

Cabinet

13 September 2017



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Agenda for meeting of the Cabinet to be held at 6.00 pm on Wednesday, 13 September 2017 in the Town Hall, Eastbourne

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Members of the Cabinet:

Councillor David Tutt (Leader and Chairman of Cabinet): Responsibilities aligned with Chief Executive and including the community strategy, local strategic partnership, the corporate plan and economic development.

Councillor Gill Mattock (Deputy Leader and Deputy Chairman of Cabinet): Financial services including accountancy, audit, purchasing and payments.

Councillor Margaret Bannister: Tourism and leisure services.

Councillor Jonathan Dow: Place services including cleansing and recycling, parks and downland, engineering, building and development control, planning policy and strategy, environmental health and licensing.

Councillor Dean Sabri: Core support and strategic services.

Councillor Alan Shuttleworth: Direct assistance services including revenues and benefits, housing and community development and bereavement services.

Councillor John Ungar – Community safety and the crime reduction partnership.

[KD] against an item indicates that the matter involves a Key Decision and that the item has been listed in the Council's Forward Plan for at least 28 clear days.

[BPF] against an item indicates that the matter is part of the Council's Budget and Policy Framework and as such will require the approval of the Full Council.

Publication of this agenda also constitutes notice (or confirmation that such notice has previously been given) to the Chairman of the Scrutiny Committee and members of the public as appropriate:

(1) Under regulation 10(3) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in respect of any key decision not included in the Council's Forward Plan of Key Decisions within 28 days of this meeting. Such items (if any) are marked **[KDGE]** and the reasons why compliance with regulation 9 (publicity in connection with key decisions) was impracticable are given.

(2) Under regulation 5(4) of the above mentioned regulations that certain matters listed on this agenda (if any) may need to be considered in private. (This notice is given further to the earlier notice given under regulation 5(2). The reasons for private consideration are given at the relevant item, together with details of representations received (if any) about why the meeting should be open to the public.

1 Minutes of the meeting held on 12 July 2017. (Pages 1 - 16)

2 Apologies for absence.

3 Declarations of interests by members.

Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct and regulation 12(2)(d) of the 2012 Access to Information Regulations. (Please see note at end of agenda).

4 Questions by members of the public.

On matters not already included on the agenda and for which prior notice has been given (total time allowed 15 minutes).

5 Urgent items of business.

The Chairman to notify the Cabinet of any items of urgent business to be added to the agenda.

6 Right to address the meeting/order of business.

The Chairman to report any requests received to address the Cabinet from a member of the public or from a Councillor in respect of an item listed below and to invite the Cabinet to consider taking such items at the commencement of the meeting.

7 Corporate performance - Quarter 1, 2017-18 (KD). (Pages 17 - 54)

Report of Deputy Chief Executive and Director of Planning and Strategy.
Lead Cabinet member: Councillors Gill Mattock and Dean Sabri.

8 Joint transformation programme - update (KD). (Pages 55 - 60)

Report of Assistant Director of Business Transformation.
Cabinet lead member: Councillor Dean Sabri.

9 Eastbourne business improvement district (BID) (KD). (Pages 61 - 140)

Report of Director of Service Delivery.
Lead Cabinet members: Councillor Alan Shuttleworth

10 Affordable housing supplementary planning document (SPD) (BPF). (Pages 141 - 256)

Report of Director of Regeneration and Planning.
Lead cabinet member: Councillor Jonathan Dow.

11 Housing allocations policy (KD). (Pages 257 - 378)

Report of Head of Homes First.
Lead Cabinet member: Councillor Alan Shuttleworth

12 Community housing fund (KDGE). (Pages 379 - 384)

Report of Director of Service Delivery.
Lead Cabinet member: Councillors Alan Shuttleworth

13 Exclusion of the public.

The Chief Executive considers that discussion of the following items is likely to disclose exempt information as defined in Schedule 12A of the Local Government Act 1972 and may therefore need to take place in private session. The exempt information reasons are shown beneath the items listed below. Furthermore, in relation to paragraph 10 of Schedule 12A, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. (*The requisite notices having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.*)

(Note: Exempt papers are printed on pink paper).

14 Confidential minutes of the meeting held on 12 July 2017. (Pages 385 - 388)

15 Redundancy and redeployment policy -update. (Pages 389 - 392)

Report of Assistant Director of Human Resources and Organisational Development. Cabinet lead member: Councillor Dean Sabri.

Exempt information reasons 1 and 2. Information relating to an individual or likely to reveal the identity of an individual.

Inspection of background papers – Please see contact details listed in each report.

Public right of address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting (e.g. if the meeting is on a Wednesday, received by 12 Noon on the Monday before). The request should be made to Democratic Services at the address listed below. The request may be made by, letter, fax, or electronic mail. For further details on the rules about speaking at meetings or for asking a question on a matter not listed on the agenda please contact Democratic Services.

Public questions – Members of the public may ask a question on a matter which is not on the agenda. Questions should be made in writing and by the same deadline as for the right of address above. There are rules on the matters on which questions can be asked. Please ask Democratic Services for further information

Councillor right of address - Councillors wishing to address the meeting who are not members of the Cabinet must notify the Chairman in advance (and no later than the immediately prior to the start of the meeting).

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Implementation of decisions - Implementation of any key decision will take place after 5 working days from the date notice is given of the Cabinet's decision (normally on the day following the meeting) unless subject to "call-in". Exceptions to this requirement are allowed when the decision is urgent.

Further information – The Forward Plan of Key Decisions, Councillor contact details, committee membership lists and other related information are available from Democratic Services. To receive regular e-mails alerting you to the publication of Cabinet agendas (or other meeting agendas) please send an e-mail to: localdemocracy@eastbourne.gov.uk

You can view the Forward Plan of Key Decisions at
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Cabinet



Minutes of meeting held on Wednesday, 12 July 2017 at 6.00 pm

Present:-

Councillors **David Tutt** (Chairman and Leader of the Council), **Gill Mattock** (Deputy Chairman and Deputy Leader of the Council), **Jonathan Dow**, **Margaret Bannister**, **Dean Sabri**, **Alan Shuttleworth** and **John Ungar**.

The chairman welcomed Councillor Dow to his first meeting of the cabinet.

11 Minutes of the meeting held on 24 May 2017.

The minutes of the meeting held on 24 May 2017 were submitted and approved and the chairman was authorised to sign them as a correct record.

12 Declarations of interests by members.

Declarations of disclosable pecuniary interests (DPIs) by members as required under section 31 of the Localism Act and other interests as required by the council's code of conduct and regulation 12(2)(d) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Councillor Tutt declared a personal (and non-prejudicial interest) in matters relating to minutes 14 (corporate performance) and 25 (future waste, recycling and street cleansing service) as he was a council appointed non-executive director of iESE Ltd.

13 Emergency planning.

13.1 In the wake of Grenfell Tower fire, the chairman allowed Councillor Jenkins to ask about the council's emergency planning arrangements. The assistant director for corporate governance gave the following response.

13.2 All borough and district councils had statutory responsibilities as category one emergency responders under the Civil Contingencies Act 2004. Eastbourne Borough Council's overarching emergency plan covered all these responsibilities, was regularly updated, and was on the council's website. Underpinning the overall plan were subsidiary plans covering the readiness and deployment of rest centres, set up and function of the emergency control centre, and high level potential risks, for example flood/coast protection plans. In addition, bespoke emergency plans were created for specific high risk events such as elections, Airbourne in Eastbourne, and bonfire night in Lewes. The council's role was to work in partnership with other category 1 agencies such as the emergency services, in responding to major incidents. In

most situations, the lead role was taken by the police. Specific council responsibilities included strategic response at gold/silver level, and operational response at bronze level, such things as provision of rest centres, transport, catering, temporary accommodation, support to vulnerable people, road closures, liaison with utilities and other agencies, etc. Depending on the nature of the incident, the council would have a significant and potentially prolonged role in respect of business continuity and recovery. In order to provide this response, the council had a wide range of staff at all levels trained as gold, silver and bronze operatives. Corporate management team were trained to perform at gold and/or silver levels. The council had a pool of 18 senior officers trained as incident liaison officers who rotated the 24/7 emergency call out function a week at a time. Training exercises were frequently held both for strategic and operational staff. The council worked as part of an emergency planning network across East Sussex with the other boroughs and districts. East Sussex County Council provided commissioned officer support and a joined up approach. The council was also part of a mutual aid agreement with neighbouring authorities flexible deployment of the necessary resources in response to major incidents. The council also worked closely with the emergency services and participate in joint training days and was a member of the Sussex Resilience Forum. This was the pan-Sussex multi agency partnership of statutory responders, led by the police and set up to work together to prepare, respond to and recover from emergencies and major incidents

13.3 Councillor Shuttleworth commented further in respect of the specific issues raised by the Grenfell Tower fire. There were no high rise council blocks in Eastbourne; a number of blocks at 3 or 4 stories and one council block of 5 stories. Checks had been done on all blocks and no cladding or other safety issues had been identified. Communications with residents had been reviewed and the website updated with links to fire safety advice provided. The council was working closely with the fire service and building control to check private blocks of flats. To date no areas of concern had been identified.

