problem gamblers in England alone, according to a 2018 study by NHS Digital, although a YouGov survey earlier this year found there could be 1.4 million across the UK. (29 Oct 2020).

When respondents who had only taken part in National Lottery draws were excluded, the overall participation rate was down from 32% in 2019 to 28% in 2020. In other activities, there were decreases in participation in in-person football pools, bingo, betting on horse races, betting on other events and casino games. (25 Feb 2021).

Appendix 1

Factors to be taken into account when considering applications for premises licences, permits and other permissions including matters that will be considered when determining whether to review a licence.

Permits

(1) Unlicensed Family Entertainment Centre (UFEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines it may apply to the licensing authority for this permit.

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Licensing Authority must be satisfied that:

- a) the applicant has demonstrated that the premises will be used as an unlicensed FEC and
- b) Hastings Police have been consulted on the application.

The Licensing Authority will look at the suitability of an applicant for a permit. As unlicensed FECs will particularly appeal to children and young persons, the Licensing Authority will expect the applicant to demonstrate their suitability and the measures in place to protect children from harm as well as to prevent crime and disorder by providing the following:

- applicant and staff training/ understanding of the maximum stakes and prizes that is permissible in unlicensed FECs
- applicant's Criminal Records Bureau check or equivalent, as agreed with the police. This may include a requirement to provide details of residential addresses over the last five years
- applicant's previous history and experience of running similar premises
- any policies and procedures in place
- a scaled plan of the premises
- a written operating schedule
- any supporting documentation as to the design and layout of the premises. It should be noted that a licensing authority cannot attach conditions to this type of permit. (paragraph 18(4)).

For initial applications, the licensing authority need not (but may) have regard to the licensing objectives but shall need to have regard to any Gambling Commission guidance.

The Gambling Commission's Guidance for local authorities states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities may want to give weight to child protection issues. See (iii) Prize Gaming Permits below for bullet points and examples of what the applicant should be able to demonstrate.

The Gambling Commission's Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

Statement of Principles: This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

An UFEC Permit is only granted where the applicant wishes to make Cat D gaming machines available (i.e. machines that may be played by children). It is not for any other type of gaming machine.

This statement of principles applies to initial applications only and not to renewals.

Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.

Where the permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with Regulations. The permit will then remain in effect for 10 years unless surrendered or lapsed.

Details of applications for unlicensed FEC permits will be available on the Council's website or by contacting the Licensing Service.

Applicants for unlicensed FEC permits are expected to undertake that they will comply with BACTA's Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This code of practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given

With regard to renewals of these permits, a licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

(2) (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises

merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e., that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy this authority that there will be no access may include the adult machines being in sight of the bar or in the sight of staff that will monitor that the machines are not being used by those under 18 years old. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

(3) Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, the Licensing Authority will want to give weight to child protection issues and will ask the applicant to set out the types of gaming that he or she is intending to offer. The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. These will also apply to UFEC permits.

- What staff should do if they suspect that truant children are on the premises.
- How staff should deal with unsupervised young children on the premises.

- How staff should deal with children causing perceived problems on or around the premises.
- Safeguarding awareness training; and
- An enhanced criminal record check for staff or equivalent criminal records checks for the applicant and also the person who has the day to day control of the premises;
- The applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.
- In making its decision on an application for this permit the licensing authority need not (but may) have regard to the licensing objectives and shall have regard to any Gambling Commission guidance.
- It should be noted that there are conditions in the Gambling Act 2005 that the permit holder must comply with but that the licensing authority cannot attach conditions. The conditions in the Act are:
 - the limits on participation fees, as set out in regulations, must be complied with.
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize) or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

(4) Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

The Gambling Commission's Guidance for local authorities states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, they must be permanent in nature, not established to make a commercial profit and must be controlled by their members equally unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A Members' Club must be permanent in nature and established and conducted for the benefit of its members and not a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations." (25.5)

The Licensing Authority is aware that it may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- b) the applicant's premises are used wholly or mainly by children and/or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Gambling Commission or the police.

The Licensing authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48-hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution, and can it provide evidence that the constitution was approved by members of the club?
- Is there a list of Committee members and evidence of their election by the club members?
- When examining the club's constitution, the Licensing authority would expect to see evidence of the following:
 - Who makes commercial decisions on behalf of the club?
 - Are the aims of the club set out in the constitution?
 - Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club).
 - Is the club permanently established? (Clubs cannot be temporary).
 - Can people join with a temporary membership? What is the usual duration of membership?
 - Are there long-term club membership benefits?

Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;

- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits.

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B3A, B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

Appendix 2

1. Premises licences

(1) Decision making - general:

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission.
- in accordance with any relevant guidance issued by the Gambling Commission.
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

Any conditions attached to licences by the Licensing authority will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility.
- directly related to the premises and the type of licence applied for.
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in a non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and licence conditions and codes of practice.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- only adults are admitted to the area where these machines are located.
- access to the area where the machines are located is supervised.
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

These conditions will apply to premises including buildings where multiple premises licences are applicable. This does not apply to AGC or betting premises.

The Licensing Authority is aware that tracks may be subject to one or more than one premises licence provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

There are also conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- conditions relating to gaming machine categories, numbers, or method of operation.
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

(2) "Premises":

Premises is defined in the Act as “any place”. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Guidance for local authorities’ states, it “will always be a question of fact in the circumstances”. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority will have regard to the Gambling Commission’s guidance on the division of premises and access between premises.

This Licensing Authority takes particular note of the Guidance for local authorities which states that in considering applications for multiple licences for a building (split premises) or those for a specific part of the building to be licensed, licensing authorities should be aware that:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also that they are not permitted to be in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating; and
- entrances and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

In determining applications, the Licensing Authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling.

Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this guidance gives more information about provisional statements.

As the Court has held in a 2008 case, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, licensing authorities must decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application a Licensing Authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

(3) Location:

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

(4) Planning:

Planning and licensing are different regulatory systems and will be dealt with separately. The Gambling Commission's Guidance states: "When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control, building and other regulations and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

(5) Duplication:

As stated in section nine on Enforcement, as per the Gambling Commission's Guidance for local authorities this Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible.

(6) Door Supervisors:

The Gambling Commission's Guidance advises local authorities that Licensing Authorities may require persons operating premises in which gambling takes place to take measures such as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children (assuming such non-gambling areas are compatible with requirements of the Act); and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Any person employed to fulfil a condition on a premises licence that requires door supervision should hold a relevant licence issued by the Security Industry Authority (SIA).

It is to be noted that door supervisors at licensed casino or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where an authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act.

This Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises, where there are multiple licensable activities and/or the Police Licensing Officer has concerns about the licensing objectives being undermined.

Where the premises is licensed under the Licensing Act 2003 door supervisors will be required to hold a relevant licence issued by the Security Industry Authority (SIA).

(7) Split Premises

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for each premises;
- whether separate sets of staff work in the individual premises;
- whether there is a separate cash desk/reception for each of the premises;
- whether each premises has its own postal address;
- whether the premises are owned or operated by the same person;
- whether each of the premises can be accessed from a street or public passageway;
- whether the premises can only be accessed from any other gambling premises.

When considering proposals to divide a building into separate premises, the Licensing authority will also need to be satisfied that the form of separation between the premises is appropriate.

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing Authorities may consider that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”

It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
- entrances and exits from parts of a building covered by one or more Premises licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises licence.

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

(8) Access to Premises

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between

premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.

'Direct access' is not defined, but the Licensing Authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

Types of Premises and their access provisions

Casino

- The principal access to the premises must be from a 'street';
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises;

Betting Shop

- Access must be from a 'street' or from other premises with a betting licence;
- No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.

Track

- No customer must be able to access the premises directly from a casino or Adult Gaming Centre

Bingo Premises

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

Family Entertainment Centre

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

(9) Licensing objectives:

This Licensing Authority has considered the Gambling Commission's Guidance to local authorities in respect of the licensing objectives.

The Licensing Authority will, when determining applications, consider whether the grant of a premises licence is likely to result in an increase in crime and disorder. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to

those who could see or hear it, so as to make that distinction. Issues of nuisance cannot be addressed via the provisions of the Act. The Gambling Commission has stated that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

Ensuring that gambling is conducted in a fair and open way:

Protecting children and other vulnerable persons from being harmed or exploited by gambling:

(10) Reviews:

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant code of practice issued by the Gambling Commission;
- it is in accordance with any relevant guidance issued by the Gambling Commission;
- it is reasonably consistent with the licensing objectives; and
- it is in accordance with the authority's statement of licensing policy.
- Consideration will be given as to whether the request is frivolous, vexatious, or will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

(11) Provisional Statements:

This Licensing Authority notes the Gambling Commission's Guidance for the Gambling Commission which states that:

- "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence." and that
- "Requiring the building to be complete ensures that the authority can inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional licence stage; or
- b) which is in the authority's opinion reflect a change in the operator's circumstances.

