



Lewes District Council

To all Members of the Cabinet

A meeting of the **Cabinet** will be held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Wednesday, 27 September 2017 at 14:30** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

03/10/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 26 June 2017 (copy previously circulated).
- 2 Apologies for Absence**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.
- 5 Public Question Time**
To deal with any questions received from members of the public in

accordance with Council Procedure Rule 11. Questions herewith which have been received from Sheila O'Sullivan (page 5).

6 Written Questions from Councillors

To deal with written questions which councillors may wish to put to the Chair of the Cabinet in accordance with Council Procedure Rule 12. Questions herewith which have been received from Councillor Ient (page 6).

7 Matters Referred to the Cabinet

Matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of the Council's Constitution.

None.

8 Reporting Back on Meetings of Outside Bodies

To receive feedback from the Council's representatives who serve on outside bodies in respect of meetings they have attended (if any).

9 Reports from Officers

- Key Decision

9.1 Finance Update – Performance Quarter 1 - 2017-2018 - Report and Appendix 1

Cabinet Member: Councillor Giles

To consider the Report of the Deputy Chief Executive (Report No 123/17 herewith – page 7).

- Non-Key Decision

9.2 Portfolio Progress and Performance Report 2017-18 - Quarter 1 (April - June 2017) - Report

Cabinet Member: Councillor Merry

To consider the Report of the Director of Regeneration and Planning (Report No 124/17 herewith – page 19).

- Key Decisions

9.3 Housing Allocations Policy - Report

Cabinet Member: Councillor Maskell

To consider the Report of the Head of Homes First (Report No 125/17 herewith – page 42).

9.4 Report to Manage Upper Ouse Flood Protection and Water Retention

Works

Cabinet Member: Councillor Linington

To consider the Report of the Director of Service Delivery (Report No 126/17 herewith – page 92).

9.5 Repair to the Sea Wall at Groyne 19, Friars Bay, Peacehaven

Cabinet Member: Councillor Linington

To consider the Report of the Director of Service Delivery (Report No 127/17 herewith – page 96).

9.6 North Street Quarter – Delivery Route

Cabinet Member: Councillor Smith, Leader of the Council

To consider the Report of the Director of Regeneration and Planning (Report No 128/17 herewith – page 99).

- Non-Key Decisions

9.7 Business Support Package for Lewes District

Cabinet Member: Councillor Smith, Leader of the Council

To consider the Report of the Director of Regeneration and Planning (Report No 129/17 herewith – page 122).

9.8 Community Housing Fund

Cabinet Member: Councillor Maskell

To consider the Report of the Director of Service Delivery (Report No 130/17 herewith – page 129).

9.9 Wave Leisure Trust Annual Review 2016-2017 - Report

Cabinet Member: Councillor Nicholson

To consider the Report of the Director of Tourism and Enterprise (Report No 131/17 herewith – page 136).

9.10 Ward Issues Raised by Councillors at Council

Cabinet Members: Councillors Franklin, Giles and Linington

To consider the Report of the Assistant Director of Legal and Democratic Services (Report No 132/17 herewith – page 159).

9.11 Stronger Together Joint Transformation Programme Update

Cabinet Member: Councillor Smith, Leader of the Council

To receive the Report of the Assistant Director of Business Transformation (Report No 133/17 herewith – page 163).

9.12 Appointment to Serve on an Outside Body

To confirm that Councillor Stephen Gauntlett has been appointed as the Outside Body member representative to serve on the 3VA Board (Voluntary Action Lewes) in place of Councillor Sarah Osborne.

For further information about items appearing on this Agenda, please contact Trevor Hayward at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

Distribution:

Councillors: P Franklin, B Giles, T Jones, I Linington, R Maskell, E Merry, T Nicholson and A Smith

Meeting of the Cabinet

27 September 2017

Public Question Time (Agenda Item No 5)

Questions submitted by Sheila O'Sullivan. To be put to the Leader of the Council, Councillor Smith:

Lewes District Council entered into a joint agreement with Santon Group to develop North Street. Planning permission was granted 21 months ago. This followed several years consultation within the town.

A significant amount of LDC time and financial resources have been used on this joint project (officer time, legal and professional fees etc.)

Mas Real Estate Investment Inc (current owners of part of site) in their integrated Annual Report, 2017 page 23 state that one of their strategic objectives for 2018 is the "Disposal of Langley Park and NSQ Development".

http://www.masrei.com/pdf/Integrated_annual_report_2017.pdf

The Cabinet is asked to:

- i) State/explain what impact MAS Rei's intention to dispose of its interest (sale of land) in the NSQ will have on the recommendations being put forward in: Cabinet paper 128/17, Agenda Item 9.6 [27th September 2017]
- ii) Detail how it intends to deal with that eventuality in its Heads of Terms of agreement and its JV (Land Collaboration Agreement) - currently being negotiated
- iii) State what risk measures LDC will put in place to mitigate the impact of the sale of Mas Rei's land interest in North Street and the proposed overall development of the North Street site (otherwise known as the Joint Venture)
- iv) explain what impact the sale of MAS Rei's interest in the site will have on the proposal to appoint Artisan as the property developer which is wholly owned by MAS Rei? (Should this be given the go ahead following the 'Due Diligence' exercise which is currently taking place)
- v) Explain why MAS Rei wish to appoint its own property developer rather than an independent third party

Cabinet

27 September 2017

Written Questions from Councillors (Agenda Item No 6)

The following written question has been submitted by Councillor Ient which he wishes to ask of the Leader of the Council, Councillor Smith:

The North Street Quarter planning application was given permission over a year ago on Wed 25 May 2016. I note from the Cabinet report on page 99 (item 5.10) that the planning permission for the scheme will expire in May 2019. I also note that the only milestone included in the report to Cabinet is agreement on “a number of matters” by 31 December 2017. This is more than 18 months after the planning permission was granted and the project will still not be ‘shovel ready’! That will leave less than 18 months to physically commence the building project. I believe this is a most concerning situation.

The only other reference I can find is on page 24 of the portfolio progress and performance schedule where a green arrow is indicated with simply the words, ‘demolition work is due to commence on site in the spring of 2018’.

My question is this:

Please would the Leader advise if demolition can be considered ‘starting the project’ from a planning point of view and what, at least at high-level, would be the ongoing programme leading to the first phase being ready for occupation?

Agenda Item No: 9.1 **Report No:** 123/17
Report Title: Finance Update – Performance Quarter 1 - 2017/2018
Report To: Cabinet **Date:** 27 September 2017
Cabinet Member: Councillor Bill Giles
Ward(s) Affected: All
Report By: Alan Osborne, Deputy Chief Executive
Contact Officer(s)-

Name(s): Steve Jump
Post Title(s): Deputy Head of Finance, Finance Shared Service
E-mail(s): steve.jump@lewes.gov.uk
Tel No(s): 01273 085257

Purpose of Report:

To provide an update on the Council's financial performance in Quarter 1 2017/2018 and explain the impact on the current financial position.

Officers Recommendation(s):

That Cabinet:

- 1 Agrees the General Fund, Housing Revenue Account, Collection Fund and Treasury Management financial performance for the quarter ended 30 June 2017.
 - 2 Approves the updated 2017/2018 Capital Programme shown in Appendix 2.
 - 3 Agrees the write-off of irrecoverable debts noted in paragraph 8.
 - 4 Endorses the opinion of the Head of Audit and Counter Fraud on the internal control environment at the Council for the year ended 31 March 2017 noted in paragraph 9.
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Reasons for Recommendations

- 1 A report on financial performance following the end of each quarter is made to Cabinet to ensure that the financial health of the General Fund, Housing Revenue Account, Council Tax and Business Rates Collection Funds and the Capital Programme are kept under continual review. It is essential to ensure that the Council has a sound financial base from which to respond to changing activity levels and demand for statutory services and to ensure that, when appropriate, its finances are adjusted in response to reducing income levels and inflationary pressures on expenditure.

- 2 The Council's Treasury Management function deals with very large value transactions on a daily basis. It is essential that the Council is satisfied that appropriate controls are in place and in accordance with the Code of Practice on Treasury Management in the Public Services prepared by CIPFA (the Chartered Institute of Public Finance and Accountancy) and adopted by the Council.

Information

3 Financial Performance – General Fund Revenue budgets

- 3.1 Financial Performance at the end of Quarter 1 (June) 2017/2018 is shown below. Service details are shown at Appendix 1.

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
General Fund Summary				
Director of Regeneration and Planning	361	100	(129)	(229)
Director of Service Delivery	8,189	1,986	1,780	(206)
Director of Tourism	663	276	233	(43)
Deputy Chief Executive	4,533	1,052	1,073	21
Corporate costs and income	705	108	252	144
Netting off of Central Support Services recharges included above	(3,303)	0	0	0
Net cost of Service provision	11,148	3,522	3,209	(313)
Contributions to/from Reserves	704	0	0	0
Total cost to be Financed	11,852	3,522	3,209	(313)

- 3.2 Items to note at this stage are:

- spending on staff (adjusted for payments in respect of agency staff providing cover for short-term absences) was £200,000 below budget in Quarter 1. This reflects increased sharing of staff resources with Eastbourne Borough Council, new management structures following completion of Phase 1 of the Joint Transformation Programme and vacancy management ahead of Phase 2.
- income generating activities are performing in line with or exceeding projections eg income from planning fees (£23,000) and trade waste collection (£17,000) higher than the profiled budget.
- spending on one-off projects funded from reserves, including repairs to property assets, is slow at the beginning of the year
- trends in housing benefit awarded and associated government subsidy, which can have a net impact on the net budget will be more identifiable later in the year.

- the timing of Phase 2 of the Joint Transformation Programme will result in the delivery of some of the 2017/2018 savings target (£300,000) being deferred into 2018/2019.

3.3 The amount held in the General Fund Uncommitted Reserve, which acts as a buffer against negative movements in the budget, is projected to be £2.1m at 31 March 2018 before any adjustment needed in respect of the items listed in paragraph 3.2. The table below shows the projected movements in each Reserve in 2017/2018 and the balance at the end of the year.

	Reserve	Balance at 1 April '17 £'000	Contributions & transfers £'000	Commitment £'000	Balance at 31 March '18 £'000
1	Strategic Change	(3,668)	(1,473)	3,535	(1,606)
2	Asset Maintenance	(2,591)	(283)	1,092	(1,782)
3	Vehicle and Equipment Replacement	(2,591)	(320)	1,388	(1,523)
4	Economic Regeneration	(274)	0	66	(208)
5	Revenue Grants and Contributions	(401)	0	267	(134)
6	Unallocated	(2,288)	226	0	(2,062)
7	TOTAL	(11,813)	(1,850)	6,348	(7,315)

4 Financial performance – Housing Revenue Account budgets

4.1 Financial performance at the end of Quarter 1 is shown on the next page.

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
Housing Revenue Account Summary				
Income:				
Rents	(15,224)	(3,806)	(3,806)	0
Service charges	(1,209)	(307)	(307)	0
Other income	(200)	(50)	0	50
	(16,633)	(4,163)	(4,113)	50
Expenditure:				
Supervision and Management	622	111	81	(30)
Special Services eg sheltered	1,047	230	153	(77)
Repairs	3,927	1,025	593	(432)
Capital financing, etc	7,852	(8)	0	8
Central support charges, etc	3,185	0	0	0
Net cost of Service provision	16,633	1,358	827	(531)
Contributions to/from Reserves	0	0	0	0
	0	(2,805)	(3,286)	(481)

- 4.2** Spending and income is generally in line with service budgets. Spending on responsive and void repairs is demand led and can be expected to fluctuate during the course of the year.

5 Financial Performance –Business Rates and Council Tax

- 5.1** Business rates – the forecast for net collectable rates in 2017/2018 is £0.6m lower at the end of Quarter 1 compared with the projection made when setting the budget. However, the Council's share of retained business rates income (taking into account Government grants in respect of small business rates relief, growth within the Enterprise Zone, etc) is consistent with the budget of £2.96m. There are significant risks associated with retained business rates income, with more than 110 appeals against the 2012 rating list remaining to be settled by the Valuation Office Agency (VOA), and uncertainty over the number of appeals against the 2017 rating list received by the VOA.
- 5.2** Council tax – the forecast for net collectable council tax in 2017/2018 is consistent with the projection made when setting the budget.

6 Financial Performance – Capital Programme

- 6.1** Appendix 2 gives details of the capital programme spending in Quarter 1, which is in line with expectations at this stage of the year. Payments of £0.9m have been made in Quarter 1.
- 6.2** At its meeting in September 2016, Cabinet approved the development of 2 or 3 affordable homes on an HRA site in Ashington Gardens, Peacehaven (Site A). This approval included a budget of £400,000 for the project, of which 30% would be financed from Right to Buy sale receipts retained under the Government's '1-4-1' replacement programme. Since September further feasibility work has been undertaken and there is capacity to increase the delivery to 6 affordable homes in total by building on this and a neighbouring site (Site B) in Ashington Gardens. Site B is a similar area of amenity land next to current Council HRA properties.
- 6.3** The current estimate of the cost of delivering 6 homes would be up to £1,200,000 (again 30% would be financed from retained Right to Buy receipts) although the aim is that the overall cost is expected to come below this figure as the project is aimed at utilising an established firm to deliver efficiencies through modular housing techniques. This variation in the capital programme is shown at Appendix 2 line 1.
- 6.4** There are two minor changes to the General Fund Capital Programme, with a total value of £4,500, in respect of Malling Recreation Ground Skateboard Park and Coastal Defences. Payments of Community Infrastructure Levy receipts made to Town and Parish councils in accordance with the approved scheme are also included for completeness.
- 6.5** In March 2017 Cabinet agreed to allocate in the capital programme up to £20m in total as loan funding for the delivery of new mixed tenure homes by Lewes Housing Investment Company and a Joint Housing Investment

Partnership vehicle with Eastbourne Borough Council. Following the incorporation of the company and partnership in June/July 2017, the capital programme has been updated (Appendix 2 line 11) in line with Cabinet's previous decision.

7 Financial Performance - Treasury Management

- 7.1 Treasury Management investment performance at the end of Quarter 1 is shown in the table below, along with the average 7-day London Interbank Bid (LIBID) Rate. All activity was consistent with the Council's approved Treasury and Investment Strategy for 2017/2018.

Type of investment	Average return Q4 2016/17 %	Average return Q1 2017/18 %
Fixed term deposits	0.31	0.33
Treasury Bills	0.42	n/a
Bonds, certificates of deposit, etc	0.56	0.55
Money Market Funds	0.36	0.32
Interest Bearing Accounts	0.15	0.15
Total investments	0.45	0.44
7-day LIBID benchmark	0.21	0.11

- 7.2 No new long term borrowing was undertaken in the period, and the total of the portfolio remains at £56.6m. 4 temporary borrowing arrangements were entered into in Quarter 1 to cover cashflow requirements arising from property acquisitions pending the receipt of external contributions. The maximum amount of temporary borrowing at any one time was £7m.

8 Debts written off

- 8.1 Financial Procedure Rules authorise the Deputy Chief Executive to write-off a debt which is below £10,000 or where the amount involved is claimable in bankruptcy or liquidation proceedings. Cabinet or Council approval is required to write off a single debt in excess of £10,000 or £50,000 respectively. It is important to ensure that only those debts for which a realistic prospect of recovery exists remain active, and the Council's external auditor can be expected to review this as part of the statutory audit of accounts. There is nothing to prevent the Council from reinstating a debt, following its write-off, if new information comes to light about the debtor's circumstances.
- 8.2 In Quarter 1, the following amounts have been written off in total when action to recover individual debts has proved to be unsuccessful or uneconomic to pursue. No individual case was in excess of £10,000.

	Total value £
Sundry debtors	0
Housing Benefit overpayments	1,180
Housing Rents	8,720
Council Tax	2,610
Business Rates	24,420
Total	36,930

9 Opinion of the Head of Audit and Counter Fraud on the Internal Control Environment at Lewes District Council for the year ended 31 March 2017

As part of the Council's management of risk and key controls, the Head of Audit and Counter Fraud makes an independent appraisal of the overall position each year, then reports to Cabinet. His opinion covering the last financial year is as follows:

"The overall standards of internal control are satisfactory. This opinion is based on the work of Internal Audit, other internal reviews and external assurance bodies, and the Council's work on risk management. The risk management process has identified that most risks are mitigated by the effective operation of controls or other measures. Whilst recommendations have been made to improve procedures and controls in some areas, there were no instances in which internal control problems created significant risks for Council activities or services. In most cases managers have addressed the control issues since the respective audits, and within those recommendations not yet implemented there are no issues that create significant risks for the Council."

10 Audit of 2016/2017 Accounts

10.1 As reported to Cabinet in July 2017, a draft Annual Statement of Accounts was presented to the Council's external auditors (BDO) for audit at the end of June. At the time of finalising this report, BDO were on the point of completing their audit ahead of reporting to the Audit and Standards Committee to be held on 26 September. In an 'audit closing' meeting with officers BDO indicated that they anticipate issuing:

- an 'unmodified' opinion on the financial statements for the year ended 31 March 2017. This means that BDO consider that the Council's accounts present fairly its financial activity in the year and position at 31 March 2017.
- an 'unmodified' opinion on the Council's use of resources for the year ended 31 March 2017. This means that BDO consider that in all significant respects the Council had proper arrangements to ensure that it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.

If there is any change in BDO's view set out above, a verbal update will be given at the Cabinet meeting.

- 10.2** In finalising the accounts and in discussion with BDO, officers were content to amend entries and notes in the draft accounts. None of these amendments had any impact on the final revenue or capital outturn for 2016/2017, or the level of reserves and balances, reported to the last meeting of the Cabinet. A full list of amendments is included in BDO's report to the Audit and Standards Committee.

11 Financial Appraisal - referred to under individual items above.

12 Legal Implications - there are no legal implications arising from this report.

13 Risk Management Implications

- 13.1** The Council maintains an overview of its policy programme, its Medium Term Financial Strategy and the external factors that affect them. Without this constant analysis and review there is a risk that the underlying recurring revenue expenditure will grow at a faster rate than the resources available to fund them. This risk is mitigated through regular reports to Cabinet on the Council's overall revenue and capital position and Cabinet's correcting actions taken in accordance with the objectives and principles it set for management of the Council's finances.

- 13.2** An additional risk is that reserves and balances will be drawn upon sooner than is necessary unless an assessment is made of resource implications where activity levels have fallen or risen to any significant degree. This risk is mitigated by identifying such areas, making an assessment covering the short and medium term and taking corrective action.

14 Equality Screening

This Finance Update is a routine report for which detailed Equality Analysis is not required to be undertaken. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports.

Background Papers:

Treasury Strategy Statement <http://www.lewes.gov.uk/council/20987.asp>

Appendices:

Appendix 1 – Financial performance Quarter 1 by service

Appendix 2 – Capital Programme 2017/2018

Financial Performance Quarter 1 – Service details

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
Director of Regeneration and Planning				
Assets and Property				
: Investment Properties	(518)	(147)	(158)	(11)
: Industrial Estates	(669)	(168)	(170)	(2)
: Public Conveniences	222	41	31	(10)
: Car Parking	(409)	(203)	(223)	(20)
: Office Accommodation	448	74	37	(37)
: Solar Panel installations	(154)	5	13	8
: Depots	116	16	18	2
Sub-total	(964)	(382)	(452)	(70)
Planning				
: Development Control	(847)	(96)	(122)	(26)
: Planning Policy	106	26	9	(17)
: Planning Policy - Conservation	0	0	0	0
Sub-total	(741)	(70)	(113)	(43)
Regeneration				
: Economic Development	323	103	72	(31)
: Newhaven Enterprise Centre	(160)	(24)	(28)	(4)
: Property Portfolio/Regeneration	0	0	12	12
: Street Naming	7	2	0	(2)
Sub-total	170	81	56	(25)
Salaries and Administration				
: Corporate Property	431	106	107	1
: Strategic Policy	457	113	64	(49)
: Planning	775	194	151	(43)
: Regeneration	233	58	58	0
Sub-total	1,896	471	380	(91)
Director total	361	100	(129)	(229)
Director of Service Delivery				
Community				
: Building Control	(317)	(79)	(71)	8
: Regulatory Services - Travellers sites	18	18	17	(1)
: Community Safety	20	5	5	0
: Voluntary Sector Support	219	106	48	(58)
: Town and Parish Council grant	171	86	85	(1)
Sub-total	111	136	84	(52)

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
Environmental Health and Licensing				
: Regulatory Services - Licensing	(186)	(47)	(41)	6
: Regulatory Services - Public Health	36	13	12	(1)
: Regulatory Services - Food Safety	3	1	1	0
: Regulatory Services - Environmental Protection	21	10	4	(6)
: Regulatory Services - Health and Safety	11	(1)	0	1
: Regulatory Services - Port Health	2	0	1	1
: Regulatory Services - Animal and Pest Control	30	8	6	(2)
: Coast Protection	15	6	3	(3)
: Flood Defence	145	70	0	(70)
: Cemeteries	(31)	(16)	(14)	2
Sub-total	46	44	(28)	(72)
Housing (General Fund)				
: Homelessness	99	63	55	(8)
: Housing Strategy, Enabling and Advice	60	15	(2)	(17)
: Private Sector Housing Renewal	1	0	(2)	(2)
: Contributions to the HRA re shared items	159	0	0	0
: Housing Benefit Administration	81	20	(40)	(60)
: Housing Benefit	(462)	(180)	(180)	0
Sub-total	(62)	(82)	(169)	(87)
Local Taxation				
: Council Tax Support Scheme Mgt	15	16	13	(3)
: Local Tax Collection - Council Tax	(52)	31	25	(6)
: Local Tax Collection - Business Rates	(133)	(1)	4	5
Sub-total	(170)	46	42	(4)
Parks and Playing Fields				
: Open Spaces	365	81	66	(15)
: Sports and Playing Fields	247	40	34	(6)
Sub-total	612	121	100	(21)
Waste and Recycling				
: Recycling	835	198	287	89
: Waste Collection	907	50	(6)	(56)
: Street Cleansing	628	169	159	(10)
: Vehicle Workshop	(195)	(50)	6	56
Sub-total	2,175	367	446	79
Salaries and Administration				
: Customer Services - Revenues and Benefits	1,256	310	287	(23)
: Housing and Environmental Health	2,621	649	638	(11)
: Hub, Mobile Team and Parks	1,240	305	301	(4)
: Waste and Recycling	360	90	79	(11)
Sub-total	5,477	1,354	1,305	(49)
Director total	8,189	1,986	1,780	(206)

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
Director of Tourism				
Tourism				
: Tourism	147	49	47	(2)
: Culture and Heritage: Arts Development	7	2	1	(1)
Sub-total	154	51	48	(3)
Wave Leisure				
: Culture and Heritage - Newhaven Fort	103	51	53	2
: Indoor Leisure - Wave	406	174	132	(42)
Sub-total	509	225	185	(40)
Director total	663	276	233	(43)
Deputy Chief Executive				
Corporate Services				
: Emergency Planning	24	6	0	(6)
: Organisational Development	120	30	148	118
: Treasury Management	55	8	11	3
: Local Land Charges	(86)	(35)	(39)	(4)
Sub-total	113	9	120	111
Democratic Services				
: Democratic Representation	270	67	65	(2)
: Electoral Registration	77	19	13	(6)
: Elections - LDC	8	2	2	0
: Elections - other	0	0	0	0
Sub-total	355	88	80	(8)
Central and Support Services				
: Business Strategy and Performance	554	138	87	(51)
: Legal Services	423	46	97	51
: Finance	650	163	164	1
: Audit and Counter Fraud	266	66	52	(14)
: Democratic Services	368	91	93	2
: Information Technology	1,420	418	360	(58)
: HR service	254	0	1	1
: Recruitment and Training	130	33	19	(14)
Sub-total	4,065	955	873	(82)
Director Total	4,533	1,052	1,073	21
Corporate costs				
: Corporate Management	180	45	29	(16)
: Corporate Management Team	501	124	95	(29)
: Interest payments and receipts	(180)	(15)	41	56
: Revenue financing of capital expenditure	210	0	0	0
: Pensions accounting	229	57	87	30
: Provision for Debt Repayment	177	0	0	0

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
: Service Priority budget and savings target	(412)	(103)	0	103
	705	108	252	144
Netting off of Central Support Services recharges included above	(3,303)	0	0	0
Net cost of Service provision	11,148	3,574	3,209	(313)
Contributions to/from Reserves	704	0	0	0
Total cost to be Financed	11,852	3,522	3,209	(313)
Financing				
: Council Tax	(7,356)	0	0	0
: Retained Business Rates	(2,367)	0	0	0
: Government Grants	(2,129)	(532)	(532)	0
Total Financing	(11,852)	(532)	(532)	0

THE CAPITAL PROGRAMME 2017/2018

Line	SUMMARY	Approved Programme 2017/18	Variations to approve	Proposed Programme 2017/18	Quarter 1 2017/18 spend	Remaining allocation
	HRA HOUSING INVESTMENT CAPITAL PROGRAMME	£	£	£	£	£
1	New Homes	1,060,000	800,000	1,860,000	84,600	1,775,400
2	Improvements to Stock	9,502,580	0	9,502,580	331,390	9,171,190
3	Recreation & Playareas	62,960	0	62,960	0	62,960
4	Room in Roof Conversions	366,940	0	366,940	0	366,940
5	Common Room Conversions	50,000	0	50,000	0	50,000
6	TOTAL HRA HOUSING INVESTMENT CAPITAL PROGRAMME	11,042,480	800,000	11,842,480	415,990	11,426,490
	GENERAL FUND HOUSING INVESTMENT CAPITAL PROGRAMME					
7	Private Sector Housing Support	158,120	0	158,120	14,200	143,920
8	Mandatory Disabled Facilities Grants	1,235,250	0	1,235,250	71,310	1,163,940
9	TOTAL GENERAL FUND HOUSING INVESTMENT CAPITAL PROGRAMME	1,393,370	0	1,393,370	85,510	1,307,860
	GENERAL FUND CAPITAL PROGRAMME					
10	Commercial Property Acquisition and Development	5,094,450	0	5,094,450	0	5,094,450
11	LHIC/Aspiration Homes - loans to facilitate delivery of new homes	20,000,000	0	20,000,000	0	20,000,000
12	North Street Quarter	3,500,000	0	3,500,000	0	3,500,000
13	Joint Transformation Programme	1,541,770	0	1,541,770	96,280	1,445,490
14	Waste & Recycling Review	1,800,000	0	1,800,000	0	1,800,000
15	Vehicle, Plant & Equipment Replacement Programme	183,000	0	183,000	0	183,000
16	IT Equipment Replacement Programme	300,000	0	300,000	0	300,000
17	Coastal Defence Works	35,860	3,000	38,860	0	38,860
18	Flood Alleviation Project	136,000	0	136,000	0	136,000
19	Newhaven Fort (Major Repairs & Improvements)	50,000	0	50,000	0	50,000
20	Indoor Leisure Facilities - Major repairs and improvements	256,160	0	256,160	4,440	251,720
21	Parks, Recreation, Play Areas	509,670	1,470	511,140	101,070	410,070
22	Property Assets Major Works	606,490	0	606,490	161,140	445,350
23	Community Infrastructure	0	22,440	22,440	22,440	0
24	TOTAL GENERAL FUND CAPITAL PROGRAMME	34,013,400	26,910	34,040,310	385,370	33,654,940
25	TOTAL OVERALL CAPITAL PROGRAMME	46,449,250	826,910	47,276,160	886,870	46,389,290
	CAPITAL PROGRAMME FUNDING					
26	Borrowing			31,142,000		
27	Capital Receipts			873,940		
28	Reserves			13,248,430		
29	Capital Grants			1,279,110		
30	Section 106 Contributions			273,880		
31	Other Capital Contributions			100,360		
32	Capital Expenditure Financed from Revenue (General Fund)			136,000		
33	Capital Expenditure Financed from Revenue (Housing Fund)			200,000		
34	CIL Contributions			22,440		
35	TOTAL CAPITAL PROGRAMME			47,276,160		

Agenda Item No: 9.2 **Report No:** 124/17

Report Title: Portfolio Progress and Performance Report 2017/18 - Quarter 1 (April - June 2017)

Report To: Cabinet **Date:**

Cabinet Member: Councillor Elayne Merry, Portfolio Holder

Ward(s) Affected: All

Report By: Nazeya Hussain, Director of Regeneration and Planning

Contact Officer
Name: Jo Harper
Post Title: Head of Business Planning and Performance
E-mail: Jo.Harper@lewes.gov.uk
Tel No: 01273 484049

Purpose of Report:

1. To consider the Council's progress and performance in respect of key projects and targets for the first quarter of the year (April to June 2017 (Quarter 1)) as shown in Appendix 1.

The Scrutiny Committee is recommended to;

2. Consider progress and performance for Quarter 1 and make any relevant recommendations to Cabinet.

The Cabinet is recommended to;

3. Consider progress and performance for Quarter 1 and consider any relevant recommendations made by the Scrutiny Committee.
-

Reasons for Recommendations

4. To enable Scrutiny and Cabinet to consider specific aspects of the Council's progress and performance.

Background

5. The Council has an annual cycle for the preparation, implementation and monitoring of its business plans and budgets. This cycle enables us regularly to review the Council's work, and the targets it sets for performance, to ensure these continue to reflect customer needs and Council aspirations.
6. It is important to monitor and assess progress and performance on a regular basis, to ensure the Council continues to deliver priority outcomes and excellent services to its customers and communities. These priorities are set out in the Council Plan that was







adopted by the Council in February 2016, supported by associated projects and service performance targets approved by Cabinet in July 2016.

7. The Scrutiny Committee has a key role in terms of oversight of the Council's progress and performance and challenging areas of under-performance. This report sets out the Council's performance against its targets and projects for the first quarter of 2017/18 (the period running from 1st April to 30th June 2017).

