

Decisions taken by the Cabinet on Monday, 2 October 2023



Notice dated: 03/10/23

Issued to all councillors and senior officers.

Please refer to the relevant cabinet agenda and reports when reading this notice. The minutes of the meeting of the cabinet will be published in due course. To view the cabinet reports please click [here](#).

These decisions will come into force on the expiry of three working days after the publication of this decision notice unless implemented sooner for reasons of urgency.

DECISIONS:

Item No	Matter	Decision	Reason(s) for Decision
5	Reserves Policy 2023-24	<p>1) Cabinet recommends that Full Council agrees the updated Reserves Policy.</p> <p>2) Cabinet recommends to Full Council that the minimum General Reserve balance be reduced from £6m to £4m.</p> <p>-</p> <p>-</p>	<p>1. Sections 31A, 32 42A and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.</p> <p>2. Hastings Borough Council, like many others at the current time finds itself under considerable financial duress. To ensure that Councils do not fall fail of overcommitting themselves financially</p>

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			<p>there are several safeguards in place to prevent this from occurring. These include;</p> <ul style="list-style-type: none">• All Councils must set a balanced budget as set out in sections 31A, 42A of the Local Government Finance Act 1992, as amended.• The Chief Finance Officers duty to report on the robustness of estimates and adequacy of Reserves (section 25 of the Local Government Act 2003) when the Council is considering its budget requirement.• Section 151 of the Local Government Act 1972 states as part of the legislation that each Local Authority must make arrangements for the proper administration of their financial affairs and that the Chief Finance Officer / proper officer has responsibility for the administration of those affairs. <p>3. The above requirements are reinforced by Section 114 of the Local Government Finance Act 1988 which requires the Chief finance Officer in England and Wales to report to Council if there is or is likely to be unlawful expenditure or an unbalanced</p>
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			<p>budget. This would include situations where reserves have become seriously depleted and it is forecast that the authority will not have the resources to meet its expenditure in a particular financial year.</p> <p>4. Within the existing statutory and regulatory framework, it is the responsibility of the Chief Financial Officer to advise the Council about the level and nature of reserves to be held. In assessing the adequacy of unallocated general reserves the Chief Financial Officer will take account of the strategic, operational, and financial risks facing the authority. The Chief Financial Officer will also ensure that there are clear protocols for their establishment and use.</p>
<p>6</p>	<p>Overview and Scrutiny: Call in recommendations</p>	<p>1. Overview and Scrutiny recommend that future reports regarding land and asset disposal contain the following information;</p> <p>a. As recommended at recent training conducted by CIPFA that reports concerning capital strategy contain the following or an explanation if not relevant;</p>	<p>Overview and Scrutiny recognise the council’s financial situation and the need for land and asset disposal. Any proposed land and/or assets for disposal must be identified through a robust process and decisions must be made with clear information for both Councillors and the public to view</p>

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- **Legal power for a scheme to be undertaken**
- **Evidence of robust option appraisal work**
- **Consideration/quantification of sensitivity analysis outcomes**
- **Impact on revenue budget and balance sheet resources**
- **Section 151 Officer to vouch for skill-sets of external consultants**
- **Councillors to be adequately briefed on any material risks**

b. Before the asset management strategy is completed, future reports should contain a top level assessment against the current RAG system the council uses.

c. That the report demonstrates in line with the Local Government Act 1972 it requires that land and asset disposals be evaluated against 'best consideration'. The definition of this needs to be contained within the report or an appendix.

d. Costs of disposal need to be made explicit and should include an estimate for Officer time to reflect true costs.

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		<p>e. Any impact on future borrowing costs should include within the report an estimate on the councils MRP as part of the revenue budget.</p> <p>If the loss of land or assets impacts the objectives of the Corporate Plan.</p>	
7	Southern Water update	<p>Discussions continue with Southern Water (SW), and the Environment Agency (EA), to ensure that the needs of Hastings are understood and, where possible, met. It is imperative that trust is restored.</p> <p>SW are pressed to provide input to East Sussex County Council Report on town centre flooding, to enable publishing of the report as a matter of urgency</p> <p>SW are asked to publish detailed plans for all current infrastructure investment taking place in Hastings; to produce a comprehensive plan for the protection of Old Roar Gill; and to provide regular updates on these plans.</p>	It is imperative that trust is restored between Southern Water, Hastings Borough Council and the town's residents and visitors.

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		<p>SW are asked to continue developing their communications with local residents in conjunction with Hastings Borough Council’s communications team.</p> <p>SW are asked to financially compensate the council for the infrastructure failures which have had a significant impact on the reputation of Hastings as a tourist destination.</p> <p>If a satisfactory response is not received by 31st December consider what action might be taken, to include the consideration of legal action.</p>	
<p>8</p>	<p>New Countryside Stewardship grant aid for Hastings Country Park Nature Reserve 2024-2034</p>	<ol style="list-style-type: none"> 1. Cabinet agrees to secure the future management of Hastings Country Park Nature Reserve through a new 10-year Countryside Stewardship grant aid commencing in January 2024. 2. Cabinet delegates authority to the Chief Legal Officer in consultation with the Lead Member for the Environment to sign the new Countryside Steward Agreement 2024-2034, on behalf of Hastings Borough Council at the time of grant 	<ol style="list-style-type: none"> 1. The current 10-year Higher Level Stewardship Agreement at Hastings Country Park Nature Reserve terminates at the end of 2023. 2. A new 10-year Countryside Stewardship Agreement would start on 1st January 2024. 3. The 10-year Countryside Stewardship grant aid is the only funding mechanism open to the council to manage Hastings

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		<p>offer.</p> <p>3. Cabinet extends thanks to all the partners and volunteers who have made and continue to make Hastings Country Park Nature Reserve an award winning example of successful sustainable management and habitat restoration.</p>	<p>Country Park Nature Reserve.</p> <p>4. There is no specific date by which we will receive the new grant for signature, other than before 1st January 2024. Waiting until we receive the grant before arranging a Cabinet decision would potentially delay the start of the grant with the consequential loss of grant income.</p> <p>5. The grant income is worth between £700,000 and £1,000,000 over the life of the grant period</p>
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