(12) Adult Gaming Centres (AGC):

This licensing authority particularly notes the Gambling Commission's Guidance which states: "No-one under the age of 18 years of age is permitted to enter an AGC. Licensing Authorities will wish to have particular regard to the location of an entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport."

Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering premises licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

(13) (Licensed) Family Entertainment Centres (FECs):

Family Entertainment Centres are wholly or mainly used for having gaming machines available for use.

This Licensing Authority will, as per the Gambling Commission's Guidance refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Since gaming machines provide opportunities for solitary play and for immediate pay outs, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises licences, will

specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

(14) Tracks:

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We shall have regard to this Guidance in the discharge of our functions.

(15) Casinos:

This licensing authority will have regard to the Gambling Commission's guidance.

(16) Bingo:

This Licensing Authority will have regard to the Gambling Commission's guidance.

The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo is regularly played in any premises for which a Premises licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

(17) Temporary Use Notices:

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance for Local Authorities).

(18) Occasional Use Notices:

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

(19) Small Society Lotteries:

The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event as either an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact us via email licensing@hastings.gov.uk to seek further clarification.

(20) Travelling Fairs:

It will fall to this Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27 day statutory maximum for the land being used as a fair, is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

(21) Betting Premises

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

Gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting, provided in reliance on this licence, available in the premises.

In determining applications for betting premises, the licensing authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a premises licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

**Help with gambling related problems:
National Gambling Helpline**

Call 0808 8020 133

24 hours a day, 7 days a week, or visit gamcare.org.uk

**Appendix 3
Responsible Authorities:**

Further information about the Gambling Act 2005 and the Council's licensing policy can be obtained from:

Licensing Team
Hastings Borough Council
Muriel Matters House
Breeds Place
TN34 4UY

Tel: 0124 451042

Licensing@hastings.gov.uk

Hastings Borough Council website

Information can also be obtained from:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 230 6666
www.gamblingcommission.gov.uk

Local Planning Authority
Hastings Borough Council
Muriel Matters House
Breeds Place
TN34 4UY

Environmental Health and Licensing Team
Hastings Borough Council
Muriel Matters House
Breeds Place

TN34 4UY
Tel: 01424 451079

[Sussex Police](#)

[East Sussex Fire and Rescue](#)

[HM Revenue & Customs Excise](#)

Processing Teams
Gambling Duties
BX9 1GL
Tel: 0300 200 3701

East Sussex Safeguarding Children Partnership

[Partnership Website](#)

Appendix 4

Local Authorities are required by law to consult on their policies. Broadly, consultation included the following groups:

List detailing who this authority consulted with:

- Hastings Borough Council website
- Borough Councillors
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Licensees/their agents of gambling premises
- Neighbouring Authorities

List of consultees

- Hastings Borough Council website
- Borough Councillors
- Hospitality organisations
- Neighbouring Authorities
- Bodies designated under section 157 of the Act as 'Responsible Authorities'
- Town Centre Forums, Partnerships and Managers
- Person/ bodies representative of local residents
- Person/ bodies representative of gambling businesses
- Representatives of persons or business who hold premises licences
- Organisations working with people who are problem gamblers
- Representatives of health care organisations
- Representatives of voluntary and community organisations working with children and young people

This list is not definitive. Resident's associations will be sent copies on request.

Appendix 5

Please follow the link below for the table of Machine provisions by premises

[Summary of machine provisions by premises](#)

Appendix 6

Delegations of licensing functions

Gambling decisions and functions may be taken or carried out by the Full Council of Hastings Borough Council or delegated to the licensing sub-committee or in appropriate cases to the officers of the Council. As many of the decisions will be purely administrative in nature, the principle of delegation to officers is adopted in the interests of speed, efficiency, and cost effectiveness. The terms of delegation of function are set out below.

Full Council will deal with the following matters:

- Three year licensing policy
- Policy not to permit casinos

Sub Committee will deal with the following matters:

- Review of premises licence
- Cancellation of club gaming/club machine permits
- Decision to give a counter notice to a temporary use notice.

Sub Committee will deal with the following matters if a representation is made:

- Application for a premises licence
- Application for a variation to a licence
- Application for a transfer of a licence
- Application for provisional statement
- Application for club gaming/club machine permits

Officers under delegation will deal with the following matters:

- Fee setting (when appropriate)
- Applications for other permits
- Cancellation of licensed premises gaming machine permits
- Consideration of temporary use notice

Officers under delegation will deal with the following matters if no representation is made:

- Application for premises licence
- Application for a variation to a licence
- Application for a transfer of a licence
- Application for provisional statement
- Application for club gaming/club machine permits.

Indices of Deprivation 2019

October 2019

Indices of Deprivation 2019

The Index of Multiple Deprivation 2019 is the official measure of relative deprivation for small areas (or neighbourhoods) in England. The small areas used are called Lower-layer Super Output Areas (LSOAs), of which there are 32,844 in England. They are designed to be of a similar population size with an average of 1,500 residents each (in 2011) and are a standard way of dividing up the country. The Index of Multiple Deprivation ranks every small area in England from 1 (most deprived area) to 32,844 (least deprived area).








It is common to describe how relatively deprived a small area is by saying whether it falls among the most deprived 10 per cent, 20 per cent or 30 per cent of small areas in England (although there is no definitive cut-off at which an area is described as 'deprived'). Deciles are calculated by ranking the 32,844 small areas in England from most deprived to least deprived and dividing them into 10 equal groups. These range from the most deprived 10 per cent of small areas nationally (ranked from 1 to 3,284) to the least deprived 10 per cent of small areas nationally.

What do people use the Index of Multiple Deprivation for?

- distribute funding or target resources to areas
- evidence in the development of strategies
- target interventions
- bids for funding

What other Indices are available?

The Index of Multiple Deprivation is part of the Indices of Deprivation and it is the most widely used of these indices. It combines information from seven domain indices (which measure different types or dimensions of deprivation) to produce an overall relative measure of deprivation. You can use the domain indices on their own to focus on specific aspects of deprivation. There are also supplementary indices concerned with income deprivation among children (IDACI) and older people (IDAOP). Each of the seven domains is based on a number of component indicators that measure major features of that deprivation. Altogether, 39 different indicators are used which are all brought together in the IMD. In constructing the IMD, a different weighting is attached to each of the seven domains.

Domain	Underlying indicators	Weight
 Income deprivation	6	22.5%
 Employment deprivation	5	22.5%
 Health deprivation and disability	4	13.5%
 Education, skills and training deprivation	7 (in two sub-domains)	13.5%
 Barriers to housing and services	7 (in two sub-domains)	9.3%
 Crime domain	4	9.3%
 Living environment deprivation	4 (in two sub-domains)	9.3%

Appendix 1 sets out the underlying indicators.

The Index of Multiple Deprivation is designed primarily to be a *small-area* measure of deprivation. But the Indices are commonly used to describe deprivation for higher-level geographies including local authority districts. A range of summary measures is available allowing you to see where, for example, a local authority district is ranked between 1 (the most deprived district in England) and 317 (the least deprived district in England). Summary measures are also available for upper tier local authorities, local enterprise partnerships and clinical commissioning groups.