Reflection on 2016/17


8. 2016/17 was once again a productive year for the Lewes Scrutiny Committee. The Council performance was reviewed on a quarterly basis ahead of Cabinet, and this has been helpful in providing Members with early information about any performance issues/concerns, as well as assuring Members that such issues are being addressed by robust management actions.
9. It is good practice for the Scrutiny Committee to reflect annually on its performance. The paragraph below sets out what was achieved by the committee in 2016/17 and a full copy of the 2016/17 quarter four performance is included in Appendix Two.
10. Along with a thorough assessment of Council performance throughout the year, the Scrutiny Committee has also given consideration to various other issues as part of its overview and scrutiny function. These have included;
 - Scrutiny of the Council's draft budget for 2017/18
 - Scrutiny of the financial support provided by the Council to the voluntary and community sector
 - Scrutiny of the options for the establishment of a Housing Investment Company
 - Response to Petition to Full Council regarding Children's Play Facilities in Lewes
 - Scoping Reports for proposed Scrutiny Review of rail/public transport services in Lewes
 - Scrutiny of the 2017/18 Budget overview and Tax Base
 - Scrutiny of the annual equalities report 2016
 - Scrutiny of the Voluntary Sector Support
 - Scrutiny of the work of the Lewes District Community Safety Partnership
 - Scrutiny Review of the Council Tax Reduction Scheme
 - Scoping report for potential tourism review, followed by a report detailing the Strategic Tourism Vision and Action Plan
 - Scrutiny of the Turkish Baths development plan

Performance in the First Quarter of 2017/18

11. [Appendix 1](#) provides a high level summary of progress and performance arranged by Cabinet portfolio. The summary shows where performance and projects are 'on track/on target' and where there are areas of risk, concern or under-performance. Where performance or projects are 'off track/below target', an explanation of the management action being taken to address this is also provided.
12. Detailed project/performance tracking information is recorded in the Council's performance management information system (Covalent). The system uses the following symbols to indicate the current status of projects and performance targets:
-  = Performance that is at or above target;
 -  = Project is on track;
 -  = Performance that is slightly below target but is within an acceptable tolerance/projects where there are issues causing significant delay or change to planned activities;
 -  = Performance that is below target/projects that are not expected to be completed in time or within requirements;
 -  = Project has changed or been discontinued;
 -  = Data with no performance target.

Portfolio Progress and Performance – Quarter 1

13. An overview of the Council's performance for the year as at the end of the 1st quarter is set out below:
- 95% of the Council's key projects were either completed or on track at the end of the 1st quarter. There are no project delays which constitute any serious risk to the Council.
 - 96% of the Council's performance targets were either met, exceeded or within acceptable levels during the 1st quarter.
 - One indicator did not meet its planned target during the 1st quarter (see paragraph 29 below).

The Good News for Quarter 1 –  Notable project milestones or service performance achieved.

14. This section of the report provides specific highlights by portfolio in terms of notable project progress or performance achievements.

Customers and Partners

15. **Devolution of Open Spaces** remains on schedule, with transfer of sites to Lewes Town Council and Newhaven Town Council progressing well.
16. The outturn in quarter one for **Number of people registering for our email service** has outperformed expectations, achieving 500%+ of the annual target in the first three months.

Environmental Impact

17. The **Energy & Sustainability Joint Venture** has been initiated, providing the capability to deliver a range of capital projects with embedded environmental and sustainability objectives at a low cost and with low risk for the next 20 years.

Finance

18. **Percentage of Council Tax collected during the year** exceeded both its quarter one target and the performance achieved in the same period during 2016/17.

Housing

19. Both the **Housing Investment Company** and the **Rural Housing Project** have been successfully started, with the former being incorporated in July 2017.
20. The **Average number of days to re-let Council homes (excluding temporary let)** is well below its target, achieving 19 against 25; while **Total number of days that families need to stay in emergency/B&B accommodation** also performs well, recording 0 for the first three months of 2017/18.

People and Performance

21. Significant developments have been made in respect of the Council's **Joint Transformation Programme** with Eastbourne. This key strategic programme cuts across most areas of the Council's work and is subject to separate, more detailed reporting to Cabinet. The programme has mobilised the phase one teams successfully and consultation is now underway with staff affected by phase 2.

Planning

22. The **Neighbourhood Planning** project on schedule, currently delivering two Regulation 14 Consultations (Newhaven and Plumpton) and looking to begin a third (Seaford).
23. Five out of the six targeted Performance Indicators for the Planning portfolio have outperformed their targets in quarter one.

Regeneration and Business

24. The **North Street Quarter, Newhaven Port Access Road (ESCC Project)** and **Newhaven Enterprise Zone** projects are all on schedule, while the **Newhaven Growth Quarter** is now complete and only being monitored to meet funding conditions.

Waste and Recycling Transformation

25. The **Waste Improvement Project** has been mobilised, and the **Waste Strategy: Green Waste Services** is now complete.


Areas for Improvement – 🟡 Project/performance is slightly off track (but within acceptable/5% tolerance). The 'amber' warning flags up performance that has fallen very slightly below target or projects that are slipping behind schedule or going slightly off-track.

26. There were six performance indicators which fell into this category during the first quarter:

- Average working days lost due to sickness per FTE equivalent staff
- Percentage of Business Rates collected during the year
- The number of days taken to process new housing/council tax benefit claim
- Overall tenants' satisfaction
- Wave Leisure: Visitors to leisure centres
- Average time taken to answer telephone calls

The context regarding these performance issues is set out in Appendix 1. Only one project is being reported as amber at the end of the fourth quarter;

27. The Local Plan (Part 2): We are now in a position to present the proposed Local Plan Part 2 to Cabinet in November. Technical work assessing air quality impacts of the Local Plan (part 1 and part 2) is nearing completion and raises no issues for the Local Plan at this stage. It is therefore anticipated that there will be a period of consultation between late November 2017 and late January 2018, and submission to the Secretary of State for Examination in Spring 2018 with an anticipated Adoption in December 2018.

Areas for Improvement –  Performance well below target and/or project significantly off-schedule or revised. Where service performance falls well below target levels, or a project is significantly off track or has been significantly revised or cancelled, priority is given to addressing these issues.

28. There was one area where this was the case in the first quarter.

29. Total number of households living in other temporary accommodation: At the end of Quarter 1 the number of people in temporary accommodation was 58. This is higher than the last quarter and higher than the target of 50. Work is underway to revise the structure of the team dealing with homelessness which will focus on finding housing solutions to move people on from temporary accommodation and reduce reliance on Council accommodation to discharge a housing duty.

30. The Homelessness Reduction Act will come into force in April 2018 and place additional statutory duties on housing authorities. The revised structure has been suggested to take account of this additional demand for service and enable officers to fulfil all statutory duties in a timely manner. In turn this should minimise the numbers in temporary accommodation and reduce associated costs.

Financial Appraisal

31. Project and performance monitoring and reporting arrangements are contained within existing estimates. Corporate performance information should also be considered alongside the Council's financial update reports (also reported to Cabinet each quarter) as there is a clear link between performance and budgets/resources.

Legal Implications

32. Comment from the Legal Services Team is not necessary for this routine monitoring report.

Risk Management Implications

33. It is important that corporate performance is monitored regularly otherwise there is a risk that reductions in service levels, or projects falling behind schedule, are not addressed in a timely way.

Equality Analysis

34. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports or as part of programmed equality analysis. The equality implications of projects that form part of the Joint Transformation Programme are addressed through separate Equality and Fairness assessments.

Background Papers

[Council Plan 2016 to 2020](#)

Appendices

Appendix 1 – Portfolio Progress and Performance Report (Quarter One 2017/18).

APPENDIX 1

PORTFOLIO PROGRESS AND PERFORMANCE QUARTER 1 (April to June 2017)

Key to Symbols



- Project is complete; Performance is at or above target (please note, in some instances performance data has been rounded to the nearest whole number/percentage);



- Project is on track or yet to commence;



- Project has issues causing significant delay or change to planned activities; Performance is below target but within 5% tolerance;



- Project is not expected to be completed in time or within requirements; Performance is below target;



- Project scope has changed/project has been discontinued;








- No performance target set.

Regeneration and Business

Portfolio: Councillor Andy Smith

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
North Street Quarter	2021		The landowners (Lewes District Council and Santon North Street) are currently progressing acquisition of the outstanding land interests in the area. Work is also ongoing to discharge the conditions that formed part of the planning permission for the scheme. Demolition work is due to commence on site in the Spring of 2018.
Newhaven Port Access Road (ESCC Project)	April 2019		ESCC are assembling all relevant background information, which will go with the tender pricing to DfT for evaluation. Programme still on track as per previous updates.
Newhaven Enterprise Zone	March 2042		Work is progressing well at both Eastside South (new business units) and East Quay (Rampion O&M Base). LDC is exploring development options for the Railway Quay and Town Centre, consulting the public on proposals for the East Quay, and awaiting a government decision regarding a Commercial Support Fund bid for Avis Way.
Newhaven Growth Quarter	Complete		This has already completed. The project remains on the quarterly reports as we are committed to monitoring outputs for 12 years as one of the conditions for Coastal

			Communities Funding.
Newhaven Town Masterplan	tbc		Work is ongoing to assemble all of the relevant information. The next steps will be to brief Strategic Property Board, then other stakeholders, including Newhaven Town Council.



Key Performance Indicators

There are no Performance Indicators attached to this Portfolio.

People and Performance



Portfolio: Councillor Elayne Merry

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Joint Transformation Project	May 2020		<p>Significant progress has been made this quarter with the Phase Two consultation launching on time and a huge amount of staff feedback being received and reviewed. Key technology building blocks are in place and we are making good progress towards the joint website, housing, finance and CRM systems.</p> <p>The migration of staff to the shared network has been problematic which mean this important project is two months behind schedule. This has been reported to the Programme Board and mitigation is in place.</p>
Lewes Lottery	tbc		A meeting has been arranged with an External Lottery Manger for the 31st August to discuss options for a Lewes Local Lottery. A report will be taken to Cabinet once options have been identified.

Key Performance Indicators




KPI Description	2016-17 Q1 Outturn	2017-18 Target	2017-18 Q1	Status	Explanatory Note
Average working days lost due to sickness per FTE equivalent staff	3.00	2.25	2.60		For Quarter One of 2017/18 the number of working days lost due to sickness was 2.6

					per FTE. This is a reduction from the days lost in the same quarter of 2016/17 and the preceding Quarter (Quarter 4 of 2016/17). The Council's target for the year is 9 days. The reasons for absence are considered and continue to be varied with no particular trends either by service area or medical condition. All long term absences are being supported by Managers and HR appropriately.
Number of new self-serve accounts on our website	411	Data Only	1,533		

Environmental Impact

Portfolio: Councillor Isabelle Linington

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Upper Ouse Flood Protection and Water	March 2019		An underspend in the first year has been identified and discussions are underway to agree additional priority projects
Newhaven Flood Alleviation Scheme (Environment Agency)	April 2017		An access issue with Network Rail is still ongoing, but EA have escalated and are now in legal and technical discussions. Works to Area 3 (<i>Riverside Park to Swing Bridge (West)</i>) are nearing completion, with just the Denton Island bridge junction works outstanding although these have now commenced. Works to Area 4 (<i>Swing Bridge (West) to West Quay</i>) now complete.
Joint Venture	April 2037		<p>Setting up an Energy & Sustainability Joint Venture is a low cost, low risk option for the Councils to deliver a range of capital projects with embedded environmental and sustainability objectives. The partnership will accelerate the delivery of large capital schemes as contractors, including local businesses, will be engaged without the need for lengthy and costly procurement exercises.</p> <p>While a key focus of the partnership is to deliver innovative energy and sustainability projects, it is also possible that many projects related to the Councils' existing service provision that have an element of energy</p>

			and sustainability could be delivered through the Joint Venture.
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Key Performance Indicators

There are no Performance Indicators attached to this Portfolio.




Finance

Portfolio: Councillor Bill Giles

Portfolio Projects and Initiatives

There are no Corporate Projects attached to this Portfolio.


Key Performance Indicators

KPI Description	2016-17 Q1 Outturn	2017-18 Q1 Target	2017-18 Q1	Status	Explanatory Note
Percentage of invoices paid on time (within 30 days)	96%	95%	97%		
Percentage of Council Tax collected during the year	30%	30%	30%		
Percentage of Business Rates collected during the year	30%	30%	29%		The collection is slightly below target as a result of the number of appeals. This is common to many authorities across the country.





Housing




Portfolio: Councillor Ron Maskell

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Local Growth Fund	June 2017		No significant change in the risk level.
Housing Investment Company	October 2017		The project is on time and the LLP was incorporated in July 2017. A decision has been made to call the LLP Aspiration Homes.
Rural Housing	June 2020		This project was put forward through the refreshed Council Plan. Recruitment for this project has begun, and an SLA has been prepared and cleared by Legal Services, and agreed by partners/agencies involved.
Modular Housing	tbc		The Council are currently scoping suppliers/providers with a shortlist looking to be assigned to one of the Councils garage courts redevelopment sites within the next Quarter.
Air Source Heat Pumps	complete		The term contract for installing heating and hot water systems powered from air source heat pumps has been completed. There were a total of 247 systems installed over four years. The scheme was partly funded through grant that is being claimed back through the Renewable Heat Incentive Scheme.

Key Performance Indicators



KPI Description	2016-17 Q1 Outturn	2017-18 Target	2017-18 Q1	Status	Explanatory Note
Percentage of rent collected during the year (cumulative)	94%	95%	94%		This figure is subject to final verification.
Total number of days that families need to stay in emergency/B&B accommodation	0	15	0		
Total number of households living in emergency accommodation	15	15	5		
Total number of households living in other temporary accommodation	47	50	58		At the end of Quarter 1 the number of people in emergency accommodation was 58. This is higher than the last quarter and higher than the target of 50. Work is underway to revise the structure of the team dealing with homelessness which will focus on finding housing solutions to move people on from emergency accommodation and reduce reliance on Council accommodation to discharge a housing duty.
Performance Improvement Plan	The Homelessness Reduction Act will come into force in April 2018 and on housing authorities. The revised structure has been suggested to take account of this additional demand for service and enable officers to fulfil all statutory duties in a timely manner. In turn this should minimise the numbers in emergency accommodation and reduce associated costs place additional statutory duties.				

Average number of days to re-let Council homes (excluding temporary let)	21	25	19		
The number of days taken to process new housing/council tax benefit claim	19	20	21		The first month of the quarter was slower than the target due to the high level of telephone activity following main billing and new annual award notifications.
Overall tenants' satisfaction	88%	90%	87%		The survey is carried out quarterly with a random sample of Tenants. All specific comments returned are acted upon. Officers will continue to monitor but a 1% drop is not of major concern.


Planning







Portfolio: Councillor Tom Jones

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Neighbourhood Planning	February 2020		This project is progressing well; two areas are consulting on proposed Neighbourhood Plans, and four others are in the drafting stage.
The Local Plan (Part 2)	March 2018		We are now in a position to present the proposed Local Plan Part 2 to Cabinet in November. Technical work assessing air quality impacts of the Local Plan (part 1 and part 2) is nearing completion and raises no issues for the Local Plan at this stage. It is therefore anticipated that there will be a period of consultation between late November 2017 and late January 2018, and submission to the Secretary of State for Examination in Spring 2018 with an anticipated Adoption in December 2018.

Key Performance Indicators



KPI Description	2016-17 Q1 Outturn	2017-18 Target	2017-18 Q1	Status	Explanatory Note
Percentage of major planning applications determined within 13 weeks (LDC only)	100%	80%	83%		
Percentage of minor planning applications determined within 8 weeks (LDC/SDNP)	66%	75%	78%		

combined)					
Percentage of all planning appeals allowed (officer/committee decisions)	40%	33%	33%		
Percentage of major planning applications allowed on appeal (as a percentage of all major application made to LDC)	50%	Less than 10%	0%		
Outcome of planning appeals (Costs awarded (£))	£0	Data only	£0		
Number of appeals where the Inspector has considered that there has been unreasonable behaviour by the Local Planning Authority	0	0	0		
Number of major applications for new housing granted planning permission following appeal (LDC only)	1	0	0		



Waste and Recycling Transformation

Portfolio: Councillor Paul Franklin

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Waste Improvement Project	May 2019		The service is mobilising for the new recycling collection system. This includes new supplies of LDC logo embossed wheelie bins, refurbishment of trucks for roll out. And a communications and engagement plan underway with leaflets designed ready for sign off on 23 August
Waste Strategy: Green Waste Services	May 2019		The garden waste roll out is ahead of schedule with final phase of implementation in August 2017, by which time the whole of the district will be in scope



Key Performance Indicators

KPI Description	2016-17 Q1 Outturn	2017-18 Q1 Target	2017-18 Q1	Status	Explanatory Note
Percentage of household waste sent for reuse, recycling and composting	27%	Data only	27%		
KG waste collected per household	143kg	Data only	143kg		


Customers and Partners




Portfolio: Councillor Tony Nicholson


Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Devolution of Open Spaces	March 2018		The template terms have been agreed by NTC and we are waiting for LTC to approve the terms of the transfer documents. We have agreed with the solicitor for LTC how to progress the transfer of the Landport Bottom site. Agreement reached with Leader to retain the Lewes Mallong Recreational Ground at present and for the site to be the last to be devolved.
New Arts and Culture Brand and Tourism Offer	tbc		This project is being presented as a summary report to Cabinet in September.

Key Performance Indicators

KPI Description	2016-17 Q1 Outturn	2017-18 Q1 Target	2017-18 Q1	Status	Explanatory Note
Number of new sign-ups to the Council's social media channels	231	n/a	196		Although our social media profiles continue to grow in popularity there was a dip in the number of new followers compared to the same period in 16/17. This is despite issuing a greater number of tweets during the same period.
Number of people registering for our email					This service continues to grow in

service	766	501	2,593		popularity. The boost in Q1 is as a result of adding customers who have registered an interest in this service when completing an online form on the LDC website during 2017 so far.
Wave Leisure: Visitors to leisure centres	234,787	236,250	227,950		<p>With a 2016/17 twelve-month total dry side participation figure of 689,151 against 697,160 for the same period in the previous year there has been a decrease in dry side participation of 8,009 (-1.1%).</p> <p>Total wet side participation in 2016/17 was 325,731 compared with 322,205 in the previous year, an overall increase of 3,526 visits (1.1%).</p> <p>With a 2016/17 twelve month total children and young people participation figure of 388,379 against 389,568 for the previous year there has been a very small overall decrease in participation of 1,189 (-0.3%).</p>
Average time taken to answer telephone calls	13secs	30 secs	32 secs		This PI covers all calls coming into LDC across all teams. In the customer services hub the average speed of answer for incoming calls was 31 seconds for Q1 with 93% of calls being answered within agreed levels. The Joint Transformation Projects project will see all other calls being filtered to the CS hub and answered by a larger pool of staff across both Eastbourne and Lewes providing greater resilience and potential to achieve the targets set.

Proportion of complaints (received by Customer Hub) responded to within target (currently 2 working days)	97%	93%	97%		
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Agenda Item No: 9.3

Report No: 125/17

Report Title: Housing Allocations Policy

Report To: Cabinet

Date: 27 September 2017

Cabinet Member: Cllr Ron Maskell, Cabinet Member for Housing

Ward(s) Affected: All

Report By: Andy Chequers – Head of Homes First

Contact Officer(s)-

Name(s): Jennie Perkins
Post Title(s): Lead for Housing Needs and Standards
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Tel No(s): 01323 436475

Purpose of Report:

This report recommends that Cabinet adopts a revised Housing Allocation Policy. It explains why Lewes District Council needs to review and update the existing scheme. The report considers the implications of adopting the proposed policy. This report seeks Cabinet adoption of the Housing Allocations Policy.

Officers Recommendation(s):

- 1** That Cabinet approves the Housing Allocations Policy as set out in Appendix A
- 2** That Cabinet approves the revocation of the previous Housing allocations Policy (adopted 2014).
- 3** That Cabinet delegates authority to the Director of Service Delivery in consultation with the Cabinet portfolio holder to make any minor or technical adjustments found necessary in the Housing Allocations Policy.

Reasons for Recommendations

- 1** There is an ongoing need for the provision of Housing Allocations Policy in the Lewes District. Lewes District Council, Eastbourne Borough Council and Eastbourne Homes are coming together to provide an enhanced single housing service for both areas under the banner of Homes First.
- 2** As part of this initiative the three organisations are looking at their policies in order to bring them up-to-date and make them more consistent. This will enable staff to work more effectively and provide a better service across both areas.

Information: Background

- 3 The Housing Act 1996 requires all local authorities in England to have an allocation scheme, which determines the priorities and the procedure to be followed in allocating housing accommodation. Local authorities are required to devise housing allocation schemes which give 'reasonable preference' to certain categories of applicant, otherwise they have a good deal of discretion over how they allocate their housing stock. This discretion was extended by measures included in the Localism Act 2011.
- 4 As part of the initiative to bring Lewes District Council, Eastbourne Borough Council and Eastbourne Homes together, we have been looking at our policies in order to bring them up-to-date and make them more consistent. This initiative will enable our staff to work more effectively and provide a better service across both areas. As part of this process, we have looked at the Housing Allocations Policy of Lewes District Council and Eastbourne Borough Council and current best practice.
 - 4.1 The Housing Allocation Policies of Lewes District Council and Eastbourne Borough Council contain similar content. However, the Lewes District Council Allocation Policy necessarily makes reference to the rural parts of the District, notably with sections entitled *Local Connection Definition and Allocation of Rural Properties*, and *Allocation of Rural Properties*.
 - 4.2 The Local Connection Definition and Allocation of Rural Properties section explains that when rural properties are advertised, preference will be given to applicants with a local connection in priority order as follows:
 - a) They live within the rural area at an address registered for Council Tax.
 - b) They have permanent employment within the rural area.
 - c) They have a close relative(s) i.e.: Mother, Father, Children or Siblings who have resided in the rural area for a minimum of five years with whom they have maintained regular contact.
 - 4.3 The Allocation of Rural Properties section sets out the order by which the Council will allocate rural properties to ensure housing need and rural connection are equally prioritised and balanced.
 - 4.4 The Housing Allocations Policy explains who is eligible to join the Housing Register and how applications are prioritised. The policy also includes information concerning who can join the Housing Register, how to apply and how to bid for a home. The policy aims to benefit those with the most urgent housing needs.
 - 4.5 The draft Lewes District Council Housing Allocations Policy was published for consultation for a period of 5 weeks between Friday 7 July and Monday 14 August. Once adopted, the Housing Allocations Policy can be used to allocate housing to those most in need in the District.

- 4.6** The consultation was publicised via a page on both Council's websites, paper copies available on request, a press release, internally to staff and members, by email to key partner organisations and interest groups, by email directly to tenant groups, through email alerts to housing and consultation subscribers and through the LDC and EBC social media accounts.

Proposed changes to current Housing Allocations Policy

- 4.7** Currently in Eastbourne, only people who have a housing need are eligible to join the Housing Register. In the Lewes District, people with no housing need are able to join the Housing Register and are placed in Band D. We are proposing that people who do not have a housing need should not qualify to join either Housing Register. This would mean there is no longer a Band D on the Lewes District Housing Register. There is a very limited supply of social housing which needs to be restricted to those households who have a housing need which they cannot meet through the private market. This change will also help us to reduce the costs of managing unnecessary applications.
- 4.8** Currently only applicants who have lived in the Lewes District as their only or principle home for a continuous period of 2 or more years qualify to join the Housing Register. This is with the exception of homeless households, existing tenants, armed forces personnel and people aged 60 or over with close relatives living in Lewes District. We are proposing to allow the following people to join the Lewes District Housing Register:
- People who have lived in the Lewes District as their only or principal home for at least 3 of the previous 5 years in total.
 - People who are in permanent employment in the District and have been for the previous 2 years.
 - People who have close relatives who live in the District as their only or principal home and have done so for at least the previous 5 years.

'Close relatives' would normally only apply to parents, adult children or siblings. Consideration may be given to other relatives if there is evidence they provide a substantial supporting role to the applicant. These changes would enable people who have strong reasons for wishing to be housed in the area to join the Housing Register if they have a housing need.

- 4.9** We are proposing that applicants should not be allowed to join the Housing Register if they:
- Have over £32,000 of savings or assets, or
 - Own accommodation or have a legal interest in home ownership, or
 - Have the financial resources to meet their housing needs in the private market.

- 4.10** We would allow some exceptions to this for applicants who are of state pension age or have a substantial disability whose current home is not suitable for their specific needs and they have insufficient financial resources to buy accommodation that meets their needs in the private market.
- 4.11** We are proposing to increase the level of savings someone can have and still be eligible to join the Housing Register in the Lewes District from £16,000 to £32,000. This reflects the increased costs of securing housing, particularly for those people on low incomes who may have some savings but do not have the ongoing income to afford to rent a home in the private market.
- 4.12** We are proposing that homeless households who we have a duty to rehouse are prioritised in Band A if they are in emergency accommodation or their temporary tenancy is due to end within the next two months. Lewes District policy currently awards Band A to 'homeless households where the landlord requires the property back or the property is unsuitable to meet the applicant's needs'.
- 4.13** The banding is intended to avoid the significant costs to the councils of placing people in bed and breakfast accommodation as well as the negative impact of this on the household themselves. This covers the temporary accommodation landlord requiring the property back as 2 months is standard notice period. Whilst we encourage everyone in temporary accommodation to look for housing in the private market rather than assuming they will be rehoused in social rented housing, we are concerned that there would be more households in high-cost bed and breakfast accommodation if they are not rehoused quickly.
- 4.14** We are proposing that households lacking two or more separate bedrooms are placed in Band B. This is a change from the Lewes District policy which currently places these households in Band A. Our proposal is that only those households with the highest level of overcrowding – i.e. statutory overcrowding – are placed in Band A. This is to ensure that Band A priority is only awarded to those applicants with the most urgent need to move.
- 4.15** We are proposing to include Armed Forces Personnel who are serving in the regular forces or who have served in the regular forces within the previous five years in Band B. This meets the legal requirement introduced in 2012 to give 'reasonable priority' to Armed Forces personnel but gives them a lower priority than those who have a serious injury, illness or disability as a result of their service.
- 4.16** We are proposing to place applicants who have deliberately worsened their circumstances or become homeless intentionally in Band C. We need to understand the level of housing need and give all those with a housing need an opportunity to bid for properties, but we are proposing that anyone who has deliberately worsened their circumstances is not given the same priority as an applicant who has found themselves in

urgent need through no fault of their own. We believe placing applicants who have worsened their circumstances deliberately into Band C should discourage potential applicants from doing this.

4.17 The Lewes District policy currently includes 'Emergency Housing Status'. This is used in circumstances where remaining in their accommodation may cause risk of death or serious injury or where the applicant has been assessed as having multiple needs that fall within Band A. We have included these circumstances on the list of which we may make direct allocations to allow us to take action to rehouse these applicants in an emergency and subject to the same rules as now.

4.18 The Lewes District policy currently allows people to bid for:

- 1 bedroom for every adult couple
- 1 bedroom for any other person aged 18 or over
- 1 bedroom for any two children under 18 of the same sex
- 1 bedroom for any two children aged under 10, regardless of sex
- 1 bedroom for any additional child under 18 subject to a maximum of 4 bedrooms in total.

We are proposing to reduce these ages from 18 to 16 and from 10 to 8 so that we allow bids for:

- 1 bedroom for every adult couple
- 1 bedroom for any other person aged 16 or over
- 1 bedroom for any two children under 16 of the same sex
- 1 bedroom for any two children aged under 8, regardless of sex
- 1 bedroom for any additional child under 16 subject to a maximum of 4 bedrooms in total.

This will allow applicants to bid for properties which would meet their needs in the near future rather than bidding only for properties which will become overcrowded within months. The proposed change would avoid the need for households who have recently been allocated housing to join the Housing Register again and wait for a transfer. It will reduce both the cost to the authorities and the inconvenience to customers in not anticipating these predictable changes in the number of bedrooms a household needs.

4.19 We are proposing that homeless households who we have a duty to rehouse that we have placed into temporary accommodation with an assured short hold tenancy are still able to bid for accommodation and are placed in Band B. In this instance temporary accommodation would not include emergency or bed and breakfast accommodation. Currently the Lewes District policy places these households in Band A which can result in households securing an alternative property within weeks of moving to temporary accommodation. This is at cost to the household and the Council. The proposal of Band B status is to allow the household a settled period of time in temporary accommodation before moving to permanent housing.

- 4.20** We are proposing to continue giving applicants choice through a Choice Based Lettings system. Previously both Eastbourne Borough Council and Lewes District Council have set time limits for some applicants for bidding for homes. We are proposing to remove all time limits apart from the limits we set for homeless households. Under homelessness legislation, councils are allowed to discharge their duty to rehouse a homeless household by offering suitable housing in either the private rented sector or in social housing.
- 4.21** We do not wish to restrict the choices open to homeless households, but councils have a duty to rehouse them and, in many cases, this means we have to place them in bed and breakfast temporary accommodation until we can find a secure home. As well as being expensive for the councils and council tax payers, bed and breakfast accommodation can have a negative effect on the household. The proposed change would enable us to continue to meet our legal obligations to rehouse homeless households through making a direct allocation and would enable us to continue offering a short-period where homeless households may exercise some choice.