Noted.

14 Corporate performance 2016-17.

14.1 Councillor Smart asked questions about the abortive costs of the Downland farms sales and profiling of the Hampden Park retail park acquisition in the capital programme.

14.2 Cabinet considered the report of the deputy chief executive and director of regeneration and planning reviewing the council's performance against corporate plan priority indicators and action targets; financial performance of general fund revenue expenditure, housing revenue account and capital programme; and treasury management activities, for the fourth quarter of 2016/17 and also the position at year end, against the targets set for the full year.

14.3 Appendix 1 gave detailed information on non-financial performance including details of the devolved ward budget spend for the year. Members highlighted the significant reduction in reported incidents of fly tipping and both catering and the events programme showing income above target.

14.4 The final outturn for service expenditure for the year 2016/17 was £15.1m. The table at appendix 2 of the report showed the council's financial outturn as compared with the agreed budget at service level. The general fund summary figures included the transfers to and from reserves as shown in appendix 3 to the report.

14.5 Housing revenue account (HRA) performance showed a favourable variance of £271,000, which was mainly due to the new properties let at affordable rents not included in the budget, a reduction required for the provision for bad debts and the slow take up of the under occupation scheme. The HRA delivered an surplus outturn of £688,000 representing 1.19% of turnover. The HRA balance was in line with the expectation and was sufficiently robust to support the housing self-financing 30 year business plan.

14.6 A summary of capital expenditure for the year is shown in appendix 5 to the report. The revised capital for 2016/17 was £45m and the outturn was £27m, a variance of £18m. This variance of £18m related to the purchase of Hampden Retail Park taking place in early April rather than as expected in March in the previous financial year.

14.7 The collection fund balance for council tax was a surplus of £1.4m and a deficit of £2.4m for business rates. This would be allocated to or collected from preceptors during 2017/18 and 2018/19.

14.8 In accordance with legislation and codes of practice the council was required to produce an annual treasury report reviewing treasury management activities and the actual prudential and treasury indicators for 2016/17. The Treasury management annual report for 2016-17 was considered as a separate report (see minute 15 below).

14.9 The Accounts and Audit Regulations 2015 require the council to formally approve and publish its statements for the financial year ending 31 March 2017 by 30 September 2017. The draft statement was available on the council's website and copies could be obtained from financial services. Key features were summarised in the report. The external auditor was due to commence work on 5 July and the accounts would open for public inspection between 3 July and 11 August 2017. The final audited statement of accounts would be reported to the council's audit and governance committee on 20 September 2017.

14.10 Resolved (key decision) (1) That the highlight achievements and progress against corporate plan priorities for 2016/17 be noted.

(2) That the general fund outturn on services' expenditure for 2016/17 of £15.1m, a total favourable variance of £138,000 against the revised service budget, be agreed.

(3) That the transfer from/to reserves, as set out in appendix 3 to the report, be approved.

(4) That the housing revenue account surplus for 2016/17 of £688,000, be approved.

(5) That the final capital programme as set out in appendix 5 to the report and the outturn for 2016/17 of £26.9m. be approved.

15 * Annual treasury management report 2016/17.

15.1 Cabinet considered the report of the deputy chief executive. This report covered the treasury management activity and performance for the financial year 2016/17. The council's treasury management activities were regulated by a variety of professional codes, statutes and guidance.

15.2 Past changes in the regulatory environment had placed a much greater onus on members for the review and scrutiny of treasury management policy and activities. This report was important in that respect, as it provided details of the outturn position for treasury activities and highlighted compliance with the council's policies previously approved by members. It was also confirmed that the council had complied with the requirement under the code to give prior scrutiny to all of the above treasury management reports by the council's audit and governance committee before they were reported to full council. Member training on treasury management issues was last undertaken on 23 November 2015 in order to support members' scrutiny role.

15.3 The report summarised:

- Capital activity during the year.
- Impact of this activity on the council's underlying indebtedness (the capital financing requirement).
- Reporting of the required prudential and treasury indicators.
- Review of minimum revenue provision (MRP).
- Overall treasury position identifying how the council had borrowed in relation to this indebtedness, and the impact on investment balances.
- Summary of interest rate movements in the year.
- Debt and investment activity.

15.4 The deputy chief executive also confirmed that borrowing was only undertaken for a capital purpose and the statutory borrowing limit (the authorised limit), had not been not breached. He commented that the financial year 2016/17 continued the challenging environment of previous years; low investment returns and continued counterparty risk.

***15.5 Resolved (budget and policy framework):** That full council be recommended to approve the annual treasury management report for 2016/17 and that specific approval be given to:

- (i) the 2016/17 prudential and treasury indicators included within the report;
- (ii) the re-profiling of the authorised limit and operational boundary; and
- (iii) to note the review of minimum revenue provision.

16 Medium term financial strategy 2017-21.

16.1 Cabinet considered the report of the deputy chief executive setting out an overarching financial strategy to support the council's strategic priorities and plans over a four year period. The medium term financial strategy (MTFS) was a rolling 4 year strategy that took into account:

- The external financial environment.
- The overall financial demands of services.
- The council's existing and projected financial resources.
- The council's political priorities and stated aims.
- The joint transformation programme with Lewes District Council.
- The council's corporate plan.
- The major service strategies and plans.

The MTFS had last been approved in July 2016 and set the backdrop for the 2016/17 budget setting process as well as a informing a 3-year rolling service and financial planning cycle.

16.2 In common with most authorities the medium term outlook for the council was extremely challenging and in order to protect and improve services an ambitious ongoing programme of savings was key to success. With more radical measures required, it was essential that the council took a longer term approach to savings as more radical savings initiatives would inevitably take longer to plan and deliver.

16.3 Over the life of the last two parliaments the government effectively reduced the general support to the council by some 60% in cash terms which equated to over 70% in real terms. Government funding was expected to fall a further 20% over the next parliamentary cycle to 2022/23.

16.4 To protect front line services the council had put in place a priority based budget system that had kept pace with the scale of cuts to funding and made provision for reinvestment in services. The council's joint transformation programme (JTP) provided the methodology to deliver efficiencies and support the councils corporate plans. The MTFS and capital strategy identify and direct resources at a strategic level, which were then detailed via the service and financial planning and budget setting process.

16.5 In setting recent annual budgets the council had achieved its "golden rule" of meeting its ongoing budget requirement from ongoing resources in each year. Technically, the rule applied to the cycle of the MTFS, and it was reasonable to use reserves to smooth out the budget as savings accrued over the cycle. By not using reserves in this manner it had meant that reserves over the minimum level were available for one off investments in services decided via the service and financial planning process.

16.6 The council, as a registered social landlord, was obliged to run a housing revenue account (HRA) that was statutorily ring-fenced from its general fund. A 30-year rolling business plan had been adopted for the HRA. The council was working in partnership with Eastbourne Homes Ltd. (EHL), a wholly owned subsidiary, to deliver efficiency savings in partnership using shared services. All savings accruing to the HRA were reinvested in housing services. During the last 3 years over £1m of ongoing efficiencies had been realised.

16.7 The government had set an objective to continue reducing the nation's budget deficit within the next 8 years (2025). This would involve various measures that would reduce the amount of resources to local government including:

- A further reduction in general central government support 2017-2020.
- Reducing the amount of resource available to the Department for Communities and Local Government as it was not a "protected department" which would impact on specific grants.
- Increasing in the funding for new homes bonus (NHB) paid for by further reducing the revenue support grant (RSG) which was set to be zero for the council by 2019.
- A further year on year reduction in housing benefit administration grant (on top of the £300,000 cumulative reduction in the last 6 years).

16.8 The actual effect of the national deficit reduction programme to this council had been the amount made available via the revenue support grant (RSG). The council received £8.9m in RSG in 2010/11. Whilst a scheme to retain an element of business rates was introduced in 2013, the council was now receiving £0.9m of RSG in 2017/18. This would be zero by 2019. Against this backdrop service demands on councils were ever increasing with demographic and increased expectation causal effects. A cap on public sector pay rises would be maintained and they should not increase above 1% per annum until at least 2020. The government had reduced the benefits paid to members of the local government pension scheme, by pegging future increases to the CPI instead of RPI. This has had the effect of increasing the overall funding of pensions schemes and therefore reduced the demand for future increases in employer contributions.

16.9 The report set out the council's strategy in relation to dealing with the effects of inflation in the costs of goods and services and pay, pension costs, fees and charges, interest rates, council tax, government grants and retained business rates, savings, the scope for new or enhanced service provision, the housing revenue account, reserves and the mitigation of risks. Appendix 1 to the report set out the potential risks and mitigating measures available to the council.