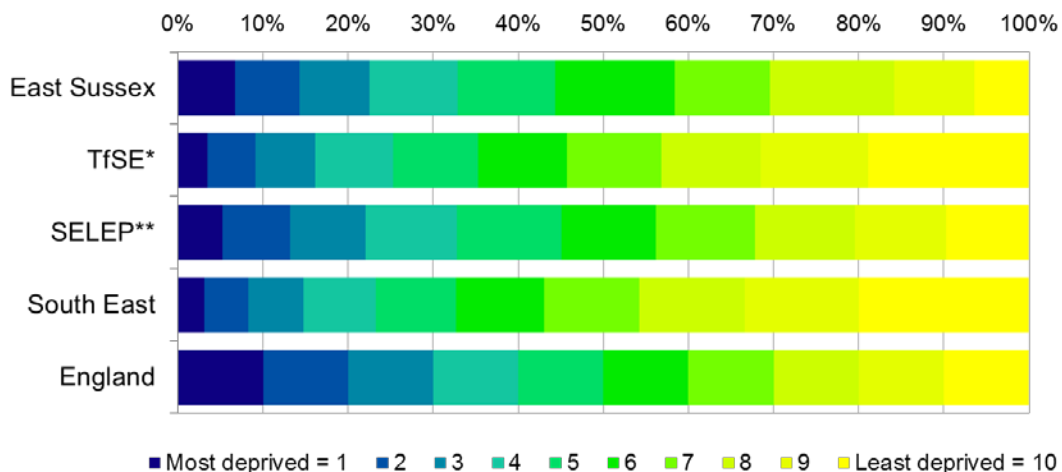
<p>What can you use the Index of Multiple Deprivation 2019 for?</p> <p style="text-align: center;">✓</p>	<p>What <u>can't</u> you use the Index of Multiple Deprivation 2019 for?</p> <p style="text-align: center;">✗</p>
<p>✓ Comparing small areas across England: if a small area's rank is closer to 1 than that of another area, it is more deprived.</p>	<p>✗ Quantifying how deprived a small area is: as a relative measure of deprivation it can tell you if one area is more deprived than another but not by how much.</p>
<p>✓ Identifying the most deprived small areas: e.g. to show which areas are amongst the 10% or 20% most deprived small areas nationally.</p>	<p>✗ Identifying deprived people: within every area there will be individuals who are deprived and individuals who are not. The Index is not a suitable tool for targeting individuals.</p>
<p>✓ Exploring the domains (or types) of deprivation: you can look at the domain indices to explore which types of deprivation, e.g. income or health, are more prominent within areas or to focus on particular types of deprivation and explore how areas rank on these.</p>	<p>✗ Saying how affluent a place is: the Index of Multiple Deprivation is designed to identify aspects of deprivation, not affluence. For example, the measure of income deprivation is concerned with people on low incomes who are in receipt of benefits and tax credits. An area with a relatively small proportion of people (or indeed no people) on low incomes may also have relatively few or no people on high incomes.</p>
<p>✓ Comparing larger areas e.g. local authorities: a range of summary measures highlighting different aspects of deprivation are provided for larger areas, including local authority districts.</p>	<p>✗ Comparing with small areas in other UK countries: each country in the UK produces its own version of the Index of Multiple Deprivation using similar methodologies.</p>
<p>✓ Looking at changes in relative deprivation between releases: changes can only be described in relative terms, for example, the extent to which an area has changed rank or decile of deprivation since the last Indices were released.</p>	<p>✗ Measuring real change in deprivation over time: it would not necessarily be correct to state that the level of deprivation in the area has increased on some absolute scale, as it may be the case that all areas had improved, but that this area had improved more slowly than other areas and so been 'overtaken' by those areas.</p>

Key findings for East Sussex

According to the latest Index of Multiple Deprivation (IMD 2019), relative multiple deprivation has risen in East Sussex since 2015. However, overall East Sussex ranks as 93 out of 151 upper tier local authorities for the proportion of neighbourhoods (Lower layer super output areas or LSOAs) among the most deprived 10% in England (the most deprived decile), although it ranks as 71 in terms of local concentration.

- East Sussex has a lower proportion of LSOAs in the most and least deprived decile compared to the national average.
- East Sussex has 22 neighbourhoods out of 329 (6.7%) in the most deprived decile. This compares to 19 (5.8%) when the last Index was published in 2015.
- Out of the most deprived 19 areas in the 2015 IMD, 18 are still in the most deprived decile. But in the 2019 release a further 4 LSOAs are now among the most deprived 10% in the country and Hastings 009A moved from the most deprived to the 2nd most deprived decile. Hastings 005A remains as the most deprived neighbourhood in the county, but ranks as 147 in the 2019 index compared to 89 in 2015.

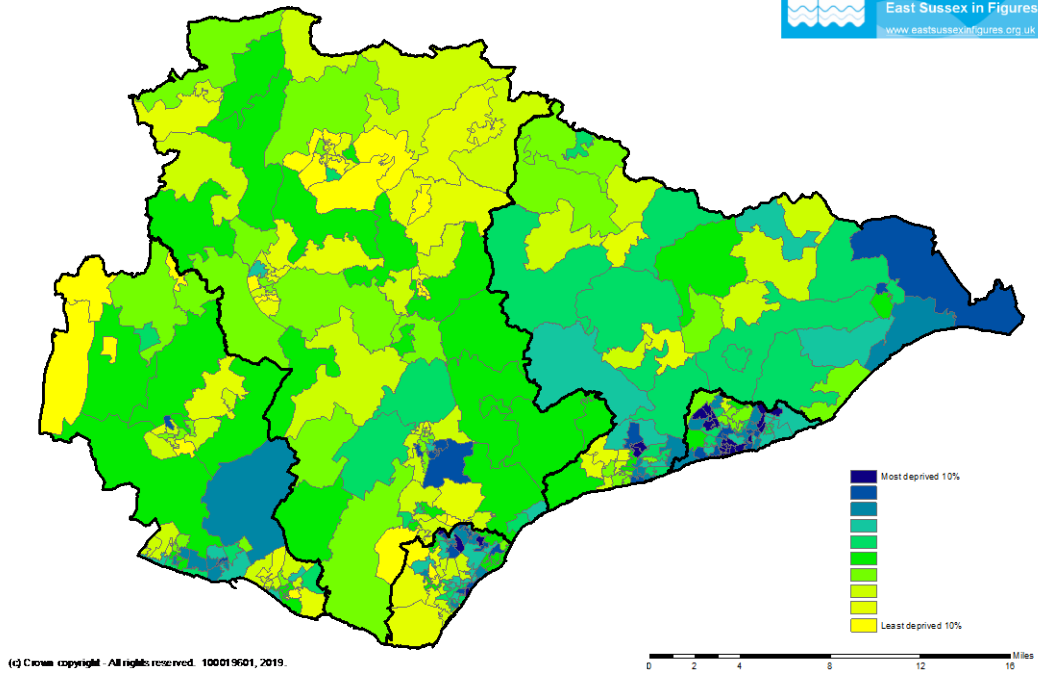
Proportion of LSOAs in each decile of the Index of Multiple Deprivation 2019



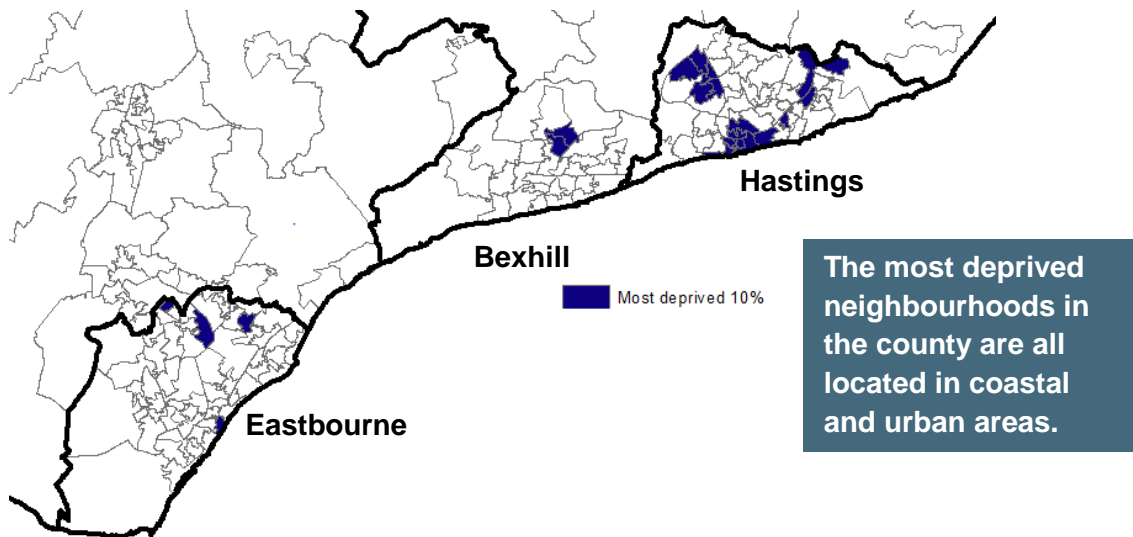
* TfSE: Transport for South East area

** SELEP: South East Local Enterprise Partnership

- In the 2019 measure, 217 neighbourhoods (2/3 of all LSOAs) ranked as relatively more deprived compared to 2015, and 112 (1/3) ranked as less deprived. Overall, 209 LSOAs have seen no change in deprivation decile, 93 are in a more deprived decile than in 2015, and 27 in a less deprived decile.
- Two LSOAs are amongst the most deprived 1% in the country. Both are in Hastings, in Baird and Tressell wards. Another eight are amongst the most deprived 5% of LSOAs, all of which are also in Hastings except one LSOA, Rother 007E in Sidley ward in Bexhill.
- Of the 22 most deprived neighbourhoods in the county, 12 rank in the most deprived decile in 4 or more dimensions (domains) of deprivation, and 2 are deprived in 5 dimensions. Overall 89 LSOAs are in the most deprived decile in at least one dimension. The domain with the highest number in the most deprived decile is Barriers to Housing and Services, with 39 LSOAs (12%) among the most deprived. 10 of these neighbourhoods rank among the least deprived 30% overall.