Housing Allocations Policy Consultation Responses

- 4.22** There were a total of 221 responses to the consultations for both councils: 208 (94.12%) of the respondents were Individuals, 7 (3.17%) were An organisation or group, and 6 (2.71%) respondents were Other. In reply to the question: Where do you live? 39.72% responded Eastbourne, 53.74% responded Lewes District, and 6.54% responded Other. The Consultation report which includes the combined response results relating to Lewes District Council and Eastbourne Borough Council is attached as Appendix C. The consultation report which specifically relates to Lewes District Council is attached as Appendix D. The general results of the Lewes District Council consultation are set out below:

- 73.04% (84) of respondents agreed that the policy enable us to set targets for lettings to particular groups;
- 59.13% (68) of respondents agreed that people who do not have a housing need should not qualify to join either Housing Register. This would mean there is no longer a Band D on the Lewes District Housing Register;
- 74.78% of respondents (86) of respondents agreed that the policy should mean we exclude people from the Housing Register if they or a member of their household has a current conviction for drug dealing;
- 69.57% (80) of respondents agreed with bringing the current Lewes District policy on local connection in-line with the Eastbourne policy with regards to residency, employment and people who have close relatives who live in the District as their

only or principal home and have done so for at least the previous 5 years;

- 80% (92) of respondents agreed that we should increase the level of savings someone can have and still be eligible to join the Housing Register in the Lewes District from £16,000 to £32,000 (to bring the Lewes policy in-line with the Eastbourne policy);
- 76.32% (87) of respondents agreed that homeless households who we have a duty to rehouse are prioritised in Band A if they are in emergency accommodation or their temporary tenancy is due to end within the next two months;
- 76.32% (87) of respondents agreed with adding to Band A homeless households who we have a duty to rehouse and who are making their own temporary arrangements or suffering family split due to a genuine lack of accommodation (bringing Eastbourne in-line with Lewes);
- 78.95% (90) of respondents agreed that the expanded definition of 'serious personal risk' should be included in the policy;
- 86.96% (100) of respondents agreed that the policy should include in Band A Armed Forces Personnel (who are serving or have served in the reserve forces and who are suffering from serious injury, illness or disability as a result of their service) and the spouse or civil partner of Armed Forces Personnel who has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who had service in the regular forces and whose death was attributable to their service;
- 84.07% (95) of respondents agreed that the policy should include Transfer Tenants needing a permanent or temporary decant to Band A where the property is imminently required for major repair or redevelopment. This would bring the Eastbourne policy in-line with the Lewes district policy;
- 66.96% (77) of respondents agreed that the policy should include that households lacking two or more separate bedrooms are placed in Band B;
- 64.6% (73) of respondents agreed that under the policy Armed Forces Personnel who are serving in the regular forces or who have served in the regular forces within the previous five years be placed in Band B;
- 72.17% of respondents (83) agreed that the under the policy we would place applicants who have deliberately worsened their circumstances or become homeless intentionally in Band C;

- 85.84% (97) of respondents agreed that the policy should include provision to make direct allocations when someone has 'Emergency Housing Status';
- 82.61% (95) of respondents agreed with the proposal to we allow bids for: 1 bedroom for every adult couple 1 bedroom for any other person aged 16 or over 1 bedroom for any two children under 16 of the same sex 1 bedroom for any two children aged under 8, regardless of sex 1 bedroom for any additional child under 16 subject to a maximum of 4 bedrooms in total;
- 65.22% (75) of respondents agreed that under the policy homeless households who we have a duty to rehouse that we have placed into temporary accommodation with an assured shorthold tenancy are still able to bid for accommodation and are placed in Band B; and
- 71.93% (82) of respondents agreed with the proposal to continue giving applicants choice through a Choice Based Lettings system and remove all time limits for some applicants bidding for homes apart from the limits we set for homeless households.

Main Implications on current Housing Register applicants

- 4.23** We are proposing that people who do not have a housing need should not qualify to join either Housing Register. This would mean there is no longer a Band D on the Lewes District Housing Register. There is a very limited supply of social housing which needs to be restricted to those households who have a housing need which they cannot meet through the private market. This change would also help us to reduce the costs of managing unnecessary applications.
- 4.24** The impact is likely to be fewer households qualifying, and thus being accepted onto the Housing Register. This is likely to reduce the costs of managing unnecessary applications and will enable a more efficient and effective allocation scheme to be implemented.
- 4.25** The removal of most time limits for bidding, except in the case of homeless households where the Council has a duty to rehouse, is likely to impact on both Eastbourne Borough and the Lewes District. In practice the time limits have proved difficult to apply, and the policy has been designed to reflect this.

Conclusion

- 4.26** A new Housing Allocations Policy has been prepared as part of the initiative of Lewes District Council, Eastbourne Borough Council and Eastbourne Homes, which are looking at their policies in order to bring them up-to-date and make them more consistent. This will provide an enhanced single housing service for both areas under the banner of Homes First, and enable staff to work more effectively and provide a better service across both areas.

- 4.27** Public consultation was undertaken on the draft Housing Allocations Policy, resulting in 215 representations being received. The results of these representations indicate a relatively high level of general agreement with the modifications proposed.

Financial Appraisal

- 5** There are no direct financial implications on the Council's General Fund or Housing Revenue Account budgets arising from this report. As noted above, changes to the Priority Band criteria may have an impact on the cost to the Council of temporary accommodation in certain cases.

Legal Implications

- 6** The Council, as a local housing authority, must comply with Part 6 of the Housing Act 1996 ("1996 Act") but subject to that compliance section 159(7) 1996 Act allows the Council to allocate housing accommodation in such a manner as they consider appropriate; so the Council has a broad discretion as to how it frames its Allocations Policy. Nonetheless, the Council must have regard to the relevant Codes of Guidance, as referred to under section 169 1996 Act, and the relevant case law.

Members are asked to note that the consultation exercises undertaken by Councils are often subject to judicial scrutiny. The Supreme Court in *Moseley v London Borough of Haringey LBC [2014] 1 WLR 3947* approved principles in the case of *R v Brent LBC ex parte Gunning [1985] LGR 168*. The *Gunning* principles require that consultations should be undertaken at a time when the relevant proposals are still in a formative stage, sufficient reasons are given to permit intelligent consideration and response, consultees are given adequate time to respond, and the consultation responses must be conscientiously taken into account by the decision maker. The consultation period undertaken was over a period of 5 weeks. It is noted that over 60% of consultees are in favour of each individual proposal.

Under section 166A 1996 Act the Council are required to produce and publish an Allocations Policy for determining priorities and to lay out the procedures to be followed. The Council must not allocate accommodation except in accordance with the Allocations Policy as provided for in section 166A (14) 1996 Act.

The Council in framing its Allocations Policy must ensure that reasonable preference is given to those categories of people in section 166A (3) 1996 Act and those categories are reflected in the Policy. Further, under section 166A (12) 1996 Act the Council must have regard to their homelessness and tenancy strategies when drafting the Policy.

Further under section 168(3) 1996 Act when the Council makes an alteration to the scheme, reflecting a major change of policy, it shall within a reasonable time take steps to bring the changes to the attention of those likely to be affected. The Council publishes the Allocations

Policy on its website.

Lawyer commented on 18/8/2017. IKEN 6627-Joint-MW

Risk Management Implications

- 7** The changes/issues covered by this report are not significant in terms of risk. No new risks will arise whether or not the recommendations are implemented or rejected.

Equality Screening

- 8** A draft Equalities Impact Assessment has been produced and is subject to sign-off by the Equalities & Fairness Planning Group.

Background Papers

None

Appendices

Appendix A: Draft Lewes District Council Housing Allocations Policy (2017)



Lewes District Council

Lewes District Council Allocations Scheme

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INTRODUCTION

The Council's Vision:

Lewes District Council and Eastbourne Borough Council have joined forces to deliver outstanding customer service and provide our communities with a great place to live, work and enjoy.

The Council' Values:

Customer Focus:

- *We care about our customers and understand their needs*
- *We support our staff to help our customers*
- *We listen to customer feedback and act on it*

Achievement Focus:

- *We are proud of our staff and the services we provide*
- *We deliver what we promise*
- *We set ourselves clear targets and achieve great outcomes*

This Housing Allocation Scheme sets out how people can apply for social housing in the Lewes District. It sets out who qualifies to go on the Housing Register, how priority is given to Applicants with differing housing needs, and the procedures that are to be followed when applicants are selected to be allocated accommodation by the Council.

This Allocations Scheme covers general needs housing and sheltered housing for rent. It does not cover affordable home ownership schemes, placements of homeless households in Temporary Accommodation or referrals to Extra Care, Supported Housing or other Specialist Housing which is allocated under separate agreements with relevant care and support agencies and service providers.

The aims of the scheme

The Council aim to:

- Offer a simple, fair and transparent process
- Make sure those who have the greatest need for housing have the greatest opportunity to get it
- Offer realistic and informed choice
- Promote independence by providing support to customers to find and sustain a tenancy
- Provide places where people want to live and work by allowing people to make positive choices
- Offer equality of opportunity and create sustainable and mixed communities

Statement of choice

The Council is committed to giving people greater choice in where they wish to live. Our aim, where possible, is to take account of people's views about where they wish to live and who they wish to have as a landlord.

We wish to balance the real housing needs of people who apply for housing with the need for sustainable communities.

We remain committed to a system of Choice-Based Lettings in which applicants are encouraged to search actively for a home. Vacant homes are advertised every two weeks on the internet. For those requiring it, the Council will provide access to the internet at their offices, offer assistance, or provide information in an appropriate format.

Applicants are able to express an interest, or 'bid', for suitable homes of their choice. Applicants are placed in one of three broad Priority Bands of housing need according to their housing circumstances. The successful Applicant will ordinarily be the person who bids who has the highest housing need within their banding and who has been registered the longest.

The Council reserves the right to incorporate targets for Transfers and other Applicants to ensure we make best use of social housing in the District to meet housing needs. Targets, if incorporated, will be set taking into account the Council's statutory obligations, financial considerations and the housing situation across the Lewes District. To achieve these targets the Council will advertise some properties to these Applicants only.

Direct Allocation of homes

Some homes (e.g. extra care housing, supported housing, temporary accommodation, management transfers, decants) are allocated directly to Applicants and are not advertised through choice-based lettings.

Legislation

The relevant legislation has been adhered to in preparing, modifying and operating this scheme. In addition we have had regard to the Council's Homelessness Strategy, Tenancy Policy and the Allocation of Accommodation Code of Guidance for local housing authorities in England 2012. Relevant case law and regulations have also been considered.

Equalities statement

The Council is strongly committed to fairness and equal treatment for all. The aim is prevent unlawful discrimination (both indirect and direct), harassment and victimisation on the grounds of age, disability, pregnancy and maternity, race, religion or belief, sex, sexual orientation and transsexuality. More information on the

Council's legal duties and responsibilities can be found on Lewes District Council's website.

The Council's staff will work closely with all agencies to assist customers wherever possible. The Council has undertaken an Equality Impact Assessment on the changes introduced in this policy.

In order to ensure that all applicants are treated fairly, equality monitoring information is requested on the housing application form. Additionally, equality monitoring of the allocation of accommodation is undertaken.

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THE HOUSING REGISTER AND A SUMMARY OF THE SCHEME

The Housing Register is a partnership between the Council and those housing associations that offer homes through the Register in the local authority area. It is a list of people and their details who want to apply for social housing in the Lewes District.

Demand for social housing in Lewes is high and in short supply. Applicants are encouraged to make contact with the Homes First team to discuss all housing options and to help manage expectations going forward.

Application to the Lewes Housing Register must be made by completing an online application form.

If an Applicant cannot access the internet, or needs any help completing the form, they should contact the Customer First Team at Lewes District Council for assistance. The team has arrangements in place for interpretation for people whose first language is not English. Applications will not be registered until the Homes First Team has received all the information that they consider is necessary to assess an application.

Vacant social housing properties are advertised through the choice based lettings service, Homemove on a two weekly cycle through an online magazine. Applicants are invited to bid for properties they would like to secure. The property will be allocated to the household with the highest priority that placed a bid. This will be based on housing needs and waiting time.

To be considered for a home an applicant must:

- Be eligible to bid on the scheme
- Qualify to bid on the scheme
- Meet any specific criteria on the advert
- Bid for the property

One of the main aims of the policy is to offer choice to people seeking accommodation. However, the Council has a duty to meet housing need and therefore priority on the scheme will be awarded accordingly. The banding system will ensure that those in greatest housing need are awarded the highest priority for housing. In some circumstances, accommodation will be offered to existing tenants to release a social home for someone else in housing need.

If an applicant is eligible and qualifies for the scheme, they will be placed in either Band A, B or C. Band A represents the greatest need and Band B and C thereafter. Applicants in the same band will be prioritised by the greatest waiting time.

Further detail on how to bid, adverts and banding is included in later parts of the policy.

WHO IS ELIGIBLE TO JOIN THE HOUSING REGISTER?

Any Applicant aged 18 or over who has a housing need may apply to join the register.

Applicants under the age of 18 may apply to join the register if they:

- are aged 16 or over **and**
- are homeless and have been accepted for re-housing by the Council
- **or** have been in the Care of Social Services or otherwise considered to be vulnerable and will be receiving ongoing support

Who can be included on the application?

- Anyone who is part of the Applicant's household and residing with the Applicant
- Anyone who normally resides with the Applicant or who it would be reasonable to expect to live with the Applicant
- Children can normally only be included if they normally live with the Applicant and the Applicant can demonstrate that they have responsibility for them. Decisions are informed by a number of factors including receipt of Housing Benefit, Child Benefit, family court orders and other legal agreements.

Becoming homeless or threatened with homelessness

If Applicants become homeless or threatened with homelessness, they should contact the Council and make an appointment to see the Homes First Team at the earliest opportunity to discuss their housing options. The Homes First Team will assess whether the Council has legal responsibilities towards an Applicant and to advise and assist as appropriate.

WHO IS NOT ELIGIBLE TO JOIN THE HOUSING REGISTER?

Housing law sets out those categories of applicant who are 'not eligible' and may not join the register. The categories are as follows:

- Persons subject to immigration control who are ineligible for assistance
- Other persons from abroad who are ineligible for assistance

The Council will not register any application for a joint tenancy where one or more of the proposed tenants is 'not eligible' to join the housing register.

Other Applicants who do not qualify to join the Register

The Housing Act 1996 (as amended by the Localism Act 2011) allows the Council to decide that some categories of Applicant do not qualify to join the Housing Register. The Council have decided that the following categories of applicant do not qualify:

- a) Applicants without a Local Connection to the Lewes District
- b) Applicants who are registered on another Local Authority's Housing Register
- c) With some exceptions (see below), Applicants with over £32,000 of savings or assets, including the savings and assets of all household members included in the application, and/or who own accommodation or have a legal interest in homeownership, or who have the financial resources to meet their housing needs in the private market.
- d) Applicants whose anti-social behaviour (ASB) is serious enough to make them unsuitable to be a tenant
- e) Applicants who have been registered for at least 12 months who have not 'bid' for suitable homes in the preceding 12 months, providing a suitable home has been advertised. It is considered that Applicants who are not regularly bidding for homes are unlikely to be in sufficient housing need to qualify.
- f) Former social housing tenants who have been evicted for ASB, rent arrears and other breaches of tenancy.
- g) An Applicant, or a member of their household, that has a current (unspent) conviction for drug dealing.
- h) Applicants in Band A with an Emergency or Urgent housing need who have refused a suitable offer.
- i) Applicants who have refused two offers of social housing within one year, which are assessed as suitable offers, will be suspended from bidding for a period of six months. The Homes First Team will, at its discretion, make exceptions to this where it considers that there is a reasonable explanation for the Applicant's inactivity. Sensitivity will be applied, for example, where Applicant is identified as being particularly vulnerable or in need of a specific type of property which does not commonly become available to let. Applicants who are disqualified due to their inactivity may make a fresh application by completing a fresh application form after six months. However, their earlier Priority Date will not be retained.
- j) Applicants who do not have a housing need.
- k) Other Applicants who the Head of Homes First, in exceptional circumstances, has taken the decision to disqualify.
- l) Introductory tenants will not be permitted to apply unless there are overriding management reasons which have been agreed by the Head of Homes First.

Home ownership, financial resources and exceptions

This section provides more detail on b) above.

Applicants who own or part own accommodation or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner) do not qualify to join the Housing Register.

However, if as a result of legal proceedings a Court has ordered that the Applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to

exceed 5 years, then the Applicant will be treated as if they do not own or part own accommodation.

Applicants who are considered to have sufficient financial resources to buy suitable accommodation in the Lewes District also do not qualify. A sufficient financial resource means sufficient capital to buy; or sufficient income to raise a mortgage to buy; or a combination of both. 'Sufficient capital' includes any assets or investments, even if they are not immediately available to the Applicant, such as any residential or non-residential property that they own or part own anywhere in the world.

Applicants with over £32,000 of savings or assets do not qualify. However, any lump sum received by a member of the Armed Forces as compensation for an injury or disability on active service is disregarded.

Exceptions

Applicants who do not qualify under the home ownership and financial criteria set out above may be considered as an exception by the Homes First Team, subject to the approval of the Head of Homes First, if:

- they are over state pension age or have a substantial disability; **and**
- their current home is not suitable for their specific needs; **and**
- they have insufficient financial resources to secure accommodation that meets their particular housing needs in the private market in the Lewes District.

Applicants whose anti-social behaviour is serious enough to make them unsuitable to be a tenant who do not qualify

Where the Council is satisfied that the Applicant (or a member of their household) is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council the Applicant does not qualify.

Behaviour which can be regarded as unacceptable for these purposes includes behaviour by the Applicant or by a member of their household that would – if the Applicant had been a Council tenant at the time – have entitled the Council to a possession order under certain Grounds contained in the Housing Act 1985.

It also includes behaviour which has led to a Closure Order or a Civil Injunction against the Applicant or a member of their household under the Anti-social Behaviour, Crime and Policing Act 2014.

There is no need for the Applicant to have actually been a Council tenant when the unacceptable behaviour occurred. The test is whether the behaviour would have entitled the Council to a possession order if, whether actually or notionally, the Applicant had been a secure tenant.

If an Applicant considers their unacceptable behaviour should no longer be held against them as a result of changed circumstances, they can make a fresh application. Unless there has been a considerable lapse of time it will be for the Applicant to show that their circumstances or behaviour have changed. Each case will be considered on its own merits.

LOCAL CONNECTION

To establish a 'Local Connection' with the Lewes District an Applicant or joint Applicant must (with certain exceptions as set out below) meet at least one of the following criteria:-

- a) Reside in the Lewes District as their only or principal home and have done so for the previous 2 years; or
- b) Have resided in the Lewes District as their only or principal home for a period of at least 3 years in aggregate out of the previous 5 years; or
- c) Be in permanent employment in the Lewes District and have been for the previous 2 years; or
- d) Have close relatives who reside in the Lewes District as their only or principal home and have done so for at least the previous 5 years.

Close relatives will normally only cover parents, adult children or siblings. Consideration may be given to other relatives, if there is evidence that they provide a substantial supporting role to the applicant. Professional evidence of the required support must be provided.

Certain groups are **exempt** from these Local Connection criteria:

Armed Forces Personnel

Armed Forces Personnel do not need to meet the Local Connection criteria set out at above to qualify if they are an Applicant who:

- (a) a member of the Armed Forces and former Service personnel, where the application is made within five years of discharge or
- (b) a bereaved spouse or civil partner of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner or
- (c) a serving or former member of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

For this purpose “the regular forces” and “the reserve forces” have meanings given in section 374 of the Armed Forces Act 2006(b).

Homeless Applicants

Homeless Applicants who are owed a full housing duty under the homelessness legislation by Lewes District Council do not need to meet the Local Connection criteria set out at above, with the exception of the Rural Local Connection criteria where they are seeking housing in one of the designated rural areas, unless the Council has decided to refer them to another council under s.198 of the Housing Act 1996.

Existing Social Housing Tenants

Existing Social Housing Tenants of Lewes District Council or a Registered Provider living within the Lewes District is exempt from the Local Connection qualifying criteria.

Existing Social Housing Tenants within England who have lived in social housing for at least two years, needing to move for work related reasons where failure to do so would cause hardship, are also exempt.

With certain exceptions, existing tenants of a housing association that provides its tenants living inside or outside the Lewes District with an alternative means to transfer to a tenancy within its housing stock in the Lewes District Area, by retaining a proportion of its lettings to facilitate this or by limiting the Councils’ nomination rights to a proportion of its vacancies, do not qualify.

People who have a need to move to take up an offer of work

People who need to move for work related reasons as defined by the Allocation of Housing (qualification criteria for Right to Move (England) regulations 2015 do not need to meet the Local Connection criteria set out above.

Other exemptions from Local Connection qualifying criteria

Other Applicants who cannot meet the Local Connection criteria set out above may be allowed to qualify, in exceptional circumstances only, at the discretion of the Homes First Team.

If an Applicant ceases to meet the Local Connection criteria they will cease to qualify.

Local Connection Definition and Allocation of Rural Properties

With the exception of Lewes, Peacehaven, Newhaven, Seaford and the larger areas of Telscombe Cliffs, Saltdean and Rottingdean, all other parishes within the Lewes District are designated as rural.

Applicants must qualify for inclusion on the Housing Register under the Local Connection as defined above before they can be considered under the Local Connection Definition for Rural Properties.

Applicants who have a local connection to a rural area must provide information, and proof where applicable, as to why they have a Parish Local Connection with a particular rural area.

When Rural Properties are advertised preference will be given to Applicants with a local connection in priority order as follows:

1. They live within the rural area at an address registered for Council Tax
2. They have permanent employment within the rural area
3. They have a close relative(s) i.e.: Mother, Father, Children or Siblings who have resided in the rural area for a minimum of five years with whom they have maintained regular contact.

Where other legal covenants are in existence, such as a planning Section 106 agreement, they will take precedence over the allocation policy. For example, only applicants with a local connection to the rural property advertised will be considered inclusive of all Bands in the case of a rural exception site.

Allocation of Rural Properties

Lewes District Council aims to encourage and promote the sustainability of rural areas proactively, working in partnership with Parish Councils. The Council will allocate rural properties in the following order to ensure housing need and rural connection are equally prioritised and balanced.

1. We will look for a rural connection to the advertised property through Bands A, B and C.
2. If no applicants through Bands A, B and C have a rural connection to the property being advertised, we will consider all applicants through Bands A, B and C who have a rural connection to a neighbouring rural area.
3. If no applicants through Bands A, B and C have any rural connection, the property will be allocated to the highest priority case with no rural connection.

THE CATEGORIES OF APPLICANT TO WHOM WE MUST GIVE REASONABLE PREFERENCE

The law says we must give reasonable preference to the following Applicants:

- a) People who are owed a homeless duty (within the meaning of Part VII of the Housing Act 1996);
- b) People who are owed a duty by the housing authority under the following sections of the Housing Act 1996:
 - i. S.190(2) (intentionally homeless and in priority need)
 - ii. S.192(3) (non-priority need homeless who are occupying accommodation arranged by the Council);
 - iii. S.193(2) (unintentionally homeless and in priority need);
 - iv. S.195(2) (threatened with homelessness intentionally and in priority need)
- c) People occupying unsanitary or overcrowded housing or otherwise living in unsuitable housing conditions;
- d) People who need to move on medical or welfare grounds, including any grounds relating to a disability;
- e) People who need to move where failure to meet that need would cause hardship (to themselves or to others);

ADDITIONAL PRIORITY FOR ARMED FORCES PERSONNEL

Bids from Armed Forces Personnel in Band A or B will be given priority over bids from other applicants in their Band when they bid on a suitable home if they are an Applicant who formerly served in the regular forces as defined in section 374 of the Armed Forces Act 2006(b).

HOW TO APPLY

Application to register on the Lewes Housing Register must be made by completing an online application form.

Applicants will be required to provide the following information:

- Household details including names, ages, gender and relationship to applicant

- The last 5 years housing history including addresses
- The housing need – why a new home is required
- Support needs of the household
- Demographic information (for monitoring purposes)
- Financial circumstances and employment
- Financial or legal interest in another property
- Any relationship to a Council officer or Councillor at Lewes District Council

.The Customer First and Homes First Teams can help you:

- Understand all housing options available
- Complete your application
- Obtain information to verify your application
- Understand how quickly you may be able to secure accommodation
- Bid for accommodation
- Access additional support

When an application is registered, notification will be sent to the Applicant confirming the registration and which Band they have been placed in, along with information about the right to request a re-consideration.

Medical circumstances

If the Applicant or a member of their household has a 'Medical Need' to be rehoused, the Medical Circumstances section of the form should be completed. Applicants will be asked to provide information about why their current home is significantly affecting their health. In some instances letters of support from their GP, Consultant and/or Occupational Therapist could be requested. Evidence should outline how a condition specifically affects an applicant's current and future housing needs.

Needing to move for care and support reasons

Where the Applicant or a member of their household has a need to move for care and support reasons, the Support Needs section of the form should be completed. This should also be completed where the Applicant needs to move in order to give care and support to another person.

Providing False information

All information provided must be truthful.

A person may commit a criminal offence if:

- he/she knowingly or recklessly makes a statement which is false in a material particular, or
- he/she knowingly withholds information which the authority has reasonably required him/her to give in connection with their application for housing.

A person guilty of an offence under this section is liable on summary conviction to a fine.

If it is found that false information has been given or relevant information withheld, the application will not be registered or, if already registered, the Applicant may be removed from the Housing Register.

Any tenancy granted on the basis of information subsequently found to be false or because material information has been withheld may be terminated and legal action taken by the landlord to recover possession of the home.

Notifying changes of circumstances

The Applicant is responsible for notifying the Council of any relevant changes in their circumstances which will affect the assessment of their housing application.

Examples of this are:

- changes of address,
- changes in the household, such as the birth of a baby or the departure of a household member,
- the development of a relevant medical condition,
- threatened with homelessness.

This list is not exhaustive and if the Applicant is in any doubt about whether or not a change is relevant they should contact the Homes First Team to discuss the matter. Failure to do so may result in your application being removed from the register and any allocation or nomination withdrawn.

Data Protection

All information provided by an Applicant and any associated documents will be held on a filing system and may be used by all of the members of Lewes District Council and Lewes District Council in carrying out their functions.

In respect of those Applicants needing a Supporting People funded service, data will also be shared with that service if the Applicant has given their permission. This information is subject to the Data Protection Act 1998 and will be treated with confidentiality and used in accordance with each Council's registration under that Act.

The Council is bound by the Data Protection Act to keep personal information safe and secure. However, Applicants should be aware that the Council is under a duty to share certain information with all other relevant authorities for the purposes of child

protection and safeguarding vulnerable adults; the prevention of crime and disorder, including anti-social behaviour; and the management of sexual and violent offenders.

DRAFT

THE REGISTRATION AND ASSESSMENT PROCESS

Once a completed application form is received, the Homes First Team will make an assessment of the Applicant's housing needs based on the information provided and other documentation made available to them.

A decision will be made on whether the Applicant is 'eligible' and 'qualifies' to join the register in line with this policy. If it is considered that an Applicant is not 'eligible' or does not 'qualify', the Homes First Team will notify the applicant of this decision and the grounds for it, along with information about the right to request a review.

The Homes First Team will assess any medical priority based on the information supplied by the Applicant and using the medical criteria set out below.

Once housing need has been assessed, the Applicant will be placed into one of three Priority Bands and will be given a Priority Date which will be the date they applied to go on the Register or entered a Band. Applicants will also be assessed for the appropriate size of home they can bid for using the bedroom entitlement criteria set out in this policy.

The Homes First Team will contact the Applicant to inform them of their successful registration giving them the following information:

- Their Priority Date and reference number
- Their Priority Band
- The type and size of home they can bid for
- Their right to request a review.

Renewals of Application

All Applicants will be required to re-register annually on the anniversary date of their banding to stay on the Housing Register.

If the Applicant fails to re-register when requested, a Caseworker will check their contact details and if the Applicant appears to be a vulnerable person and/or has a high priority need, they will be contacted by phone, visited or referred to the relevant support service for help. If there is no contact and the Applicant fails to re-register, the application will be deregistered.

It is important that the Caseworker is notified of any relevant change in the circumstances of the Applicant or of their household which could affect the assessment of their housing application. Changes should be notified to the Homes First Team by the Applicant as soon as they occur and not left until the application is renewed. Failure to do so may result in the Applicant being removed from the Housing Register.

WHAT HAPPENS NEXT?

An Applicant's priority for housing is decided by assessing the housing needs of their household. Applicants are placed in one of the Priority Bands of housing need according to their circumstances. Applicants are ranked in date order within each Band by the date they registered or moved into a higher Band.

When bids are considered for advertised homes, priority will normally be given to eligible bids from Applicants in the highest Priority Band, although there are some important exceptions to how bids are prioritised which are described below. Within a Band, a bid from the Applicant with the earliest Priority Date will normally be considered first.

VERIFICATION

Applicants will be required to provide information at the point of application. This could include:

- Proof of identity and household details
- Information about the last 5 years address history
- Information about eligibility or qualification or suitability to be a social housing tenant
- Information about financial circumstances
- Confirmation of a local connection

At the point of nomination, the Applicant may be required to confirm and evidence that housing needs and household details remain the same as when the application was assessed.

REASSESSING NEED AND CHANGING BAND

Re-assessing need because of changes in circumstances

The Homes First Team will review all applications periodically. If an Applicant's circumstances change, they may be moved up or down a Band depending on their need and if this happens the Applicant will be informed in writing of their move to a new Band and their new Priority Date.

Applicants must notify the Homes First Team of any relevant change in the circumstances of the Applicant or of their household which could affect the assessment of their housing application. This includes, but is not limited to a change of address, household composition or relevant medical condition.

Changes should be notified to the Homes First Team by the Applicant as soon as they occur and not left until the application is reviewed. Failure to do so may result in the Applicant being removed from the Housing Register.

When an Applicant notifies of a change that is likely to entitle them to a move to a higher Band, they will not be moved to the higher Band until any evidence or documentation requested by the Casework Team is received.

When an Applicant reports a change that may result in a move to a lower Band, their banding will be dropped to the lower Band whilst their case is considered. If the decision is that the Applicant is entitled to remain in the higher Band, their banding will then be altered accordingly.

Moving up a Band

If an Applicant moves up a Band after they are re-assessed because of a change in their circumstances, they will be given a new Priority Date which will be the date that the Homes First Team was notified in writing of the Applicant's change in circumstances.

If an Applicant has moved up a Band as a result of a formal review under **5** above, they will be given a new Priority Date of the date they requested a review, or an earlier date if considered appropriate by a senior advisor.

If an Applicant has moved up a Band as a result of a duty being accepted by Lewes District Council under the homelessness legislation, they will be given a new Priority Date of the date the duty was received.

Moving down a Band

If an Applicant moves down a Band, then the Priority Date they had in the higher Band will be retained or their Priority Date will revert to an earlier date that applied if they had been in a lower Band previously.

HOW TO BID

Full details of how to bid are set out in the Scheme User Guide which will be sent out to all new Applicants.