16.10 In order to maintain sustainable finances and fund its ambitions, the council would need to make new efficiency savings or income streams averaging £0.9m per annum for the next three years. Due to

the scale of the challenge the programme of change would require more radical measures for savings that often had a lead in period of 1 to 2 years, therefore the JTP programme was a key enabler to meeting this challenge as well as developing new income streams.

16.11 Resolved (key decision): (1) That the updated medium term financial strategy and associated plan 2017-21, as summarised in appendix 2 of the report, be approved.

(2) That the balance of assumptions made in the strategy be agreed.

(3) That that the emerging budget proposals for 2018/19 be brought to cabinet in December prior to detailed consultation and that the MTFS be re-presented if material changes arise in the interim.

(4) That the principal risks of the strategy set out in appendix1 of the report be agreed.

17 * Corporate plan 2016/20 - 2017/18 refresh.

17.1 Councillor Jenkins sought and received confirmation that completion of the Sovereign Harbour community centre would take place by December 2017.

17.2 Cabinet considered the report of the director of regeneration and planning setting out the results of a review which had been undertaken of the council's four year plan (2016 – 2020) at the end of the first year. The corporate plan was a key corporate document. It set out the council's commitments to its residents and businesses and outlined a programme of important strategic objectives and the projects that would deliver these for the borough. The plan drew upon a range of statistical data, as well as the views of key stakeholders, to inform and help shape the policy priorities for the council.

17.3 The 2016-2020 corporate plan had been adopted by the council in May 2016, following extensive consultation and engagement with local residents, partners and stakeholders. Progress against key success measures and project deliverables set out in the plan had been reported to members on a quarterly basis, as part of normal performance management arrangements (through both scrutiny committee and cabinet).

17.4 A list of completed actions were given, together with details of new areas of work to be added to the plan. Appendix A to the report gave information about the volume and range of services that the council had delivered across its functions. In order to set challenging and realistic targets a number of changes to the performance indicators were proposed and these were listed in the report.

***17.5 Resolved (budget and policy framework):** That full council be requested to approve the action plan for year 2 of the corporate plan

2016-20 (appendix A to the report), including the additional actions and projects and revisions to key performance indicators.

18 Corporate asset management plan 2017-2020.

18.1 Cabinet considered the report of the director of regeneration and planning. In order to ensure the property aspirations of the council's corporate plan were met, and in particular the over-arching aim of achieving a sustainable asset base by 2021, the council needed to put in place a robust property strategy. The corporate asset management plan 2017-2020 (AMP) provided this strategy and set out the objectives against which progress in delivering the aspirations of the corporate plan could be measured. The plan together with appendices was appended to the report.

18.2 The plan was the first joint property document between Lewes District Council (LDC) and Eastbourne Borough Council (EBC). In line with the commitment both councils had to sharing services whilst retaining sovereignty over their respective areas, property asset management would be aligned across LDC and EBC but each council's property portfolios would be treated separately. The AMP reflected both the shared vision and each council's individual priorities.

18.3 A yield growth target of 10% year on year would be achieved through the strategic management of current and future assets in line with the AMP. Costs incurred in meeting objectives and carrying out works arising out of the adoption of the plan would generally come from existing budgets, however, there might be circumstances when additional funding was sought to support future one-off projects. Property management and the responsibility for maintenance, development, disposal, estate management (including leases and licences) and statutory compliance would be brought under a centralised corporate unit.

18.4 The AMP implementation plan would be subject to progress reporting to strategic property board and annual refresh in line with changes in legislation and government requirements and the priorities of the council's corporate plan and the medium term financial strategy.

18.5 The AMP focused on 4 key areas for realising efficiencies:

- Improving yield from the investment portfolio.
- Reducing maintenance costs and liabilities.
- Delivering efficiencies through smarter procurement.
- Increasing the capital value of each council's asset base.

18.6 The following documents would support the aspirations and objectives of the AMP:

- Building maintenance plan. To move from the current position of almost 100% reactive maintenance to a 60/40 planned/reactive maintenance basis over a two-year period.
- Strategy and policy principles. Providing for governance and decision making procedures.

- Acquisition and investment strategy. Covering investment yields, due diligence checks, risks and achieving a balanced asset base with 70% of assets held as a long-term investment and 30% trading for profit.
- Disposal and transfer strategy.
- Lease and rent management policy. All new leases would generally be assessed on an open market rent basis. Social value might be taken into consideration if this was clearly in support of the councils' main aims and objectives.
- Accessibility policy. Accessibility funding would be prioritised in order to enable access to all. Where it was not possible to improve access to a building, an access plan would be put in place and alternative arrangements made so that the councils' services remained accessible.
- Risk and compliance policy. A rolling programme of surveys and assessments would be undertaken. Safe management and ultimately the safe removal of any high priority risks identified would be prioritised. Contractors would be monitored to ensure that their performance targets were being met in relation to the councils' inspection and testing regime.
- Property maintenance policy. Maintenance spend would be focused on planned rather than reactive works. Energy saving works would be included in replacement programmes where it was cost effective to do so. Operational buildings will be maintained to a good ('grade B') standard.

18.7 In order to ensure compliance with council's contract procedure rules and allow the council the flexibility to move quickly to secure acquisitions, the report recommended that authority to be delegated to the director of regeneration and planning, in consultation with the strategic property board, to agree waivers in respect of agents and legal fees relating to acquisitions.

18.8 A key part of the AMP was the asset challenge process whereby officers would stress-test existing assets considering income generation, and costs of the assets to the council. Difficult decisions would then need to be made regarding retention, disposal, investment or transfer of assets, as well as taking account of any community value. Importantly, whilst disposal and realising capital receipts was part of efficient property management, asset challenge was not solely a disposals programme. Whilst inevitably there would likely be some assets identified for disposal as they no longer met the needs of the council and its communities, all elements that would help achieve a sustainable asset base would be considered, such as regeneration opportunities, opportunities for increased yield, and reduced maintenance and financial liabilities for retained properties. Key to the process was recognition of the council's unique role as custodian for its communities and ensuring all assets that were retained had strong social, cultural, environmental and economic benefits and clearly contributed to increasing social value.

18.9 LDC's cabinet approved the AMP at their meeting on 26 June 2017.

18.10 Resolved (key decision): (1) That the corporate asset management plan 2017-2020 be approved and adopted.

(2) That the director of regeneration and planning be given delegated authority, in consultation with the Strategic Property Board, to make minor amendments to the plan if required before formal publication.

(3) That the director of regeneration and planning be given delegated authority, in consultation with the strategic property board, to approve procurement waivers in respect of commercial agents and legal fees relating to strategic acquisitions undertaken in line with the council's acquisition and investment strategy.

(4) That save for exceptional circumstances, the council's policy will be to apply open market rent for all new leases.

19 Joint venture on energy and sustainability.

19.1 Cabinet considered the report of the director of regeneration and planning to set up a structure with a private sector partner that would deliver a range of projects to meet environmental ambitions whilst also ensuring resilience against future energy, sustainability and climate change challenges.. Setting up a strategic partnering agreement (SPA) joint venture, was a low cost, low risk option putting the council in a strong position alongside Lewes District Council (LDC) to deliver sustainability ambitions, and invest in significant capital projects with the potential for financial return. A similar report had been made to LDC's cabinet and approval given to the recommendations at their meeting on 26 June 2017.

19.2 The joint venture could be used to accelerate the delivery of projects, which would be completed to agreed timescales, and to a high standard. Use of a private sector joint venture partner would mean that other contractors could be brought into projects without the requirement for a time consuming and costly procurement exercise. Other benefits were the facility to bundle up smaller projects, some of which would be of community benefit and building a local supply chain for sub-contractors. Cabinet approved the public procurement process for selecting a private sector partner at their meeting on 25 May 2016.

19.3 The procurement process had been undertaken on behalf of both councils, as founding partners. The invitation to submit final tender stage had now concluded, completing the procurement process. The Robertson Aecom Consortium were recommended as the preferred bidder and subject to the approval of both council's cabinets and satisfactory finalisation of the contractual agreements it was recommended that they were appointed as the joint venture partner for a period of 20 years, to provide a long term arrangement for a framework for the right strategic planning and investment to take place.

19.4 Further details of the objectives of the joint venture, supporting documentation, governance arrangements, and legal and financial implications were set out in the report.

19.5 Resolved (key decision): (1) That the Robertson Aecom Consortium be appointed as the preferred bidder for the energy and sustainability joint venture and award it a contract to work with Eastbourne Borough Council and Lewes District Council as the private sector partner subject to satisfactory finalisation and completion of the contractual agreements.

(2) That the setting up of a new joint board for energy and sustainability comprising Eastbourne Borough Council and Lewes District Council members as nominated by the group leaders on a politically proportionate basis be approved; such board will be advisory only and substitute members may be drawn from any political group.

