

# Public Document Pack

## FULL COUNCIL

15 DECEMBER 2022

Present: Councillors Bacon (Chair), O'Callaghan (Deputy Chair), Barnett, Batsford, Beaney, Beaver (from 6.22pm), Bishop, Cannan, Carr, Collins, Cooke, Edwards, Evans, Fernando, Foster, Haffenden, Hay, Hilton, Jobson, Marlow-Eastwood, O'Callaghan, Patmore, Pragnell, Rankin, Roark, Roberts, Rogers, Sinden, Turner, Webb, Williams, and Willis.

In attendance: Jane Hartnell (Managing Director), Mary Kilner (Chief Legal Officer), and Murray Davidson (Environment and Natural Resources Manager).

### **285. APOLOGIES FOR ABSENCE**

Apologies for lateness received from Councillor Beaver.

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

**RESOLVED** – that the Minutes of the Council Meeting held on 12<sup>th</sup> October 2022 be approved and signed by the Mayor as a correct record of the proceedings.

### **287. DECLARATIONS OF INTEREST**

None received.

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

The Leader of the Council announced that the Hastings Borough Council website had secured its 1 millionth user of the year and achieved first place on the Sitemorse UK Local Government Index. The Index runs quarterly and assesses the websites of over 400 local government organisations.

The Mayor led a minute silence for those that lost their lives in the Channel the previous day. The Mayor thanked the RNLI for their efforts in the rescue of the survivors.

The Mayor presented two Mayoral Civic Awards. Councillor Batsford accepted a Mayoral Award on behalf of Peter Robson, who was honoured for his selfless support of fellow residents in St Helens ward and Hastings.

The Mayor presented a Young Persons Mayoral Award to Lily Isabella in recognition of her fund raising for local charities. Her work began in 2020 when she donated Easter eggs to the Conquest Hospital using her pocket money, and she is now on her fourth fundraising round of the year.

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

#### **289a) Members of the public under Rule 11**

A written question was received from Bea Rogers and a written response supplied by Councillor Roark.

In a supplementary question Ms Rogers asked Councillor Roark if, given the opposition to the proposed cycle route through Alexandra Park, she would agree to reject the proposal or allow more time to consider the implications? Councillor Roark responded that the cycle path proposals will be debated and considered later in the meeting.

#### **289b) Councillors under Rule 12**

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

In a supplementary question Councillor Hilton asked Councillor Roark if the £500 lost revenue referred to in the original answer is per car park and if in future years funding could be put towards a bus service over Christmas to encourage public transport use. Councillor Roark said that alternative options can be considered in the future and she would make note of Councillor Hilton's suggestion.

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

In a supplementary question Councillor Collins asked Councillor Barnett if he will consider delaying the decision to sell or lease St Mary in the Castle to allow time for new ideas to be explored, and whether he will commit to bring any decision on the future of the venue to Full Council? Councillor Barnett replied that the Council is trying to find a sustainable future for St Mary in the Castle. There will be a two-stage process. Initial interest must be submitted by February, then a shortlist will be developed to give organisations further time to provide detail on their capacity to operate the venue. Whether the decision comes to Full Council depends on the final value of the bid.

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 Councillor Roark how much extra is the Council paying to hire agency staff in waste and recycling, rather than hiring directly? Councillor Roark said that she would respond in writing once she has confirmed the amount with officers.

Councillor Jobson 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 Jobson asked Councillor Barnett when the meeting between Councillors, local stakeholders and Southern Water, as called for in a previously agreed motion, would take place? Councillor Barnett replied that the Council is still waiting for a date from Southern Water.

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

In a supplementary question Councillor Carr asked Councillor Barnett why Cornwallis Street Car Park was closed if contractors were not in place and if he can guarantee that the Council still intends to build a hotel at profit on this site? Councillor Barnett replied that a confidential tendering process is underway. The first round of tendering resulted in a single acceptable tender. Therefore, the Council is retendering to get competitive quotes.