Bids must be received by deadline set out in the Guide. Shortlists will be created after this and successful Applicants contacted as soon as possible.

Applicants can make bids for homes that are advertised by either bidding online or telephone bidding. Applicants can also nominate a proxy bidder (including a registered Power of Attorney) and in exceptional circumstances request that the Homes First Team bid on their behalf.

Applicants with support needs and those who have difficulty with written English will be supported by the Customer Contact Centre or Homes First Team or an appointed

support provider such as Homeworks or STEPS. A translator will be provided where essential.

All bids for a home are checked against the criteria that have been set for the home, e.g. the size of the home, or any age restrictions that might apply. Bids that do not meet the set criteria will be excluded from consideration. The Homes First Team will provide advice and support to Applicants who regularly bid for homes where they do not meet the correct criteria.

Applicants can bid for up to three homes each fortnight and, if done online, Applicants can switch their bids to other homes if they change their mind before the bidding deadline.

Existing tenants applying for a transfer who have also applied for a mutual exchange application which has been approved then they will be suspended from bidding until their mutual exchange has been completed or resolved.

HOW WE ADVERTISE HOMES TO LET

Social Housing to let is advertised on-line. All the available homes to let are listed with details and photographs. As soon as the list is published Applicants can bid for the home of their choice in Lewes until bidding closes. Shortlists will be created the following day and successful Applicants contacted as soon as possible.

For details of the current advertising and bidding process, please see Appendix 2.

Only Applicants who are registered on the Lewes Housing Register can bid for Lewes District Council properties, unless the Homes First Team decides to place hard-to-let homes in the 'cross-boundary' section of the magazine so that applicants from other districts and Districts can bid for them.

Labelling of homes in adverts

(a) Each home that is advertised is accompanied by a photograph and a brief description as well as symbols for an at-a-glance guide to the details and who can bid for it including:

- the minimum and maximum number of persons in the household
- whether it is sheltered housing and details of eligibility
- the Mobility Group, if applicable and/or details of any adaptations
- whether the home is to be let at a Social Rent or an Affordable Rent
- whether the home is subject to a Local Lettings Scheme
- whether the home is subject to a sensitive letting
- whether those with a Rural Local Connection to the area will be prioritised

The Council will endeavour to ensure that substantially adapted properties are only allocated to applicants who require such adaptations regardless of Banding. This will also apply to properties where it is likely that substantial adaptations could be carried out.

BEDROOM ENTITLEMENT

Applicants will be assessed for overcrowding in their current home, and the size of home they may bid for, according to the standard set out below.

Applicants will be considered to be lacking a bedroom for each bedroom their current accommodation falls short of this standard. Applicants will be entitled to be placed in Band C if they lack 1 bedroom or in Band B if they lack 2 or more bedrooms.

The bedroom entitlement calculation

The number of bedrooms needed by a household is calculated as follows:

- 1 bedroom for every adult couple
- 1 bedroom for any other person aged 16 or over
- 1 bedroom for any two children under 16 of the same sex
- 1 bedroom for any two children aged under 8, regardless of sex
- 1 bedroom for any additional child under 16 subject to a maximum of 4 bedrooms in total.

A second reception room will be counted as a bedroom.

Applicants occupying a studio flat are considered to have access to a bedroom.

Offers of housing where the cost exceeds the households benefit entitlement

You may be subject to an affordability check before you are offered housing. Landlords have a right to refuse to offer tenancies to Applicants who are unable to afford their housing.

In exceptional circumstances, the Council may offer housing to an Applicant which costs more than the housing element of their benefit entitlement but is otherwise suitable to meet their needs. This is most likely to be where the applicant is affected by the Benefit Cap and where the supply of housing to meet their particular needs is unusually restricted. In such circumstances, the Council will ensure that the applicant is fully aware of this and will expect the applicant to maximise their income to cover any shortfall.

Apart from these exceptional circumstances, the council will not knowingly put applicants in a property that they would be under-occupying, overcrowding or that is unaffordable.

Should an Applicant refuse a property on grounds of unaffordability, then that applicant will not be penalised but may be required to enter into an agreement suitable to the circumstances of the Applicant to avoid similar refusals reoccurring.

Joint custody of children

Where an Applicant has joint custody/residence of a child, that child will not normally be counted as part of the Applicant's household where the child already has the use of a bedroom with another parent/guardian.

Expected baby

For the purposes of calculating bedroom entitlement, it will be assumed that the expected baby can share a bedroom with the parent(s) or an existing child who is under 16, regardless of the expected sex of the baby. When the baby arrives, applicants will be asked to complete an on-line Change of Circumstances and to provide a birth certificate. Bedroom entitlement will then be reviewed.

Additional bedroom because of a medical need

The Homes First Team may, at its discretion, consider that an Applicant needs an additional bedroom over and above the calculation set out above where there is a medical requirement for a household member to sleep in a room alone or where an additional room for medical equipment or an overnight carer is required.

We can only allow an additional room

- When a disabled child or disabled non-dependant adult requires, and has, overnight care from a non-resident overnight carer (or group of carers)
- When a couple are unable to share a bedroom because of their disabilities
-

The disabled child or non-dependant adult should also normally be in receipt of one of the following;

- Middle or higher rate care DLA
- AA
- Daily Living PIP
- The Armed Forces Independent Payment

Additional bedroom for approved foster carers or adopters

The Homes First Team may consider that an Applicant needs an additional bedroom over and above the calculation set out above where the Applicant has been approved by East Sussex County Council to enter into an adoption, fostering, or special guardianship arrangement. In the case of fostering, housing will only be allocated on a Fixed Term Tenancy.

However, Applicants should be aware that an additional bedroom may exceed the bedroom entitlement criteria for Local Housing Allowance (LHA), and may not be fully covered by housing benefit even after a child has been placed with them.

HOW PEOPLE ARE PRIORITISED FOR PROPERTIES

Banding explained

A banding system is used to identify those in greatest need and to reflect the aims and objectives of this policy. We will decide which Band will be allocated based on the information provided in the application.

In all cases supporting evidence will be required to verify an application. When a band is allocated, the decision can be reviewed at any time if circumstances change.

Those with the highest priority will be registered in Band A.

BAND A* – emergency or urgent priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- a) The Applicant has a High Medical Priority (as defined by the applicant's DLA/PIP/AAⁱ entitlement, see Table 1 below) and relevant medical evidence (e.g. from an Occupational Therapist, Consultant, Specialist or GP showing why the medical condition necessitates an urgent move. Medical evidence detailing the reasons a move may be required. This could be from a GP, Consultant or Specialist. An Occupational Therapy assessment will be required in all cases where major adaptation needs have been identified. Evidence must demonstrate why a medical condition necessitates an urgent move, how a move to more suitable accommodation can improve health problems and the adaptation requirements in a property.

Table 1: High Medical Priority (required for a Band A medical priority)

	Care Component	Mobility Component	Band
For AA:	Enhanced	Medical evidence dependent	A/B
For DLA:	Highest	Higher	A
For PIP:	Enhanced	Enhanced	A

- b) Accepted homeless households that are in Bed and Breakfast, nightly paid or other forms of insecure temporary accommodation or whose temporary accommodation/ temporary tenancy is due to end in the next two months. 'Accepted homeless' refers to cases where the Council has accepted a legal duty to provide accommodation under part VII of the Housing Act 1996.
- c) Accepted homeless households making their own temporary arrangements or suffering family split due to a genuine lack of accommodation.
- d) The Applicant is ready to move on from approved supported housing within Lewes and the appropriateness and need for a social tenancy has been confirmed by the Council.

- e) The Applicant is a Transfer Tenant who needs to move urgently because there is a serious personal risk if they remain.
- f) The Council has issued a Statutory Housing Order (i.e. the existing accommodation has been assessed by the Council as posing an imminent risk to health.
- g) The Applicant's household is statutorily overcrowded or under a court order as defined in s.324 of the Housing Act 1985 or under a court order to re-house.
- h) Priority transfer – e.g. Emergency harassment, agreed by the Head of Homes First in exceptional circumstances due to significant and insurmountable problems associated with the tenant's occupation and there is imminent personal risk to the household if they remain.
- i) Armed Forces Personnel who are serving or have served in the reserve forces and who are suffering from serious injury, illness or disability which is attributable to their service.
- j) The spouse or civil partner of Armed Forces Personnel who has recently ceased, or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner who had service in the regular forces and whose death was attributable to their service.
- k) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Head of Homes First)

Band A – very high priority

- a) The Applicant is a Transfer Tenant who is under-occupying their home. This may include Transfer Applicants wishing to leave their current home and move to sheltered accommodation or Transfer Applicants aged 35 or over currently occupying a studio flat and wishing to move to a 1-bedroom flat.
- b) The Applicant is a Transfer Tenant who is occupying a significantly adapted home they no longer need but which could be used by someone else who needs the adaptations.
- c) The Applicant is a Transfer Tenant who is a successor wishing to move to suitable accommodation.
- d) Successors and non-statutory successors, approved by the Council for an offer of suitable accommodation.
- e) The Applicant is a Transfer Tenant needing a permanent or temporary decant where the property is imminently required for major repair or redevelopment.

BAND B – high priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- a) The Applicant has been assessed as lacking two or more bedrooms
- b) The Applicant has a Medium Medical Priority (defined by the applicant's DLA/PIP/AA entitlement, see Table 1 below) and relevant medical evidence of an urgent need to move (e.g. from an Occupational Therapist, Consultant, Specialist or GP. This evidence must demonstrate why the medical condition necessitates a move.

Table 2: Medium Medical Priority (required for Band B medical priority)

	Care Component	Mobility Component	Band
AA	Standard	Medical evidence dependent	B/C
For DLA:	Middle	Higher	B
For PIP:	Enhanced	Standard	B
	Standard	Enhanced	B
	Low	Enhanced	B

- c) The Applicant is a Transfer Tenant who needs to move urgently because of harassment or threat of violence or other exceptional circumstances, subject to approval by the Head of Homes First.
- d) Armed Forces Personnel who are serving in the regular forces or who have served in the regular forces within the previous 5 years
- e) Ex-tenants returning from institutions e.g. rehabilitation where a commitment has been made in order to secure the relinquishment of a Council or RP tenancy on entering the institution.
- f) The Applicant has needs that, when considered together, are high enough to indicate that they should be placed in Band B.
- g) High priority hardship: applicants with a dependent child/children living in insecure accommodation and not having a bedroom and lacking or sharing amenities.
- h) Applicants living in temporary accommodation on licence or on a non secure tenancy who are owed a full housing duty under S193 Housing Act 1996

BAND C* – standard priority

To be placed in this Priority Band the Applicant must fall within one or more of the following categories:

- a) The Applicant is homeless and is owed a full housing duty under the homelessness legislation by Lewes District Council and is not in circumstances that warrant Band A priority
- b) The Applicant has a home but Lewes District Council has a statutory duty to rehouse them, e.g. Compulsory Purchase Order
- c) The Applicant has been assessed as lacking one bedroom
- d) The Applicant has a Low Medical Priority (defined by the applicant's DLA/PIP entitlement, see Table 3 below)

Table 3: Low Medical Priority (required for Band C medical priority)

	Care Component	Mobility Component	Band
For DLA:	Highest	Lower	C
	Middle	Lower	C
	Lowest	Higher	C
	Lowest	Lower	C
For PIP:	Standard	Standard	C
	Enhanced	Standard	C
For AA:	Standard	Dependent on medical evidence provided	C

- e) The Applicant resides in unsanitary or unsatisfactory housing conditions (excluding overcrowding), e.g. substantial disrepair as assessed by Environmental Health, that cannot be addressed by Environmental Health action, such as lacking either a kitchen, bath/shower room, or inside WC.
- f) The Applicant needs to move for care and support reasons where failure to meet that need would cause hardship; e.g. to give support to, or receive support from, a family member.
- g) The Applicant has deliberately worsened their circumstances or become homeless intentionally
- h) The Applicant would normally be disqualified from joining the register because of homeownership or other financial criteria but has been accepted onto the register because of exceptional circumstances.
- i) The Applicant would normally be disqualified from joining the register for financial reasons or because they are a homeowner, but is eligible and applying for sheltered housing.
- j) The Applicant has received a valid notice to quit their private sector accommodation

- l) Applicants who need to move to a particular area in the District due to work, where failure to meet that need would cause hardship, and they meet the Qualification Criteria for Right to Move.

Band C – standard priority - sheltered housing only

- a) Applicants who wish to move to sheltered housing who have no additional need which qualifies them for Band A or B.

APPLICANTS NEEDING HOUSING WITH CARE AND/OR SUPPORT

Vulnerable Applicants who have been referred for specialised floating support in self-contained general needs housing, such as an Independent Living Scheme, will be assessed by a member of the Homes First Team for their suitability for that scheme. Applicants will be selected on the basis of a combination of their housing need, their need for the specific support provided by the scheme and the likelihood of a successful outcome in terms of independent living after the support is gradually withdrawn.

Applicants are then assessed by the organisation providing that scheme.

Only Applicants on the Lewes Housing Register may be considered for this support.

This arrangement applies to the following categories of vulnerable people who are thought likely to require support for a minimum period of 12 months and are eligible for support funded by the East Sussex County Council Supported Accommodation and Independent Living Solutions programme, particular specialist supported housing or extra care schemes or specialist funding streams.

These categories may include:

- Applicants with enduring mental health issues;
- Applicants with alcohol and substance misuse issues where the Applicant has undergone successful rehabilitation;
- Applicants with significant learning disabilities; and
- some young people with long-term support needs, e.g. some care leavers.

APPLICANTS IN SUPPORTED HOUSING WHO ARE READY TO MOVE ON

An Applicant who is living in supported housing, and is not ready to live independently, will not be accepted on the Housing Register.

Once an applicant in supported housing is considered ready to move on to independent living in general needs housing, the manager of the supported housing

provider will advise the Homes First Team in writing. The Applicant's case will then be assessed and banding determined.

An Applicant will not be given any priority consideration if they are being required to leave supported housing because of a breach of tenancy conditions.

APPLICANTS WHO HAVE BEEN ACCEPTED AS HOMELESS

Applicants who have been accepted as homeless by the Council must have been resident for 6 out of the previous 12 months to qualify to join the Housing Register.

Applicants who are already registered who make a homelessness application to their Council will remain in their existing Priority Band whilst their application is considered. Applicants who apply to join the register after they have applied as homeless will be placed in Band C whilst their homelessness application is considered, unless they have been disqualified from joining the housing register.

Review of Applicant's Priority

The Homes First Team may increase an Applicant's priority by authorising a move into Band A category (e) where they consider that this is appropriate. A decision will be made on a case-by-case basis taking into account the Applicant's particular circumstances; the suitability of their current accommodation and urgency for a move; and the prospects of them moving out of temporary accommodation without an increase in priority.

The Council reserves the right to discharge its duty to secure housing for households accepted as homeless by arranging an offer of suitable accommodation in the private rented sector.

TRANSFER APPLICANTS

Definition of a Transfer Applicant

Any reference to Transfer Applicants in this Allocation Scheme refers only to tenants of Council properties or Registered Providers who advertise 100% of their stock through Lewes District Council. Additional consideration will be given to cases where the Registered Provider has evidenced they cannot downsize or move their tenant to a suitable alternative. The provider will also need to have agreed to Lewes District Council having nomination rights to the tenant's existing property.

Other social tenants, not fitting this definition, are considered in the same way as all other Housing Applicants.

Tenants of Registered Providers that hold lists and/or provide tenants with alternative access to their own housing stock do not qualify to join the housing register and are not considered as Transfer Tenants for the purposes of this Allocation Scheme.

Homeless Applicants residing in temporary accommodation arranged by the Council are not considered as Transfer Applicants.

The notice period provided by tenants when transferring is often truncated with the result that both tenants and housing providers may have a short time period to make moving arrangements. In anticipation of this, Transfer Applicants may be required to complete certain actions specified by their present housing provider as part of the offer procedure e.g. a moving out inspection.

Transfer Applicants may join the Housing Register and will be considered for an allocation of accommodation through the Choice-Based Lettings process in the same way as any other Applicant, subject to the following:

Bids for homes will not be considered from any Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession, unless their landlord expressly advises the Homes First Team, in writing, that they are happy for their tenant to move with arrears.

Temporary Decants

A temporary decant into a suitable property may be arranged by a housing association landlord through Direct Allocation so that major works can be carried out before a tenant can return to their home. A Temporary Decant may be converted to a Permanent Decant where repairs to a tenant's home become so extensive, and the decant time so long, that it is considered unreasonable to expect the tenant to return to their original home.

Permanent Decants

A permanent decant into a suitable property may be arranged by a landlord through Direct Allocation where a tenant's home is to be demolished or redeveloped.

Alternatively, with the approval of the Head of Homes First, the Applicant may be placed in Band A to allow them to bid for a home of their choice.

Management Transfers

All Transfers required in cases of exceptional need, e.g. where special medical, social, or unusual circumstances arise, may only take place through the normal Choice-Based Lettings process and must be considered within the provisions of this Allocation Scheme.

HOUSING RELATED DEBT OR RENT ARREARS AFFECTING PRIORITY

The Council considers that priority should be given to those applicants who do not owe money to a council or housing association in connection with housing.

Less priority will therefore be given to an Applicant who has any housing related debt or rent arrears with the Council, another local authority, or a housing association, unless the Applicant is a Transfer Applicant and their landlord expressly advises the Homes First Team, in writing, that they are content for their tenant to move with arrears.

The Council will not normally make an offer of accommodation to a transfer applicant where Notice Seeking Possession has been served for rent arrears or any other reason, except for Lewes District Council tenants who are eligible for a Tenants Incentive Scheme and the amount payable would clear the outstanding arrears.

Bids from an Applicant in housing need in Band A or Band B to whom this applies will be given less priority than bids from other Applicants in any of these Bands until the housing related debt or arrears have been cleared in full.

This means, for example, that a bid from an Applicant in Band A with a debt could be given less priority than a bid from an Applicant in Band B who does not have a housing related debt.

Bids from Applicants in Band C to whom this applies will be given less priority than bids from other Applicants in Band C until the housing related debt or arrears have been cleared in full.

For the avoidance of doubt, a bid from an Applicant in Band C will not be given a higher priority than a bid from an Applicant in housing need in Band A or B who has a housing related debt or arrears.

Although an Applicant with a housing related debt may be nominated for an allocation of housing, the housing provider to whom the debt is owed or indeed any other housing provider may reserve the right to refuse the Applicant a tenancy until the debt is cleared.

Any Applicant affected by a decision that they are to be given less priority than her Applicants because of a housing related debt will be notified in writing, with reasons, by the Homes First Team.

ANTI-SOCIAL BEHAVIOUR AFFECTING PRIORITY

Some Applicants are excluded from joining the register because they do not qualify as a result of unacceptable behaviour.

However, even where it is decided that an Applicant does qualify, any history of anti-social behaviour of the Applicant (or member of their household) which affects their suitability to be a tenant may still be taken into account when allocating a home that is 'subject to a sensitive letting' under a Local Lettings Scheme as described below.

Any Applicant affected by a decision that their history of anti-social behaviour may be taken into account when allocating a home that is 'subject to a sensitive letting' will be notified in writing, with reasons, by the Homes First Team.

Any home that is 'subject to a sensitive letting' will be identified as such when it is advertised.

Whilst any Applicant may bid for homes that are 'subject to a sensitive letting', the Homes First Team will consider bids from those with a history of anti-social behaviour on a case-by-case basis as to whether the Applicant is suitable to be allocated the home they have bid for.

The Council reserves the right to take full account of the needs of the local community as well as the Applicant's when deciding to make an allocation of accommodation to the Applicant. In very exceptional cases this right may extend to not allocating a particular home to an Applicant even where the home has not been advertised as being 'subject to a sensitive letting'. In such cases the Homes First Team will seek the authority of a Head of Homes First.

DELIBERATE WORSENING OF CIRCUMSTANCES AND BECOMING HOMELESS INTENTIONALLY

The Council considers that Applicants who have deliberately worsened their housing circumstances or have become homeless intentionally should not receive priority over other Applicants as a result of their worsened circumstances.

An Applicant who is considered to have deliberately worsened their circumstances, or is found by the Council to have become intentionally homeless within the meaning of the homelessness legislation, will therefore be placed in Band C (the lowest Band).

If an applicant is found to be intentionally homeless, the application will be treated and assessed in the same way as any other housing application.

LOCAL LETTINGS SCHEMES

Achieving Balanced Communities

The Council may, where appropriate, in consultation with the relevant housing providers, adopt a Local Lettings Scheme whereby individual homes, blocks, streets, estates or neighbourhoods may be allocated according to different criteria to those normally used.

Some Local Lettings Schemes limit who can be considered as a tenant, e.g. they may limit allocation on the basis of employment or positive contribution to the District. Others may allow for a 'sensitive letting' so as to exclude Applicants with a history of antisocial behaviour.

Such a scheme might be adopted in order to achieve a balanced community on a new estate for example or to assist in rectifying problems on an existing estate where there are management difficulties or the homes have become difficult to let.

Any such Local Letting Scheme will endeavour to ensure that the twin aims of firstly meeting housing need and secondly maintaining sustainable communities within the social housing stock are achieved.

Such schemes will be agreed to operate for a strictly one-off letting or for a limited period of time after which the scheme will be reviewed by the Homes First Team.

Any home that is subject to a Local Lettings Scheme will be identified when advertised along with details of restrictions on who may be considered when allocating the home.

Sensitive lettings

Some homes will be advertised as being 'subject to sensitive letting' to assist in rectifying problems on an estate where there are management difficulties or the homes have become difficult to let. Whilst any Applicant may bid for homes that are 'subject to a sensitive letting', the Casework Team will consider bids from those with a history of anti-social behaviour on a case-by-case basis as to whether the Applicant is suitable to be allocated the home they have bid for.

Essential or Key Workers

The law allows the Council to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. Occasionally, specific funding is made available for schemes to develop low cost home ownership and affordable rented housing for keyworkers such as teachers, nurses and police officers. These homes will be made available only to Applicants who meet the qualifying criteria. Such homes will be labelled when advertised.

THE SIZE OF HOME APPLICANTS CAN BID FOR

Applicants may only bid for the size of home that is considered to be suitable for their household. Applicants will be advised of the size they can bid for when they register.

FEEDBACK ON LET HOMES

All homes that have been advertised that have been let will be listed on-line at a future date showing the number of bidders for each home.

DIRECT ALLOCATIONS

The Council reserves the right to Directly Allocate housing to

- Applicants in circumstances where remaining in their current accommodation may cause risk of death or serious injury.
- Applicants with multiple needs that fall within Band A
- Applicants who have been accepted as homeless where the Council has a duty to house
- Applicants who are currently living in approved supported housing within Lewes and are ready to move on
- Tenants requiring a Temporary or Permanent Decant
- Existing tenants of the Council's sheltered housing wishing to transfer within a sheltered scheme
- Applicants who pose a potential risk to the public as assessed by the Multi-Agency Public Protection Assessment Panel (MAPPA)
- Ex-Council or Registered Provider tenants
- Non-statutory successors
- Existing tenants of the Council requiring an urgent move
- Under-occupiers who have succeeded to a tenancy and have refused an offer
- Other Applicants in exceptional circumstances and at the discretion of the Head of Homes First.

REFUSING AN OFFER OF SUITABLE HOUSING

With certain exceptions we will not normally penalise Applicants who, having successfully bid for a home, subsequently refuse an offer of accommodation. However, Applicants who refuse a reasonable offer of a home resulting from a Direct Allocation may be removed from the Housing Register, or have their banding reassessed. The specified period of time will be decided by the Homes First Team, approved by a senior advisor, and set for 3 months, 6 months or for a year. The Homes First Team will notify in writing Applicants affected by such a decision, providing the reason for the decision and how an Applicant may request a review.

Applicants who refuse an offer on grounds of unaffordability will not be penalised but may be required to enter into an agreement suitable to the circumstances of the Applicant to avoid similar refusals recurring. If the Applicant does not enter into a required agreement or does not abide with that agreement then the above penalties may apply.

Any homeless Applicant who refuses a Final Offer of a home resulting from a Direct Allocation, which is considered to be suitable by the Council, will result in the ending of that housing duty and an ending of the provision of any temporary accommodation that has been arranged for the Applicant.

Whether or not a Homeless Applicant accepts an offer, they have the statutory right to request a review of the suitability of the accommodation they have been offered. Any offer of a home will not be kept open while the Applicant's case is considered but may be let to another Applicant who has bid. Homeless Applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a statutory review of its suitability.

Any Applicant owed a statutory duty to re-house other than a duty under the homelessness legislation (e.g. under a Compulsory Purchase Order) who refuses a reasonable offer of a home resulting from a Direct Allocation will result in the ending of that housing duty.

If an Applicant who is ready to move on from supported housing and has discretionary agreement from the council refuses a reasonable offer of a home resulting from a Direct Bid made on their behalf, they will lose their priority banding and be re-banded according to their current housing circumstances.

TIME LIMITS FOR BIDDING - 6 week time limit

Applicants who have been accepted as homeless where the Council has accepted a legal duty to provide accommodation under part VII of the Housing Act 1996 are subject to a six week time limit for bidding on housing of their choice. This is calculated from the date they are registered in Band A or C. If the Applicant bids successfully for a property and unreasonably rejects the offer of a tenancy, the legal duty to rehouse them may be discharged.

SELECTION FOR PROPERTIES

All bids that meet the criteria for each home are placed in priority order on a shortlist. With certain exceptions, priority is normally decided first by Priority Band, then by Local Connection and then by Priority Date within the Band. Exceptions to this are detailed below.

How we prioritise bids for sheltered housing

Applicants bidding for sheltered housing who have a housing need which would qualify them to register for general needs housing will take priority over those who do not.

Where an Applicant's bids are first on the shortlist for more than one home

When an Applicant is first in priority order on more than one home, the Casework Team will attempt to contact the Applicant to allow them to choose which of these homes they should be nominated for. Where this is not possible, the Casework Team will determine which property is the most suitable, based on information provided by the applicant e.g. cited area preference.

Tied bids

In the event of a tied bid, a decision would be made by the Homes First Team.

If there are no successful bids on a home

If there are no bids that meet the criteria for a home, the Homes First Team will consider the property for a Direct Allocation. If no letting is made through a Direct Allocation, the property may then be re-advertised or re-advertised as a property available for cross-partnership/area bids.

Housing related debt or rent arrears affecting priority

The Council will not allocate housing to any Applicant with significant housing related debt or rent arrears. It is the Applicant's responsibility to disclose any debt or rent arrears they may have.

Transfer Applicants who are subject to possession action by their landlord

Bids for homes will not be considered from any Transfer Applicant who is subject to possession action by their landlord, including those subject to a Notice Seeking Possession, unless their landlord expressly advises the Homes First Team, in writing, that they are happy for their tenant to move with arrears.

Homes advertised as being 'subject to a sensitive letting'

Bids from Applicants with a history of anti-social behaviour will be given less priority than bids from other Applicants for homes that are advertised as 'subject to a sensitive letting'.

Sensitive lets will be looked at on a case by case basis.

Homes advertised as being 'subject to a local lettings scheme'

Bids from Applicants for homes advertised as being 'subject to a local lettings scheme' will be prioritised according to specific criteria specified in the agreed scheme.

LETTINGS TO COUNCIL MEMBERS, EMPLOYEES AND THEIR FAMILIES

Council Members and Board Members of Lewes Homes, and officers working for Lewes District Council and their close relatives have the right to join the Housing Register and bid for housing. Where they bid successfully for a property, the offer of a tenancy must be approved by the Head of Homes First. For these purposes 'close relatives' will include parents, children, grand-parents, grand-children, aunts, uncles, and the partners of any of these.

THE RIGHT TO REQUEST A REVIEW

Applicants have the right to request a review of:

- a decision to exclude them from joining the Housing Register on the grounds that they are ineligible
- a decision to exclude them from joining the Housing Register on the grounds that they do not qualify
- a decision to remove someone from the Housing Register or exclude them from bidding other than at their own request
- a decision concerning the facts which are likely to be or have been taken into account in considering whether to allocate housing. The applicant can ask for a review if they believe that the Homes First Team has taken incorrect facts into account for example when deciding the extent of the applicants household or of any medical needs of the applicant.

An officer senior to the officer making the original decision and who was not involved in making the original decision will carry out these reviews.

Procedure

- A request for a review must be made within 21 days from the day on which the applicant is notified of the Council's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable.
- The officer carrying out the review will carry out an investigation and, if further information is needed, invite the applicant to write, or if unable to do this, make oral representation, or the applicant may also appoint someone on his or her behalf to do this.
- If the reviewing officer finds that the officer who took the decision did not take relevant information into account they will refer the file back to that officer for review.
- The officer will notify the applicant of their decision within eight weeks of the

request for a review. There is no right to request a further review of the decision unless the applicant's circumstances change.

DRAFT

APPENDIX 1: CONTACTING YOUR COUNCIL REGARDING A HOUSING ALLOCATION ISSUE

Council contact details need inserting

If you have an enquiry about a housing Allocation issue there are several ways you can contact us.

Please make sure that you have your Housing Register reference number (if you have been given one)

APPENDIX 2: CURRENT ADVERTISING ARRANGEMENTS

Social Housing to let in Lewes is currently advertised through the Homemove Partnership via its website at **www.homemove.org.uk**. On the homepage of this site there is a link to the electronic 'Homemove Magazine' which lists, with photographs, all the available homes to let in all the local council areas that have joined the Homemove Partnership

The Homemove Magazine is published electronically every two weeks on a Friday and as soon as it is published Applicants can bid for the home of their choice which matches their needs until 2pm the following Wednesday when bidding closes. Shortlists will be created the following day and successful Applicants contacted as soon as possible.

All homes that have been advertised in the electronic Sussex Homemove Magazine that have been let will be listed in a future copy of the magazine showing the number of bidders for each home.