LSOAs in the most deprived decile in East Sussex in 2019 IMD

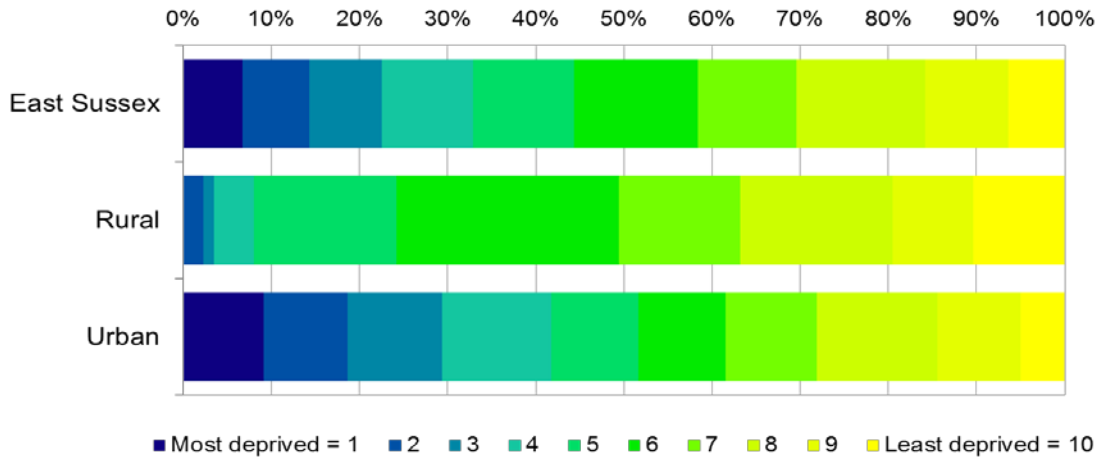


Most deprived 10 neighbourhoods in East Sussex

Neighbourhood (LSOA)	Ward	Index of Multiple Deprivation Rank 2019	IMD Rank 2015	Change in rank since 2015 (negative means relatively more deprived than in 2015)
Hastings 005A	Baird	147	89	58
Hastings 005D	Tressell	186	227	-41
Hastings 009B	Castle	333	398	-65
Hastings 011B	Central St Leonards	626	731	-105
Hastings 011A	Central St Leonards	706	529	177
Hastings 003A	Hollington	730	956	-226
Rother 007E	Sidley	754	1,064	-310
Hastings 003E	Wishing Tree	972	1,283	-311
Hastings 004B	Ore	1,054	1,805	-751
Hastings 011E	Gensing	1,555	1,935	-380

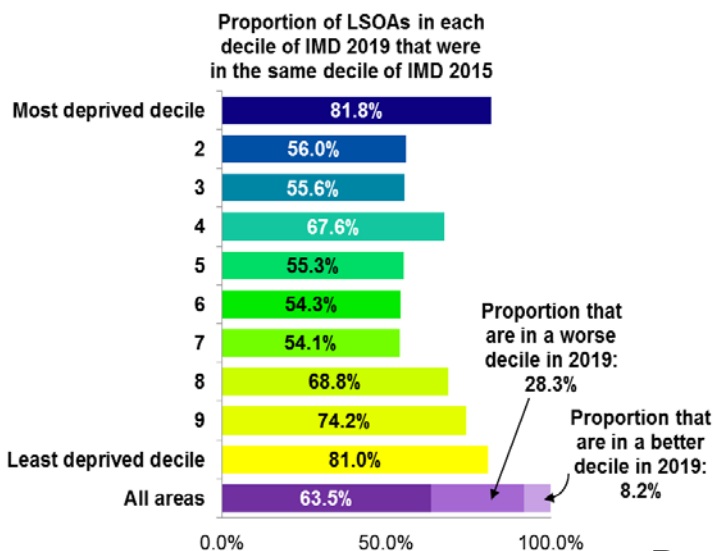
- There is a significant difference in the way deprivation is distributed in urban and rural areas. All 22 of the county's most deprived areas are located in urban areas, 9% of all urban LSOAs. 29% of urban LSOAs are among the most deprived 30% nationally, compared to just 3 rural neighbourhoods (3%) falling into the most deprived 3 deciles. However while this pattern is reflected in many domains, in the Barriers to Housing and Services domain, 32% of rural areas (28 LSOAs) fall among the most deprived decile, and 62% are among the most deprived 30%, and in the Living Environment domain, 29% are in the most deprived decile and 53% among the most deprived 30%.

Proportion of LSOAs in each decile of the Index of Multiple Deprivation 2019, by rural/urban classification

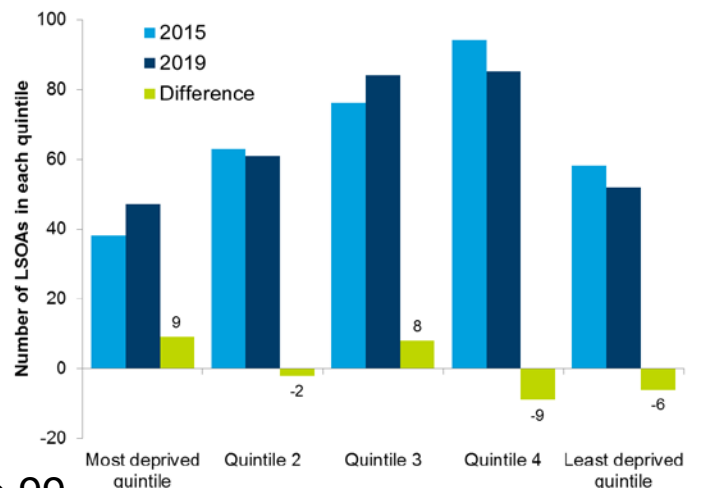


- The county also has 21 out of 329 LSOAs among the least deprived 10% of LSOAs in England, 6% of all LSOAs in the county, 1 fewer than in 2015. 13 are in Wealden, 6 in Lewes and 2 in Eastbourne. 17 of these were in the least deprived decile in 2015. In Wealden, 14% of LSOAs in the district are amongst the least deprived 10% nationally.
- Income deprivation affects 12% (64,900) of people in the county compared to 9% regionally and in the TfSE area and 11% in the SELEP. 10% (28,600) of the working age population experience employment deprivation. This is higher than the South East region and TfSE area (both 7%), and the SELEP (9%), but equal to England as a whole.
- Over 37,000 people (7%) live in the most deprived 10% of LSOAs in England, up from nearly 32,000 in 2015.

Proportion of LSOAs in East Sussex that were in the same decile in IMD 2015



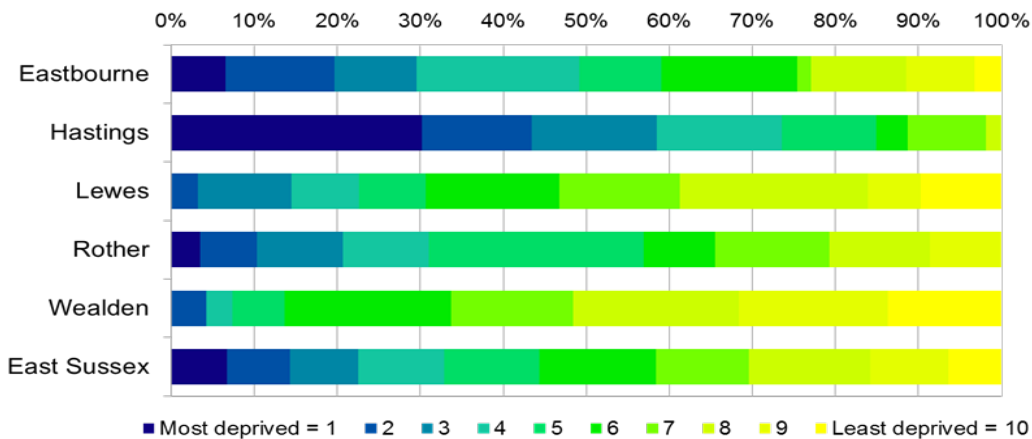
Number of LSOAs in each quintile of deprivation (20% of LSOAs) 2015 and 2019, and change in number over the period



Eastbourne

- Relative deprivation appears to have increased in Eastbourne since 2015 with 22 LSOAs ranking in a relatively more deprived decile than in 2015, and only 4 ranking in a relatively less deprived one.
- There are now 4 neighbourhoods in the most deprived decile (out of 61 - 6.6%), 2 more than in 2015. But overall, 21 LSOAs rank as more deprived in 2019, compared to 40 ranking as less deprived. The most deprived LSOA in Eastbourne is now Eastbourne 004A, in Hampden Park ward, with a rank of 2,352 (compared to 2,882 in 2015). It now ranks as more deprived than the most deprived LSOA in 2015, Eastbourne 010C in Devonshire, where the rank has fallen from 2,071 to 2,852 (i.e. relatively less deprived).
- 12 LSOAs are now among the most deprived 20% of LSOAs in England, four more than in 2015. 30% of LSOAs rank among the most deprived 30% nationally, compared to a quarter of LSOAs in 2015.
- Eastbourne ranks as 106 out of 317 local authorities (where 1 is the most deprived) rank of average rank, compared to 120 (out of 326) in 2015.