(3) That director of regeneration and planning be given delegated authority to take all necessary operational decisions to implement the joint venture in consultation with the lead cabinet member for place services and where appropriate the chief finance officer and assistant director – legal and democratic services.

(4) That director of regeneration and planning be given delegated authority to agree the inclusion in the joint venture structure of other participants in consultation with the lead cabinet member for place services and where appropriate the chief finance officer and assistant director – legal and democratic services.

(5) That director of regeneration and planning be given delegated authority, in consultation with the lead cabinet member for place services and where appropriate the assistant director – legal and democratic services, to agree the terms of an inter-authority agreement to govern the relationship between Eastbourne Borough Council and Lewes District Council as founding participants under the arrangement.

20 * Statement of community involvement.

20.1 Cabinet considered the report of the director of regeneration and planning. The Planning and Compulsory Purchase Act 2004 required local planning authorities to produce a statement of community involvement (SCI), explaining how they would engage local communities and other interested parties in producing their local plan and determining planning applications. It was a legal requirement that any consultation on local plans was undertaken in accordance with the adopted SCI.

20.2 The draft statement of community involvement (SCI) was published for consultation with the local community and other stakeholders between 24 March and 18 May 2017, following authority from cabinet on 22 March 2017. Once adopted, the SCI would be used to guide consultation on planning policy documents. The current statement, adopted in 2006 and updated in 2009, was now out of date.

20.3 During the consultation on the SCI, a total of 21 representations were received from 11 respondents. This includes representations from the Clinical Commissioning Group, Highways England, Southern Water, the Health and Safety Executive, Natural England, Bespoke and five individuals. Six of the 21 representations did not comment on the content of the SCI. The full representations and the recommended officer response to the representations were contained in appendix 1 to the report. A schedule of changes recommended in light of those representations was provided as appendix 2 to the report. An amended version of the SCI as a result of the recommended changes was provided as appendix 3 to the report. A summary of the main issues raised during the consultation was given in the report.

***20.4 Resolved (budget and policy framework):** (1) That cabinet endorse the statement of community involvement, as set out in appendix 3 to the report, and recommend its adoption by full council.

(2) That cabinet endorse, and recommend to full council, the revocation of the previous statement of community involvement (adopted 2006, amended 2009), as set out in appendix 4 to the report.

(3) That full council be recommended to agree that any minor or technical adjustments found necessary in the statement of community involvement be delegated to the director of regeneration and planning in consultation with the lead cabinet member.

21 Public space protection orders.

21.1 Cabinet considered the report of the director of service delivery. Part 4 (i.e. the community protection provisions) of the Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers to tackle anti-social behaviour, which were designed to be more streamlined and victim focused. These provisions included the power to make public space protection orders (PSPOs). Certain existing orders made under previous legislation would automatically become PSPOs and stay in force for 3 years unless repealed. However, it was recommended to review such existing orders, consult with relevant authorities, repeal the original orders, and replace them with new PSPOs.

21.2 The relevant orders were those covering control of the public consumption of alcohol, dog fouling, dogs on leads and the banning of dogs from designated public places. The council would, where required, consult with the police, the police and crime commissioner, land owners of affected areas and any appropriate community representatives.

21.3 Resolved (key decision): (1) That the public space protection orders in draft form, as set out in appendices B to E of the report, be approved for the purposes of consultation.

(2) That the director of service delivery, in consultation with the lead cabinet member, be granted delegated authority:

- (i) to carry out statutory consultation on the draft public space protection orders;
- (ii) if necessary, to amend the content of the orders in light of consultation responses;
- (iii) to make and publicise the orders in accordance with relevant legislation;
- (iv) to put in place arrangements, including with external parties, to enforce the orders; and
- (v) to keep the orders under review; and to cease, renew or amend them at the end of their term, as appropriate.

22 Eastbourne Homes Investment Company Limited (EHICL) and Joint Housing Investment Partnership with Lewes District Council (JHIP).

22.1 Cabinet considered the report of the chief executive updating members on progress with the establishment of the joint housing partnership (JHIP) with Lewes District Council (LDC) further to the cabinet's decisions taken on 22 March 2017 and setting out plans for first phase delivery; providing an update on the progress of Eastbourne Housing Investment Company (EHICL) activities; and seeking approval to officer delegations for the purpose of loans and associated matters.

22.2 The new JHIP was formally incorporated on 1 July 2017. It had unrestricted objectives but its primary purpose was to act as the asset holding vehicle for affordable housing properties that could not, for financial accounting or other reasons, be held in Eastbourne BC and Lewes DC's respective housing revenue accounts (HRA's). Such properties might be acquired as a consequence of Eastbourne BC's new development programme via Eastbourne Housing Investment Company Limited (EHICL) or might be direct acquisitions into the JHIP. Cabinet also approved an associated recommendation to allocate up to £30m in the council's capital programme to progress the next phase of delivery for EHICL (£20m) and first phase delivery for JHIP (£10m), in both cases for the delivery of new mixed tenure homes and associated activities.

22.3 Details of EHICLs current programme, comprising the delivery of 84 residential units at various sites at a total cost of £8.204m, were given in the report. It was proposed to bring forward a £5m affordable homes programme of 37 street/block acquisitions through the JHIP in addition to the EHICL street property acquisition programme.

22.4 Through future phase delivery, the JHIP would also act as the asset holding vehicle for affordable housing properties developed through the EHICL and its Lewes counterpart, Lewes Housing Investment Company Limited (LHICL) commercially focused development programmes. As an example, for larger 'pipeline' EHICL schemes, such as Bedfordwell Road, the required affordable housing would be transferred on completion to the JHIP as there was insufficient headroom within the HRA to enable direct incorporation and the council would otherwise lose control over delivery and letting of these homes. The earliest expected transfers to the JHIP would take place in 2018. In the meantime, there was

continued pressure on the council to meet housing need in very challenging times. The council was spending on average £40 a night on procuring the rental of emergency accommodation in Eastbourne for those whom the council had a duty to assist with housing.

22.5 Resolved (key decision): (1) That the focus of first phase housing delivery via the joint housing investment partnership be approved.

(2) That all and any future decisions to agree scheme lending parameters for loans to Eastbourne Homes Investment Company Limited, including decisions about the types of property for which any loan might be made and the terms of any such loan, shall be delegated to the council's chief executive in consultation with the council's chief finance officer (and monitoring officer, where appropriate), and in consultation with the lead cabinet members for community and finance.

(3) That any future purported delegation to officers to negotiate and/or agree terms and/or confer any benefit (financial or otherwise) on any company or partnership in which the council has an interest shall be a delegation to the council's chief executive in consultation with the council's chief finance officer (and monitoring officer, where appropriate), and in consultation with the relevant lead cabinet members.

(4) That the council will build governance audits as described in para 5.8 of the report into its annual work programme.

23 Eastbourne business improvement district (BID).

It was reported that this matter was now due to be considered at the cabinet's next ordinary meeting on 13 September 2017.

Noted.

24 Exclusion of the public.

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraph of schedule 12A and a description of the exempt information is shown below. *(The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)*

25 Future waste, recycling and street cleansing service - delivery options.

25.1 Cabinet considered options for the future waste, recycling and street and beach cleansing services. Eastbourne was part of the East Sussex Joint Waste Partnership (ESJWP) to deliver these services alongside Hastings Borough Council, Rother District Council and Wealden District Council. A contract had been in place with Kier Services since

April 2013, due to run for 10 years. However, a mutual exit had been agreed with Kier to terminate the contract in June 2019.

25.2 Options of either continuing a part of the ESJWP or joining with Lewes District Council as part of a directly-delivered service had been the subject of extensive evaluation. The confidential report and appendices explored in detail the costs and implications of these options.

25.3 Members reviewed the options and indicated that their preferred option was for a joint service with Lewes District Council and that the council withdraw from the East Sussex Joint Waste Partnership. Officers were authorised to carry out further work to progress this option and to ensure that new service arrangements are in place for June 2019.

Notes: (1) The full minute of the above matter is set out in the confidential section of these minutes. The report remains confidential. (2) Exempt information reasons: 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information) and 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

26 Investment opportunity.

26.1 Cabinet approved proposals with regard to an investment opportunity. The opportunity would use the council's financial status to leverage income meeting the needs of the medium term financial strategy in line with the council's corporate plan and treasury management strategy.

26.2 Full details of the proposal, risk analysis, financial and legal implications were given in the confidential report to members. Initial advice from treasury management advisors confirmed that the deal was sound and the risk managed, although it was noted that there was an amount of due diligence yet to be undertaken, including around powers, and any such arrangement would be dependent upon acceptable heads of terms being agreed.