ⁱ PIP – Personal Independence Payment; DLA – Disability Living Allowance; AA – Attendance Allowance

Agenda Item No: 9.4 **Report No:** 126/17

Report Title: Report to Manage Upper Ouse Flood Protection and Water Retention Works

Report To: Cabinet **Date:** 27th September 2017

Cabinet Member: Cllr Isabelle Linington

Ward(s) Affected: Chailey and Wivelsfield, Newick, Barcombe and Hamsey, Ditchling and Westmeston, Plumpton, Streat, East Chiltington and St John's (Without), Lewes Castle, Lewes Priory, Lewes Bridge and Ouse Valley and Ringmer.

Report By: Ian Fitzpatrick, Director of Service Delivery

Contact Officer(s)-

Name(s): Tim Bartlett Specialist Adviser (Environment)
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Purpose of Report:

To update Cabinet on the progress made on the programme to improve flood protection and water retention work in the Upper Ouse and to continue the contract between Lewes District Council and the Ouse and Adur River Trust and Sussex Wildlife Trust.

Officers Recommendation(s):

- 1** Note the progress made by Ouse and Adur River Trust (OART) and Sussex Flow Initiative (SFI), a partnership working under the auspices of Sussex Wildlife Trust.
- 2** Agree to reinstate the Working Group with representatives from Lewes District Council and Ouse and Adur River Trust and Sussex Flow Initiative more particularly as set out in paragraph 7
- 3** Approve a waiver to the Contract Procedure Rules, sought under CPR 2.4.1 (a) to enable the Council to sign a contract with OART and SFI for the 2017-18 programme of works described in paragraph 5.1.
- 4** Set aside returned Environment Agency Levy in a Reserve to finance future flood protection and drainage projects.
- 5** The Working Group brings a further report to Cabinet recommending the programme of works for beyond 2018 for the remainder of the 3 year programme period.

Reasons for Recommendations

- 1** At the Council meeting of the 25th February 2016 it was agreed to undertake a programme of flood protection and water retention works in the Upper Ouse valley. The programme being over 3 years at a value of £296,750.
- 2** Lewes District Council entered into the Programme with Ouse and Adur River Trust and Sussex Flow Initiative as a matter of urgency following the extreme weather events that were experienced in the Southern England during the winters of 2012/13 and 2013/14 and in North West England during the winter of 2015/16.

3 Background Information

- 3.1** Much of the Lewes district is prone to flooding from a combination of tidal, ground water surface and river flooding. The River Ouse last flooded in October 2001 with many hundreds of properties being affected along the length of the Ouse.
- 3.2** Since 2001 many schemes have been designed and delivered to reduce the risk of Flooding in Lewes and more recently in Newhaven.
- 3.3** During the winters of 2012/13 and 2013/14 and the summer of 2015 more than 100 properties were flooded at various locations across the district from many different sources.
- 3.4** Following the extreme winter of 2015/16 at the February 25th Council meeting it was agreed that the budget to fund the Environment Agency Special Levy in respect of the River Ouse Internal Drainage District (IDD) be transferred to the General Fund Capital Programme given that the IDD was to be abolished. The money could then be used to fund measures to reduce the flow of water down the Ouse catchment, spread the peak flow of water in the Ouse and its tributaries and so reduce the risk of flooding.
- 3.5** The proposal set out a programme of projects to be delivered over 3 years. To ensure earlier delivery and the protection of people's homes and businesses, £112,750 was paid to OART and SWT in 2016/17 as grants.

4 Progress to date

- 4.1** Since December 2016 officers from Lewes District Council have met with OART and SFI on several occasions to progress this programme, and have delivered the following:
 - 11 small woodland sites have been delivered in the Ouse catchment(1.5 acres of new woodland or 4000 trees) and 610m of new hedgerow,
 - Progress towards a new storage pond at Green Lane Ringmer,

- Assessment of catchment for potential woody dams,
- Detailed sub catchment mapping of the Bevern and Plumpton Mill streams to identify opportunities to reduce impact of flooding,
- Progress with reconnecting the Ouse to its flood plain at Anchor Gate above Barcombe, development of floodplain reconnection in the Isfield area, and work with the National Trust on a large project to reconnect the Ouse to its floodplain at Sheffield Park, all providing water storage.

5 Proposed programme of works for this year

5.1 The Ouse and Adur River Trust and Sussex Flow Initiative have outlined that their programme of works for this year is as follows:

- Flood storage pond either at Wivelsfield or Broyleside Ringmer,
- Series of small woods and hedgerow projects, and further development of woody dams
- A Natural Flood Management Model (NFM) development to enable evaluation of NFM,
- Sub-catchment mapping of Glynde and Longford Stream, Development of washland and meadow on the Bevern Stream,
- Delivery with partners, including landowners and the National Trust, of projects reconnecting the Ouse to its floodplain.

The budgeted cost of the 2017/18 programme up to £75,500.

6 Procurement Rules

6.1 As agreed at the Council meeting of the 25th February 2016, £296,750 was allocated in the General Fund Capital Programme to be used for flood alleviation programme works.

6.2 Due to the need to carry out the works quickly the Council entered into an agreement with Ouse and Adur Rivers Trust (OART) to carry out the flood alleviation works, providing a grant for the first year, 2016/17. It is now necessary to formalise this agreement for the remaining programme of works which will be carried out in 2017/18 and 2018/19. Therefore, a waiver to the Contract Procedure Rules is sought under CPR 2.4.1 (a) which enables Cabinet to waive Contract Procedure Rules for a specific project.

7 Working Party

7.1 The Minutes of Council meeting of the 25th February 2016 proposed that a working group be formed. A Working Group was established and met in March 2016, but has not met since. It is proposed that the Working Group be reinstated, and that comprises of Cllrs Linington and Gardiner (as previously, Cllr Linington having taken portfolio responsibility for this

area from Cllr Nicholson), together with relevant officers and representatives of OART and SFI.

8 Financial Appraisal

- 8.1** As noted above, £296,750 funding for a programme of flood alleviation works has been made available from the budget formerly used to pay for the Environment Agency Levy in respect of the River Ouse IDD.
- 8.2** Following the dissolution of the IDD in March 2017, the Environment Agency is returning £53,400 in unused Levy funding to the Council. It is recommended that this returned Levy is held in a Reserve to finance future one-off flood protection and drainage projects.

9 Legal Implications

- 9.1** Under the Localism Act 2011 section 1, general power of competence the Council has the power to do anything that an individual can do that is not specifically prohibited. The action proposed in this Report falls within this power.
- 9.2** In addition the Council in partnership with other organisations has discretionary powers to manage coast protection and to take measures against erosion and flooding.
- 9.3** The Council will need to enter into a works contract with OART and SFI in respect of the flood and water retention works proposed, subject to Cabinet First granting a waiver of the Council's contract and Procedure Rules to permit this.

10 Risk Management Implications

Not applicable

11 Equality Screening

Not applicable at this stage

12 Background Papers

- 12.1** Minutes of the Meeting of the Council 25th February 2016 can be found at <https://lewes.cmis.uk.com/CMIS5/Document>.

Agenda Item No: 9.5 **Report No:** 127/17

Report Title: Repair to the Sea Wall at Groyne 19, Friars Bay, Peacehaven.

Report To: Cabinet **Date:** 27th September 2017

Cabinet Member: Cllr Isabelle Linington

Ward(s) Affected: Peacehaven East and Peacehaven North

Report By: Ian Fitzpatrick, Director of Service Delivery

Contact Officer(s)-

Name(s): Tim Bartlett Specialist Adviser (Environment)
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Purpose of Report:

To request capital funds to undertake repairs to the sea wall at Groyne 19, Friars Bay, Peacehaven.

Officers Recommendation(s):

It is recommended that Cabinet:

- 1 Agrees to undertake repairs to the sea wall Groyne 19. These repairs to be undertaken before winter 2017; weather and tidal conditions permitting.
- 2 Allocates £80,000 for the repairs in the General Fund Capital Programme, to be financed from capital receipts.

Reasons for Recommendations

- 1 Lewes District Council has discretionary powers under the Coast Protection Act 1949 to construct sea defences and to repair and maintain the same.
- 2 **Background Information**
 - 2.1 Over many years Lewes District Council has been awarded central government monies to build coastal defences, at the toe of cliffs in Peacehaven and separately in East Saltdean. The defences protect the cliffs from erosion by the sea and many hundreds of homes and critical

assets. They are one of the more valuable assets in Lewes District Council's portfolio.

- 2.2** The Peacehaven sea defences comprise a sea wall with an access road on top of the sea wall. There are 19 concrete groynes each approximately 70m long. These groynes were designed to reduce the loss of beach material; flints, pebbles and sand from being carried away from the foot of the sea wall by longshore drift.
- 2.3** The most easterly groyne is Groyne 19 and this was designed to act as a terminal groyne. Due to its orientation this groyne is exposed to large waves and as a consequence has deteriorated more rapidly than others. The beach material it once held probably served to accelerate damage to the sea defences at this location. This is evidenced by much patching of the sea wall over the years. The photograph below illustrates the current situation and the damage occurring to the end of the sea wall. As the sea wall is a critical civil engineering structure it needs to be repaired.



- 2.4** The repairs are estimated to cost up to £80,000. The monies would be used to deliver a design and build contract.
- 2.5** Civil engineering works to the sea defences require specialist knowledge of the constraints and environment encountered on the foreshore; to aid our procurement of specialist contractors we would wish to take advantage of existing frameworks such as those operated by East Kent Engineering Partnership, Brighton and Hove City Council and or Environment Agency.

- 2.6 In order to reduce the risk of further damage to the sea wall our aim will be to have these works to be completed this autumn, weather and tides permitting.
- 2.7 The repairs should extend these defences for up to 20 years and resolve health and safety issues that arise from a deteriorating defence
- 2.8 These repairs demonstrate our commitment to work within the spirit of the Coast Protection Act. In undertaking any works we would be required to liaise with the Marine Management Organisation, Natural England and potentially the Crown Estate

3 Financial Appraisal

- 3.1 There is no allocation in the 2017/18 General Fund Capital Programme available to fund repairs to Groyne 19. Subject to Cabinet approval, an allocation of up to £80,000 will be made for this project which can be financed from the balance of unused capital receipts generated from previous asset sales.

4 Legal Implications

- 4.1 Lewes District Council as the local Coastal Protection Authority has permissive powers under the Coast Protection Act 1949 (as amended) to protect the coast from erosion and encroachment by the sea. There is no statutory requirement to do so.
- 4.2. Under Section 4 of the 1949 Act a local Coastal Protection Authority has powers to carry out such coastal protection work as may appear to them to be necessary or expedient for the protection of any land in its area.

4 (Ref: 006626-LDC-MW/237754)

5 Risk Management Implications

- 5.1 I have undertaken a risk management checklist and no risk assessment is presently required

6 Equality Screening

- 6.1 Not applicable at this stage

7 Background Papers

- 7.1 Further information on the Coastal defences can be found in Brighton Marina to Newhaven Western Harbour Arm Plan – Summary of findings for the Local V Community January 2016. Found at http://www.lewes.gov.uk/Files/Brighton_Marina_to_Newhaven_BNCMIP_Local_Community_Summary.pdf

Agenda Item No: 9.6

Report No: 128/17

Report Title: North Street Quarter – Delivery Route

Report To: Cabinet

Date: 27th September 2017

Cabinet Member: Councillor Andy Smith

Ward(s) Affected: All Lewes Wards

Report By: Nazeya Hussain, Director of Regeneration and Planning

Contact Officers-

Name: Bev Lucas

Post Title: North Street Quarter – Regeneration Specialist

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1.0 Background:

- 1.1 At its meeting of 26th June 2017, Cabinet approved work on a revised delivery route for Phase 1 of the North Street Quarter scheme. This involved:
- carrying out due diligence on ‘Artisan’ as potential Development Partner for Phase 1;
 - negotiating revisions to the agreed Heads of Terms to enable this option to be progressed (pending satisfactory outcomes of the due diligence).
- 1.2 Joint landowner Santon North Street, now ‘North Street Quarter Ltd.’, is owned by MAS Real Estate Investors.

2.0 Purpose of the report

- 2.1 This report provides an update on the JV (Land Collaboration Agreement) that LDC and North Street Quarter Ltd have been negotiating in order to move forwards and appoint a Development Partner to deliver the NSQ scheme. It also updates Cabinet on progress with other work relating to the NSQ.

3.0 Officer Recommendations:

1. To note progress in respect of the Land Collaboration Agreement (LCA) between the two landowners - Lewes District Council and North Street Quarter (NSQ) Ltd.
2. That Cabinet invite the Scrutiny Committee to review the due diligence undertaken by the Council to date, and that Scrutiny Committee report back to the NSQ Members’ Oversight Board.

3. To delegate authority to the Director of Strategy, Regeneration and Planning, in consultation with the Assistant Director - Legal and Democratic Services, the Deputy Chief Executive (S151 Officer) and North Street Quarter Members' Oversight Board, to appoint Artisan as Phase 1 Development Partner, having regard to Scrutiny Committee's feedback on the due diligence work undertaken.

4.0 Reasons for Recommendations

1. To progress delivery of the strategically significant North Street Quarter (NSQ) development in Lewes. The NSQ is a £180m mixed use brownfield site that will deliver the following regeneration benefits to the area:
 - 416 new homes, of which 40% will be affordable,
 - 140,000 sq. ft. of new commercial space, including subsidised creative workspace,
 - 475 full time jobs,
 - 100 full time construction jobs,
 - a new modern health centre serving in excess of 26,000 patients,
 - strategically important flood defences, completing the defence of Lewes,
 - a new riverside promenade, new footbridge, extensive new cycle paths and footpaths, and
 - a public square hosting contemporary eateries and riverside dining.
2. To ensure that the Council maximises return on its investment into the NSQ scheme, while at the same time minimising any risks involved in its delivery.

5.0 North Street Quarter - Proposed delivery route

- 5.1 At its meeting on 7th January 2016, Cabinet approved Heads of Terms of the LCA (attached as Appendix 1) and authorised officers to negotiate and execute the LCA.
- 5.2 The agreed Heads of Terms provide adequate scope to enable Artisan to be appointed as Phase 1 Development Partner, subject to due diligence and agreement by the Council. Officers have, therefore, moved forwards to undertake the following work:
 - Firstly to negotiate the LCA with joint landowner - North Street Quarter (NSQ) Ltd., and
 - to enable the Council to be satisfied that Artisan can be appointed as Phase 1 Development Partner, to detail the information required from NSQ Ltd. and to carry out the detailed due diligence required at this stage.

Land Collaboration Agreement (LCA)

- 5.3 The LCA will be an agreement between the two landowners: Lewes District Council and NSQ Ltd. It will set out the framework within which the two partners will work together to deliver all three phases of the North Street

Quarter development. This framework includes governance arrangements, the duties and mutual obligations of the landowners and a framework for agreeing such matters as disposals, sales proceeds and equalisation.

- 5.4 The LCA is currently being negotiated and will refer to a number of matters which must be agreed by the landowners before a Development Partner is appointed. Matters currently under discussion are set out in Appendix 2 of this report. We are proposing a deadline of 31 December 2017 for the landowners to agree these matters and to draw up a Development Agreement which will stipulate how the development will be delivered.
- 5.5 The Development Agreement will be an agreement between NSQ Ltd. and a Development Partner, on terms approved by Lewes District Council.

Appointing Artisan as Development Partner

- 5.6 We are proposing that the LCA includes an 'option' for NSQ Ltd. to appoint Artisan as the Phase 1 Development Partner on terms approved by LDC. Appendix 2 identifies the information that we think NSQ Ltd. must provide by 31 December 2017 in order for the Council to consider the appointment of Artisan.
- 5.7 In addition to the information required from NSQ Ltd., the Council continues to carry out due diligence covering:
- Financial checks in respect of Artisan
 - Securing a legal opinion (from a solicitor registered in the relevant jurisdiction) on MAS Real Estate Investors, and
 - Securing a 'certificate of good standing' and 'certificate of fact' in relation to Artisan (a legal opinion will be sought when a Development Agreement is in place and if Artisan is invited to enter into this Development Agreement)
- 5.8 Under the delegation set out in Recommendation 3 of this report, any decision to appoint Artisan as Development Partner for Phase 1 will have regard to the Council's due diligence. The Council will also continue to seek advice from its financial advisors (GVA).

NSQ development delivery route – timeline

- 5.9 We are proposing that the LCA identifies timeframes for decisions in relation to the delivery of the NSQ scheme. These are set out in Appendix 4 and are subject to agreement by NSQ Ltd
- 5.10 The planning permission for the scheme will expire in May 2019 if the development has not started on site by this point. The Council has been working with NSQ Ltd. to ensure that we reach agreement on the delivery timeframes, including a Development Partner, to ensure that the planning permission does not expire.

- 5.11 The next steps, following final agreement, and signing of the LCA, are that the landowners will work to agree the matters set out in Appendix 2 by 31 December 2017.

6.0 Progress with other work areas

- 6.1 The Council has commissioned its own independent cost appraisal of the NSQ scheme. This will inform its decisions about which assets it will seek to retain from the NSQ scheme in order to generate a recurring revenue stream, as well as any future decisions relating to the lending of construction finance.
- 6.2 Officers continue to work with the NHS High Weald Lewes Havens Clinical Commissioning Group, East Sussex County Council and wider health care commissioners and providers to develop a model of integrated health care services for the new Heath Hub. Work is also continuing to support prospective tenants of the new Health Hub (including GPs) to identify their requirements / specifications in terms of premises.
- 6.3 The Council is working with East Sussex Fire and Rescue (ESFR) and Sussex Police in order to progress the design and delivery of a new blue light service facility on the site of Springman House.
- 6.4 Officers are also exploring options for temporary car parking arrangements during the construction phase of the NSQ scheme.
- 6.5 Soft market testing of the 165 units of affordable housing (including Extra Care units), that will be delivered as part of the development, is being carried out with Registered Providers (RPs) in order to identify a preferred delivery route for this element of the scheme.

7.0 Financial Appraisal

- 7.1 This report recommends that authority be delegated to officers to appoint a Development Partner, subject to the outcomes of due diligence. As such, there are no significant direct financial implications associated with the recommendations, with costs to be met from existing budgets.
- 7.2 Future Cabinet meetings will be asked to consider a number of proposals in respect of progressing this development and a full financial appraisal will be given at that time.

8.0 Legal Implications

Advice has been given in earlier reports relating to the North Street Quarter. At this stage there are no additional legal implications for inclusion in this report, but the Assistant Director - Legal and Democratic Services will give an update at the meeting on 27th September 2017 if necessary.

9.0 Risk Management Implications

- 9.1 The Council is working with partners to deliver this complex development. We have identified a proposed delivery route along with an alternative route (Appendix 4).
- 9.2 Officers continue to engage with the Council's commercial and legal advisors to minimise the risks to the Council at this stage of the project. The draft LCA sets out the information that the Council requires in order to proceed. As noted in this report, the Council is undertaking due diligence in relation to the potential appointment of Artisan as Phase 1 Development Partner.

10.0 Equality Screening

- 10.1 Equality screening has been carried out for previous NSQ reports. This report raises no new equalities issues.

11.0 Appendices

Appendix 1 – Agreed Heads of Terms of LCA

Appendix 2 – Items to be agreed by landowners (LDC and NSQ Ltd) by 31 December 2017

Appendix 3 – Clause 8 of the LCA: Appointing Artisan as Development Partner

Appendix 4 – NSQ Development Delivery Route: Draft timeline

Appendix 1 – Agreed Heads of Terms of the LCA

(as agreed by Cabinet at its meeting on 7th January 2016)

The parties acknowledge that Lewes District Council are subject to the requirements of the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR") to disclose information (including commercially sensitive information). In order to manage this, the parties shall use all reasonable endeavours to agree and enter into the terms of a Memorandum of Understanding as soon as reasonably practicable. The provisions of paragraph 5 of these Heads of Terms reflect the parties understanding and agreement as regards FOIA disclosure

These heads of terms are intended to explain in plain language the intended roles of the parties to be expanded upon and negotiated with a view to entering into a formal agreement. They both board and cabinet approval in respect of each of the parties.

The proposals set out in this document are presented in good faith but do not constitute a binding offer to establish any commercial or financial arrangement between any parties. The document is not intended to and shall not create any binding contract or other form of legal relation between the parties and each party is free to withdraw from negotiations without liability at any time.

HEADS OF TERMS (CONFIDENTIAL) **Joint Equalisation Agreement ("the Agreement")**

1. PARTIES

Santon North Street Limited ("SNS")

Lewes District Council ("LDC")

2. PROPERTY

North Street Quarter as shown edged red on the attached 'Phasing Plan' at appendix 1 which includes:

- 2.1 Santon North Street Limited land as identified at Part 1 of Schedule 1 ("the SNS Property")
 - 2.2 Lewes District Council land as identified at Part 2 of Schedule 1 ("the LDC Property")
 - 2.3 Third party freehold land as identified at Part 3 of Schedule 1 ("the Third Party land")
 - 2.4 Third party leasehold land as identified at Part 4 of Schedule 1 ("Third Party leasehold land")
- together referred to as the 'Development Property' which shall then be broken down into three separate development phases as shown on the 'Phasing Plan' at appendix 1.
- 2.5 The LDC Property and SNS Property is shown edged red on the plan at appendix 4.
 - 2.6 Reference to a 'Phase' in these heads of terms is to phase 1, 2 or 3, as applicable.

3. THE DEVELOPMENT

The development shall be defined as a residential led mixed use scheme pursuant to planning application no. SDNP/15/01146/FUL ("the Development").

4. PURPOSE AND OBJECTIVES

- 4.1 The primary objective of the Agreement is to enable the formulation of proposals for delivering regeneration, affordable housing, employment and community benefits, mitigating risk for the partners and generating a financial return. The residential led mixed use scheme which will ultimately be delivered by a third party development partner to be appointed pursuant to the terms of the Agreement. The Development shall be defined and outlined in more detail within the Agreement by way of a development report and associated plans.
- 4.2 Throughout all stages of the development and pre-development application process, SNS and LDC are to take account of and acknowledge local and commercial sensitivity to the Development and seek to manage this accordingly. In particular, freedom of information implications will be addressed within the Agreement and the parties shall work together in order to manage and minimise any adverse impact any requests for information may have on the Development (see below).
- 4.3 The above will be delivered by SNS and LDC in accordance with the Agreement and an agreed Business Plan (see below), the core objectives of which are:
 - 4.3.1 obtaining satisfactory Planning Permission provided that following disposal of any Phase of the Development, the appointed development partner shall be responsible for relevant reserved matters applications;
 - 4.3.2 acquiring the Third Party land to enable each Phase of the Development to be undertaken;
 - 4.3.3 subject to the comments at paragraph 4.4, consideration and where appropriate LDC resolving to make use of compulsory purchase powers (CPO) under the Town and Country Planning Act to acquire any Third Party and Third Party leasehold land and extinguishing any necessary rights over the entire site;
 - 4.3.4 securing satisfactory technical due diligence on the entire site to assist with the procurement process;
 - 4.3.5 the procurement and appointment of a development partner to carry out the Development;
 - 4.3.6 disposal of the Development Property following completion of each Phase of the Development;
 - 4.3.7 anything else which is consistent with, necessary for or incidental to achieving any of the above.
- 4.4 The principals of the CPO strategy are identified at Schedule 2 but a formal 'CPO Strategy' is to be agreed between the parties which shall sit outside the terms of the Agreement. The CPO Strategy is to include an agreed form CPO indemnity which is to be prepared by SNS. A contractual joint venture is proposed as there is no separate entity to be created or managed and therefore there will be no separate company filings that need to be made or tax returns to be submitted. This type of joint venture is used for “one scheme” projects and will not require the pooling of assets and therefore there will be no SDLT liability in its formation. Each party is able to retain its property interest and retain the current income and this therefore reduces the SDLT liability until the land is disposed of to the development partner.
- 4.5 The proper costs in preparing any CPO case will be covered by SNS (all such costs will form part of deductible development costs) and an appropriate CPO indemnity is to be agreed

between the parties. Any land acquired by CPO will be vested in SNS and LDC as set out in the Business Plan.

- 4.6 In the event that LDC decide not to use their CPO powers, they will request that South Downs National Park use their CPO powers. The associated costs will form part of deductible development costs.

5. CONFIDENTIALITY AND FREEDOM OF INFORMATION

- 5.1 The parties are to observe the terms of the MOU which apply to these heads of terms and the proposed Agreement.

- 5.2 Subject to clause 5.1, the agreement is confidential subject to a number of exceptions to include:

5.2.1 for all purposes of complying with the requirements of the Agreement;

5.2.2 where the information is already in the public domain;

5.2.3 where legally requisite;

5.2.4 in the case of disclosure by SNS where commercially normal or sensible to do so;

5.2.5 to financial advisors, funders, prospective development partners and financial institutions; or

5.2.6 to HM Revenue and Customs or the Rating Authority; or

5.2.7 to respective auditors; or

5.2.8 to the extent necessary to obtain professional advice in relation to the determination of any dispute; or

5.2.9 for general marketing and publicity of the Development by SNS (at SNSs absolute discretion).

6. BUSINESS PLAN

- 6.1 [DN. The Business Plan will be scheduled and marked as commercially sensitive information for the purposes of FOI.]
- 6.2 The initial agreed form Business Plan prepared by SNS and agreed with LDC shall be annexed to the Agreement. It is acknowledged by the parties that an agreed business plan is in circulation, a copy of which is attached at appendix 2.
- 6.3 The Business Plan shall be reviewed and updated every quarter during the term of the Agreement. A recommendation will be made in connection with each revision of the Business Plan via the JV Property Board and this will be submitted for approval to each of the parties.
- 6.4 The parties shall seek to agree the terms of each revised business plan and disagreement is to be referred under the dispute resolution provisions under the Agreement.
- 6.5 The parties shall adhere to and observe the terms of the Business Plan (and each agreed revision thereof) which includes expenditure limits identified within the Business Plan.

7. JV PROPERTY BOARD

- 7.1 The JV Property Board is to be set up once Planning Permission is obtained to discuss and put forward a recommendation for a draft 'Procurement Strategy'. The JV Property Board will be responsible for co-ordinating, overseeing and making recommendations regarding the procurement process in line with the Procurement Strategy, once agreed.
- 7.2 The JV Property Board ("Board") shall not have powers to make binding decisions on behalf of either party.
- 7.3 LDC and SNS will have equal representation and equal voting rights on the Board.
- 7.4 The Board will be made up of six members as follows:
 - 7.4.1 a chairperson and a secretary (appointed jointly between the parties) to chair and minute the meetings;
 - 7.4.2 two appointments from SNS (director level); and
 - 7.4.3 two appointments from LDC (members of corporate management team).
- 7.5 The chair at each meeting shall have a casting vote in the event of a deadlock situation between the parties.
- 7.6 The representatives of each party may substituted with representatives of the same level/standing during the life of the Board.
- 7.7 SNS acknowledge that councillors of LDC may attend Board meetings (other than meetings or those parts of the meetings that are financially sensitive to which a closed meeting shall be held) but may not participate in order to be updated on the Project.
- 7.8 Either party may convene a meeting of the Board by giving to the other not less than 10 clear working days' notice stating the proposed time, venue and objectives of the meeting but meetings will take place no less than once in every quarter.
- 7.9 An appointed member of the Board shall circulate an agenda for each meeting to both parties at least 3 clear working days prior to an arranged meeting and within 5 clear working days following a meeting of the Board minutes of the meeting shall be circulated to the parties.

- 7.10 The Board shall be a forum to discuss matters in connection with the joint venture and make recommendations back to the relevant parties. The members of the Board will not have powers to bind either party in relation to matters under the Agreement.
- 7.11 Once a recommendation is made by the Board the decision must be referred back to LDC and SNS. If the parties are unable to agree then the matter is escalated to the more senior offices of each entity and ultimately to dispute resolution.

8. CONDITION PRECEDENT: SATISFACTORY WRITTEN PLANNING PERMISSION

- 8.1 The Agreement will be conditional on obtaining satisfactory written planning permission ("the Planning Condition") which is acceptable to both parties for the Development pursuant to the joint application submitted in March 2015 under reference SDNP/15/01146/FUL ("Planning Permission"). SNS shall procure the grant of Planning Permission with the assistance of LDC.
- 8.2 The Planning Condition must be satisfied in order for the Agreement to go unconditional which shall trigger the implementation of the JV Property Board and the preparation of a Procurement Strategy and a Relocation Strategy for each Phase. At this point it is not envisaged that vacant possession and acquisition of the Third Party land will have taken place.
- 8.3 SNS shall have the ability to appeal at their own cost if leading Counsel advises in writing there is a better than 50% likelihood of success and all associated costs are a deductible costs from the proceeds of any disposal.
- 8.4 SNS to cover the costs of the Planning Application (which shall form part of the project expenditure). A set of onerous conditions are to be agreed between parties (or each party to have an approved set of onerous conditions) which will dictate whether the Planning Permission is satisfactory for the purposes of the Agreement.
- 8.5 The parties are to enter into any required infrastructure agreements (including a Section 106 Agreement, which is currently being negotiated). While SNS shall lead negotiations on any required infrastructure agreements, the terms of any such agreement will need to be agreed between SNS and LDC.
- 8.6 The target date for the grant of Planning Permission is [October] 2015 (exact date to be agreed).
- 8.7 The longstop date for satisfaction of the Planning Condition shall be 9 months from the date of the Agreement subject to extension for an appeal for non-determination or refusal, if proceedings have commenced or should a referral have been made to an expert under the dispute resolution provisions, in which case the longstop date shall be extended to 15 working days after the relevant matter has been disposed of. After this date either party may terminate the Agreement on the other by way of notice in writing.

[DN. The target date and longstop dates are to be marked as commercially sensitive and it is to be acknowledged and agreed between the parties that these will be redacted for FOIA purposes.]

9. VACANT POSSESSION AND ACQUISITION OF THIRD PARTY PROPERTY

Obtaining vacant possession and acquiring the Third Party land shall be procured on a phased basis. Development for each Phase or a part of any Phase shall not commence until the parties are satisfied that vacant possession has been achieved and any relevant Third Party land has been acquired to allow the proposed development of a Phase (or part of any Phase) to commence. This shall be covered on a phase by phase basis under the Business Plan.