<b>Questioner</b>	<b>Subject</b>	<b>Reply given by</b>
Councillor Patmore	<p><u>St Mary in the Castle</u> – Can you reassure us that if St Mary in the Castle is sold there will be a covenant imposed that will ensure it remains a cultural venue?</p> <p>Councillor Barnett replied that it is a complex situation and many cultural venues are struggling. There are no easy answers and officers are doing a lot of work on this issue. No guarantees can be given, the Council has tough decisions to make in the upcoming budget process.</p>	Councillor Barnett
Councillor Hilton	<p><u>Warm Spaces</u> - Local voluntarily organisations will be offering warm spaces over the winter period. Will the Leader of the Council ensure the locations of these are publicised in the window of Muriel Matters House?</p> <p>Councillor Barnett replied that he would.</p>	Councillor Barnett
Councillor Turner	<p><u>Cariology Services</u> – It has been confirmed that the catheterisation lab at the Conquest Hospital will be moved to Eastbourne District General Hospital. Have you received any response to the letter sent by the Council to the Secretary of State for Health and Social Care calling for this decision to be reversed?</p>	Councillor Barnett

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	<p>Councillor Barnett replied that he had not even received an acknowledgement of the letter from the Secretary of State. This is not the right decision and the Council will continue to protest over the two years it is expected to take to implement the change.</p>	
Councillor Fernando	<p><u>Battle Road Arches</u> – Work started nearly a year ago and residents are not receiving any update on the work, which drags on. Can you provide an explanation for the situation?</p> <p>Councillor Barnett replied that he was also frustrated by the length of time the project is taking, but it is an extremely complicated project which has to be done correctly to justify the time and money. Progress is being made and we are moving towards a situation where the road is expected to be open in the first half of next year. Councillor Barnett offered Councillor Fernando a briefing with officers on the situation.</p>	Councillor Barnett
Councillor Carr	<p><u>Tourist Information Centre</u> – With Hastings recently voted in the top ten places for a family winter break can you explain the decision to close the Tourist Information Centre between October and April?</p> <p>Councillor Batsford said that moving the Tourist Information Centre to Hastings College had been a success, with visitor numbers increasing. Work experience has also been provided to college students through the Tourist Information Centre. Councillor Batsford agreed to look at the opening arrangements going forward.</p>	Councillor Batsford
Councillor Bishop	<p><u>Hastings Contemporary Gallery</u> – I believe you have some good news to share about the Hastings Contemporary Gallery?</p> <p>Councillor Barnett confirmed that the</p>	Councillor Barnett

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	<p>Jerwood Foundation had decided to transfer ownership of the gallery to the people of Hastings and have asked the Council to take on the responsibility of owning the building. Councillor Barnett thanked the foundation for locating the gallery in Hastings and for the decision to transfer the gallery to the Council.</p>	
Councillor Edwards	<p><u>York Buildings</u> – In July we were told that the six renovated flats would be occupied by the end of September. In October we were told they would be occupied imminently. Can you now confirm the situation?</p> <p>Councillors Evans replied that because the building is listed there are more regulations that have to be considered. The Council is engaging with other register providers who have the infrastructure in place to manage the building on the Council’s behalf. Officers are looking into this, but there is too much red tape to move people in immediately.</p>	Councillor Evans
Councillor Collins	<p><u>Age Friendly Communities</u> – Hastings Borough Council agreed to join the UK network of age friendly communities at the Full Council meeting on 16<sup>th</sup> December 2020. What progress has been made in making Hastings an age friendly community and who is the age friendly champion?</p> <p>Councillor Barnett replied that he would respond with a written answer.</p>	Councillor Barnett
Councillor Sinden	<p><u>Hastings Museum</u> – Can you give us an update on the new funding and grants that have been received by the museum?</p> <p>Councillor Batsford confirmed that £2.5 million had been awarded to the town by the Arts Council. This will help grow the town’s cultural offer.</p>	Councillor Batsford
Councillor Cooke	<p><u>Broomgrove</u> – The Broomgrove area has receive further funding from the UK Prosperity Fund. Can you update</p>	Councillor Batsford

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	<p>us on how this funding will be spent?</p> <p>Councillor Batsford replied that the Council had been awarded £1 million over three years. The money will be spent on bringing health organisations and cultural bodies into the Broomgrove area to transform one of the poorest parts of Hastings.</p>	
Councillor Arthur	<p><u>Refugee Accommodation</u> – There have been reports to the Refugee Buddy Project that refugees in Home Office accommodation have not been receiving breakfast, are living in damp conditions, and some have no washing facilities. What is being done by the Council to advocate for those seeking refuge in Hastings?</p> <p>Councillor Evans replied that the Council has no funding from the Home Office to fund spot booked hotel places for refugees. Councillor Evans said she had demanded that the private company responsible for the welfare of refugees in Hastings send a case worker to investigate their conditions. Several issues were highlighted including inadequate clothing and access to healthcare.</p>	Councillor Evans
Councillor Beaver	<p><u>York Buildings</u> – As the building has always been listed why weren't these problems with red tape known earlier?</p> <p>Councillor Evans replied that she would respond with a written answer.</p>	Councillor Evans
Councillor Webb	<p><u>Housing and Community Development Portfolio</u> – Can you update us on the latest developments that are taking place in your portfolio?</p> <p>Councillor Evans replied that the Council had initiated the Severe Weather Emergency Protocol (SWEP), which offers beds to the homeless when temperatures drop below zero. Councillor Evans acknowledged the voluntary sector for helping the most vulnerable in the town.</p>	Councillor Evans

