



# Council Meeting

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**Wednesday, 14th  
September, 2022**

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## 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 TN34 3UY, on Wednesday, 14th September, 2022 at 6.00 pm at which meeting the business specified below is proposed to be transacted.

Yours sincerely,

Chief Legal Officer

Muriel Matters House  
Breeds Place  
Hastings

6 September 2022

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### **AGENDA**

1. Apologies for Absence
2. To approve as a correct record the minutes of the last meeting
3. Declarations of Interest
4. Adoption of the Bye Laws for Pleasure Grounds, Public Walks and Open Spaces

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

# Agenda Item 2 Public Document Pack

## FULL COUNCIL

13 JULY 2022

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

### **261. APOLOGIES FOR ABSENCE**

Apologies for absence received from Councillors Hay and Beaver.

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

**RESOLVED** – that the minutes of the meeting held on 25<sup>th</sup> May 2022 be approved and signed by the Mayor as a correct record of the proceedings.

### **263. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Meeting</b>	<b>Minute</b>	<b>Interest</b>
Bishop	Full Council, 19 <sup>th</sup> July 2022	266 – Motion	Prejudicial – Works for the Environment Agency
Patmore	Full Council, 19 <sup>th</sup> July 2022	266 – Motion	Personal – Helps administer two charity investment funds which invest in public utilities
Jobson	Full Council, 19 <sup>th</sup> July 2022	266 – Motion	Personal – Member of Clean Water Action
Collins	Full Council, 19 <sup>th</sup> July 2022	266 – Motion	Personal – Member of Clean Water Action
Bishop	Full Council, 19 <sup>th</sup> July 2022	268 – Motion	Prejudicial – Works for the Environment Agency
Roberts	Full Council, 19 <sup>th</sup> July 2022	268 – Motion	Personal – Is a member of the East Sussex County Council pension fund
Roark	Full Council, 19 <sup>th</sup> July 2022	268 – Motion	Personal – Is a member of the East Sussex County Council pension fund

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

The Mayor informed the Council that the Cabinet report on updating the Park Byelaws has been withdrawn from the meeting and won't be part of call over. The Byelaws that were approved by the Secretary of State were not the same as the Byelaws that were attached to the report discussed by Cabinet in June.

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The report and the Park Byelaws approved by the Secretary of State will now be referred back to the next available Cabinet meeting for discussion before they can be recommended for approval by Full Council.

The Leader of the Council noted the rise in Covid-19 infections and affirmed that the Council will take its public health responsibilities seriously. The Council will look to restart the local Covid-19 Taskforce bringing together the Council and local healthcare providers to ensure residents are kept safe from the rise in infections.

### **265. QUESTIONS (IF ANY) FROM:**

#### **265a Members of the public under Rule 11**

Written questions were received from the public and written responses sent to the questioners and published on the Council's website.

Mr Hart was present and asked a supplementary question. Mr Hart asked what approaches the Council has made to Sussex Garden Trust in order to seek advice or request funds in relation to the Roman bath in Summerfields Wood?

Councillor Hilton said she will be getting a briefing on the background of the Roman bath and will write to Mr Hart with a further update in due course.

#### **265b Councillors under Rule 12**

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

In a supplementary question Councillor Edwards asked if a deposit had been paid as part of the Harrow Lane Playing Field sale, and what is the expected completion date?

Councillor Barnett responded that he would raise these points with officers and respond to Councillor Edwards in writing.

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

In a supplementary question Councillor Patmore asked if the money received from Homes England is a capital sum against the refurbishment cost, or can it be used to subsidise the rent?

Councillor Evans confirmed the money was a grant towards the building and the flats will be available to rent at Local Housing Allowance rates.

<b>Questioner</b>	<b>Subject</b>	<b>Reply given by</b>
Councillor Patmore	<u>Levelling Up Fund</u> – It is disappointing the Council couldn't put in a bid for the fund. As it is not guaranteed there will be a further round of funding, is the Council taking a big risk missing	Councillor Barnett