Notes: (1) The full minute of the above matter is set out in the confidential section of these minutes. The report remains confidential. (2) Exempt information reasons: 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information) and 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

The meeting closed at 7.29 pm

**Councillor David Tutt
Chairman**

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- BODY:** CABINET
- DATE:** 13 September 2017
- SUBJECT:** Corporate Performance Q1 2017/18
- REPORT OF:** Deputy Chief Executive
Director of Strategy, Planning and Regeneration
- Ward(s):** All
- Purpose:** To update Members on the Council's performance against Corporate Plan priority actions, performance indicators and targets over Q1 2017/18 period.
- Contact:** Jo Harper, Head of Business Strategy and Performance
Tel 01273 085049 or email jo.harper@lewes-eastbourne.gov.uk
- Pauline Adams, Head of Shared Service for Finance
Tel 01323 4157979 or email Pauline.adams@eastbourne.gov.uk
- Recommendations:** Members are asked to:
- i) Note the achievements and progress against Corporate Plan priorities for 2017/18.
 - ii) Consider whether there are any particular aspects of Council progress or performance that it wishes to comment upon or consider further as part of its work programme in 2017/18.
 - iii) Agree the General Fund, HRA and Collection Fund financial performance for the quarter ended June 2017, as set out in part B of the report.
 - iv) Agree the virements as set out in paragraph 1.4 in part B of the report.
 - v) Agree the amended capital programme as set out in Appendix 4.
 - vi) Agree the Treasury Management performance as set out in section 5 in part B of the report
-

-
- Consultation:** The priority themes were developed in consultation with residents via the Residents Survey and online Survey which were both conducted throughout July and August 2015 and informed the development of the corporate plan.
- Implications:** There are no significant implications of this report.
- Conclusions:** This report provides an overview of performance against the authority's priority actions and indicators as at Quarter 1 2017/18.
- Both the General Fund and HRA budgets are on target Capital expenditure is in line with expectations.
- The Collection Fund forecast for Council Tax is indicating a surplus of £1.5m and a deficit for Business Rates of £2.6m. This will be allocated to or collected from preceptors during 2017/18 and 2018/19.
- Treasury Management performance is on target and all activities were within the approved Treasury and Prudential Limits.

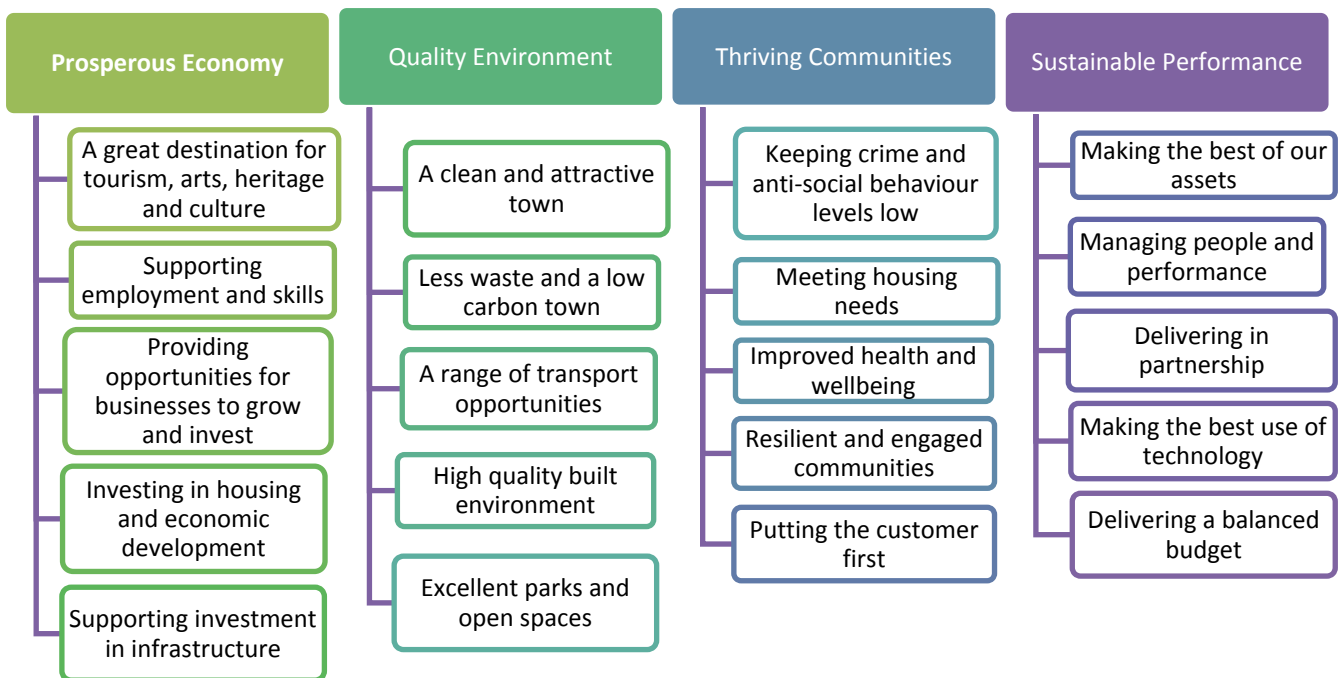
Corporate Performance Q1 2017/18

1.0 Introduction

- 1.1 The performance of the Council is of interest to the whole community. People expect high quality and good value for money services. Performance monitoring, and a strong performance culture helps us to ensure we continue to deliver excellent services and projects to our communities in line with planned targets.
- 1.2 This report sets out the Council's performance against its targets and projects for the first quarter of 2017/18 (April to June 2017).
- 1.3 The Council has an annual cycle for the preparation, delivery and monitoring of its corporate and service plans. 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.

2.0 Themes and Priority Visions

- 2.1 The Corporate Plan was developed with 4 themes to focus delivery of improvement activity for the borough. Each of these themes had its own priority vision for how the authority and its stakeholders wanted Eastbourne to develop. Performance is measured against these themes and objectives.








3.0 Annual Summary of Scrutiny 2016/17

- 3.1 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.
- 3.2 2016/17 was once again a productive year for the Eastbourne 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.
- 3.3 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
 - An ongoing Scrutiny Review to investigate the A27. This review is currently underway and will reconvene in 2017/18
 - Establishment of a Scrutiny Panel to investigate the issue of the A27, with the aim to report back to the Scrutiny Committee in 2017/18
 - Scrutiny of the work arising from the Eastbourne Community Safety Plan
 - Scrutiny of the General Fund 2017/18
 - Scrutiny of the Capital Programme 2016/20
 - Scrutiny of the Housing Revenue Account 2017/18

4.0 2017/18 Q1 Performance Overview

- 4.1 [Appendix 1](#) provides detailed information on progress and performance for Members' consideration, clearly setting out where performance and projects are 'on track/on target' and where there are areas of under-performance/concern. Where performance or projects have not achieved target, an explanation is provided, together with a summary of the management action that has been taken to address this. The Appendix is structured around the key Theme areas.
- 4.2 The Council uses a Project and Performance Management System (Covalent) to record, monitor and report progress and performance. 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

	<ul style="list-style-type: none"> • Performance that is slightly below target but is within an agreed (usually +/- 5%) tolerance • Projects where there are issues causing significant delay or change to planned activities
	<ul style="list-style-type: none"> • Performance that is below target • Projects that are not expected to be completed in time or within requirements
	Project has completed, been discontinued or is on hold

5.0 Summary of Progress and Performance – Quarter 1 2017/18

5.1 Prosperous Economy

Achievements

- Tennis player facility completed in time for Aegon Tournament.
- 12,941 patrons attended performances at the Bandstand, against a target of 8,000.
- Wish Tower contract agreed and consultants working on planning application.
- Planning application for access to serve the next phase of the Sovereign Harbour Innovation Park has been submitted. Occupancy at Pacific House at 80%.
- Extension to the Arndale is progressing well and on schedule for completion and opening in November 2018.

Issues / missed targets

- 5 net additional homes were completed against a target of 61.

5.2 Quality Environment

Achievements

- 100% of major planning applications processed within 13 weeks. Performance well above target of 60%.
- 88% of minor and other planning applications were processed within 8 weeks.
- Fly-tipping figures continue to remain low with only 82 incidents reported this quarter against a target of 150. A 60% reduction from the same period last year.
- Hampden Park improvements progressing well and due to be finalised in August.
- Joint Venture for Energy and Sustainability approval received by LDC and EBC Cabinets.

Issues

- There were no significant issues during Quarter 1.

5.3 Thriving Communities

Achievements

- Performance has improved on percentage of calls answered within 30 seconds. First quarter performance was 86% against a target of 80%. This was due to a fully staffed and trained team.
- Good performance of percentage of calls abandoned. Quarter 1 was 2.06% against a target of 5%.
- Eastbourne still remains in the three lowest Community Safety Partnership areas for all crime despite a rise in crime across Sussex due to changes in reporting.
- Skate park build commenced mid July and expected to be completed at the end of August.
- The county-wide partnership Health & Housing Programme Older Persons Housing Needs survey completed.
- First iconic beach hut on site with a second one due for installation in September.
- Community Lottery gaming commission licences applied for.