9.1 Vacant possession

- 9.1.1 LDC and SNS shall use all reasonable endeavours to obtain vacant possession of the whole of the Development Property from the date of the Agreement provided that vacant possession may be acquired separately for each Phase.
- 9.1.2 Notwithstanding the provisions of clause 9.1.1, LDC shall use all reasonable endeavours to obtain vacant possession of the LDC property and LDC acknowledge that this includes seeking to terminate or acquire the leasehold interests scheduled to the Agreement at appendix 3.
- 9.1.3 Vacant possession shall mean the delivery of a relevant Phase free from third party rights of occupation.
- 9.1.4 The Agreement shall provide for three separate target dates for vacant possession in line with each Phase of the Development subject to a proviso and acknowledgement by the parties, that as part of the disposal strategy for each Phase.

9.2 Third party property

- 9.2.1 SNS shall seek to acquire the Third Party land in line with the target dates discussed above for vacant possession. As above, this shall be subject to a proviso and acknowledgement by the parties, that as part of the disposal strategy for each Phase.
- 9.2.2 LDC shall fund the acquisition and termination of any leasehold interests derived out of the LDC Property.
- 9.2.3 SNS may require LDC to consider the use of its compulsory purchase order powers in order to acquire the third party property, in accordance with the provisions of Schedule 2.

10. PARTIES OBLIGATIONS

The parties' respective obligations under the Agreement shall be broken down into three headings:

10.1 Joint Obligations

- 10.1.1 both parties shall deduce title to the other of their respective land interests and to the development partner, when required;
- 10.1.2 mutual cooperation, disclosure and to act promptly and diligently in connection with their obligations under the Agreement;
- 10.1.3 observation of the following (once formalised and in agreed form):
 - 10.1.3.1.1.1 the Business Plan;
 - 10.1.3.1.1.2 the CPO Strategy;
 - 10.1.3.1.1.3 the Procurement Strategy; and
 - 10.1.3.1.1.4 the Relocation Strategy;
- 10.1.4 procure the grant of Planning Permission in form as would be deemed satisfactory and free from onerous conditions (in the agreed form) this includes an obligation to enter into infrastructure agreements;

- 10.1.5 insure their respective interests until responsibility for insurance passes to the development partner.

10.2 Santon North Street Obligations

- 10.2.1 provide an initial Business Plan and update this twice yearly (as discussed above);
- 10.2.2 provide and update a phase appraisal and financial appraisal on a quarterly basis in relation to the Development and provide copies to LDC;
- 10.2.3 not dispose of the SNS Property except in accordance with the terms of the Agreement (which includes restrictions on the registers of each parties titles);
- 10.2.4 carry out the procurement process to appoint a development partner for the delivery of the Development in accordance with the agreed Phasing Plan;
- 10.2.5 preparation of a draft Disposal Strategy;
- 10.2.6 to fund all the costs in connection with the Planning Permission up to the appointment of a development partner;
- 10.2.7 to fund the appointment of the Development Partner which forms part of a deductible development cost.

10.3 Lewes District Council Obligations

- 10.3.1 give due regard to secure the use by LDC of CPO powers (subject to the terms discussed above);
- 10.3.2 not to dispose of the LDC Property except in accordance with the terms of the Agreement (which includes restrictions on the registers of each parties titles);
- 10.3.3 not to grant any new tenancies or rights in respect of the LDC Property which cannot be terminated upon 3 months' notice by LDC provided that LDC shall notify SNS in writing on the grant of any such tenancies;
- 10.3.4 preparation of the CPO Strategy.

11. DISPOSAL STRATEGY AND PROCUREMENT OF DEVELOPMENT PARTNER

- 11.1 The parties shall carry out a joint procurement process and submit proposals to the Board in line with the disposal strategy for each phased disposal, as set out in the agreed Business Plan.
- 11.2 The proposal shall include (but not be limited to):
 - 11.2.1 the aims of the appointment of the development partner and whether this is in line with the Business Plan;
 - 11.2.2 a full programme for carrying out and completing each Phase of the Development within the development period;
 - 11.2.3 a detailed timeline for completion of each Phase of the Development within the development period;
 - 11.2.4 full details of the recommended professional team; and

- 11.2.5 financial appraisal detailing estimated costing for each Phase of the Development.
- 11.3 The appointment of a development partner shall be agreed between the parties by way of a procurement scoring system as detailed in the agreed Business Plan. Any dispute as to the appointment of the development partner shall be referred to dispute resolution under the Agreement, to be determined by an appointed expert.
- 11.4 Once agreed, the parties must use all reasonable endeavours to agree the terms of the development agreement and enter into the Agreement to enable the development partner to commence the Development.
- 11.5 The parties shall have the ability to acquire the freehold interest in any income producing asset created from the development as can be agreed by the parties in lieu of receiving a land value. However, any such arrangements/disposals:
- 11.5.1 shall be subject to recommendation through the Board and shall be sanctioned by both parties;
- 11.5.2 shall not be disposed of other than at market value.
- 11.5.3 These provisions shall not apply to the car park which will dealt with separately.

12. EQUALISATION

- 12.1 The interests of the parties shall be valued for equalisation purposes in accordance with an agreed land holding split, which is to be finalised and agreed between the parties but at present is anticipated as:
- 12.1.1 LDC: 35% [to be confirmed by survey and agreed between the parties]
- 12.1.2 SNS: 65% [to be confirmed by survey and agreed between the parties]
- 12.2 On the disposal of the whole or any part of the Development Property, sums due to LDC and SNS shall be subject to equalisation which shall be calculated by way of reference to the above percentages.
- 12.3 All sums due to SNS and LDC (prior to the equalisation calculation) shall be subject to deduction of:
- 12.3.1 all properly expended project expenditure/application costs to the grant of outline planning consent for the Development;
- 12.3.2 interest on all costs incurred by SNS from the date of the Agreement up to the first disposal at 1% over the Bank of England base rate;
- 12.3.3 all disposal costs including legal and associated fees;
- 12.3.4 the SNS project management fee as detailed at clause 12.5 below.

[DN: A worked example of the equalisation calculation for the Development shall be annexed to the Agreement and marked confidential for FOIA purposes].

13. DURATION

It is anticipated that the term of the Agreement shall be 10 years from the date of exchange of the Agreement broken down in accordance with Schedule 3.

14. TERMINATION

14.1 In the event that the Planning Condition has not been satisfied within 9 months of the date of the Agreement (subject to extension of time in the event of judicial review and/or third party challenge and prior to the date the Agreement goes unconditional) then either party may terminate the Agreement by way of notice on the other.

14.2 The development agreement entered into for each Phase (or part of a Phase) of the Development shall address termination provisions on non-commencement of the relevant Phase (or part thereof). It is agreed that LDC shall have the ability to terminate the Agreement in the event of not being able to secure a S123 / S233 Report confirming it is receiving best consideration. In the event that LDC have to terminate for this reason then they will not be liable for its proportion of the costs as set out in the current Interim Agreement. In the event of dispute, the matter can be the subject of third party determination.

15. DISPOSAL

15.1 The Disposal Strategy will include full details of the how the respective land interests will be disposed of as part of the development of each Phase. It is however anticipated that the disposals will be structured as follows:

15.1.1 the freehold interest in each Phase shall be transferred to a newco estate management company after the disposal of a long leasehold interest to the Development Partner (this shall be a joint obligation of both parties);

15.1.2 once a development partner is appointed the parties shall transfer their interests in the relevant Phase (or part thereof) to the development partner by way of the grant of a building lease;

15.1.3 on completion of the relevant Phase (or part thereof) the parties shall dispose of their relevant interests by way of a freehold transfer or the grant of a long lease. This is to be discussed and addressed further under the Disposal Strategy.

15.2 The precise basis on which land will be disposed of as above will depend on a range of factors to be discussed and agreed between the parties and addressed within the Disposal Strategy. In particular on whether the parties wish to effect complete disposal of their respective land interests prior to or following development in return for a capital sum, or to lease them and generate a revenue receipt, or a combination of the two.

16. DEFAULT

16.1 If there is a breach by LDC or SNS of any of their respective obligations under the Agreement which:

16.1.1 is material and/or persistent having regard to all relevant circumstances; and

16.1.2 which, where capable of remedy, is not remedied within a reasonable time, or

16.1.3 if there is an insolvency event, or

16.1.4 SNS is the subject of a change of control;

Then the non-defaulting partner shall have the option to wind up the joint venture.

16.2 Should paragraph 16.1.6 apply, any on-site works which have commenced shall continue until they are complete. The benefit of any site investigations and due diligence will be provided for the benefit of both parties, so that this is available to each of them whether or not the joint venture proceeds or is terminated.

16.3 Default following commencement of a Phase will be covered under the relevant development agreement.

17. MISCELLANEOUS

17.1 Partnership

The Agreement will expressly specify that it does not create a partnership between the parties.

17.2 Non merger

The Agreement will not merge on the date the Agreement becomes unconditional

17.3 Charging and Land Registry

The LDC Property will not be capable of being charged to secure the obligations under the Agreement but the LDC and SNS will procure that suitable entries are made on the register of their respective titles to ensure that if either party unlawfully disposes of its land interest, its obligations would be enforceable against that party's successor in title by way of deed of covenant. This will be supported by way of an appropriate restriction.

17.4 VAT

SNS have opted to tax in respect of the SNS Property.

17.5 Assignment

The partners will not assign the benefit of the Interim Agreement or the Agreement which will be personal to the individual partners.

SNS will not affect a change of control during the subsistence of the Agreement.

17.6 Dispute Resolution

If following a recommendation from the Board the parties cannot reach an agreement on any matter in connection with any matter under the Agreement then:

17.6.1 the matter shall be escalated to the most senior offices of each party for determination;

17.6.2 if the matter cannot be resolved once escalated pursuant to clause 17.6.1 then the matter shall be referred for determination by a suitably qualified independent expert whose determination shall be binding (except in the case of manifest error).

Clause 17.6.1 and 17.6.2 will not apply in the event of a dispute which is so significant that it requires one of the parties to seek an immediate injunction.

18. NON FETTER

Save as otherwise expressly provided, it is the intention that the obligations of the parties under these heads of terms and proposed agreements are obligations of the parties in their capacity as contracting counterparties. Nothing in them shall operate as an obligation upon, or in any other way prejudice, fetter or constrain the parties in any other capacity nor shall the exercise by either party of their duties, obligations, powers (or rights in the discharge of its functions as a statutory authority in the case of LDC) lead to any liability under the heads of terms or agreements (howsoever arising) on the part of one party to the other.

Appendix 2 – Items to be agreed by landowners (LDC and NSQ Ltd) by 31 December 2017

<i>Financial Model</i>	The Parties are to agree the Financial Model (subject to s123 best value and consideration) to be annexed to this Agreement.
<i>Business Plan</i>	The Parties are to agree the Business Plan to be annexed to this Agreement.
<i>Funding Strategy</i>	The Parties are to: <ul style="list-style-type: none"> • identify and agree sources of funding; • confirm what security is required and the priorities; and • consider and draft accordingly regarding the impact of external funding on the waterfall of the distribution of proceeds and any internal funding from NSQ to Artisan Real Estate Investors Limited to fund construction will rank the same as NSQL's money and will rank behind external funders.
<i>Returns</i>	The Parties are to each: <ul style="list-style-type: none"> • agree their form of return including any assets which form part of such return; and • agree how the returns are to be taken
<i>CPO</i>	The Parties to agree drafting in relation to: <ul style="list-style-type: none"> • CPO if the land interests cannot be acquired by private treaty; • appropriation; and • the form and term of the CPO indemnity agreement.
<i>Project Expenditure</i>	Both Parties to agree: <ul style="list-style-type: none"> • whether costs are being apportioned across all Phases; and • funding of the Infrastructure.
<i>Implementation of Planning Permission</i>	The Parties to agree whether this Agreement should include any controls on the implementation of the Planning Permission.
<i>Appointment of Development Partners</i>	Drafting to be agreed by the Parties regarding the appointment of Development Partners (including compliance with Public Contracts Regulations 2015 (if applicable)) and consideration to be had regarding the appointment of third party Development Partners and (if approved by LDC) Artisan.
<i>Appointment of Artisan Real Estate Investors Limited, registered in the Isle of Man under company number 004313V as a Development Partner for Phase 1</i>	If LDC approves the appointment of Artisan Real Estate Investors Limited for Phase 1 then the Parties shall agree any required amendments to this Agreement.

<i>Development Manager services and fee to be provided by Artisan Real Estate Investors Limited if it is appointed as Development Partner for Phase 1 and as Development Manager</i>	The Parties to agree the Development Manager services to be provided, fee and terms of appointment if Artisan Real Estate Investors Limited is appointed as Development Partner for Phase 1.
<i>Details of guarantor for Artisan Real Estate Investors Limited's obligations as Development Partner</i>	<p>If LDC approves the appointment of Artisan Real Estate Investors Limited as Development Partner for Phase 1 and the identity of the guarantor which is put forward by Artisan Real Estate Investors Limited then the Parties shall agree:</p> <ul style="list-style-type: none"> • any required amendments to this Agreement (and form of Development Agreement); and • the form of security.
<i>Grant of a Development Agreement, enforcement of terms and interaction with property interests</i>	<p>The Parties to agree:</p> <ul style="list-style-type: none"> • the triggers for the grant of the Development Agreement (for example vacant possession, assessment of viability of the Phase, an approved phase proposal which has been prepared by NSQL); • when title is deducted by the relevant Landowner; • which parties are to be a party to the Development Agreement depending on land interests; and • enforcement of the Development Partner's obligations in the Development Agreement, particularly enforcement by LDC and NSQL of Artisan Real Estate Investors Limited's obligations if appointed as Development Partner for Phase 1 and enforcement by NSQL of other Development Partner's obligations.

<i>Form of Development Agreement</i>	<p>The Parties to agree the form of Development Agreement including;</p> <ul style="list-style-type: none"> • the development obligations; • extent of approvals of detailed design by each Party; • procurement of contractors and professional team and level of approval by each Party as to the identity of the contractors, sub-contractors and professional team; • form and content of warranties; • requirements for funders; • land interest granted to the Development Partner in order to carry out the Development and long term disposals (and timing); • appropriate termination and step in rights; and • dispute resolution and boiler plate clauses. <p>The Parties recognise that the Development Agreements for Phase 1 may differ from that for Phases 2 and 3 if Artisan Real Estate Investors Limited is appointed as Development Partner for Phase 1.</p> <p>If Artisan is appointed as a Development Partner the Parties to discuss and agree whether if Artisan Real Estate Investors Limited becomes insolvent or breaches the terms of the Development Agreement whether this gives LDC a right to terminate this Agreement.</p> <p>The Parties also to agree the following:</p> <ul style="list-style-type: none"> • whether there will be one party who owns all of the land within a Phase; • if there is to be one owner of land within a Phase, which Party is anticipated to be the owner of each Phase; and • ownership and management of the Common Parts.
<i>Long stop dates if the relevant Phase is not drawn down</i>	<p>The Parties to agree long stop dates for the commencement of development of each Phase and if such date expires then each Party has a right to terminate the whole Agreement. The Parties to agree whether the right to terminate the Agreement can apply just in relation to a particular Phase.</p>
<i>Non-delivery</i>	<p>If a Development Agreement is not entered into for Phase 1 by 31 December 2017 or if start on site of Phase 1 does not occur by 1 March 2018, then the interests of both parties will be jointly marketed for a value at least equal to that previously agreed by the parties. If not sold, the land remains in their respective ownerships.</p> <p>To be agreed by the Parties on what basis is the value to be determined (subject to best value and consideration).</p>
<i>Estate Management Company</i>	<p>The Parties to agree who is on the board and the identity of the shareholders of the estate management company.</p>
<i>Historic Expenditure</i>	<p>Costs incurred in respect of the Development by both LDC and NQSL prior to the date of this Agreement to be agreed by the Parties.</p>

Other	<ul style="list-style-type: none"> • Land held by third parties but needed to deliver the Development under the s106 Agreement • s106 Agreement obligations (<i>a strategy, including allocation of responsibility, for meeting the S106 obligations</i>) • Planning Permission Conditions (<i>a strategy, including allocation of responsibility, for discharging the outstanding conditions</i>) • Appointment of a monitoring surveyor • Appointment of a Development Manager and services (if Artisan is not appointed)
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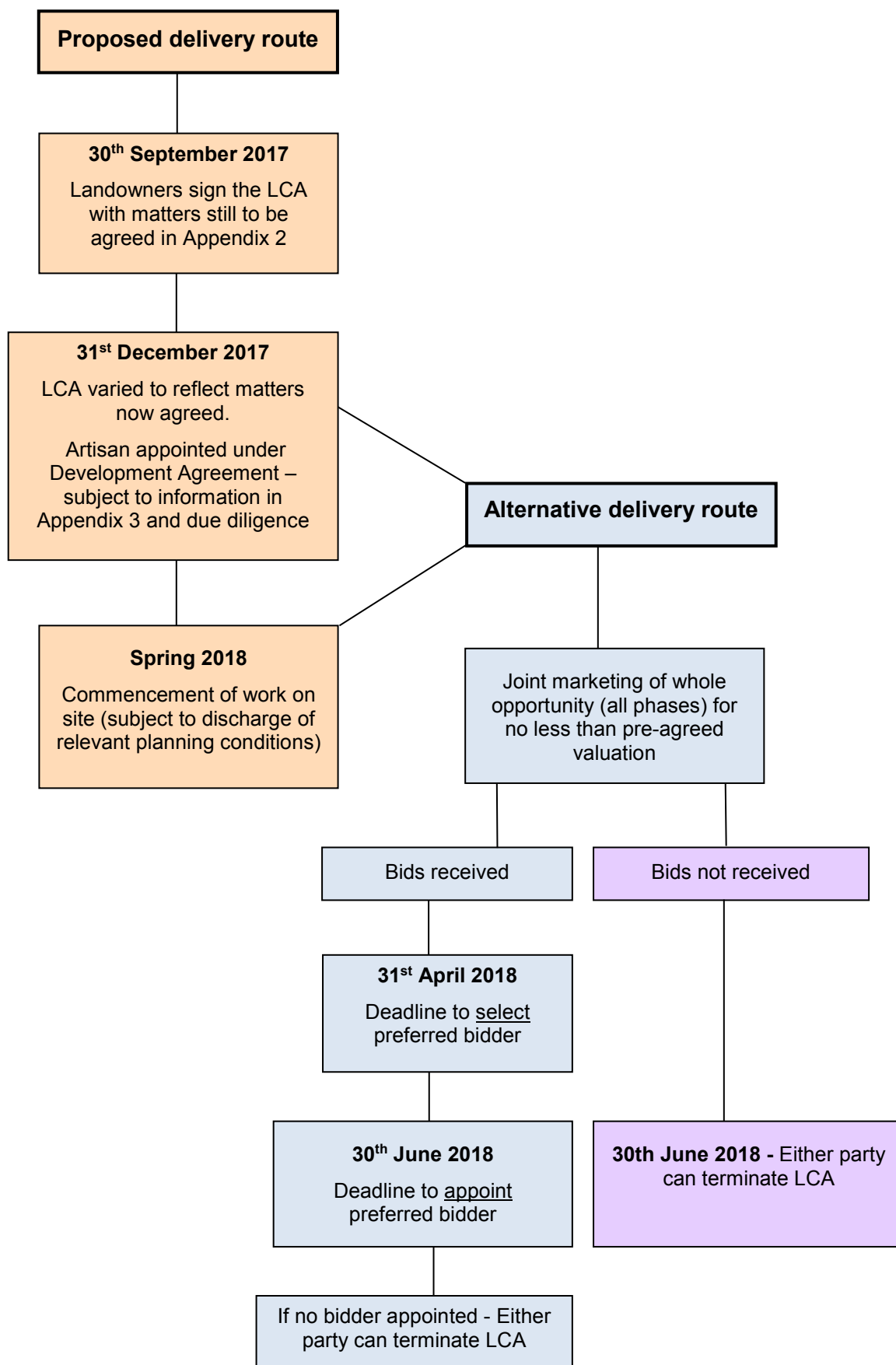
Appendix 3 – Clause 8 of the LCA: Appointing Artisan as Development Partner (by 31 December 2017)

8 Appointment of Artisan as Development Partner

- 8.1 [NSQ Ltd. has proposed that Artisan Real Estate Investors Limited, registered in the Isle of Man under company number 004313V, is appointed as a Development Partner for Phase 1.
- 8.2 In order for LDC to confirm whether or not Artisan Real Estate Investors Limited is an acceptable Development Partner it must satisfy itself of the company's capability and financial standing to deliver Phase 1 of the Development.
- 8.3 NSQ Ltd. shall provide such information relating to Artisan Real Estate Investors Limited as reasonably requested by LDC, as soon as practicable following such requests, such information to include (without limitation):
- 8.3.1 three years audited accounts and other evidence of financial capacity to provide the equity funding required for the Development;
 - 8.3.2 two case studies of past projects of a similar size and scope to the Development to include: mix of uses, large scale residential and infrastructure, supported by two written references from clients and/or lenders, with contract value and performance rating, including Health & Safety with full contact details for clients for LDC to contact them independently;
 - 8.3.3 details of any convictions, bankruptcy, insolvency of organisation, director, partners, shareholders including details of any matters pending;
 - 8.3.4 roles and CV's of the Artisan project team, including identification of project team manager (lead) and second lead;
 - 8.3.5 details of the proposed funding for Phase 1 construction cost;
 - 8.3.6 the identity of the proposed guarantor and audited accounts for such proposed guarantor for the three completed financial years of accounting prior to the date of this Agreement, together with and/or such other evidence which reasonably demonstrates that the proposed guarantor is of such financial standing and covenant strength to be able to comply with and discharge obligations that will be binding on Artisan Real Estate Investors Limited;
 - 8.3.7 updated Business Plan (including indicative programme and rationale);
 - 8.3.8 updated Financial Model; and
 - 8.3.9 a risk register identifying:
 - 8.3.9.1 risk type;
 - 8.3.9.2 probability;
 - 8.3.9.3 impact on cost/programme/quality;
 - 8.3.9.4 mitigation measures; and
 - 8.3.9.5 residual risk levels.
- 8.4 NSQ Ltd. shall use reasonable endeavours to provide all information requested by LDC concerning Artisan Real Estate Investors Limited and any proposed guarantor by as soon as reasonably practicable and in any event by 31 December 2017.

- 8.5 If the information requested by LDC regarding Artisan Real Estate Investors Limited and its proposed guarantor is:
- 8.5.1 not provided;
 - 8.5.2 is incomplete; or
 - 8.5.3 insufficient to permit LDC [acting properly and reasonably) to confirm whether Artisan Real Estate Investors Limited is an acceptable Development Partner for Phase 1,
- by 31 December 2017 then Artisan Real Estate Investors Limited is deemed not to be an acceptable Development Partner for Phase 1.
- 8.6 If LDC reviews the information requested by it and provided by NSQ Ltd. regarding Artisan Real Estate Investors Limited and the proposed guarantor and is of the opinion that Artisan Real Estate Investors Limited is not acceptable as a Development Partner of Phase 1 then the Parties agree to work together to identify a third party Developer Partner of Phase 1, the terms of how the third party Developer Partner is identified and appointed by the Parties is to form part of the variation of this Agreement referred to in clause 7.

Appendix 4 – NSQ Development Delivery Route: Draft timeline



Agenda Item No: 9.7 **Report No:** 129/17

Report Title: Business Support Package for Lewes District

Report To: Cabinet **Date:** 27 September 2017

Cabinet Member: Cllr Andy Smith

Ward(s) Affected: All

Report By: Nazeya Hussain – Director of Regeneration and Planning

Contact Officers-

Name(s): Kerry Barrett
Post Title(s): Regeneration Project Manager
E-mail(s): kerry.barrett@lewes-eastbourne.gov.uk
Tel No(s): 01323 415624

1. Purpose of Report:

The purpose of this report is to review the achievements of the Local Enterprise & Apprenticeship Platform (LEAP) business start-up programme and set out options for LDC's continuing contribution to the business support landscape which are:

- a) The LEAP business start-up programme
- b) Local and tailored business support
- c) Greater Brighton Commercial Property Database
- d) European Regional Development Fund (ERDF)

2. Officers Recommendation(s):

- 1** To support the continuation of the business start-up programme under the LEAP brand.
- 2** To support the expansion of the Council's business support service to enable residents and businesses to access local and tailored business support and advice all year round.
- 3** To continue the promotion of commercial property in the Lewes District on the Greater Brighton Commercial Property Search database.
- 4** To authorise the Director of Regeneration and Planning to appoint Edeal to continue the delivery of the LEAP business start-up programme for up to three years; and, in order to achieve this, to waive Contract Procedure

Rule 6 in respect of this contract for the reason set out in Reason 1 (Section 3), below..

- 5 To allocate a total of £103,642 from the New Homes Bonus grant from the Government over a three year period as funding for the continuation and expansion of local business support and inclusion on the commercial property database.
- 6 Officers to explore the option of working with the University of Chichester on their ERDF bid to match fund and deliver business support in the Lewes District.

3. Reasons for Recommendations

- 1 As noted in paragraph 4.6, a full procurement process was followed in 2015, which resulted in the appointment of Edeal to deliver the LEAP business start-up programme. Since this appointment, levels of positive feedback have increased and there has also been an increased level of demand for the LEAP programme.
- 2 There is sufficient funding to continue the LEAP business start-up programme as a standalone entity for one more year. There is, however, an opportunity to maximise LDC's investment and the level of business support in the area by working with the University of Chichester on their ERDF bid. By agreeing future budgets now we can demonstrate our commitment and improve the chances of securing European funding.
- 3 The LEAP business start-up programme has obtained a good level of brand awareness around business support, which helps to demonstrate the added value that LEAP offers within the local employment and skills landscape. Withdrawing LEAP's support for local activities would lose that awareness and reverse the positive work LDC has done on enterprise.
- 4 Local and tailored business support services for residents and business in the Lewes District are limited compared to other geographical areas restricting economic growth.
- 5 The Greater Brighton Commercial Property Database is recognised as a key mechanism to generate inward investment.

Information

4. LEAP

- 4.1 Supporting and growing smart and sustainable enterprises is widely recognised as a critical driver of economic prosperity. Local interventions that improve business performance, encourage innovation and retain key businesses, support sub-regional, regional and national strategic economic priorities.

- 4.2** 85.7% of businesses (units) in the Lewes District are micro employing 0-9 individuals, and 12.3% are small employing 10-49. The total proportion of micro and small businesses in the District is marginally higher than East Sussex, the South East and nationally.
- 4.3** The main sources of business support for enterprises and residents in the Lewes District are:
- 4.3.1 Growth Hubs: Business East Sussex and Business Navigator Growth Hub – online and verbal business support signposting services
 - 4.3.2 Locate East Sussex – The county's commercial property and inward investment service including advice on funding
 - 4.3.3 LEAP – see 4.4.
- 4.4** With Cabinet approval and LDC finance, LEAP was launched by the Council in February 2013 to raise awareness of apprenticeships and provide free training and support for business start-ups. The resourcing of the apprenticeships element of the programme was transferred to Sussex Downs College at the end of 2014.
- 4.5** The LEAP business start-up programme is usually run once per year. Applications open for up to 30 local residents with a business idea who attend a 1-day introductory workshop. From here, up to 15 shortlisted candidates attend a series of additional training workshops and 1:1 mentoring, culminating in a pitch to a judging panel (comprised of local business representatives and the Leader of LDC) for the chance to win a cash prize to help start their business. The winning idea is announced at the Lewes District Business Awards where LEAP sponsors the 'Entrepreneur of the Year' award.
- 4.6** The programme was originally delivered by Lets do Business Group on behalf of LDC, but following a competitive tender process in 2016, the delivery partner changed to become Edeal (Eastbourne & District Enterprise Agency Ltd).

5 LEAP – Achievements

- 5.1** Since 2013, LEAP has supported 67 local people by providing training to start a new business; with a further 24 on this year's programme. Around two-thirds (45 of 67) of these have now registered their business, either as a limited company or as a Sole Trader. This is a significant success rate, with some estimates suggesting that 80% of new businesses fail within the first eighteen months. Receiving a strong foundation in how to run a business from the outset of a business idea is vital to increase an enterprises chance of survival.
- 5.2** Demand for this service has increased and the new provider is receiving high levels of satisfaction from delegates and officers.

- 5.3** 2017 LEAP 'Entrepreneur of the Year' award went to Treatment Tents who specialise in providing pop-up spas at festivals. Other business ideas LDC has supported are: retail outlets specialising in haberdashery and baby essentials, business coaching, health and safety consultancy and quirky furniture created from mannequins.
- 5.4** The LEAP brand is now recognised locally as a support tool for business start-ups with strong levels of word-of-mouth referrals each year, and the success of the programme has led to its replication in other areas.

6 Wider Business Support Context

- 6.1** It is important to note that LEAP sits within the wider business support context within the Lewes District and plays a valuable supporting role in delivering such services locally.
- 6.2** As noted in paragraph 4.5, LEAP plays a key role in the successful Lewes District Business Awards. The LEAP Entrepreneur of the Year award is now recognised as a prestigious category that provides new business start-ups with additional publicity to support their enterprises.
- 6.3** Furthermore, LEAP has a strong strategic fit with ongoing projects such as the Newhaven Enterprise Zone, which is dedicated to attracting new commercial investment and space for businesses to grow, as well as providing potential new demand for small business workspace – such as that provided within the Newhaven Enterprise Centre.

7 Further Business Support Options

- 7.1** There is sufficient funding to continue the LEAP business start-up programme as a standalone entity for one more year. There is, however, an opportunity to maximise LDC's investment and the level of business support in the area by working with the University of Chichester on their ERDF bid. By agreeing future budgets now we can demonstrate our commitment and improve the chances of securing European funding – see section 9.
- 7.2** This also presents an opportunity to revisit the business support landscape in the Lewes District. LDC could enhance the local provision by providing tailored and local business support for all residents and enterprises (see paragraph 7.3), and annually renewing LDC's presence on a commercial property database (paragraph 7.4).
- 7.3** At present, any enterprise or resident who requires local business support and at no cost are directed to a Growth Hub or Locate East Sussex (the LEAP business start-up programme has a small annual window for application) but the services on offer are limited compared to other geographical areas. For example, Eastbourne Borough Council funds Edeal's services at an annual cost of £15,000 to keep fees free at point of delivery for local start-ups and established businesses. Services include business start-up workshops, one on one business advice counselling and social media training. A similar service in the Lewes

District could also generate referrals for the LEAP business start-up programme releasing marketing pressure and costs to attract applicants.