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	<p>out on vital funds?</p> <p>Councillor Barnett responded that the government criteria required a fully designed scheme, not a concept. There wasn't time to produce a quality scheme for the Bohemia leisure complex and the Council needs time to have a scheme ready for Round 3.</p>	
Councillor Carr	<p><u>Carbon Reduction</u> - Have you found any ways we might be able lower our carbon emissions in relation to waste and recycling?</p> <p>Councillor Haffenden replied that the Council is looking to run waste and recycling trucks on HVO oil which will cut emissions by up to 90% immediately. The longer-term goal is to have an all-electric fleet.</p>	Councillor Haffenden
Councillor Bishop	<p><u>Council Tax Rebate</u> – Will hard copy forms be available for those still to apply for their £150 Council Tax rebate?</p> <p>Councillor Barnett responded that 13,000 letters have gone out to residents who do not pay Council Tax by direct debit. Many of those will apply online but for those who can't the Contact Centre will provide support to help them complete their forms face-to-face.</p>	Councillor Barnett
Councillor Beaney	<p><u>Home Working</u> – What percentage of Council staff are still working from home?</p> <p>Councillor Rogers replied that she would find out and write back to Councillor Beaney.</p>	Councillor Rogers
Councillor Jobson	<p><u>Shared Prosperity Fund</u> – Can you offer support to local businesses via the Shared Prosperity Fund and enable them to create new opportunities for the town?</p> <p>Councillor Barnett replied that he had been visiting local small businesses, however the town has not been given enough money via the Shared Prosperity Fund to do what is needed in Hastings. The funding formula favours those areas with a larger population. Hastings gets £1 million, which is the lowest amount that can be awarded.</p>	Councillor Barnett
Councillor Webb	<p><u>St Leonards Festival</u> – Can you please update us on the St Leonards Festival?</p> <p>Councillor Batsford replied that there were a wide variety of activities taking place, with a good turnout of local residents. Councillor Batsford thanked the volunteers who organised the event. The festival is one of only two events directly funded by the Council.</p>	Councillor Batsford
Councillor	<p><u>Hornty</u> – Can you comment on why the offer of</p>	Councillor Barnett

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Williams	<p>money from the Hornty Trust was turned down by the Council?</p> <p>Councillor Barnett replied that the offer wasn't good enough for the people of Hastings. The cricket ground has been held in trust for the people of Hastings and the Council insists that is not renegade on and is not happy with the plan to sell the ground and offer a small percentage of the proceeds to the people of Hastings.</p>	
Councillor Collins	<p><u>500 affordable homes</u> – What progress has been made to construct 500 affordable homes to a healthy home standard?</p> <p>Councillor Evans responded that a number of houses are already under construction and she will be attending a workshop with the Hastings Homes Health Group.</p>	Councillor Evans
Councillor Turner	<p><u>NHS</u> – In light of local NHS challenges, do you agree that the Levelling Up agenda is just a soundbite?</p> <p>Councillor Batsford replied that it is incumbent upon the Council to make sure that residents do get the NHS services they need.</p>	Councillor Batsford
Councillor Fernando	<p><u>Battle Road</u> – Can the Leader of the Council update us on when the work on the Battle Road arches will be complete?</p> <p>Councillor Barnett replied that the work had taken far longer than imagined. This is a project about safety and further issues have been uncovered as the work progressed. It is now a more complicated project. Local residents have had letters explaining the situation in detail. The County Council are going to introduce new road signage and better information to try to stop drivers going too far up Battle Road.</p>	Councillor Barnett
Councillor Arthur	<p><u>Community Safety</u> – I am receiving increasing reports of hate crimes and abuse that Black and Asian people are experiencing on our streets. Could you update us on what the Council is doing to tackle racism and violence against women?</p> <p>Councillor Rogers replied that domestic abuse cases are down by 8% since lockdown was lifted. There have been 325 instances of violence against women and girls in Hastings this year. This is a 16% increase. There have been 299 reported cases of hate crime in Hastings so far this year, a 6.4% increase.</p>	Councillor Rogers

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### 266. MOTION (RULE 14)

Councillor Bishop declared a prejudicial interest and left the Council Chamber for the duration of the item.

Councillor Barnett proposed a motion as set out in the agenda, seconded by Councillor Sinden.

Councillor Hilton proposed an amendment, seconded by Councillor Jobson, to amend the second bullet point so that it reads:

*“To setup a working group including representatives from groups such as the Coastal Users Group, subject to their agreement, and Clean Water Action to hold regular meetings with Southern Water at the highest level to hear current plans to improve both the sewage system and clean water supply for everyone, everywhere, in Hastings. This to include at least one public meeting a year where residents are able to ask progress on these plans.”*

Councillor Barnett accepted the amendment.