Current issues

- At the end of Quarter 1, 73 households were living in temporary accommodation, above the target of 30. This reflects an increase in homelessness across the South East. Work is underway to find suitable alternatives to using emergency accommodation.

5.4 Sustainable Performance

Achievements

- National non domestic rates collected above target and good performance against the same period last year.

Current Issues

- Sickness absence is 1.73 days against a target of 1.45 days.

6.0 Community Ward Projects - Devolved Budget

6.1 These are at the end of Appendix 1 detailing current Devolved Budget spend by ward and the projects that have been supported through this scheme so far this year.

Each ward has a total of £10,000 available to spend each year on schemes requested by the local community.

Background Papers:

The Background Paper used in compiling this report were as follows:

Corporate Plan 2016/20 <http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/corporate-strategies/>

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Part B

Financial Performance Q1 2017/18

1.0 General Fund

1.1 General Fund performance of the quarter is shown in the table below:

Department	Full Year Budget	Profiled Budget	Actual to 30th June 2017	Variance to date
	£'000	£'000	£'000	£'000
SUMMARY				
Corporate Services	5,763	2,317	2,359	42
Service Delivery	6,394	14,473	14,447	(26)
Regeneration, Planning & Assets	(1,322)	482	512	30
Tourism & Enterprise Services	3,766	969	961	(8)
Total Service Expenditure	14,601	18,241	18,279	38
Contingencies, etc	(793)	19	1	(18)
Capital Financing and Interest	1,868	52	52	-
Contributions to/(from) Reserves	(1,143)	-	-	-
Net Expenditure	14,533	18,312	18,332	20

Service Details are shown at **Appendix 2**.

1.2 The position at the end of June shows a small variance of £38,000 on service expenditure. This relates to several areas of minor under and over spends which are being carefully monitored.

1.3 The contingency fund currently stands at £78,250 which is available to fund inflationary increases and any future unforeseen one off areas of expenditure during the year. This may however be required to fund any underachievement in the JTP savings target for the year if financial benefits from the programme are delayed.

1.4 Financial procedure rules require all virement requests over £10,000 for revenue expenditure to be approved by Cabinet. Members are asked to approve the following virement:

Amount	From	To	Description
£35,700	Western View	MRP	Western View Invest to Save - year 5 17/18 MRP

2.0 HRA

2.1 HRA performance of the quarter is as follows:

	Current Budget	Profiled Budget	Actual to 30 Jun 2017	Variance to date
	£'000	£'000	£'000	£'000
HRA				
Income	(15,551)	(4,071)	(4,080)	(9)
Expenditure	12,617	1,831	1,809	(22)
Capital Financing & Interest	1,885	-	-	-
Contribution to Reserves	1,049	-	-	-
Total HRA	-	(2,240)	(2,271)	(31)

A further breakdown is shown at **Appendix 3**.

2.2 HRA performance shows a favourable variance of (£31,000), which is mainly due to the under occupation scheme (£16K). Other small variances are being carefully monitored.

3.0 Capital Expenditure

3.1 The detailed capital programme at **Appendix 4**, provides a summary of the spend for quarter 1 compared to the allocation for 2017-18 and the total spend for each scheme as at 31.3.17. Brief comments are provided for each scheme and more detailed comments are provided below for larger schemes.

3.2 The Capital Programme for 2017-18 totals £76.1m compared to £76.7m approved at Cabinet in July 2017. The reduction relates to changes to the HRA New Build Phase 2 & HRA Empty Homes Phase 2 (£319k) and the removal of the Princes Park Fit Out (£260k).

3.3 At the start of the Wish Tower project, the cost consultants identified that there was a tension between the aspirations for the building and the budget. However, following a process of value engineering the costs have been reduced to a more realistic level. The new cost of the building (to include all fees) is £1,800,000. It is proposed that the Council funds the gap of £600,000 between the Pier Grant (£1,200,000) and the building cost, from the capital programme allocation for acquisition of land and property. This additional investment will be covered by the revenue earned from the rent of the building as Heads of Terms have been agreed with Bistrot Pierre.

3.4 Detailed comments on larger schemes:

Line No.	Comment
64	Future Model phase 2 - The remaining budget for this project relates to outstanding deliverables from the principle software supplier. Some of these deliverables will now be managed through the Joint Transformation Programme (JTP) but once delivered, will trigger payments against the original project. The budget will be fully spent by year end.

66	IT – Block Allocation - Significant investment will take place this year in storage systems, additional server capacity and replacement laptops and mobile devices to replace ageing equipment purchased during the agile working programme in 2010/11. The majority of this budget will be committed in 2017/18.
69	EHIC Loans (Properties purchased from EBC) - Agreed facility of £4,173k to provide loans to purchase EBC properties. Three loans totalling £2,803k have been agreed of which £843k has been drawn down. The remaining facility of £1,370k is available for other properties to be identified.
70	EHIC loans (Properties purchased on the open market) - Agreed facility of £5m to provide loans to purchase private properties. Six loans totalling £1,675k have been agreed of which £1,050k has been drawn down. The remaining facility of £3,325k is available for other properties; 5 further properties have been identified totalling £801k and work is currently on-going to complete.
75	JTP Programme - This scheme is the subject of regular update reports to Cabinet. The budget will be spent over three years from 2016/17 to 2018/19. Currently the programme is on-budget.
79	Devonshire Park Redevelopment - Progress currently as per construction programme agreed in main contract, expected completion Feb/Mar 2019 and open for business Spring 2019. Tennis player facilities construction complete and all snagging to be resolved in August 2017.

4.0 Collection Fund

4.1 The Collection Fund records all the income from Council Tax and Non-Domestic Rates and its allocation to precepting authorities.

4.2 The Collection fund for the year is as follows:

	Council Tax £'000	Business Rates £'000
Balance B/fwd 1.4.17	(1,432)	2,377
(Deficit recovery)/Surplus distributed	973	(854)
Debit due for year	(61,744)	(35,197)
Payments to preceptors	60,709	35,731
Allowance for cost of collection		114
Allowance for appeals		373
Write offs and provision for bad debts	243	105
Estimated balance 31.3.18	(1,251)	2,649
Allocated to:		
CLG	-	1,325
East Sussex County Council	(918)	238
Eastbourne Borough Council	(163)	1,060
Sussex Police	(108)	-
East Sussex Fire & Rescue	(62)	26
	(1,251)	2,649

- 4.3 The allocation to preceptors reflects the operation of the Collection Fund for Council Tax and Business Rates which are distributed on different bases under regulations. The distributions for the estimated balance calculated at quarter 3 will be made in 2018/19. Any changes in quarter 4 will be made in 2019/20.
- 4.4 Council Tax performance is predicted to be a £1.3m surplus for the year. As the aim of the collection fund is to break even the surplus represents an overachievement of £0.8m for the year. This is due to the result of a combination of factors including better performance against the collection allowance forecast within the Council Tax base. The estimated balance as at 31.3.18 represents 2.03% of the gross debit.
- 4.5 The predicted Business Rate deficit of £2.7m for the year represents an in year underachievement from business rate income of £1.1m. This is as a result of the on-going risk from the number of outstanding business rate backdated appeals. The total number of appeals outstanding against the 2010 rating list as at 30.6.17 was 374 with a total rateable value of £28.8m.

With the introduction of the new 2017 rating list the procedure for making appeals has been changed, which is intended to speed up the process, reduce the number of appeals and provide some certainty on the financial implications to local authorities. The valuation office is yet to publish any data relating to these appeals, therefore an estimate has had to be calculated based on experience from the previous appeals system.

The estimated deficit balance as at 31.3.18 represents 7.53% of the total debit for the year.

- 4.6 Collection fund performance is as follows:

Cash Collection Rates	Council Tax	Business Rates
Q1 Actual	29.19%	29.91%
Q1 Target	29.20%	29.12%

5.0 Treasury Management

- 5.1 The Annual Treasury Management and Prudential Indicators were approved by Cabinet and Council in February.

5.2 Economic Background

UK data has been less robust in recent months and, in particular, all of the June Purchasing Manager Index (PMI) numbers turned lower, while consumer confidence dipped to its lowest level since the EU referendum. Household savings levels are at a record low. The largest drag on the economy in Q1 was the retail sector and there appears to have been a partial reversal of the declines in Q2. Overall, economists still expect a bounce in quarterly growth to around 0.5%.

Q1 was confirmed as having experienced a sharp slowing in the rate of growth to 0.2% q/q, from 0.7% the previous quarter. Households are feeling the effect of rising inflation on spending capacity so the 0.4% q/q increase in consumer spending looks likely to weaken, as growth was supported by savings levels being cut to a record low. Output indices reflect an increased pace through Q1, which extended into Q2. Overall, analysts see Q1's tepid performance as a blip rather than an on-going problem.