- 7.4** LDC may also make an annual contribution for commercial property in the Lewes District to be listed on the online Greater Brighton Commercial Property Search database. This provides a platform to direct enquirers to consider the Lewes District as an affordable business location compared to Brighton. Newhaven in particular plays an important role in the Greater Brighton economy and has the largest amount of commercial space on offer in that area, linked to delivery of the Enterprise Zone. An increase in new businesses in the District would positively impact LDC's business rates income. The annual contribution to appear on the Greater Brighton Commercial Property Search database is £1,200.

8 Finance

- 8.1** The annual running cost of the LEAP business start-up programme is approximately £30,000 excluding a limited amount of Officer time, with most aspects now dealt with directly by Edeal.
- 8.2** The original LEAP programme was funded with a one-off allocation of £150,000 from LDC (comprising of £100,000 from New Homes Bonus and £50,000 from S106 contributions) plus £83,000 of ESCC funding to support project delivery. Cabinet made a further allocation in 2014. The allocated funding was held in a reserve pending use, and £34,958 remains available.
- 8.3** An annual budget of £46,200 for three years would allow the continuation of the LEAP business start-up programme, the creation and delivery of a new local and tailored business support service and the renewal of the Greater Brighton Commercial Property Search database. The expanded business support landscape will increase business formation and in-turn business rates, and support the retention of established enterprises.
- 8.4** Table: Breakdown of Annual Expenditure

Business Support	Cost
LEAP business start-up programme	£30,000
Greater Brighton Commercial Property Search database	£1,200
Local business support	£15,000
Total	£46,200

- 8.5** The Finance team have advised that the Council currently holds £466,000 of unallocated New Homes Bonus grant from the Government

and that this could be used as a source of funding as was the case when the LEAP scheme was first introduced.

9 Finance – European Funding

- 9.1** The University of Chichester is applying for ERDF monies to support SME's in the Coast to Capital Local Enterprise Partnership area over 3 years.
- 9.2** Edeal has confirmed with the University that they are interested in becoming a partner in any bids to deliver business support across the Lewes District.
- 9.3** As match funding is required, LDC's business support budget (including the LEAP programme) could be classified as match funding and used to maximise the investment of ERDF funds into the Lewes District area.
- 9.4** The University has received official confirmation that they are through to full application. Finance and outputs with Edeal and LDC will need to be agreed and outlined in the application. The deadline is 8 November.
- 9.5** The University anticipate a final decision in April/ May 2018. Delivery would start immediately for a three year period, and this could potentially support delivery of business support (including LEAP) over a longer time period.

10 Legal Implications

- 10.1** The Council's Contract Procedure Rules provide that for those contracts where the estimated contract value exceeds £25,000 (as here), Officers should seek a minimum of 3 written quotes. However, Contract Procedure Rule 2.4.1(a) allows Cabinet to waive the requirement for 3 quotes for specific projects where it is satisfied there is good reason for doing so. Cabinet may therefore waive this requirement if it is satisfied that the reasons set out in Reason 1 (Section 3), above, justify such a waiver. CK 17/08/2017

11 Sustainability Implications

- 11.1** A Sustainability Implications Questionnaire has been previously completed and there are no significant effects as a result of these recommendations.

12 Risk Management Implications

- 12.1** A risk assessment has been completed.
- 12.2** The following risks will arise if the recommendations are not implemented. Proposals to mitigate these risks are also considered:

Risk	Likelihood	Impact	Mitigation
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Reputational damage for LDC	High	Medium/High	Need to carefully manage end of LEAP programme with appropriate press coverage.
Negative impact on future employment & skills initiatives	Medium	High	Ensure that all LEAP partners are aware of LDC decision-making and reasoning.
Uncertainty surrounding LEAP and next steps	High	High	Ensure that clear decisions made regarding the future of LEAP.
Limited local business support	High	High	All enquiries directed to Growth Hubs signposting service.
Potential reduction in inward investment enquiries impacting business rates income	High	Medium/High	Ensure that all LEAP partners are aware of LDC decision-making and reasoning.

12.3 The following risks will arise if the recommendations are implemented
Proposals to mitigate these risks are also considered:

Risk	Likelihood	Impact	Mitigation
Duplication / overlap with other entrepreneur training schemes	Low	Low	LEAP has established its brand and offers additional services to support wider delivery of the employment and skills agenda locally.
Lack of interest from aspiring entrepreneurs	Low	Low	LEAP's entrepreneur programme has been well received thus far and it is planned to continue marketing in a similar vein. The expanded business support service will also generate referrals.

12.4 As shown, the risks of not implementing the recommendations contained within this report would have a greater negative impact on LDC than their successful implementation.

13 Equality Screening

13.1 The initiative was previously screened for equality implications by Peter Sharp on 6 August 2014 and again by Kerry Barrett on 15 August 2017. No adverse impacts were identified and a full equality analysis is not required.

14 Background Papers

14.1 LEAP – Employment and Skills Cabinet Report 20 November 2014

Agenda Item No: 9.8 **Report No:** 130/17
Report Title: Community Housing Fund
Report To: Cabinet **Date:** 27th September 2017
Cabinet Member: Cllr. Ron Maskell, Cabinet Member for Housing
Ward(s) Affected: All
Report By: Ian Fitzpatrick, Director of Service Delivery
Contact Officer(s)-

Name(s): Laura Webster
Post Title(s): Development Project Manager
E-mail(s): laura.webster@eastbourne.gov.uk
Tel No(s): 01323 415616

Purpose of Report:

To advise Cabinet of a Community Housing Fund allocation of £180,179 by central Government to Lewes District Council; and to seek Cabinet approval for specified expenditure in respect of this funding.

Officers Recommendation(s):

- 1 That Cabinet use the Community Housing Fund allocated by Government to—
 - a. approve a grant of £20,000 to Action in Rural Sussex (AiRS) to set up a Sussex Wide Community Housing Hub.
 - b. approve funding of £25,000 for Lewes District Council's share of a post jointly funded with Eastbourne Borough Council to facilitate the Community Housing Fund (CHF).
 - c. note that, following expenditure of items 1a and 1b above, Lewes District Council have £135,179 available to deliver further community led housing initiatives.
- 2 That Cabinet grant delegated authority to the Director of Service Delivery in consultation with the portfolio holder to take all steps necessary for and incidental to the implementation of recommendations 1a and 1b above; and to allocate the uncommitted sum of £135,179 on such community led housing initiatives as they consider appropriate.

Reasons for Recommendations

- 1 Delivering sustainable new housing and infrastructure is a Council Plan priority, and working with local communities is a key part of this.
- 2 The programme will potentially identify a number of development opportunities in the Lewes District for affordable housing.

Information

1. Community Housing Fund

- 1.1 In the autumn statement of 2016 central government announced a budget of £60m to support community-led housing developments in areas where the impact of second homes is particularly acute. The programme is to run over five years.
- 1.2 In December 2016 Lewes District Council (“the Council”) received notice of the allocation from DCLG of £180,179. Eastbourne Borough Council received an allocation of £365,894.
- 1.3 In order to receive the funding, the Council was required to submit a proposal as to its intended allocation. The Council proposed to the DCLG that funding be used:
 - to contribute to the development of a Sussex Community Housing Hub; and
 - to employ an officer to work across both Lewes DC and Eastbourne BC to support local groups to deliver community led housing.
- 1.4 This bid to DCLG was successful and on 21 April 2017 CMT gave in principle approval for how the grant should be spent. This requires formal approval by Cabinet.

2. Enabling Community-led housing

- 2.1 As the funding is ring-fenced, there is a need to commit any future spend against activity which meets various detailed criteria and enable community-led housing developments to be delivered across the Lewes district. The proposal is for the Council to adopt the following activity against the funding:

- a. AiRS Sussex Community Housing Hub (SCHH)

- AiRS have operated as a rural housing enabling service for many years. They are operating an Umbrella Project called the Sussex Community Housing Hub which provides technical advice and support across Sussex.
- The SCHH will act as a steering group for 8 local authorities across Sussex to share best practice around delivery models, funding and governance.
- The SCHH have specific expertise relating to community housing and will offer a whole package of enabling support as outlined in Appendix A.
- Subject to Cabinet approval of recommendation 1a above, the Council will enter into a Service Level Agreement (SLA) with AiRS to govern the terms on which they will provide services to the Council in exchange for the grant. The key outcomes and indicators of success for AiRS’ provision of services under the SLA with the Council are set out in Appendix B.
- We are already working closely with AiRS to implement monitoring processes and design reporting mechanisms. This will ensure AiRS are performing and meeting our required standards.
- AiRS are based in Lewes and will primarily be supporting LDC officers with community led enabling work.
- Payment to AiRS of £20,000 in full will proceed as soon as the SLA is in force. This payment is LDCs contribution to the Housing Hub over three years.

b. Recruitment of a joint New Initiative Development Officer

- As part of the bid to DCLG, both Lewes DC and Eastbourne BC sought to employ an officer to work across both authorities to support local groups deliver community led housing.
- This report seeks Cabinet approval (at recommendation 1b) to commit £25,000 from the DCLG grant to part-fund this joint post. It is anticipated that Eastbourne BC will match-fund the remaining £25,000 cost if approved by their Cabinet. The post holder's duties will include monitoring AiRS' adherence to the SLA.
- The post will be for one year with a possibility of extension depending upon future funding pots.

c. Future Activity

- The uncommitted expenditure totals £135,179 for Lewes DC.
- This will be utilised for promotional work, site feasibilities and used to support specific proposals as they come forward for further development.
- The Council is already working closely with Lewes Community Land Trust to develop future affordable housing in Lewes town.

At the Meeting of the Council held on 23rd February 2017 it was agreed that "£20,000 be set aside from reserves to fund a feasibility study into providing low cost affordable rented homes for local people on easy access sites in the District". This initiative will assist with this aim.

3. Legal Implications

- 3.1 The Council has power to fund the three activities specified in paragraphs 2.1a, b and c using its power of general competence conferred by Part 1, chapter 1, of the Localism Act 2011.
- 3.2 The funding of these activities is an executive function, for which Cabinet is the appropriate approval body.
- 3.3 The Council's legal team have been instrumental in drawing up the service level agreement with AiRS to ensure it is legally robust.

Lawyer consulted 4.8.17. Legal ref: 006420-LDC-OD

4. Financial Appraisal

- 4.1 This initiative is entirely funded through grant from DCLG as follows:

AiRS Sussex Community Housing Hub	£20,000
Joint Funding of New Initiatives Development Officer Post	£25,000
Remaining grant	£135,179
Total Grant	£180,179

5. Equality Screening

- 5.1 The assessment identified that the recommendations made by this report are unlikely to have any impact on persons with protected characteristics under the Equality Act 2010.

Appendices

Appendix A: Services to be provided by AiRS in accordance with the proposed SLA with the Council

Appendix B: Key outcomes and indicators of success under the proposed SLA

Services to be provided by AiRS to the Council

- **Raising awareness and enabling**

Via direct contact with individuals, groups and community based organisations, AiRS will enable local communities to understand what community led housing is, become aware of the different models and how these might provide long term community benefit. They will support communities that are considering setting up a Community Land Trust or other community Led housing ("CLH") model to enable them to understand both the potential and the feasibility.

- **Business planning** - Facilitating the community group's vision for the project, considering an appropriate model of community-led affordable housing, exploring the implications for capital and revenue funding etc. Providing information and advice on funding, finance, development and management and assist with funding applications.

- **Technical assistance**

To provide technical assistance for CLH groups that have been established in relation to finance and development issues in particular. Enabling groups to make informed choices by providing a full suite of processes, tools, templates and options.

- **Delivery of community led affordable homes**

To work with CLH groups to achieve the delivery of affordable homes that contribute to the sustainability of the community. Acting as an intermediary between professionals/local authorities and community groups to facilitate understanding, constructive discussion, and decision making.

- **Legal formats and documentation** – Consideration of appropriate legal entities such as a Community Interest Company, Community Benefit Society, Company Limited by Guarantee (with exempt charity status) etc. Help will be provided to draft the objects of, and to incorporate, the new entity.

- **Site identification and land acquisition** - Advising on the site selection process and on the heads of terms between the community group and the landowner. Advising on the content and structure of a public meeting designed to win the support of the wider community for a recommended site. Recommending solicitors based on our experience of other projects. Providing template forms of option agreement and lease as necessary.

- **Planning issues** - Supporting the community group in deciding the number, type, tenure and design principles of the proposed housing and to play a full part in promulgation of the planning

application. Working alongside the LA and CLH group to agree the nominations process and facilitating discussions between the community, HA (if involved) and LA about the wording of the Section 106 agreement (where applicable) and ensuring that the community's preferences are incorporated as fully as possible.

- **Communication** - Supporting the community group in its communications with the wider community as and when required, including as many public meetings as necessary. Providing guidance on governance, management and community organising.
- **Project Management** - Administering project team meetings; drafting agendas, chairing and taking minutes as required until the community group feels confident enough to take these on. Maintaining an up to date project plan which forecasts when all elements of a project will take place (example attached for a CLT/HA partnership). Supporting CLH groups throughout the development journey, including stand-alone CLTs, advising on all aspects of the development process. Acting as an intermediary between professionals/local authorities and community groups to facilitate understanding, constructive discussion, and decision making. Introducing project delivery partners and liaising with these.
- **Strategic advice** - Researching ways of improving the social and financial return to community groups and advising on the implications of emerging initiatives such as the Government's Community Housing Fund.
- **Problem Solving** - Helping to keep the project on track by problem solving as and when snags arise; ranging from how best to address budget shortfalls to occasional reductions in the capacity of volunteers.
- **Lobbying** – working with others in the Community-Led Affordable Housing sector to maximise resources and policy support for community-led projects, including relationships with MPs, civil servants and special advisers.

Key outcomes and indicators of success for AIRS' provision of services to the Council

The key outcomes across the Lewes district will be:

- Increased awareness of community led housing provision;
 - Outcome will be measured by all Town and Parish Councils being approached directly by AiRS to discuss the work of the Sussex Community Housing Hub. Uptake will be monitored and reported back to LDC.
- More community led housing ("CLH") homes are in the pipeline for development;
 - Outcome will be monitored by reviewing existing "CLH" pipeline and subsequent quarterly updates on the revised pipeline.
- More people and groups are closer to living in affordable community-led housing;
 - Outcome will be measured by pipeline monitoring and subsequent quarterly updates.
- More sites and properties in the district are secured for community-led housing.
 - Outcome will be measured by at least one site being delivered through a community led housing project.

SCHH Annual Performance Indicators – from July 2017

- An information IT platform set up and working for groups and projects
- At least one promotional / launch event held in East Sussex per year
- At least one CLH event (parishes conference etc.) attended in the district per year
- At least 1 CLH group provided with direct advice and support in the district
- Guidance and support provided to Council staff in relation to best practice when working with CLH groups and projects – particularly around finance and development issues
- This support provided on a regular basis via e-mail and telephone as well as at least bi-monthly meetings with relevant staff (if required)
- All Town and Parish Councils approached directly with the offer to meet and discuss CLH and the work of the Sussex Community Housing Hub (SCHH)

SCHH Programme performance Indicators – by July 2020

- At least 1 CLH scheme in the pipeline - site identified and secured, planning application approved.

Agenda Item No: 9.9 **Report No:** 131/17
Report Title: Wave Leisure Trust Annual Review 2016/2017
Report To: Cabinet **Date:** 27 September 2017
Cabinet Member: Cllr Tony Nicholson
Ward(s) Affected: All
Report By: Phillip Evans, Director of Tourism and Enterprise
Contact Officer(s)-
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Purpose of Report:

To seek Cabinet approval of the objectives stated within the 2018-19 Annual Service Statement between Lewes District Council and Wave Leisure Trust.

Officers Recommendation(s):

- 1 To approve the objectives identified in the 2018/2019 Annual Service Statement.
- 2 To note Wave Leisure Trust's performance against the Annual Service Delivery Plan for 2016/2017.

Reasons for Recommendations

- 1 The agreement between the Council and Wave Leisure Trust requires Cabinet to approve a Service Statement on an annual basis and to receive a report on the performance of the Trust. Additionally, Cabinet is required to approve the joint objectives proposed for the forthcoming financial year.

Information

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- 2.1 Wave Leisure Trust (WLT) has now completed eleven successful years of operation. The partnership between the Council and WLT has matured over this period and the arrangements in place are considered

to be successful in bringing about positive outcomes for the local community.

- 2.2** Since WLT took over management of the Leisure Service for LDC, they have:
 - (a)** Reduced the annual Service Fee by £549,000 since 2010-2011.
 - (b)** Maintained visitor numbers at just under 1 million per year.
 - (c)** Increased turnover to £4.9 million per year.
- 2.3** WLT achieved an operating surplus of £30,000 in 2016/2017, compared with a budgeted deficit of £97,000. WLT held net reserves of £512,000 at the year end, with resources set aside to fund development projects as well as major building repairs and the replacement of equipment.
- 2.4** A summary of the Chief Executive's Annual report is attached at Appendix A.

Annual Service Statement

- 2.5** The contractual arrangements between the Council and WLT require the Council to prepare and approve an Annual Service Statement each year and to indicate the level of Service Fee to be paid for provision of services. In return, WLT Leisure is required to produce an Annual Service Delivery Plan (ASDP) and submit this to the Council for approval in January of each year.
- 2.6** The ASDP sets out how WLT intends to meet the Council's objectives based on the requirements of the Annual Statement which relates to services that are intended to be delivered in the next financial year.
- 2.7** The ASDP for the financial year 2018-19 will align with objectives of the Council as set out in the Council Plan. The specific objectives for this are set out at Appendix B. In addition, Appendix B sets out the objectives for Newhaven Fort.

Performance Against ASDP 2016/2017

- 2.8** WLT is required to report on its performance against a series of performance indicators agreed with the Client Officer responsible for monitoring the Trust. Performance targets are set taking account of the aims and objectives of the Council and are a means for encouraging the Trust to help meet the Council's overall priorities.
- 2.9** Site specific performance targets are reported by the Trust on a quarterly basis and annually for targets relating to corporate indicators. Performance monitoring is undertaken by the Client Officer throughout

the year. There are no ongoing concerns about the performance of the Trust.

2.10 Highlights from Wave's performance against the 2016-2017 Annual Service Delivery Plan include:

- (a)** Older Persons Activity Calendar of 24 weekly timetabled sessions which are specifically designed to help and support participation of older people across the District (age 65 years plus).

These sessions are at various levels of intensity and range from gentle exercise such as Chair-Based exercise and Strength and Balance classes, to higher intensity such as Pickle Ball, Table Tennis and Senior Gym sessions. The weekly 'Senior's Only' Gym sessions give attendees exclusive access to Wave's state-of-the-art facilities. These sessions have restricted general access which supports building confidence in taking part and allows specialised, personal instruction.

In all, there were 23,770 attendances which were specifically designed and delivered for older people.

- (b)** Young people have also been a key focus, with 1,548 attendances at reduced-cost activities for 13-18 year olds. Team Mates runs weekly during term-time at Shakespeare Hall in Newhaven. Children and young people can take part in a wide range of multisports including Boccia, Table Tennis, Table Cricket and numerous adapted ball games – plus inflatable fun on Wave's own magical bouncy castle.

Parents and Carers are also provided with a comfortable area where they can enjoy refreshments and talk with one another while their children participate in the activities with qualified coaches.

Working with partners, Wave has been able to fund or part fund 3,113 places for children to attend holiday activities who would have not been able to join in due to cost issues.

- (c)** Wave ensures its activities are accessible by the whole community. One of Wave's primary focuses is the activities it delivers to meet the needs of people and families on low incomes within the District. These opportunities are also available to rural communities to help increase participation and alleviate social exclusion. In total, there were 23,142 attendances in Wave's activities delivered in Centre, community venues and rural settings to address isolation and exclusion
- (d)** Wave continues to develop activity programmes to be delivered in residential care settings such as warden controlled, care and rest homes. Wave Activators have delivered weekly activities at Fitzroy House in Newhaven, a residential supported housing provision for adults with special educational needs and disabilities.
- (e)** Following the 2016 Seahaven ParaGames at Downs Leisure Centre, residents at Fitzroy House identified a need for activities which enabled

social engagement and participation in physical activity. Wave now delivers a weekly activity group within Fitzroy's communal lounge.

- (f) Wave works with TOLD (Tenants of Lewes District) to help support consultations and tenant engagement activities. This relationship helps with the development of activities which are accessible to those less likely to engage with physical activity; for example, where barriers to participation have been identified and addressed.
- (g) Wave continues to work with Seaford Downs Syndrome and Special Needs Group (SDSSNG) to increase the number of low cost sessions at Downs Leisure Centre in Seaford and Seahaven Swim & Fitness Centre in Newhaven leading to 3,312 attendances.

Financial Appraisal

3

- 3.1 In return for WLT providing services and undertaking activities that meet the Council's stated objectives, the Council provides the Trust with an Annual Service Fee. The service fees for 2017/2018 are:-

Leisure Management Contract £313,000

Newhaven Fort Contract £104,000

- 3.2 As agreed with the Council in 2014, the Service Fee for the leisure management contract will reduce in 2018/2019 by £104,000 compared with 2017/2018. The fee will continue to reduce each year so that by 2020/2021, the Council will provide no annual funding for this element of the service. The service fee for Newhaven Fort will remain fixed through to 2024-25. This represents an overall saving to the Council of £2.3m over the 10 year period 2015-16 to 2024-25.

Legal Implications

The Legal Services Department has made the following comments:

4

- 4.1 There are no legal implications arising from this report. Date: 14th August 2017 Ref. 006621-LDC-MR

Risk Management Implications

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- 5.1 There are no additional risks arising as a result of this monitoring report.

Equality Screening

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6.1 Attached after Appendices.

Background Papers

7 None

Appendices

8

Appendix A: CEO 12 month report 2016/2017 Executive Summary and KPI performance

Appendix B: Annual Service Delivery Objectives 2018-2019

Executive Summary

Total Company

With a total year to date turnover of £4,897,996 and costs of £4,867,736 a surplus of £30,260 was achieved, exceeding budget by £127,720 (131.05%).

Leisure Balanced Score Card

Annual income of £4,586,321 was £16,921 ahead of budget (0.37%) and £40,074 (0.88%) more than that generated in the prior year, £4,546,247.

Annual expenditure was £21,424 less than budget (0.47%) and £77,586 more than the prior year (1.72%) which resulted in the outturn surplus for the year to date of £6,945, reducing by £37,512 (84.38%) in comparison to £44,457 in 2015/16.

Although the performance illustrates a small negative variance against prior year, it should be noted that trading performance in 2016/17 allowed contributions of £140,000 to be made to reserves to fund future developments and business opportunities.

Health and Fitness (Membership, Gym and Group Exercise Combined Income)

Total Health and Fitness for Q4 totalled £487,944 against a prior year total of £447,184; an increase of £40,760 (9.11%).

Annual income was £1,831,981 against a prior year total of £1,665,687; an increase of £166,294 (9.98%) and is a direct result of the increased number of members joining since the new committed membership was introduced in December 2015.

Live Total Memberships

Total live members have grown by 825 (21.3%) above projected in 2016/17. The growth is spread across all the membership options.

At the end of the year, total membership stood at 4,694, in comparison to 4,326 at the end of Q3, an improvement of 368. The average membership level across Q4 was 4,632; an increase of 288 on the average membership level across Q3 (4,344).

In line with the introduction of the new committed (12 month) membership, attrition rates (average) across all sites improved. Sales have exceeded cancellations every month, with the exception of May and December, resulting in the membership growth as presented.

Average monthly attrition has shown a steady downward trend as fewer members have cancelled each month. In April 2016, the attrition rate was 4.1%, by year end the rate had dropped to 1.6%, an all-time low.

Participation

With a 2016/17 twelve-month total dry side participation figure of 689,151 against 697,160 for the same period in the previous year there has been a decrease in dry side participation of 8,009 (-1.1%).

Total wet side participation in 2016/17 was 325,731 compared with 322,205 in the previous year, an overall increase of 3,526 visits (1.1%).

With a 2016/17 twelve month total children and young people participation figure of 388,379 against 389,568 for the previous year there has been a very small overall decrease in participation of 1,189 (-0.3%).

Operations

Accidents for 2016/17 totalled 574, compared to 596 in 2015/16, a decrease of 22 (3.7%) against the prior year.

A total of 36 incidents/near misses were reported during 2016/17 compared to 25 in the same period of the previous year. It is suggested that this is due to a greater awareness among staff about reporting incidents/ near misses. The number of RIDDOR Reportable Accidents in 2016/17 was 0, compared to 11 in the same period in 2015/16.

Newhaven Fort Balanced Score Card Financial

With a total annual income of £311,675 and costs of £288,360 a surplus of £23,315 was achieved, exceeding budget by £89,375 (135.29%) and compared to a deficit of £41,227 in 2015/16.

Q4 Trading Revenue exceeded budget by £2,723 (11.8%) and is £19,121 (10.1%) above budget for the year. Trading Revenue is £41,609 (16.27%) up on the previous year.

New revenue generated from the Christmas Market/Santa Experience weekends in December has boosted income during a period where previously no income had been generated.

Entrance Fees (including Events) were up over the Quarter (£909) and are now above the annual budget by £8,629. Shop trading has continued to be below expectations being £139 (4.0%) below target for Q4 and £3,165 (11.51%) down year to date. Feedback from other visitor attractions would suggest that this is a common trend.

Income from the Tea Rooms (Catering) was £1,482 (26.59%) above budget for Q4. This was due to a number of events and private hires. Annual income is £11,162 above budget (22.32%). Total Expenditure was £7,279 lower than budget (8.41%) in Q4 with Premises and Supplies and Services both showing positive savings against budget. Annual expenditure is £70,250 (19.59%) below budget.

Operations

Total visitor numbers for the year were up in comparison with 2015/16 by 4,398 (17.6%). This result is a reversal of the declining trend over the previous three years.

Total School visits and bookings for the financial year 2016/17 were up in comparison with 2015/16 by 1,176 (21.5%). As with total visitor numbers, this reversed the trend which had seen numbers decline in each of the previous three years.

Spend per head indicators for the Shop and Catering did not achieve the targets set but were up on the 2015/16 actuals. Catering and Shop Gross profit were slightly below target albeit by only 0.3% and 0.6% respectively.

Visitor Feedback

The number of actual visitor feedback forms received in Q4 was 41, a lower than average figure, reflective of the fact that the Fort was closed to general visits until mid-February. Of these 41 responses, 97.1% rated their visit as “Good” or “Excellent”.

Year to date feedback is also very positive with 98.8% of 305 visitors rating their visit as good or excellent. The Fort has also achieved a “Trip Advisor” Certificate of Excellence for consistently positive feedback. A total of 346 visitor feedback forms were received during the year with 76.3% rating the Fort as Excellent or Good. 0.9% of visitors felt that their overall experience of the visit was either Satisfactory or Poor.

In relation to “Trip Advisor,” at the end of the year the Fort had achieved a rating of 4.5 stars out of a maximum of 5 and awarded a “Certificate of Excellence” as rated by a total of 210 respondents and the “Number 1 place to visit in Newhaven”.

Duncan Kerr
Chief Executive

Performance against KPIs 2016-2017

		Downs Leisure Centre		Lewes Leisure Centre		Peacehaven Leisure Centre		Seahaven Swim & Fitness	
		16/17 Actual	16/17 Annual Target	16/17 Actual	16/17 Annual Target	16/17 Actual	16/17 Annual Target	16/17 Actual	16/17 Annual Target
1.	General Usage								
1.1a	Visits for dryside activities	272,869	300,000	249,549	237,000	133,388	137,000	12,398	12,000
1.1.b	Visits for wetside activities			144,341	144,000			108,571	115,000
1.2a	Total visits by children and young people	53,568	60,000	164,367	165,000	69,194	70,500	50,294	53,000
1.5	Membership retention rate	80%	68%	75%	67%	77%	67%	82%	67%
4.2	Visits at Health Walks	1,253	1,200	303	425	833	1,000		
2	Customer satisfaction								
2.1	Overall user satisfaction (net promoter score)	30%	45%	36%	45%	32%	60%	37%	30%
2.2	Mystery visit score	76%	85%	83%	85%	87%	85%	84%	85%
5	Quality								
5.1b	QUEST score	Very Good	Good	Good	Good	Excellent	Good	Very Good	Good
6	Environmental								
6.2a	Gas KWh per degree day	110	125	719	750	70	67	655	575
6.2b	Electricity KWh per user	0.96	1.00	1.46	1.72	0.98	1.00	2.84	2.85
6.2d	CO2 emissions (tonnes)	152	145	500	525	81	80	379	355
7	Financial								
7.1	Utilities cost per m2	£16.16	£19.00	£39.14	£40.00	£12.56	£13.00	£70.04	£67.00

Appendix B

Annual Service Delivery Objectives Leisure 2018/2019

Lewes District Council is required to furnish the Trust with an Annual Service Statement that will provide the Trust with a framework to produce an Annual Service Delivery Plan.

The Annual Service Delivery Plan that WLT produce should complement and support the Council's objective to promote healthy lifestyles by developing a district wide leisure strategy. The Council recognises that reducing hazards like cold houses and falls in homes could save the NHS over £1 million in treatment costs.

The Council will budget to improve the condition of both private and council homes to prevent accidents and ill health. We will continue to work with the NHS and other partners in the county to improve the health and wellbeing of Lewes District residents.

Besides the major contributions to ill-health prevention from our housing programme, we will work with local communities and companies to provide sport and recreation facilities where people need them. As a result, the Council wishes to set the following objectives for WLT in relation to the Leisure contract.