Councillor Pragnell proposed an amendment, seconded by Councillor Patmore, to delete the following words:

*“Southern Water to be returned to public ownership”*

Councillor Barnett did not accept the amendment.

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

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

The amendment was not carried by 10 votes for, to 18 against.

**RESOLVED (by 18 votes for, to 10 against) that Full Council accepts the motion as set out below:**

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

This Council now calls for:

\* Southern Water to be returned into public ownership

\* To setup a working group including representatives from groups such as the Coastal Users Group, subject to their agreement, and Clean Water Action to hold regular meetings with Southern Water at the highest level to hear current plans to improve both the sewage system and clean water supply for everyone, everywhere, in

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Hastings. This to include at least one public meeting a year where residents are able to ask progress on these plans.

\* Further letters to be sent to both our MP and Government expressing severe reservations about the performance of Southern Water

\* Stronger action from the Environment Agency, Ofwat and the Consumer Council for water to enforce sea water and domestic water supply standards in Hastings.

\* Residents of Hastings to continue to report concerns about water on the Hastings Borough Council website.

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

Councillor Bishop returned to the Council Chamber.

Following legal advice the Mayor deferred the housing crisis motion to the next Full Council meeting.

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

Councillor Bishop declared a prejudicial interest and left the Council Chamber for the duration of the item.

Councillor Arthur proposed a motion as set out in the agenda, seconded by Councillor Roark.

**RESOLVED (by 24 votes for, to 2 against with 2 abstentions) that Full Council accepts the motion as set out below:**

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

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

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



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

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

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

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

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

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

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

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

Councillor Bishop returned to the Council Chamber.

Councillor Carr proposed a motion as set out in the agenda, seconded by Councillor Patmore.

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

This Council recognises that equality needs to be at the centre of everything we do and every decision we make, especially in how we provide services to the public. #

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As a Council we know that our town is one of diversity which we must celebrate and encourage, but also one of inequality which impacts on many people's day to day lives.

We believe that all residents should be given truly equal opportunities to thrive and live happy, healthy lives, free of fear and bigotry.

In line with our Public Sector Equality Duty (as set out in The Equality Act 2010), I move that this motion to set up an Equalities Working Group be referred to Overview & Scrutiny in accordance rule 14.5 of our Constitution. To reflect that equality is the responsibility of all of us as Councillors, no matter what our political group, a cross party Equalities Working Group should be set up to:

- Look at our internal equalities practices and how these can be improved
- Engage with groups and professional organisations for advice and guidance to help shape the councils understanding of the issues of under-represented groups as we recognise that listening to those with lived experience is vital when delivering effective services
- Further pursue our commitment to becoming an Age Friendly Community so that this status is achieved
- Look to achieve a recognised award for equalities as assessed under the Equality Framework for Local Government (EFLG) scheme from the Local Government Association (LGA)
- Review and rewrite the Equalities Charter so that it becomes a meaningful document that can be shared to other businesses and groups across the town, in a way that is measurable, monitorable and with a system of recognised award so that the hard work of our partners can be clearly seen and celebrated
- Develop a long-term Equality and Inclusion Strategy

This Working Group will be open to all elected Councillors and the Portfolio Holder for Equalities and other Cabinet members will be invited to contribute to the discussions of the Working Group. The Working Group should meet at least quarterly but may meet more as the Group decides.

A progress report can be requested at any time by Cabinet, Overview and Scrutiny Committee or the Managing Director so that the Group remains accountable, open, and transparent in its working. A full report with the conclusions of the Working Group and a draft Equalities Charter shall be submitted to Council for its approval.

I call upon my fellow Councillors to support the Working Group with enthusiasm to bring true equality to both the Council and the residents of the town.

### **270. MEMBERSHIP OF COMMITTEES**

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Councillor Barnett informed the Council that Councillor O'Callaghan is to be appointed to the Licensing Committee.

Councillor Patmore informed the Council that Councillor Cooke is to be appointed to the Environment and Safety Committee in place of Councillor Hay.

**RESOLVED that the Council notes the following arrangements for the membership of committees:**

1. Councillor O'Callaghan is appointed to a vacant seat on Licensing Committee
2. Councillor Cooke replaces Councillor Hay on Environment and Safety Committee

### 271. APPOINTMENT OF INDEPENDENT PERSONS

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

Councillors Rogers thanked the Independent Persons, John Baker and Amanda McIntyre, for their support and advice to the Standards Committee during their first term.