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Councillor Cannan	<p><u>Bus Timetables</u> – The implementation of the new bus timetable has been a masterclass in incompetence with the timetable still not available at many bus stops. What can Hastings Borough Council do to address this?</p> <p>– Councillor Batsford replied that many of the new timetables are not adequate for local resident’s needs. We need people to be able to rely on the local bus service. Councillor Batsford said he will be writing to Stagecoach to ask them for an emergency meeting to discuss these concerns.</p>	Councillor Batsford
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### 290. MEMBERSHIP OF COMMITTEES

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

1. Councillor Sinden is appointed to the Overview and Scrutiny Committee
2. Councillor Webb is appointed to the Planning Committee

Councillor Barnett informed the Council that Councillor Rogers was appointed to the Charity Committee and Councillor Roark is the nominated substitute for the Charity Committee. As the Charity Committee is a committee of the Cabinet these appointments were confirmed at the Cabinet meeting on 7<sup>th</sup> November 2022.

### 291. 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:

<b>Meeting</b>	<b>Minute</b>
Cabinet, 7 <sup>th</sup>	472. Climate Change Strategy and Action Plan Refresh

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November 2022	
Cabinet, 7 <sup>th</sup> November 2022	473. Final Accounts 2021/22
Cabinet, 5 <sup>th</sup> December 2022	483. Designation of a Cycle Routh Through Alexandra Park
Cabinet, 5 <sup>th</sup> December 2022	484. Fees and Charges
Cabinet, 5 <sup>th</sup> December 2022	485. Buckshole Reservoir Finance Update (Part 1)
Cabinet, 5 <sup>th</sup> December 2022	486. East Hill Cliff Railway – Major Works (Part 1)
Cabinet, 5 <sup>th</sup> December 2022	488. Buckshole Reservoir Finance Update (Part 2)
Cabinet, 5 <sup>th</sup> December 2022	489. East Hill Cliff Railway – Major Works (Part 2)

Councillors debated minutes 472, 473 and 484. These matters did not require Full Council approval.

Minute 483 of Cabinet on 5<sup>th</sup> December 2022, Designation of a Cycle Routh Through Alexandra Park, was a matter requiring Full Council approval. Councillor Roark proposed a recommendation to approve designation of a cycle route through Alexandra Park, seconded by Councillor Barnett. The proposal was rejected by 15 votes for, to 16 against.

A recorded vote had been requested by more than six Councillors and Councillors voted as follows:

Councillors Barnett, Bishop, Cannan, Carr, Collins, Evans, Haffenden, Hilton, Jobson, Patmore, Roark, Roberts, Rogers, Sinden, and Webb voted for.

Councillors Arthur, Batsford, Beaney, Beaver, Cooke, Edwards, Fernando, Foster, Hay, Marlow-Eastwood, O'Callaghan, Pragnell, Rankin, Turner, Williams, and Willis voted against.

The Mayor adjourned the meeting at 8.13pm and the meeting reconvened at 8.25pm. Councillor Roberts left the meeting during the adjournment.

Councillor Roark proposed that minute 485 be discussed in private session with the Part 2 report, seconded by Councillor Barnett and agreed unanimously.

Councillor Batsford proposed that minute 486 be discussed in private session with the Part 2 report, seconded by Councillor Rogers and agreed unanimously.

**RESOLVED (unanimously) that debate on minutes 485 and 486 take place after the exclusion of the public from the meeting.**



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The Mayor proposed a motion for the exclusion of the public from the meeting, seconded by Councillor Beaver.

**RESOLVED that the public be excluded from the meeting during the consideration of minutes 488 and 489 of the Cabinet meeting held on 5<sup>th</sup> December 2022 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the relevant report.**

Minute 488 of Cabinet on 5<sup>th</sup> December 2022, Buckshole Reservoir Finance Update (Part 2), was a matter requiring Full Council approval. The recommendation was proposed by Councillor Roark, seconded by Councillor Rankin and agreed unanimously.