Sterling's weakening has, to date, had little positive impact on the external sector, the weak net trade performance has been put down to strong imports growth, for both goods and tourism services. But import growth has started to ease in recent months and surveys point to improved export prospects, both from a price and capacity perspective.

Employment growth picked up in the three months to April but the annual rate of growth was unchanged at 1.2%, as was the unemployment rate of 4.6,

CPI increased to 2.9% in May, the highest since 2013 as falling fuel prices were outweighed by gains in other areas. Analysts are looking for CPI to peak around in the autumn before edging slowly back toward target.

5.3 **Interest Rate Forecast**

The Bank of England had forecast in August 2016 that growth would be near to zero in the second half of the year due to the economic shock it expected from the result of the Brexit referendum in June. However, it has had to change its mind and in its February and May 2017 Inflation Reports, the Bank upgraded its forecasts for growth (May Report - 2017 1.9%, 2018 and 2019 1.9%). However over these years, it also expects inflation to accelerate towards nearly 3% as increases in costs as a result of the fall in the value of sterling since the referendum, gradually feeds through into the economy, though it should fall back to 2.2% in 2019. Provided those cost pressures do not feed through into significantly higher domestically generated inflation within the UK, the MPC is expected to 'look through' this one off blip upwards in inflation. Wage inflation, which is a key driver of domestically generated price pressures, is currently subdued. There is, though, a potential risk that the MPC might muster a majority to reverse the emergency 0.25% rate cut before embarking on a progressive trend of increases in Bank Rate at a later time.

5.4 **Annual Investment Strategy**

The Treasury Management Strategy Statement (TMSS) for 2017/18, which includes the Annual Investment strategy, was approved by Council on 22 February 2017. It sets out the Council's investment priorities as being :

- Security of Capital;
- Liquidity;
- Yield.

A full list of short term investments held as at 30 June 2017 is shown in the

table below:

Counterparty	Amount £	Interest Rate %	Maturity
Santander	1,000,000	0.55	Call
	1,000,000		

In addition, a sum of £1m is invested with Lloyds Bank at a rate of 3.03% maturing on 23.1.19. This investment is held as part of the LAMS scheme and all interest earned will be transferred into a reserve set up to mitigate any financial risks arising from that scheme.

No approved limits within the Annual Investment Strategy were breached during the quarter ending 30 June 2017.

Investment rates available in the market have continued at historically low levels. Investment funds are available on a temporary basis and arise mainly from the timing of the precept payments, receipts of grants and the progress of the capital programme.

5.5 Investment performance for the quarter ending 30 June 2017 is as follows:

Benchmark	Benchmark Return	Council Performance	Interest Earning
7 day LIBID	0.20%	0.35%	£4,143

The Council outperformed the benchmark by 0.15%. The budgeted investment return for 2017/18 is £50,000. Due to cash flow requirements and current low interest rates, investments held are at minimum and it is unlikely that this budget will be achieved.

The continuous use of internal balances is in line with the Council's strategy and reduces the amount of interest payable on loans and investment income.

5.6 **Borrowing**

The following loans was taken during the quarter:

New Long Term Borrowing from PWLB			
Date	Amount	Interest Rate	Yrs
15-May-17	£2,000,000	2.43	42
15-May-17	£2,000,000	2.41	45
15-May-17	£2,000,000	2.40	48
22-May-17	£2,000,000	2.33	49
22-May-17	£2,000,000	2.33	49
Total	£10,000,000		

New Short Term Borrowing				
Start Date	Counterparty	Amount	Interest Rate	End Date
10-May-17	Runnymede BC	£2,000,000	0.35	21-Aug-17
15-May-17	Middlesbrough BC	£5,000,000	0.30	09-Aug-17
30-May-17	Lewes DC	£3,000,000	0.32	30-Aug-17
30-May-17	North Yorkshire CC	£5,000,000	0.45	29-May-18
30-Jun-17	Edinburgh CC	£4,500,000	0.20	31-Jul-17
Total		£19,500,000		
Less Short Term Borrowing Repaid				
Repayment date				
10-May-17	Runnymede BC	-£2,000,000	0.30	
15-May-17	Middlesbrough BC	-£5,000,000	0.36	
Net New Short Term Borrowing		£12,500,000		

Cash flow predictions indicated that further borrowing will be required throughout the year, depending on the timing of capital expenditure. The exact timing and nature of this borrowing will be considered at that time in light of prevailing interest rates.

5.7 Compliance with Treasury and Prudential Limits

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved TMSS.

During the quarter to 30 June 2017 the Council has operated within all the treasury limits and Prudential Indicators set out in the Council's Treasury Management Strategy Statement and in compliance with the Council's Treasury Management Practices.

Background Papers:

The Background Paper used in compiling this report were as follows:

Budget monitoring working papers 2017/18

Collection Fund and Business Rates Collection Fund monitoring working papers 2017/18

Capita Asset Services City Watch July 2017







Capital Asset Services Quarter 1 Treasury Management Model report.

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Eastbourne Borough Council Corporate Performance Report Q1 2017-18






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Key			
	Performance that is at or above target;		Performance that is below target Projects that are not expected to be completed in time or within requirements
	Project is on track		Project has completed, been discontinued or is on hold
	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		Data with no performance target


1. Prosperous Economy

1.1 Prosperous Economy Key Performance Indicators

KPI Description	Annual Target	Q1 target	Q1 2017/18	Status	Explanatory Note
Investing in Housing and Economic Development					
Number of affordable homes delivered (gross)	At least 30	0	0		It is anticipated that delivery of affordable homes will be realised in Quarter 3 of this financial year.
Net additional homes provided	At least 245	61	5		A total of 5 net additional dwellings were completed in the first quarter of 2017/18, across 7 sites (two sites resulted in a net loss of dwellings).
Performance Improvement Plan : There are currently 322 net additional units currently under construction, with a number of sites expected to be completed in the next quarter. Therefore it is still possible that the annual target of 245 net addition units will be achieved, despite the very low completion rate in the first quarter.					
Providing opportunities for businesses to grow & invest					
Town centre vacant business space	28.40%	7.10%	5.65%		Shop vacancy reporting from 1 April to 30 June 2017 returns a vacancy rate of 5.65% which is below the national reporting rate for the South East. Please note: 16 unavailable units subject to the Arndale Centre extension development have been excluded from the total number of available units (635 total units reduced to 619).
A great destination for tourism, arts, heritage and culture					
Bandstand patrons	At least 30,000	8,000	12,941		Q1 at the bandstand has seen an increase in patrons compared to the same period last year. ((Q1 16/17 : 9,400). There has been an increase in all of the performances, particularly the Wednesday night 1812 concert.
Redoubt visitors - paying visitors	At least 8,500	3,200	3,004		This quarter the Redoubt opened to the public with a very different offer. The number of paying visitors in Q1 is just under 200 visitors down on the target. We have done well with student groups, school visits and events, with all of our Science Week workshops selling out.





1.2 Prosperous Economy Projects & Programmes

Project / Initiative	Description	Target Completion	Status	Update
Supporting investment in infrastructure				
Extension to Arndale Shopping Centre	Led and financed by Legal and General. An £85m scheme to provide 22 new retail units, 7 restaurants and 9 screen cinema.	30-Nov-18		Still on schedule for completion and opening in November 2018. Monthly focus meetings with Legal & General, Kier and ETCIS Project Team to ensure schemes are aligned.
Providing Opportunities for businesses to grow & invest				
EBC Sovereign Harbour Innovation Park (SHIP)	New contemporary business premises at Sovereign Harbour Innovation Park	31-Mar-22		Planning application for access to serve the next phase of the Sovereign Harbour Innovation Park was submitted at the end of July. Occupancy of Pacific House is currently at 80%.
A great destination for tourism, arts, heritage & culture				
Devonshire Park Redevelopment	Significant investment to establish Devonshire Park as a premier conference and cultural destination to include: New welcome building: Restoration of Congress, Winter Garden and Devonshire Park Theatres: Improved Accessibility: Improving tennis facilities: New Conference/exhibition Space & Cafe: Public realm improvements	01-Dec-20		Tennis Player facility completed in time for Aegon tournament and facility performed well during tournament meeting expectations. Further snagging required post-Aegon. The contract with Vinci has been signed. There are different piling options under consideration due to inconsistent clay levels. EBC are currently assessing with Vinci and Design Team. Piling work is expected to take a month.
Refurbish the Redoubt Fortress	Restoration of the fort - Create a new entrance, lift access, opening of remaining casements, environmental improvements.	31-Mar-20		This year we have started to create an imaginative and interpretive exhibition that tells the story of the Redoubt and the people of Eastbourne. This is a long term project which will start with the removal of the colonnade. Once the colonnade has been removed we will start to create a Heritage Strategy that sets out the long term vision for the Redoubt, heritage service and a new museum.
Wish Tower Restaurant	Scheme to deliver a flagship restaurant	01-Apr-19		Heads of Terms have now been agreed with Bistrot Pierre. Drafting of the legal agreements will commence in September. Focus Consultants have been re-engaged and are now working on the planning application. Build anticipated to be completed in spring 2019.
Vibrant Events Programme	All year round programme that attracts visitors to Eastbourne •Airbourne •Beer & Cider Festival •Cycling Festival •Magnificent Motors •Eastbourne Extreme •Beachy Head Marathon •Tour of Britain • AEGON Tennis Championship	31-Mar-17		This quarter there have been a number of successful events. Magnificent Motors saw a record attendance of vehicles covering vintage classic and modern cars. Visitors also enjoyed a music stage, a vehicle cavalcade and the attendance of the "Harveys" bar. The Beer and Cider by the Sea festival took place during the late May bank holiday weekend and was well attended by over 3,100