Proportion of LSOAs by IMD 2019 decile, by district



Hastings

- Hastings ranks as the most deprived lower tier local authority in the South East, Transport for South East (TfSE) area and South East Local Enterprise Partnership (SE LEP) by almost all measures. Nationally, it ranks as 13th most deprived in terms of rank of average rank, out of 317 lower tier local authorities, and in terms of local concentration, it is 16th.
- The majority of the county's deprived neighbourhoods are located in Hastings, where 16 out of 53 neighbourhoods (30%) rank in the most deprived decile nationally, with two among the most deprived 1% of LSOAs, in Baird (Hastings 005A, rank 147 out of 32,844) and Tressell (Hastings 005D, rank 186) wards. This is the same proportion as in 2015.
- However, 6 of the most deprived neighbourhoods in Hastings from 2015 had a higher rank (relatively less deprived) in 2019, including the county's most deprived neighbourhood, Hastings 005A, in Baird ward. This LSOA ranked as 89 in 2015, and this has changed to 147 in 2019, but it is still among the most deprived 0.5% in the country.
- Overall 16 LSOAs in Hastings rank as relatively less deprived in 2019, and 37 as relatively more deprived.
- 43% of LSOAs in Hastings are among the most deprived 20% nationally, compared to 40% in 2015.
- Hastings 005D ranks as 34, and Hastings 005A as 60, for income deprivation, the most deprived two LSOAs in the South East in this domain, and second and third in the SE LEP. These two LSOAs rank 20 (Hastings 005D) and 71 (005A) for Income Deprivation Affecting Children Index (IDACI), with Hastings 005D the second worst in the South East (after Brighton

and Hove 027E in St Peter's and North Laine ward) and second in the SE LEP after Tendring 018A in Jaywick, Essex, the country's most deprived LSOA overall.

- Central St Leonards is the only ward in East Sussex where all four of the LSOAs are among the most deprived decile nationally.

Lewes

- Overall Lewes ranks as 194 out of 317 local authorities on rank of average rank, compared to 201 (out of 326) in 2015. Lewes still has no LSOAs among the most deprived 10% nationally, but now has two neighbourhoods which fall among the most deprived 20% (quintile): Lewes 009B in Newhaven Valley now with a rank of 5,223 (6,248 in 2015) and Lewes 003E in Lewes Castle ward which ranks as 5,932 (7,096).
- Slightly over half (37) rank as more relatively deprived than in 2015, out of 62 neighbourhoods. 13 LSOAs rank in a more deprived decile than in 2015, compared to nine which rank in a less deprived decile. Six LSOAs in Lewes (10%) are in the least deprived decile.

Rother

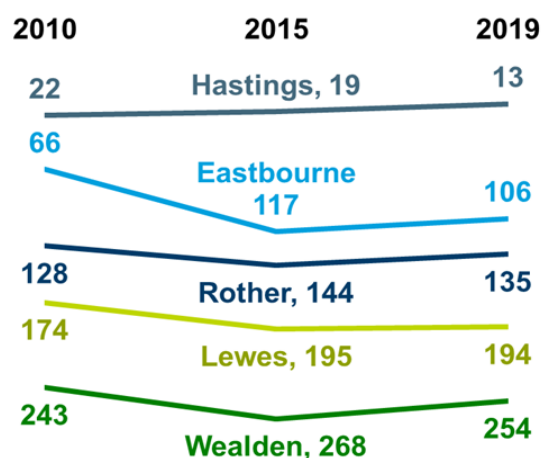
- Rother now ranks as 135 out of 317 local authorities in terms of rank of average rank, compared to 148 (out of 326) in 2015
- Rother now has 2 neighbourhoods among the most deprived decile (compared to 1 in 2019), and 42 neighbourhoods out of 58 ranked as relatively more deprived in 2019 than in 2015. 23 LSOAs rank in a relatively more deprived decile than in 2010, compared to seven which rank as relatively less deprived.
- Rother 007E in Sidley is the most deprived LSOA in Rother and it has a more deprived ranking than in 2015, going from 1,064 in 2015 to 754 in 2019. The other LSOA in the most deprived decile, Rother 007D is also located in Sidley, and now ranks 3,263 (3,806 in 2015).
- Altogether six (10%) LSOAs are among the most deprived 20% in England, four in Bexhill (three in Sidley and one in Central ward), one in Rye (Rother 004E) and one in Eastern Rother (Rother 002A).

Wealden

- In Wealden there are now 4 LSOAs among the most deprived quintile (but none in the most deprived decile) compared to 2 in 2015. Overall it ranks as 254 out of 317 local authorities on rank of average rank, compared to 276 (out of 326) in 2015
- The most deprived neighbourhood in 2019 is now Wealden 017B in Hailsham East ward, ranking 4,812, compared to 5,325 in 2015. But the most deprived LSOA in the district in 2015, Wealden 016D in Hailsham South and West has a less deprived ranking, moving from 5,131 in 2015 to 5,856 in 2019.
- 61 LSOAs rank as relatively more deprived in Wealden, compared to 34 ranking as less deprived, than in 2015. Five LSOAs rank in a less deprived decile than in 2015, compared to 24 that rank in a worse decile.
- Although the rest of Wealden does not have high levels of multiple deprivation, 17 LSOAs (18%) in Wealden are in the most deprived 10% for the Barriers to housing and services domain.

Change in rank of average rank since 2010 – districts (2010 and 2015 rank data scaled to 317 local authorities)

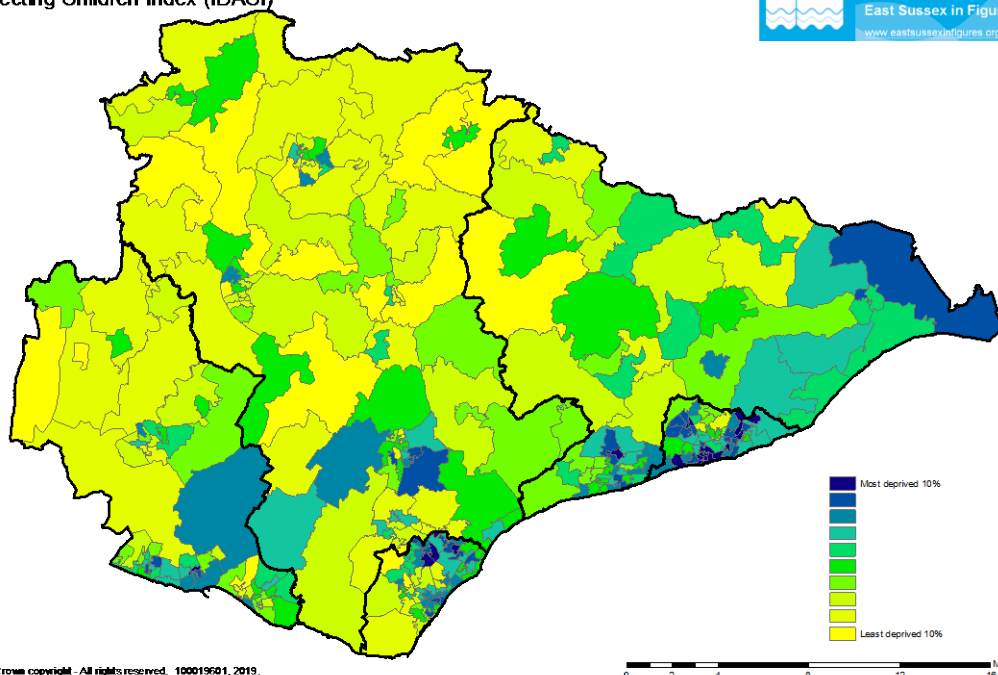
Rank of average rank - change since 2010
2010 and 2015 ranks scaled to 317 LAs



Income Deprivation Affecting Children Index (IDACI)

IDACI measures the proportion of children aged 0-15 living in income deprived families

Indices of Deprivation 2019: Income Deprivation Affecting Children Index (IDACI)