**RESOLVED (unanimously):**

**To renew the appointment of John Baker and Amanda McIntyre as Independent Persons for a further three-year term from 1st November 2022 to 31st October 2025.**

Reasons:

The Localism Act 2011 requires the Council to appoint at least one Independent Person to assist with the Standards process. Further, changes in employment legislation requires an Independent Person to be involved in any disciplinary action against any of the three statutory officers, those being the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

### 272. REPORTS OF COMMITTEES

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

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

Meeting	Minute	Councillor
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Cabinet, 6 <sup>th</sup> June 2022	437 - Reviewing the Anti-Social Behaviour Public Space Protection Order (ASB PSPO)	Arthur
Cabinet, 6 <sup>th</sup> June 2022	439 – Hastings Museum & Art Gallery Business Plan 2022 – 25	O’Callaghan
Cabinet, 6 <sup>th</sup> June 2022	440 – Cabinet Appointments to Committees, Working Groups, Partnerships and Representative Bodies	Edwards
Cabinet, 6 <sup>th</sup> June 2022	443 – Budget Update May 2022	Rankin

Minute 443 of Cabinet on 6<sup>th</sup> June 2022, Budget Update May 2022, was a matter requiring Full Council approval. The recommendations were proposed by Councillor Willis, seconded by Councillor O’Callaghan and agreed unanimously.

Councillors debated minutes 437, 439 and 440 of Cabinet on 6<sup>th</sup> June 2022. These matters did not require Full Council approval.

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

**(i) The existing Harold Place project be removed from the Capital programme until such time as a revised scheme for the area is determined.**

**(ii) The Capital programme budget for the Castleham Industrial units be increased to £250,000 (from £140,000).**

**(iii) The Capital programme budget for Buckshole Reservoir works be increased to £1,353,000 (From £1,253,000)**

**(iv) Undertake a Mid-year budget review to potentially increase fees and charges, reduce expenditure, and sell assets.**

Reasons:

The budget report in February 2022 identified that a balanced budget in 2022/23 could only be achieved by using £2.33m of reserves, and that further savings would be required given the relentless increases in homelessness costs in particular. The forecasts for future years showed annual deficits increasing e.g. £2.426m in 2023/24, £2.544m in 2024/25, and £2.531m in 25/26.

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

(The Mayor declared the meeting closed at 8.55pm)

# Agenda Item 4



**Report To:** Full Council

**Date of Meeting:** 14<sup>th</sup> September 2022

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

**Report By:** Cameron Morley - Waste and Cleansing Services manager

**Key Decision:** N/A

**Classification:** open

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## Purpose of Report

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

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## Recommendation(s)

1. That Council approves the adoption of the byelaws for pleasure grounds, public walks and open spaces and revocation of the existing byelaws stated in Section 1 of this report.

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## Reasons for Recommendations

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

## Background

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

## Process for declaring byelaws

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

## Public Consultation

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

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

## Conclusions

15. The council has followed proper consultation and all due legal process in proposing new and updated byelaws for pleasure grounds, public walks and open spaces. The proposed byelaws are based upon the model byelaws published by the Department for Levelling up, Housing and Communities. The draft byelaws which have been subject to two rounds of public consultation have been approved by the Secretary of State for the council to consider adoption.
16. The new byelaws for pleasure grounds, public walks and open spaces should be presented to Full Council for adoption within 6 months from the end of the representation period, by 25<sup>th</sup> of September 2022. As the 25<sup>th</sup> September 2022 falls on a Sunday the decision must be made by Friday 23<sup>rd</sup> September 2022 at the latest. It is recommended that the decision be made at an extraordinary Full Council by 14<sup>th</sup> September 2022.

## Crime and Fear of Crime

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

## Local People's Views

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

## Legal

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

## Timetable of Next Steps

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

Action	Key milestone	Due date (provisional)	Responsible
Cabinet agree to	Extraordinary Full	14 <sup>th</sup> September	Chief Legal Officer

present byelaws to Full Council	Council		

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## Wards Affected

(All Wards);

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## Policy Implications

Reading Ease Score:

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

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

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## Additional Information

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

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

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## Officer to Contact

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



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

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

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

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

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

# HASTINGS BOROUGH COUNCIL

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



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SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Rules for playing ball games in designated areas

Byelaws made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by Hastings Borough Council with respect to pleasure grounds, public walks and open spaces.