**RESOLVED (unanimously):**

**To give delegated authority to the Managing Director in consultation with the Lead Member for the Environment to make provision for the additional budget.**

**Reasons:**

Several factors, including the global pandemic, have led to an increase in the cost of materials which has had the effect of increasing the costs of the project above the current capital budget.

Minute 489 of Cabinet on 5<sup>th</sup> December 2022, East Hill Cliff Railway – Major Works (Part 2), was a matter requiring Full Council approval. The recommendations were proposed by Councillor Batsford, seconded by Councillor Beaver and agreed unanimously.

**RESOLVED (unanimously):**

**1. That the Council Leader and Managing Director are delegated authority to proceed with capital works and allocated a suitable budget.**

**2. That the Council Leader and Managing Director are granted derogation from normal procurement process, to instruct the preferred contractor immediately, and complete works as soon as possible.**

**Reasons:**

The East Hill Cliff Railway, the steepest operational funicular in the country, is currently closed the public and unable to operate for health and safety reasons. Until works are completed the service will remain unavailable to users, and no income will be received.

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Derogation from standard procurement protocol is requested in order to expedite works – these works are specialised and have a limited number of potential contractors with the expertise and means to deliver the project. Embarking on a likely lengthy procurement exercise will only result in lost revenue, with material costs continuing to increase over time. Therefore, derogation should be given for officers to deviate from standard procurement practice and engage directly with competent specialists to deliver the project as promptly as possible, whilst still ensuring that value for money is delivered.

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

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

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

Given that the Council is currently in no overall control, it is our belief that the Council should explore governance arrangements that enable all political parties to share in shaping and directing the future of the Council through the decision-making process.

Therefore, the Council resolves:

- 1) to instruct the Working Arrangements Group to review Hastings Borough Council's current governance arrangements, in order to:
  - a) consider the effectiveness of the current governance arrangements at Hastings Borough Council;
  - b) consider if a change in governance arrangements would improve the quality of decision making;
  - c) review how such a change would alter member involvement and engagement;
  - d) identify other corporate governance models available, including, but not limited to, Committee, and Hybrid systems;
  - e) assess the strengths and weaknesses of each system taking account of structural, legal, resource and cultural implications with the object of having an open and more democratic process including enabling wider participation by residents in our decision-making processes and more partnership working with other stakeholders in the town.
  
- 2) The Working Arrangements Group should seek external support and advice from organisations including the Local Government Association, the Centre for Governance and Scrutiny, New Local and other Councils with experience of

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undertaking governance reviews.

- 3) The Working Arrangements Group will meet in January 2023 to agree its cross party membership and appoint the Chair and Vice Chair, its working arrangements and timetable for meetings to undertake the review of governance arrangements and should provide opportunities for all Councillors to contribute to the review process. It is proposed that a final report be presented to the full Council in October 2023, with any governance proposals. Should those proposals include a recommendation to change the Council's permitted form of governance under the provisions of Section 9K of the Local Government Act 2000, as amended by Schedule 2 of the Localism Act 2011, a motion to that effect will need to be agreed at that full Council with the new governance arrangements taking affect at the following Annual Council meeting.

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

Under rule 16.7 of the Council's rules of procedure Councillor Patmore proposed an alteration to his motion, in order to add the following words to the first paragraph '*(with conditions), and outline permission for Pilot Field, with design, drainage and other details still to be determined.*'

The alteration was accepted by the Full Council. Councillor Patmore proposed the motion as altered, seconded by Councillor Cannan.

**RESOLVED (by 29 votes for, to 1 against) that Full Council accepts the motion as set out below:**

The idea to allow Hastings United Football Club to build 86 dwellings on Pilot Field, while in turn building a new stadium and sports facility on Tilekiln Playing Fields in Hollington, was tested by the Planning Committee and has been granted full planning approval for Tilekiln (with conditions), and outline permission for Pilot Field, with design, drainage and other details still to be determined.

Over 1750 signatures have now been collected asking for the decision to be discussed at Cabinet.in order for Hastings Borough Council to consider whether or not the Council should sell land to Hastings United Football Club and enter into any agreements with the developer to proceed, and in the spirit of openness and transparency, the Council agrees to:

- instruct the managing director (or nominee) to prepare a report to Cabinet at the earliest opportunity with a view to setting out the current situation with Hastings United Football Club, and reporting on whether or not the scheme to

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enable the proposed development at Pilot Field and Tilekiln Playing Fields is viable to recommend to Council; and

- set out what alternative provision is available to allow Hastings United to remain in Hastings.

(The Mayor declared the meeting closed at 9.10pm)