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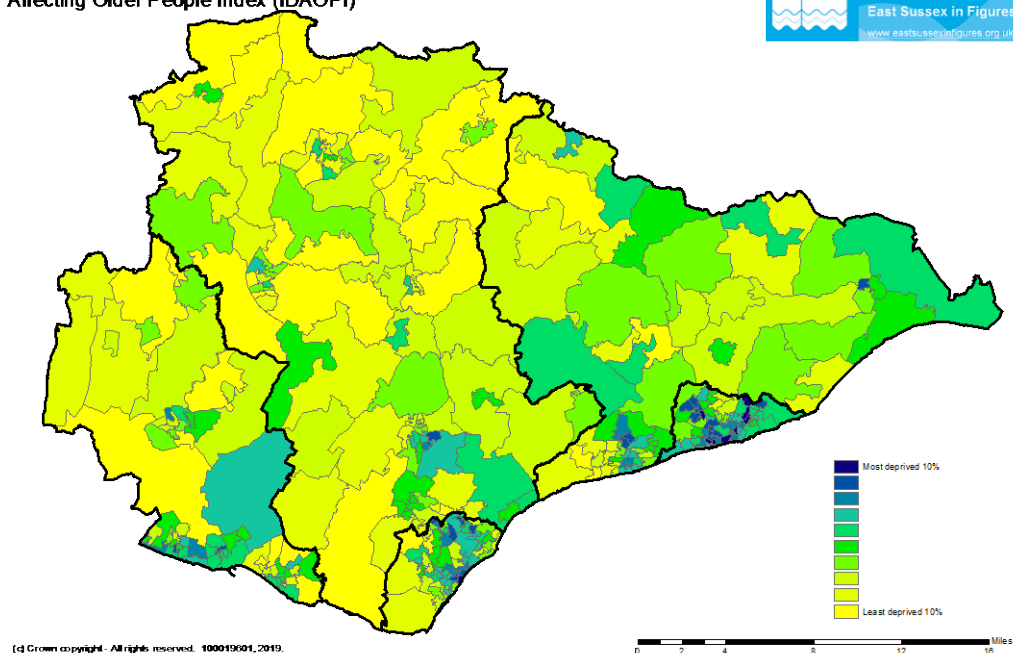
- 19 LSOAs fall in to the most deprived 10% nationally for the IDACI, with 13 in Hastings, four in Eastbourne and one each in Lewes and Rother. This is relatively more deprived than in 2015 when there were 17 LSOAs in the county which were in the most deprived decile nationally.
- The most deprived on this measure is Hastings 005D in Tressell ward, ranking 20 nationally and second (after Tendring 018A – in Jaywick, Essex, the country’s most deprived neighbourhood) in the SE LEP and second (after Brighton and Hove 027E in St Peters and North Laine ward) the South East Region on this measure.
- 15,000 or 16% children are affected by income deprivation in the county; this is higher than the regional average of 12% and TfSE (13%), the same as the SE LEP as a whole, but lower than the average for England as a whole (20%). However, there is a much variation within the county. More than a quarter (27%) of children in Hastings are living in families affected by income deprivation compared to 1 in 10 in Wealden.
- 65% of children within LSOA Hastings 005D (part of Tressell ward in Hastings), are living in families affected by income deprivation.
- 30% (101) of LSOAs in the county have a higher proportion of children living in income deprived families than the national average.

2015 Mid-year population	Total number of children aged 0-15	Number of children living in families affected by income deprivation	Percentage of children living in families affected by income deprivation
Eastbourne	17,492	3,376	19.3%
Hastings	17,090	4,524	26.5%
Lewes	17,454	2,229	12.8%
Rother	14,118	2,261	16.0%
Wealden	26,976	2,604	9.7%
East Sussex	93,130	14,993	16.1%
TfSE	1,411,571	180,109	12.8%
SE LEP	780,658	123,889	15.9%
South East region	1,704,978	210,999	12.4%
England	10,405,050	1,777,642	17.1%

Income Deprivation Affecting Older People Index (IDAOPi)

IDAOPi measures the proportion of those aged 60 and over who experience income deprivation.

Indices of Deprivation 2019: Income Deprivation Affecting Older People Index (IDAOPi)










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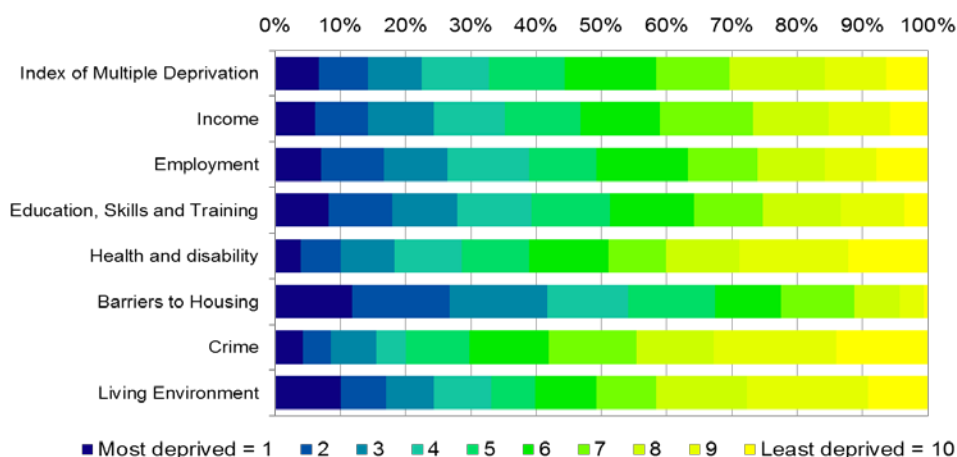
- Just 8 LSOAs fall into the most deprived decile for IDAOPi, with the most deprived being Hastings 005D in Tressell ward, ranked at 1,010. This is 2 fewer than in 2015. All of the deprived LSOAs are in Hastings except one in Devonshire ward, Eastbourne 010C.
- 19,500 or 11% of older people are affected by income deprivation in the county; this is higher than the regional average of 10%, similar to the TfSE (also 11%) but lower than the average for the SE LEP (12%) and England as a whole (14%). However, there is much variation within the county. 1 in 5 older people in Hastings are affected by income deprivation compared to less than 1 in 10 in Wealden.
- The neighbourhoods with the highest levels of elderly deprivation in the county are Hastings 005D and Hastings 011B, where almost half of all older people are living in income deprivation (46% and 45% respectively).
- One third (105) of LSOAs in the county have a higher proportion of older people experiencing income deprivation than the national average (14.2%).

2015 Mid-year population	Total number of older people aged 60 and over	Number of older people affected by income deprivation	Percentage of older people affected by income deprivation
Eastbourne	30,608	4,084	13.3%
Hastings	22,830	4,476	19.6%
Lewes	31,429	3,190	10.1%
Rother	35,612	3,716	10.4%
Wealden	49,833	4,019	8.1%
East Sussex	170,312	19,485	11.4%
TfSE	1,836,601	193,166	10.5%
SE LEP	1,059,743	125,395	11.8%
South East	2,161,035	221,200	10.2%
England	12,612,839	1,790,712	14.2%

Domains of deprivation

Details of the indicators which make up each domain can be found in Appendix 1.

Domain	Number and % of LSOAs in most deprived decile	Most deprived LSOA (ward)	Rank of most deprived LSOA
 Income deprivation	20 (6.1%)	Hastings 005D (Tressell)	34
 Employment deprivation	23 (7.0%)	Hastings 005A (Baird)	60
 Education, skills and training deprivation	27 (8.2%)	Hastings 005A (Baird)	96
 Health deprivation and disability	13 (4.0%)	Hastings 011B (Central St Leonards)	328
 Barriers to housing and services	39 (11.9%)	Wealden 007C (Hartfield)	212
 Crime domain	14 (4.3%)	Hastings 009B (Castle)	422
 Living environment deprivation	33 (10%)	Rother 006D (Crowhurst)	383



Parliamentary constituencies

- The House of Commons Library has published a constituency level analysis of deprivation. Under this analysis, the most deprived constituency in the county is Hastings and Rye, which ranked 76 out of 533 constituencies in England in the 2019 IMD. This is relatively more deprived than in 2015 when it ranked 91.

Parliamentary constituency	2010 rank (out of 533)	2015 rank	2019 rank	Change in rank since 2015 (negative means relatively more deprived)	% of LSOAs in the most deprived decile nationally
Hastings and Rye	77	91	76	-15	25%
Brighton, Kemptown	103	126	138	12	18%
Eastbourne	208	269	251	-18	6%
Bexhill and Battle	318	356	328	-28	3%
Lewes	364	396	383	-13	0%
Wealden	438	465	440	-25	0%

Further information

39 separate indicators are used, organised across seven distinct deprivation domains which can be combined, using the appropriate weights, to calculate the Indices of Deprivation 2019 (IoD 2019). Most of the indicators used in these statistics are from 2015-16 or from the 2011 Census, with full details given in the appendix below.

The differences seen in results for 2015 and 2019 in terms of decile of deprivation reflect how an area has fared relative to others across England with similar levels of deprivation. A local neighbourhood could well have improved in real-terms (e.g. lower levels of unemployment, higher incomes, higher skill levels, lower crime rates, better environment and so on), and may have improved faster than the average. However if other areas with similar levels of deprivation have done slightly better, the local neighbourhood will rank as more deprived in 2019 than 2015. It is therefore very important to look at other measures alongside the IMD to understand how local areas are changing.

In addition to this, because of administrative changes to lower and upper tier local authorities (with the creation of some new Unitary Authorities) the number of both types of local authorities has changed from 326 in 2015 to 317 in 2019 for lower tier authorities (districts and unitary authorities), and from 152 to 151 for upper tier authorities (counties and unitary authorities). This means that changes in local authority ranking, particularly in less deprived areas, should be treated carefully, although amongst the most deprived areas the effect is likely to be less noticeable.

Note that in 2018 and 2019 there have been some changes to wards in East Sussex, which no longer align precisely with LSOAs, but in this analysis pre 2018 wards have been used in all cases.