1. Increasing Participation & Reducing Health Inequality:

- Provision of activities to meet the needs of the ageing population of the District, inclusive of outreach work to provide opportunities of increasing participation and wellbeing, particularly in the rural communities, where people need them.
- Seek to develop new partners as well as enhancing existing relationships with the Council and other key partners, to increase the availability and take up of positive activities for children and young people with the aim of encouraging greater participation by young children and families on a low income.
- Provide a varied programme of activities including taster sessions that positively encourage and promote physical activity, particularly amongst those who are not currently active.
- Provision of a range of holiday activities for children and young people of all age ranges.
- Give due regard to the Equality Act 2010, particularly when there is a change to policy; project development or where new services are being provided or where existing services are discontinued.
- Provide opportunities and activities for Council tenants, which are either outreach or centre-based and which include tenants in rural communities.

- Provide opportunities to engage the rural population, increasing access to activities.

2. Improving Accessibility & Social Inclusion:

- Ensuring activities are accessible by the whole community, but working particularly with people and families on a low income, ensuring that activities are provided in such a way to meet the needs of specific groups within the community.
- Working with partners to identify appropriate funding to support sessions and activities that could be offered free to users at the point of delivery as a means of overcoming lack of income as a barrier to participation.
- Promote opportunities for workforce development to encourage training and skills development for individual staff.
- Explore opportunities to increase non centre-based activity to further reduce access barriers and to encourage participation from current non-users.
- To assist Lewes District Council with undertaking ongoing equalities assessments and monitoring.

3. Reducing Environmental Impact:

- Continue to look for opportunities to increase recycling for customers and staff wherever possible.
- When planning future investment with the Council, identify opportunities to reduce energy usage and help to reduce CO2 emissions. When replacing plant and equipment, cleaner and energy efficient technology should be considered that will help to generate future efficiency savings.

The Trust is required to provide an Annual Service Plan by November 2017 that takes account of the above Council priorities. This plan will then be considered by Cabinet in January 2018, for implementation from April 2018.

Annual Service Delivery Objectives Newhaven Fort 2018-2019

Lewes District Council is required to furnish the Trust with an Annual Service Statement that will provide the Trust with a framework to produce an Annual Service Delivery Plan.

On 1st May 2015 WLT was granted operational management responsibility for the Newhaven Fort. The following sets out the key actions that WLT will focus on for the 2018/19 financial year.

The Fort procurement exercise focused on four core outcomes, namely:

1. Enhance the regeneration opportunities in Newhaven by increasing the number of visitors to Newhaven Fort and generating local job opportunities.
2. Maintain and grow the heritage and educational potential of Newhaven Fort in a way which is accessible to the general public.
3. Improve the current facilities on offer.
4. Minimise the ongoing liabilities of the Council and potentially produce a revenue stream for the Council.

In order to achieve the four LDC outcomes, WLT has identified three separate but interlinked areas for the Fort Management and Operational Team to focus on, namely:

1. Experience.
2. Education.
3. Events.



Equality and Fairness Analysis Findings report – Wave Leisure Trust Annual Review

Policy = the full range of our policies, practices, activities, projects, procurement and decisions, whether it is formally written down or whether it is informal custom and practice. This includes all existing policies and any new policies under development.

Person responsible for analysis	Annie Wills	
Person responsible for policy development	Annie Wills/Phil Evans	
Policy area (or function)	To seek Cabinet approval of the objectives stated within the 2018-19 Annual Service Statement between Lewes District Council and Wave Leisure Trust	
Service area responsible for implementing the policy	Service Delivery	
Originator (if not the Council)	N/A	
Is the policy proposed (new) or existing?	Proposed	
Is it an LDC/EBC policy or a partnership initiative?	LDC only	
Key people involved in the policy development and its implementation	Bee Lewis – Head of Facilities	
Decision making bodies the policy will be referred to	Lewes District Council Cabinet.	
Director/Assistant Director	Phil Evans.	
Date of first equality quality check (internal)	Ongoing	
Date of external equality stakeholder group		

The Public Sector Equality Duty

The public sector equality duty is made up of a 'general equality duty' which in turn is supported by 'specific duties'. The general equality duty is set out in section 149 of the Equality Act 2010 and came into force on 5th April 2011. The general equality duty sets out what is required of public authorities and the specific duties help public authorities comply with the statutory obligations.

As a summary, we must, in the exercise of our functions, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

These are commonly referred to as the three aims of the general duty.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The Equality Act further states that the steps involved in meeting the needs of disabled persons that are different to the needs of persons who are not disabled include, in particular, steps to take account of a disabled persons' impairment.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

The duty also covers a 'person' who is not a public authority but who exercises public functions. We retain the responsibility for the 'person' having due regard to the three aims when delivering a service on our behalf. This should be written into their contract with us.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

Context and Scope

What is the purpose of the policy and why is it needed?

To assess the equalities impact of the recommendations contained within the report to Cabinet concerning the Wave Annual Service Delivery Plan 2016/17 in relation to leisure service provision.

In what context will it operate and who is it intended to benefit?

The agreement between the Council and Wave Leisure Trust requires Cabinet to approve a Service Statement on an annual basis and to receive a report on the performance of the Trust. Additionally, Cabinet is required to approve the joint objectives proposed for the forthcoming financial year.

What are the expected outcomes/longer term benefits of the policy?

Equality, accessibility and equality of opportunity are the building blocks of the Annual Service Delivery Plans. The key components of the plans have been designed to increase participation across a number of disadvantaged groups; reduce health inequality; improve accessibility and social inclusion and education. The plans detail how these aims will be achieved.”

Information and Research

List all sources of information and relevant data that was obtained and considered in the assessment and include the groups you consulted with?

Wave Leisure Trust is a charitable not-for-profit Trust working to inspire active lifestyles through providing high quality, affordable and accessible health and fitness facilities and activities for our community. Annual Equality Assessments are carried out. There is ongoing dialogue with users. All of the centres offer a diverse programme, at different times of the day and classes for different abilities.

Were any gaps identified in this information and if so, what are these and what actions are being taken to address them?

No gaps identified. Wave Leisure carry out regular Equality Assessments. Previous assessments made used demographic data showing how key groups were catered for as part of leisure wellbeing provision. The Council asked Wave to particularly focus on the following areas : -

- Young People
- People on low incomes
- Elderly & Ageing

Analysis and Assessment

What are the main findings, trends and themes arising out of the research and information you have gathered and any consultation you have carried out?

In response to both local and national pressures, the council recognised that there was an opportunity to close the gap between the current level of leisure provision and the anticipated need, through a more targeted approach to programming and outreach.

Wave will monitor and review its approach to “Older Persons” activity provision, within the aims of the Older People’s Strategy to develop and improve the general health and wellbeing of older people within the community.

Wave is currently working with partner organisations to have greater reach into rural settings, providing specialised taster sessions which target the less active and provide opportunities to consult with the community to identify opportunities for regular activity provision.

Working with football clubs and in partnership with Sussex County FA, Wave is currently delivering and further developing a Walking Football programme, and is targeted to men and women aged 50+.

The Strength and Balance Programme (Falls Prevention) enhances exercise designed specifically to reduce the likelihood and severity of falls in individuals who have self referred or been identified as risk of falling. Wave is currently working with partnership organisations to widen the geographical coverage of the programmes and increase opportunities for participation.

Healthy Walking programmes are provided in four Wave sites. Walks are normally conducted on a weekly basis and will traditionally last for about an hour. Wave will continue to deliver the programme, work with partners to diversify and widen the geographical coverage to attract more participants.

National Older People’s Day is an international celebration of the older person and the contribution they make to society. Traditionally Wave has supported the promotion by offering additional older person activities and reduced access charges.

The Seaford Seniors Forum run an annual event which promotes physical activity to Seaford older people. The event also informs them of additional older people services

available within the town.

Wave is an active participant of the Local Action and Advisory Groups (LAG) established by East Sussex County Council to co-ordinate a cluster of Children's Centres focused on developing a programme of family activities.

SPARK is an independent organisation representing East Sussex community and voluntary sector organisation which provide and promote actions that support children and young people. Partners include community and voluntary sector organisations, as well as statutory providers

Wave currently works independently and in partnership, to provide opportunities at low or no cost for young people and their families to participate and become more active.

Programmes are co-ordinated within a number of venues including:

- i. Shakespeare Hall, Newhaven.
- ii. Schools within Seaford Cluster.
- iii. Seaford Head School.
- iv. On behalf of Newhaven University Technical College.

Programmes are being identified and developed across a number of areas including:

- i. Malling, Landport and De Montfort in Lewes.
- ii. Northern Villages of the Lewes District.

Active Sussex is one of 45 County Sports Partnerships. Wave is a key member of Active Sussex who are working in partnership and aim to deliver programmes of activity for all ages across the region with the purpose of increasing physical activity by 1%. Wave attends conferences and CPD events in order to keep updated on both local and national agendas.

The Crime Reduction Partnership is made up of voluntary agencies and statutory members to In addition Wave provides a range of taster sessions to encourage school children to try new activities and feed into already established Club within Wave managed facilities by dry and wet side.

Wave is the recipient of a National Lottery Reaching Communities grant, with a primary aim to provide engaging and enriching participation opportunities for children and young people in Newhaven identified as disadvantaged, at risk of participating in risky behaviour or from low income households

Wave is developing a referral opportunity for recipients of this service who are identified as needing support to develop physical activity to improve physical and emotional wellbeing.

Wave is an active member of Healthy Partnerships, across the Lewes District, with community and voluntary sector organisation which provide and promote actions that support positive health and wellbeing within communities. Partners include community and voluntary sector organisations, as well as statutory providers.

“Change4Life” is a public health programme which was launched in January 2009. Run by the Department of Health it is the country's first national social marketing campaign to tackle the causes of obesity.

Change4Life's aim is to inspire a broad coalition of people, including the NHS, local authorities, businesses, charities, schools, families and community leaders to all play a

part in improving the nation's health and well-being by encouraging everyone to eat well, move more and live longer. Wave has developed and delivers programmes of activity along with partnering Sussex Community Development Association (SCDA) with healthy eating and food safety awareness campaigns.

re:balance™ is a 12 week Weight Management course, commissioned by East Sussex County Council (ESCC) and run by leisure providers in local community settings. It is a scientifically developed programme to help people old and young to lose weight and maintain a healthier lifestyle and has been designed for two age range categories; Junior, i.e. 2 to 16 years of age and adult aged 16+.

Wave continues to work with partners to identify barriers to access and address gaps in provision to develop, support and implement programmes for people to participate in, which lead to increased participation in regular activity.

Working with GP surgeries Wave continues to identify barriers to access and address gaps in provision to develop, support and implement programmes for people to participate in, which lead to increased participation in regular activity, and seeks to include access to engagement at the point of referral in GP Surgeries

In partnership with the Town Councils, over the past 4 years Wave has been providing a range of holiday schemes across the District in areas including; Lewes, Seaford, Newhaven, Peacehaven and Telscombe Cliffs.

Currently Wave works with an organisation called “i-go” who support disabled people seeking to access leisure venues to participate in sporting/general activities.

“Young Inspectors” who are themselves disabled, assess Wave managed venues on an annual basis to audit accessibility. Wave then utilises the feedback to enhance provision and accessibility for disability. Wave has a track record for offering a range of low or no cost activities within sites for disabled people.

In addition to adapted main stream activities such as athletics, football, table tennis, swimming, dance and gym, Wave offers some less traditional but highly inclusive sessions such as New Age Kurling, a form of the original curling game but adapted so that it can be played indoors on any smooth, flat surface, such as a sports hall, rather than on ice.

Wave will continue to offer programmes of activity for the disabled and to further develop relationships with current and new partners to enhance the range of accessible programmes for specific groups within the community.

Wave is already working directly with users of the Multi Skills Group to create, diversify and consult on the programme of activity available to them and enable supportive access routes to regular physical activity.

Sportivate is a nationwide campaign it provides opportunities for teenagers and young adults to receive 6-8 weeks of coaching in a sport of their choice and guides them into regular participation within their community.

<p>Which protected groups will it affect/benefit the most?</p> <p><i>Considering who the policy is intending to benefit and what the expected outcomes are, assess each characteristic and indicate whether the policy has 'M' more, 'L' less, or 'E' equal relevance. Highlight the finding.</i></p>	Age	M	E	L
	Disability	M	E	L
	Gender reassignment	M	E	L
	Marriage and civil partnership	M	E	L
	Maternity and pregnancy	M	E	L
	Race	M	E	L
	Religion or beliefs	M	E	L
	Sex	M	E	L
	Sexual orientation	M	E	L
<p>Which parts of the Public Sector Equality Duty are most relevant to the policy?</p>	1. Eliminate discrimination, harassment and victimisation		M	L
	2. Advance equality of opportunity		M	L
	3. Foster good relations		M	L

Please explain your reasons for the above assessments and how you have given consideration to the different needs of people and taken steps to minimise potential disadvantages and maximise equality of opportunity

Key performance indicators confirm the overall user satisfaction defined by user group

Age

One outcome of the strategy is to increase users at the Leisure Centres. A number of actions are in place to increase participation. The increase in users will in turn hopefully result in healthy lifestyles and less GP visits . .

Disability

The Leisure Centres are fully accessible.. The Council will work with its Disability Involvement Group and local Access Groups to seek ways in which to increase participation of disabled people in local events and activities.

All printed information will meet RNIB Guidelines

Race

The above is also true for communities and individuals in the Lewes District who do not have English as their first language. The Wave website uses Google translate and we

will ensure the information provided via Wave will be meaningful in most languages. Furthermore, the Council will work with its Cultural Involvement Group (BAME forum) to seek ways in which to increase participation of ethnic minority people in local activities and events.

Based on your findings is there a need to balance conflicting views or counter resentment and inaccurate perceptions, if so what will you do?

Currently there are no identified conflicts or inaccurate perceptions. Wave has an ongoing dialogue with a number of users groups, who have been involved in consultation and their feedback is considered in relation to programming of activities

Action Planning

If you have identified specific areas that require action to promote equality, what steps are you going to take to ensure this work is carried out and completed?

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
No actions identified					

Outcome

Considering all the evidence and the potential or actual effect of the policy on equality, I conclude that:

2. Minor adjustments can be made to better promote equality in the proposals - some steps have been identified to remove barriers or to better advance equality.

Quality Assurance

How will you implement any recommendations made?	<i>No recommendations</i>
How will the issues covered in the action plan be monitored and reviewed and who will do this?	<i>Ongoing equality assessments will be carried out to ensure performance levels are continued</i>
Who will sign off the action plan once all actions are completed?	Annie Wills – Head of Tourism & Enterprise
How will you share the results with stakeholders?	<i>A copy of the Equality and Fairness Analysis will be included within the initial report to Cabinet. It will also be available to partners and residents of Lewes district on request.</i>

Approval

Report Author	Annie Wills – Head of Tourism & Enterprise
Signed	Annie Wills
Dated	14/09/17

Director/Assistant Director	Phil Evans – Director of Tourism & Enterprise.
Signed	
Dated	14/09/17

Please now send this report to equality@eastbourne.gov.uk

For completion by the Business Planning and Performance Team:

Quality Checking

Initial quality check carried out by				
Report cleared for internal quality checking or returned to EaFA author for further action	Cleared	X	Returned to EaFA author for action	
	Tick the box that applies			
Date sent to the internal equality checking group				
Record of comments/ recommendations made by this group				
Date comments sent back to EaFA author for inclusion in final draft report – where relevant				
Date final draft report received				
Final draft report cleared by				

Date of the Equality and Fairness External Steering Group final draft report was sent to	
Record of any comments/ recommendations made by this group	
Date comments/recommendations sent back to EaFA author for inclusion	
Date final EaFA received	
Final EaFA cleared by	
Date EaFA published on website	

Agenda Item No: 9.10 **Report No:** 132/17
Report Title: Ward Issues Raised by Councillors at Council
Report To: Cabinet **Date:** 27 September 2017
Cabinet Members: Councillors Franklin, Giles and Linington
Ward(s) Affected: Peacehaven West and Newhaven Valley
Report By: Catherine Knight, Assistant Director of Legal and Democratic Services
Contact Officer(s)-
Name(s): Trevor Hayward
Post Title(s): Committee Officer
E-mail(s): trevor.hayward@lewes.gov.uk
Tel No(s): 01273 085429

Purpose of Report:

To respond to ward issues raised by councillors at Meetings of the Council.

Officers Recommendation(s):

To note and agree the officer action detailed in the Report.

Reasons for Recommendations

To ensure that appropriate follow up action is taken.

Information

- 1 The following Ward issues were raised at the Council meeting on 17 July 2017:

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
Councillor Robertson – Peacehaven West Ward	With regard to the Council's car parks and recycling areas..... <u>Suggested action to be taken by the Council:</u> That, once each year, the Council provide a waste collection skip at its car parks into which residents could be encouraged to put their waste items rather than dumping them in the car parks.	DSD

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
	<p><u>Comment by Chief Officer (Director of Service Delivery):</u> There has been no notable increase of fly-tipping reports at any of our car parks in recent months.</p> <p>If Lewes District Council were to agree to this suggestion then the provision of the skips and the disposal of the items collected would require additional budget provision. If we were to offer this service to each of the 40 car parks we inspect and maintain then the cost of this would be circa £100,000. Also any material collected in this way would go to landfill with no recycling possible.</p> <p>With 3 household waste tip sites covering the District, then the Council would encourage residents to deposit their waste items at those sites so that suitable items can be recycled correctly. Additionally the Council offers its residents a domestic bulky waste collection scheme if they have no access to the waste tip sites.</p>	
<p>Councillor Saunders – Newhaven Valley Ward</p>	<p>Residents were concerned at the effect of the potential move of the Crown Post Office in Newhaven High Street to a franchise arrangement in a new newsagents that was based in Newhaven Square.</p> <p>Elsewhere, Dee's Newsagents was a long established newsagents in Newhaven, having been trading for decades.</p> <p><u>Suggested action to be taken by the Council:</u></p> <p>What was the Council going to do to support the long established business and mitigate the effect on it by the new premises?</p>	<p>DRP</p>
	<p><u>Comment by Chief Officer (Director of Regeneration and Planning):</u> Last year, the Post Office began consultation to close the Crown Counter in Newhaven. This was of great concern to the District Council, as well as the Town Council and we began working with the Post Office to see whether there was anything the Council could do to ensure that Newhaven didn't lose the vital Post Office service.</p> <p>Despite representations from both NTC and LDC, the Post Office have decided to close the Crown Counter, but have offered a Post Office franchise instead. It is not ideal that the franchise has been offered to a newsagent when there is another one in the town already. However, retaining the Post Office service is important and the business case for the franchise, undertaken by the Post Office, has been made knowing that there was already a newsagents in the town.</p>	

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
Councillor Carr – Newhaven Valley Ward	<p>Councillor Carr reported that she was Vice-Chair of the Riverside Park Group in Newhaven which had successfully spearheaded the Council's dog fouling campaign to encourage dog owners to clean-up after their pet had defecated and to put the feces in the dog waste bins that were provided in the Park. However, there was a problem in that the Park's dog waste bins were not emptied sufficiently often.</p> <p><u>Suggested action to be taken by the Council:</u></p> <p>That the Council arrange for the dog waste bins which were located at Riverside Park, Newhaven, to be added to the Council's regular emptying schedule and that they be emptied at least on a weekly basis.</p>	DSD
<p><i>(Note: Councillor Carr declared her personal, non-prejudicial interest in this item as she was Vice-Chair of the Riverside Park Group to which she referred in her Ward Issue. However, she was able to take part in the discussion thereon).</i></p>		
<p><u>Comment by Chief Officer (Director of Service Delivery):</u> It is clear that the Riverside Park group campaign has been very successful at this location – so much so that we are planning to introduce another bin soon and also step up the bin emptying schedule at this location. From Monday 7th August, our contractor Burleys will be emptying the 3 bins here on a Monday, Wednesday & Friday. This will be monitored for the next 6 months.</p>		

Financial Appraisal

- 2 None arising from this Report.

Legal Implications

- 3 None arising from this Report.

Risk Management Implications

- 4 I have not completed the Risk Management Checklist as there is no need to undertake a risk assessment.

Equality Screening

- 5** I have not completed the Equality Analysis checklist as this Report is free from the requirement to do so.

Background Papers

- 6** None

Appendices

- 7** None

Agenda Item No: 9.11

Report No: 133/17

Report Title: "Stronger Together" Joint Transformation Programme Update

Report To: Cabinet

Date: 27 September 2017

Cabinet Member: Councillor Andy Smith

Ward(s) Affected: All

Report By: Henry Branson, Assistant Director for Business Transformation

Contact Officer(s)-

Name(s): Henry Branson

Post Title(s): Assistant Director for Business Transformation

E-mail(s): henry.branson@lewes-eastbourne.gov.uk

Tel No(s): 01273 085155

Purpose of Report:

To update Cabinet on the progress of the Joint Transformation Programme and key decisions taken by the Programme Board

Officers Recommendation(s):

It is recommended that Cabinet notes the progress made in developing the Phase Two proposals as well as the wider programme and notes the decisions made by the Programme Board.

1.0 Executive Summary

- 1.1 In May 2016 the Cabinets of Eastbourne and Lewes councils approved the Joint Transformation Programme ('the Programme') to deliver the majority of council services via shared teams adopting new ways of working.

This is a major change programme for both councils and a significant contributor to our medium term financial strategy savings targets.

- 1.2 In October Cabinet approved the three phase delivery of the programme, with Phase One lasting from September 2016 to March 2017 and Phase Two from April 2017 to March 2018. This update outlines the progress made from June to August 2017, looks ahead to the work happening in the next four months and outlines key decisions made by the Programme Board.
- 1.3 The Programme has a clear governance structure led by the Programme Board. The Programme Board meets bi-monthly and consists of the leaders and deputy leaders, the leaders of the main opposition groups, the Chief Executive and three other Corporate Management Team (CMT) members.

2.0 Programme Activity June 2017 – August 2017

2.1 Phase One

The transition process for the new teams recruited in Phase One is complete. There are four roles which are still vacant and will be subject to further rounds of recruitment.

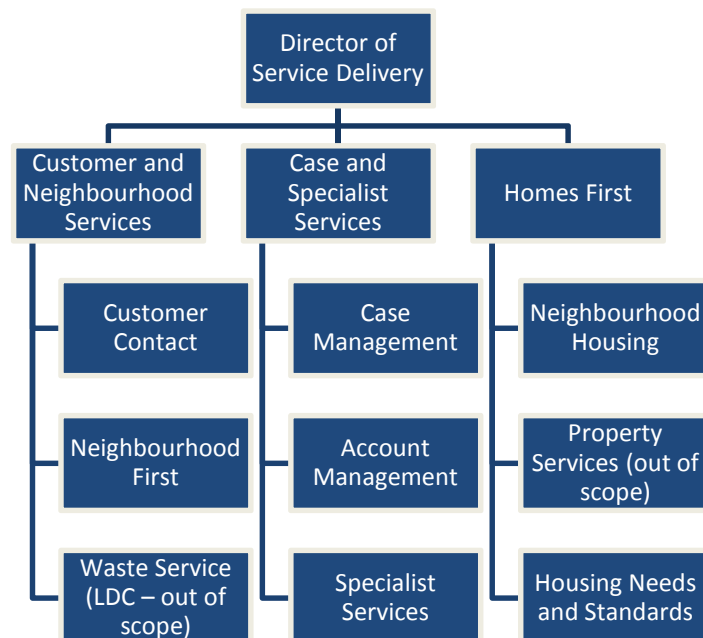
2.2 Phase Two Design Proposals

Phase One involved the design of joint strategy, planning, regeneration and democracy teams.

Phase Two involves the design of joint teams to deliver the majority of public-facing services, such as planning, environmental health, housing, licensing, council tax, business rates, benefits and parks and open spaces. Some services are out of scope and subject to separate reviews or programmes:

- Waste services
- Tourism and leisure services
- Building control services
- Property services (Homes First)

The new Phase Two teams are shown below, with a brief description of the purpose and activity of each team:



- **Customer Contact** – the first point of contact for customers by phone, face to face and online across the full range of council services, including Homes First, resolving as many customer enquiries and requests as possible first time and creating cases where appropriate for other teams to process.
- **Neighbourhood First** – a proactive, multi-skilled mobile team that carries out monitoring and inspection activity across the council areas and works with local communities to significantly improve their neighbourhoods, towns and parishes.
- **Case Management** - a multi-skilled team which will focus on managing a range of routine processes and applications across a wide range of council functions (see paragraph 2.2 above) as efficiently and effectively as possible.
- **Account Management** - a multi-skilled team which will focus on managing a range of accounts and records, including collection and arrears management of council tax, housing benefit overpayments, business rates (NNDR), rents and leaseholders.

- **Specialist Services** - a highly knowledgeable and motivated team of specialists covering a wide range of council functions (see paragraph 2.2 above) who use their qualifications, knowledge and professional judgement to determine cases and applications, assess standards and successfully implement the strategic aspirations of the councils.
- **Neighbourhood Housing** – a team providing a unified housing service across the councils that reflects the special relationship between tenant and landlord, including managing council tenancies, managing sheltered housing and tenant involvement and engagement.
- **Housing Needs and Standards** – a team providing a unified housing service across the councils that provides high quality support and advice and drives up housing standards across tenures to ensure that all residents have a home that meets their needs.

The new teams represent a significant change from traditional council structures, as highlighted in the original business case that Cabinet approved in May 2016. The new model moves away from organising the council around service specialisms to a more customer-focussed, multi-skilled approach where it is easy to contact the council, as much gets resolved for the customer as early as possible, and specialist staff only get involved in genuinely specialist or complex work.

2.3 Staff Impact and Consultation

300 full time equivalent (FTE) roles were in scope for the Phase Two design work, and 320 staff in total are affected (the number of staff being higher because of part-time working). The proposals see a phased reduction to around 237 FTE roles.

The consultation on the proposals was launched in a series of six face to face staff briefings on 3-5 July 2017. Briefings were also held with the Staff Consultative Forum and with the trade union (Unison). During the first part of consultation nearly 400 responses were received and a significantly revised set of proposals was issued on 7 August 2017 reflecting the feedback. Key teams around the council also received letters summarising the response to feedback for their area.

At the time of writing consultation is still open and the proposals may change further prior to publication of the final proposals on 15 September 2017.

2.4 New Technology

In order to achieve the efficiencies and service improvements, the programme needs to deliver a huge amount of technology change to move the councils from separate to joint systems.

In the last three months we have:

- Identified, procured and started to implement the key technologies joint teams will need (joint network, new standard laptops, mobile technology).
- Made significant progress in building the joint website, with the design approved and around 500 pages completed.
- Continued with the work to implement joint housing, finance and customer relationship management systems.

Although significant progress has been made, there have been some challenges which

caused some projects to fall behind schedule:

- One Network – at the time of writing 85 staff have been migrated to the new network, but overall the project is two months behind schedule. The project is complex and there are differences between the Lewes and Eastbourne networks that have led to technical issues which have proved difficult and time-consuming to resolve. We believe that we have overcome most significant issues and we are working to catch up.
- One Website – the new joint website was originally due to launch in August but we had too many high priority pages still to complete. The Programme Board approved a new launch date of the end of October on 18 July. This will allow the key pages to be completed and some testing with customers to be completed before we launch.
- New tools for councillors – due to the problems with the One Network project, we have not had the time to complete the configuration of new mobile technology for councillors. We aim to have some devices ready for testing by the end of September but we will not be able to introduce these for councillors until all staff have been migrated to the new network.

2.5 Equality and Fairness Analyses

Equality and fairness analyses have been completed for all relevant projects, and have been reviewed and signed off by the Equality and Fairness Forum, which will now monitor the implementation of actions detailed in the analyses.

2.6 Key Decisions by the Programme Board

In the most recent Programme Board meeting, the Board approved the new joint branding for shared services, based on a revised version of the Customer First brand already known in Eastbourne, adapted to incorporate elements of Lewes visual identity (as highlighted in the previous Cabinet update). The Board also approved the change of launch date for the website.

3.0 Looking Ahead

The next update to Cabinet will be after the completion of the Phase Two recruitment. Between now and then we will:

- Provide training and support for staff to assist them with writing job applications and on interview technique.
- Review applications for voluntary redundancy and discuss and agree arrangements with individuals.
- Complete the internal recruitment process and launch external recruitment for any vacant roles.
- Plan the transition period for the Phase Two teams, which will run from January to April 2018.
- Launch the new website.
- Complete the migration of all staff to the new network.
- Make key strategic decisions about future ICT solutions to improve our resilience and provide a standard, flexible computer desktop that can be accessed from anywhere.
- Roll out new technology to councillors to support them to carry out their council work efficiently using their council email addresses.

4.0 Consultation

As summarised at paragraph 2.3, we have formally consulted with staff and staff representative groups on the Phase Two proposals. This has been done both face to face and via email and Intranets.

We also held interactive JTP Ways of Working events for staff and councillors in July to help everyone understand better the proposals, how they would work in practice and the principles and ideas that sit behind them. These events received very positive feedback.

The Joint Transformation Programme Staff Consultative Forum will continue to meet on a bimonthly basis, involving a range of staff representatives including UNISON representatives.

5.0 Financial Appraisal

The programme is operating within the budget approved by Cabinet in May 2016, there are no variances to report. The benefits realisation programme is materially in line with the business case overall and will be confirmed once phase two is finalised.

6.0 Legal Implications

There are no legal implications arising directly out of this report.

7.0 Risk Management Implications

Risk management is a standard part of managing a programme of this scale. Risks are assessed regularly and significant issues reported to the Programme Board.

8.0 Equality and Diversity

As highlighted at 2.5, the JTP Equality and Fairness Forum has reviewed all the equality and fairness analyses and was very satisfied that appropriate consideration had been given to equality and fairness considerations.

9.0 Conclusion

The Programme is on budget and key Phase Two milestones are on track, with some pressures around some technology deliverables. There will be a need to strictly prioritise delivery of the most important technologies and business processes that enable the new teams to go live in early 2018. We will then work to further improve and develop them through 2018 and 2019 to fully deliver the planned improvements and efficiencies.

Background Papers

None