## **PART 1 GENERAL**

### **General Interpretation**

1. In these byelaws:

“the Council” means Hastings Borough Council;

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

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

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

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

### **Application**

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

## **PART 2**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **Interpretation of Part 2**

In this Part:

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

#### **Protection of structures and plants**

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

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

#### **Unauthorised erection of structures**

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

#### **Climbing**

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

#### **Grazing**

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

#### **Protection of wildlife**

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

#### **Gates**

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

#### **Camping**

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

#### **Fires**



10. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire or release a lighted sky lantern into the atmosphere.
- (2) Byelaw (1) shall not apply to:
- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
  - (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues.

### **Missiles**

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

### **Interference with life-saving equipment**

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

## **PART 3**

### **HORSES, CYCLES AND VEHICLES**

#### **Interpretation of Part 3**

In this Part:

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

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

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

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

### **Horses**

13. (1) No person shall ride a horse except:

- (a) On a designated route for riding; or
  - (b) In the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of Byelaw 13(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

### **Cycling**

14. No person shall ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling and must do so in a manner so as not to cause danger or give reasonable grounds for annoyance to other persons.

### **Motor vehicles**

15. (1) No person shall without reasonable excuse or prior written consent from the Council bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.
- (2) No person with reasonable excuse or prior written consent from the Council to enter a ground or using a right of way or designated route with a motor cycle, motor vehicle or trailer is to exceed 10mph.

### **Overnight parking**

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

## **PART 4**

### **PLAY AREAS, GAMES AND SPORTS**

#### **Interpretation of Part 4**

In this Part:

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

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons

skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

### **Children's play areas**

17. No person without reasonable excuse aged 14 years or over shall enter or remain in a designated area which is a children's play area unless in charge of a child under the age of 14 years.

### **Children's play apparatus**

18. No person without reasonable excuse aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

### **Skateboarding, etc**

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

### **Ball games**

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

### **Rules for ball games in designated areas**

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

### **Cricket**

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

### **Archery**

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

#### **Field sports**

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

#### **Golf**

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

### **PART 5**

## **WATERWAYS**

#### **Interpretation of Part 5**

In this Part:

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

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

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

#### **Bathing**

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

#### **Ice skating**

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

#### **Model boats**

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

#### **Boats**

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

#### **Fishing**

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

## **Blocking of watercourses**

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

## **PART 6**

### **MODEL AIRCRAFT**

#### **Interpretation of Part 6**

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

“power-driven” means driven by:

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

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

#### **Model Aircraft permitted in designated areas**

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

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

other than in a designated area for flying model aircraft.

#### **Model aircraft subject to certain control**

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

#### **Quieter types of model aircraft permitted**

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

- (a) Gives a noise measurement of not more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code

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

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

## **PART 7**

### **OTHER REGULATED ACTIVITIES**

#### **Provision of services**

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

#### **Excessive noise**

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

#### **Public shows and performances**

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

#### **Aircraft, hang gliders and hot air balloons**

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

#### **Kites**

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

#### **Metal detectors**

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

## **PART 8**

### **MISCELLANEOUS**

#### **Obstruction**

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

#### **Savings**

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

#### **Removal of offenders**

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

#### **Penalty**

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

#### **Revocation**

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

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

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

# **SCHEDULES**

## **SCHEDULE 1**

### **GROUNDS TO WHICH BYELAWS APPLY**

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

Alexandra Park

Amherst Gardens

Arborvale area of land north of Lilac Court

Archery Field

Beauharrow Pond

Beckley Close kick about area

Bembrook Road public open space and play areas

Bexhill Road recreation ground

BOS Field (public open space)

Butlers Gap

Carnoustie Close play area

Celandine Drive playground

Cooden Ledge open space and woodland

Cookson Gardens play area and open space

Cornwallis Gardens

Darwell Close play area and open space

Dog Kennel Wood

Duke Green open space

Etchingham Drive play area

Fernside Avenue/Albourn Close open space

Fleetwood Close play area

Gensing Gardens

Halton Churchyard

Harrow Lane recreation ground

Harvest Way play area

Helmsman's Rise play area and open space

Heron Close play area

Hastings Cemetery open space

Highwater View play area and open space

Hollington Recreation Ground

Hollington Valley Local Wildlife Site

Kensington Close play area

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

## SCHEDULE 2

### **BYELAW 21 – BALL GAMES**

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

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