- Source: Ministry of Housing, Communities and Local Government (MHCLG), Indices of Deprivation, 2019, constructed by Oxford Consultants for Social Inclusion (OCSI).
- Full details of the methodology used, data for all LSOAs in England, and guidance on the use of the data for this year's release of the 2019 Indices of deprivation is available from [MHCLG](#)
- Detailed statistics for the Indices of Deprivation 2019 and data for previous releases from 2015, 2010, 2007 and 2004 are available on [East Sussex in Figures](#).
- An [Atlas](#) has been published by the R&I team to enable you to explore the Indices of Deprivation 2019 data in more detail.
- A research briefing giving detailed data for deprivation in Parliamentary Constituencies has been published by the [House of Commons Library](#).
- For further information please contact Lenna Santamaría on 01273 481619 or mariahelena.santamaria@eastsussex.gov.uk;

Contact details

The Research and Information Team, Chief Executive's Office provides demographic and socio-economic data, intelligence and insight to support East Sussex County Council and other East Sussex Partners. The Team also manages East Sussex in Figures (ESiF), the Local Information System for East Sussex.

ESiF is a web-based information system that contains detailed, up-to-date and reliable information on a very wide range of topics. It is free and very easy to use and puts individual users in control. ESiF lets you specify exactly what data you want to see (for the places and time periods you are interested in) and how you want to view it (as a table, chart or map).

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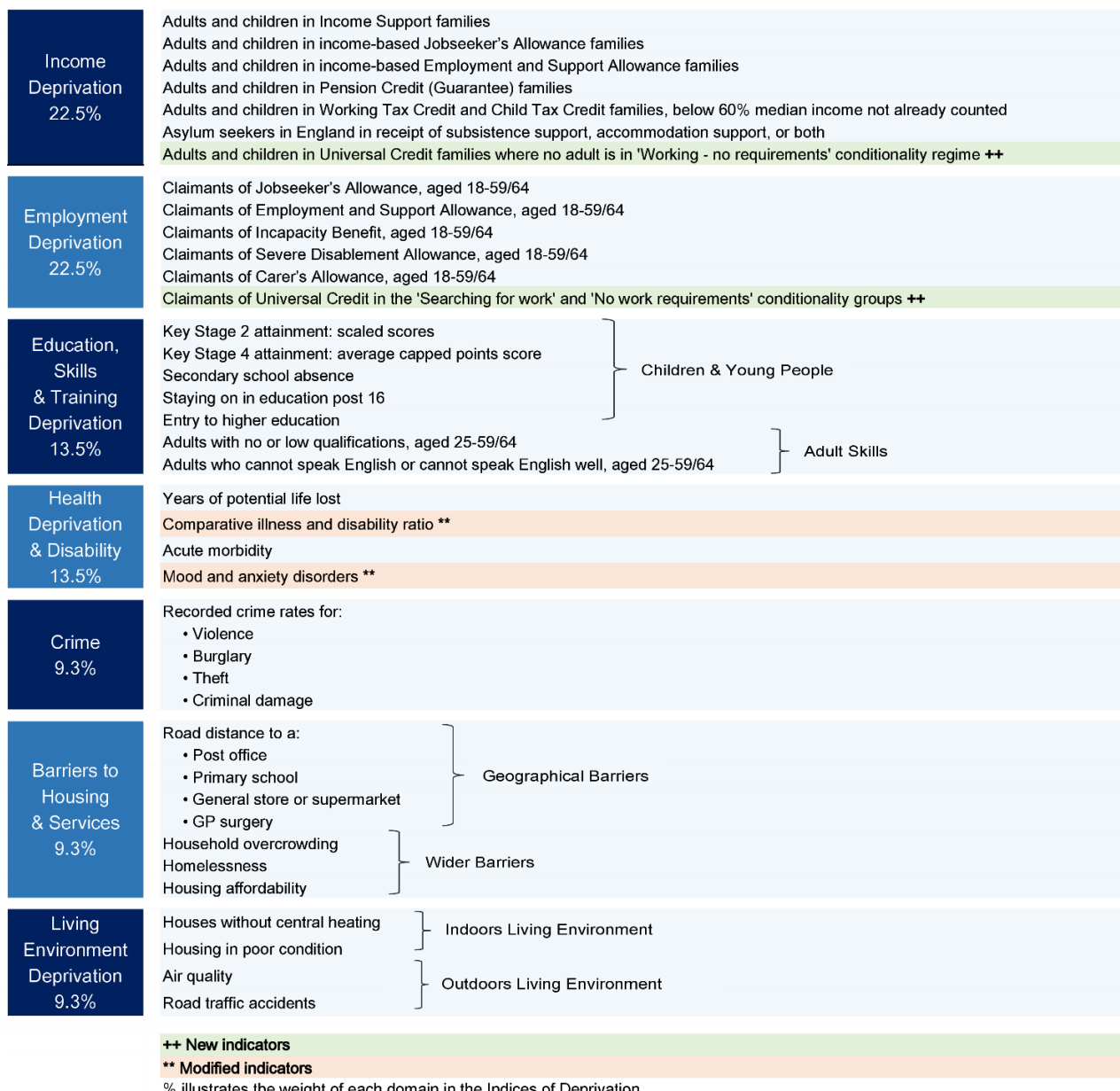
Appendix 1

Indicator	Data supplier	Data time point
Income Deprivation Domain		
<p>Adults and children in Income Support families</p> <p>Adults and children in income-based Jobseeker's Allowance families</p> <p>Adults and children in income-based Employment and Support Allowance families</p> <p>Adults and children in Pension Credit (Guarantee) families</p> <p>Adults and children in Working Tax Credit and Child Tax Credit families not already counted, and whose equivalised income (excluding housing benefit) is below 60 per cent of the median before housing costs</p> <p>Asylum seekers in England in receipt of subsistence support, accommodation support, or both</p> <p>Adults and children in Universal Credit families where no adult is classed within the 'Working - no requirements' conditionality regime</p>	<p>Department for Work and Pensions, Her Majesty's Revenue and Customs and the Home Office</p>	<p>2015</p>
Income Deprivation Domain numerator (total population)	<p>Department for Work and Pensions, Her Majesty's Revenue and Customs and the Home Office</p>	<p>2015</p>
Individual Indicators comprising the Income Deprivation Affecting Children Index	<p>Department for Work and Pensions and Her Majesty's Revenue and Customs</p>	<p>2015</p>
Income Deprivation Affecting Children Index Numerator (number of children aged 0-15)	<p>Department for Work and Pensions and Her Majesty's Revenue and Customs</p>	<p>2015</p>
Individual Indicators comprising the Income Deprivation Affecting Older People Index	<p>Department for Work and Pensions</p>	<p>2015</p>
Income Deprivation Affecting Older People Index Numerator (number of people aged 60+)	<p>Department for Work and Pensions</p>	<p>2012</p>
Employment Deprivation Domain		
<p>Claimants of Jobseeker's Allowance (both contribution-based and income-based), women aged 18-59 and men aged 18-64</p> <p>Claimants of Employment and Support Allowance (both contribution-based and income-based), women aged 18-59 and men aged 18-64</p> <p>Claimants of Incapacity Benefit, women aged 18-</p>	<p>Department for Work and Pensions</p>	<p>Four quarters from May 2015 to February 2016</p>

Indicator	Data supplier	Data time point
59 and men aged 18-64 Claimants of Severe Disablement Allowance, women aged 18-59 and men aged 18-64 Claimants of Carer's Allowance, women aged 18-59 and men aged 18-64 Claimants of Universal Credit in the 'Searching for work' and 'No work requirements' conditionality groups.		
Employment Deprivation Domain numerator	Department for Work and Pensions	Four quarters from May 2015 to February 2016
Education, Skills and Training Deprivation Domain		
Key Stage 2 attainment	Department for Education	2014/15, 2015/16 and 2016/17
Key Stage 4 attainment		
Secondary school absence		
Staying on in education post 16	Her Majesty's Revenue and Customs	2010 to 2012
Entry to higher education	Higher Education Statistics Agency	2012/13 to 2016/17
Adult Skills	Office for National Statistics	2011
English language proficiency	Office for National Statistics	2011
Adult skills and English language proficiency indicators - combined	Office for National Statistics	2011
Health Deprivation and Disability Domain		
Years of potential life lost	Office for National Statistics	2013 to 2017
Comparative illness and disability ratio	Department for Work and Pensions	2016
Acute morbidity	Health and Social Care Information Centre	2015/16 to 2016/17
Mood and anxiety disorders	Health and Social Care Information Centre; Department for Work and Pensions; Office for National Statistics	2013 to 2018

Indicator	Data supplier	Data time point
Crime Domain		
Violence Burglary Theft Criminal damage	Association of Chief Police Officers, provided by the Home Office	2016/17 and 2017/18
Barriers to Housing and Services Domain		
Road distance to a post office	Post Office Ltd	2018
Road distance to a primary school	Department for Education Edubase	2019
Road distance to general store or supermarket	Ordnance Survey	2018
Road distance to a GP surgery	Organisation Data Service, Health and Social Care Information Centre, licenced under the Open Government Licence v2.0	2019
Household overcrowding	Office for National Statistics	2011
Homelessness	Department for Communities and Local Government	2015/16, 2016/17 and 2017/18
Housing affordability	Estimated primarily from the Family Resources Survey, Regulated Mortgage Survey, Land Registry house prices, and Valuation Office Agency market rents.	2016
Living Environment Deprivation Domain		
Housing in poor condition	Estimated from the English Housing Survey, 2015	2015
Houses without central heating	Office for National Statistics	2011
Air quality indicator	Estimated from UK Air Information Resource air quality, 2016	2016
Road traffic accidents indicator	Department for Transport	2015, 2016 and 2017

MHCLG indicator diagram:



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Report to: Cabinet

Date of Meeting: 3rd April 2023

Report Title: Town Living Project

Report By: Victoria Conheady, Director of Place

Purpose of Report

To obtain approval to progress the first phase of the Town Living project.

Recommendation(s)

That Cabinet recommends that Full Council approves:

1. to progress Phase 1 of the Town Living project;
2. to establish a capital budget of £1,037,615 (to be funded via the Town Fund programme) for the Town Living project;
3. to delegate authority to the Managing Director to complete Phase 1 of the Town Living project, including any associated procurement; and
4. to source a property/properties for Phase 2 of the Town Living project.

Reasons for Recommendations

1. The Hastings Town Fund Programme has awarded the Town Living project £1,037,615. Phase 1 has been awarded £794,000 which is the estimated cost of completing this phase.
2. The project will provide a best practice example of how to renovate and retrofit a listed building, increase the supply of permanent affordable housing in the town centre, support reductions in carbon emissions and energy costs and provide training and employment opportunities in whole house retrofitting.
3. A Council owned Grade II listed property will be fully restored, energy efficient and converted to Affordable Rent housing.

Background

1. The Town Living project was one of the projects identified in the Hastings Town Investment Plan. The project was awarded £1million grant funding following confirmation that the Hastings Town Deal programme had been awarded £24.3m. This funding was allocated subject to the development and approval of a full business case on the basis that the project would retrofit and repurpose 12 homes in Hastings' town centre.
2. The town centre has an ageing housing stock with many homes being built pre-1919. This has contributed to a higher proportion of homes in the town centre being poorly insulated, suffering from excess cold and failing to meet the Decent Homes standard and the Minimum Energy Efficiency Standards (MEES). These factors are contributing to a higher prevalence of fuel poverty and poor health outcomes.
3. Retrofitting improves the quality and energy efficiency of homes which is vital to help the town meet its net zero commitments and tackle climate change in the local area.
4. The 'Hastings Town Deal programme update' report was taken to Cabinet on 1st November 2021. One of the recommendations approved was that up to 5% of the allocated funding for Town Fund projects could be used towards the early development of projects to assist them in obtaining professional advice and preparing clear design concepts and indicative costings.
5. The Town Living project used its 5% allocation to progress a proposal for the redevelopment of a Council owned, 5 storey, Grade II listed building in Wellington Square which would deliver 5 homes. This included procuring the completion of a RIBA Stage 1 Design Report and obtaining indicative development costs which could be used to inform a business case.

Business Case

6. The Town Living project's business case is based on the Treasury's Green Book guidance. It sets out a range of different options for restoring the Wellington Square property based on whether the existing building layout is retained or restored/reconfigured, the level of improvements made to the building fabric and the types of interventions used to reduce energy consumption,
7. The most efficient model which meets the project aims and evidences cost efficiencies is estimated to cost £794,000. This is based on restoring the building layout, repairing and upgrading the fabric of the building, introducing internal wall linings and adding roof insulation, internal secondary glazing and insulated floorboards. The building energy changes include heating controls, energy efficient lighting, air source heat pumps and PV solar panels. Proposals being subject to planning approval.

Hastings Town Fund Programme

8. Following the submission of the business case, the Town Living project was awarded grant funding of £1,037,615 from the Hastings Town Fund programme.

9. Phase 1 has been allocated £794,000 which is the estimated cost of completing this phase.
10. A further £243,615 has been allocated to support the acquisition of an additional building for Phase 2. An additional 7 units need to be identified and additional funding secured to deliver Phase 2 of the project and a further report will set out proposals for bringing this forward.

Current Use

11. The property has been owned by the Council for circa 3 years and is currently being used as temporary accommodation.
12. The building will continue to be used as temporary accommodation until works commence. At that time, the tenants will be supported to move into more permanent housing or alternative temporary accommodation.
13. The Council's Housing Management team will liaise closely with the tenants so that they understand the timescale involved in the work commencing and the moving process.

Redevelopment

14. There are significant works needed to the property which are particularly costly given it is a listed building. The Council doesn't have a budget to carry out these works and piecemeal repairs will continue to be a drain on Council resources.
15. The proposed redevelopment will ensure that the property will provide highly sustainable, energy efficient, affordable housing for local people. The redevelopment will provide a best practice example of how to renovate and retrofit listed buildings in Hastings and test how this can be supported by the planning process.
16. In collaboration with other Town Fund projects, the redevelopment will provide employment and training opportunities in whole house retrofitting.
17. Once redeveloped, the property will provide five flats which will be let on Affordable Rent and provide much needed new homes for local residents.
18. Discussions on the details pertaining to the letting and management of properties are being progressed between the Council's Housing and Legal Teams.

Procurement

19. Following Cabinet approval to progress Phase 1, a procurement exercise will be undertaken with the East Sussex Procurement Hub to procure an Architect led Multidisciplinary Team. They will be employed initially to take the project through to planning and then to tender for the construction phase. If the successful tender is within budget the appointed Team will then manage the project through construction and to completion.
20. The procurement of the works will be subject to a separate tender process.

Economic/Financial Implications

21. As above, the project has been allocated £794,000 for Phase 1, which is based on the RIBA Stage 1 Design Report completed in May 2022. In light of the current economic volatility, which has seen increases in interest rates and construction costs, this is very much an indicative cost and will need to be tested through the contractor procurement process.
22. Should the project not be deliverable on budget, various options could be considered including amending the scope of works so that it remains within budget, seeking alternative gap funding, requesting additional funding from the Town Deal or ceasing to progress with the project. Any amendments would however be subject to approval from the Town Deal Board.
23. There will be a financial cost to the Council whilst the property is under development due to the property being vacant and the associated loss of revenue from rental income together with holding costs. However, it is likely that there would be a sustained revenue loss in the future without some degree of works as the property will not be suitable to let.
24. If the Council does not take this opportunity to refurbish and repurpose the property, the costs of repairing and maintaining the property will become a significant burden to the Council.
25. Once the property is refurbished, it will produce revenue income for the Council which will be based on rental income less property costs such as management and maintenance.

Risk Management

26. In addition to the financial risks, there are a number of planning and listed building related risks, including not being able to progress all of the energy efficiency or design proposals due to the property's listed building status. All planning related risks will be mitigated where possible through a pre-application process.
27. Any modifications required to the original proposal will be discussed and agreed with the Town Living Board.

Environmental Issues

28. The project gives us an opportunity to provide a best practice example for how listed properties can be retrofitted to improve sustainability and energy efficiency and supports the Council's carbon reduction ambitions.

Equalities and Community Cohesiveness

29. The project will support the development of a diverse and sustainable community in the town centre.
30. The Council has adopted the East Sussex Temporary Accommodation Policy which sets out the Council's approach to placing homeless households in emergency and temporary accommodation. The policy requires temporary

accommodation offers to take account of the Public Sector Equality Duty and describes how we will meet our obligations under the Equalities Act 2010.

Local People's Views

31. Consultation will be carried out as part of the planning process.

Anti-Poverty

32. This proposal supports objectives set out in the Council's Corporate Plan including recognising and meeting people's needs and tackling homelessness, poverty and ensuring quality housing.

Timetable of Next Steps

Action	Key milestone	Due date (provisional)	Responsible
Tender exercise for Architect led Multidisciplinary Team	Procurement of consultant	TBA	Housing Development Manager/ESPH
Progress RIBA Stage 1-4	Consultant appointed Planning & Listed Building Consent obtained	TBA	Housing Development Manager
Tender for construction	Procurement of contractor	TBA	Housing Development Manager/ESPH
Progress works to completion	Contractor appointed	TBA	Housing Development Manager/Contractor

Wards Affected

Castle

Implications

Relevant project tools applied? Yes

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

Climate change implications considered. Yes

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

Equalities and Community Cohesiveness Y

Crime and Fear of Crime (Section 17) N

Risk Management Y

Environmental Issues Y

Economic/Financial Implications Y

Human Rights Act N

Organisational Consequences N

Local People's Views Y

Anti-Poverty Y

Additional Information

Officer to Contact

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