Project / Initiative	Description	Target Completion	Status	Update
				<p>visitors who enjoyed real ales, ciders and live music.</p> <p>This year's tournament saw the return of the ATP tour to join the well established WTA event at Devonshire Park. Admissions were just under 48,000 which was a record year being a 6,000 increase on the previous best year with record crowds on Mon ,Tues Weds and Thurs. The tournament was shown on TV globally to over 50 countries.</p> <p>The 2017 Beach Life Festival took place at the eastern seafront and Princes Park on15 and16 July. Event partners provided displays of inline skating, a world slalom championships, roller derby, windsurfing, paddle boards and displays of classic VW campers and bike displays. The event also combined with a launch event on the Saturday for the new works at Princes Park including the new Boathouse café.</p>
New Museum	A purpose build museum on the site of the Pavilion, which will house the story of Eastbourne, with a café, shop and education facilities.	31-Mar-20		


2. Quality Environment

2.1 Quality Environment Key Performance Indicators

KPI Description	Annual Target	Q1 Target	Q1 2017/18	Status	Explanatory Note
High Quality Built Environment					
Processing of Major planning applications within 13 weeks	At least 60%	60%	100%		Performance is back on track.
Processing of Minor planning applications within 8 weeks	At least 70%	70%	88%		Performance is back on track.
Processing of Other planning applications within 8 weeks	At least 80%	80%	87%		Performance is back on track.
A clean and attractive town					
Number of reported fly-tipping incidents	1,275	150	82		Q1 has seen fly tipping figures remain low due to the continued efforts of Neighbourhood First and Kier. At 82, this represents 60% reduction from the previous year.
Less waste and low carbon town					
Percentage of household waste sent for reuse, recycling and composting	At least 35.00%	35%	42%		Q1 has seen an increase in recycling of 2.5% compared with last year, largely attributed to higher garden waste yields. This performance figure is provisional and fully verified data will be available in September.



2.1 Quality Environment Project & Programmes




Project	Description	Target Completion	Current Status	Update
High Quality Built Environment				
Conservation Area Appraisals	EBC has 12 conservation areas and there is an expectation that each and every conservation area should be reviewed and assessed every 5-10 years. This review will determine the extent of change within the Conservation Area, whether the extent of the Conservation Area boundary should be reduced/extended and identify the scope/parameters of targeted interventions. It is the ambition that all twelve will be reviewed on a rotating basis beginning with the Seafront and Town Centre Conservation Area with two areas completed each year.	31-Mar-2019		Draft appraisal document for The Town Centre and Seafront Conservation Area has been prepared and will be out for public consulting and engagement over the summer with formal adopted expected during Autumn 2017.
Town Centre Public Realm Improvements	Significant improvements to the pedestrian environment in Terminus Road and Cornfield Road to be delivered alongside the extension to the Arndale. Joint Partnership Project with ESCC	1-Feb-2019		ESCC are currently reviewing the responses to the consultation on moving the westbound bus stops into Gildredge Road. Project Board met on 11 August to review detailed designs.
Excellent parks and open spaces				
Eastbourne Park Initiatives	Delivery of priority initiatives identified in the Eastbourne Park Supplementary Planning Document including conservation and enhancement of the existing environmental, ecological and archaeological characteristics of Eastbourne Park for future generations. Sensitive management of the area to provide appropriate leisure and recreational uses	31-Mar-20		Final report has been issued on Review of Eastbourne Park Flood Storage Scheme. This work will be moved to Specialist Advisor who deals with Parks and Gardens when Phase 2 of the JTP is implemented.
Hampden park improvements (Green flag)	Improvements to the main entrances and to the path network in Ham Shaw woods as recommended in Hampden Park Green Flag Management Plan	Aug-17		Final stage of work commenced on 24 July and a new sign is due to be installed by the end of August which will complete the entrance improvement.
Parks and Open Spaces Signage	Create and roll out standard, future proof signage throughout the parks and open spaces of Eastbourne	30-Nov-17		There were some delays due to the branding of the new corporate logo. Approval for the corporate logo has now been agreed by JTP Board. Signage is currently in the design stage.

Project	Description	Target Completion	Current Status	Update
Less waste & a low carbon town				
Joint Venture for Energy and Sustainability	Set up a joint venture between Eastbourne and Lewes Council and a private sector organisation to deliver local energy and sustainability ambitions for the next 20-30 years. Suitable joint venture partner is found by May 2017. The Joint Venture will then develop a programme of work.	12-Jul-17		LDC and EBC Cabinet approvals granted to appoint Robertson and AECOM Consortium as the preferred bidder for the Energy & Sustainability Joint Venture. Interviews for Tier 1 Contractors held on 22nd August.



3. Thriving Communities





3.1 Thriving Communities Key Performance Indicators


KPI Description	Annual Target	Q1 target	Q1 2017/18	Status	Explanatory Note
Improved Health & Wellbeing					
Average number of days for assistance with adaptations (Disabled Facilities Grants)	Less than 100 days	100 days	89		The median average number of days for assistance with adaptations for Q1 is 89. This is well within the target of 100 days. There were 18 cases during this period.
Meeting Housing Needs					
Number of households living in temporary accommodation	Under 30	30	73		<p>At the end of Quarter 1 the number of people in emergency accommodation was 73. This is higher than the last quarter and significantly higher than the target of 30.</p> <p>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.</p> <p>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 emergency accommodation and reduce associated costs.</p>
					<p>Performance Improvement Plan</p> <p>We will be building further emphasis towards prevention measures into the structure during the JTP process and will ensure all emergency / temporary accommodation is robustly managed in the meantime.</p>

KPI Description	Annual Target	Q1 target	Q1 2017/18	Status	Explanatory Note
Putting the Customer First					
Percentage of calls to 410000 answered within 30 seconds	More than 80%	80%	86.17%		Quarter 1 saw the customer contact team achieve 86% of calls answered within 30 seconds against a target of 80%. Performance improved from last quarter due to a fully staffed and trained team.
Percentage of calls abandoned	Less than 5%	5%	2.06%		Quarter 1 saw only 2.06% of calls abandoned against a target of under 5% which has been due to a fully staffed and trained team. The abandonment rate has dropped from Q4 of 2016/2017.
Keeping Crime & Anti-social behaviour low					
Ranking in our Most Similar Group (MSG) in relation to all crime	At least 4th	At least 4th	3rd		<p>Eastbourne remains the 3rd lowest town for crimes per 1000 population within its Most Similar Group (MSG) despite a rise of 10% in police-recorded crime across England and Wales.</p> <p>In Quarter 1 there has been a focus on managing the impact the Street Community has on residents, businesses and visitors of Eastbourne. The Joint Action Group has set up a sub-group to coordinate the work of voluntary and statutory partners to address the anti-social behaviour caused by the Street Community.</p>

3.2 Thriving Communities Projects & Programmes




Project / Initiative	Description	Target Completion	Current Status	Update
Improved health & wellbeing				
Sovereign Centre New Leisure Centre	A new leisure centre	31-Mar-20		<p>The new Sovereign Centre project is made up of two work streams:</p> <ul style="list-style-type: none"> Construction of the new centre Appointment of a new operator <p>The construction work achieved RIBA stage 3 design as planned in July. Following consultation with various user groups some elements of the design are being reviewed and a revised Stage 3 report will be issued once this work has been completed.</p> <p>The operator procurement is ongoing.</p>
Health & Housing - East Sussex	A new County-wide programme of health & housing related projects	31-Mar-20		<p>The Health & Housing workstream of ESBT is progressing well. The latest piece of work to come from the project is the Older Persons Housing Needs survey. A full report has been completed.</p>

Project / Initiative	Description	Target Completion	Current Status	Update
Skate park – Shinewater	To upgrade existing dated, modular jumps to a bespoke, specialist design/ constructed concrete skate park. . The concrete skate park brief will be influenced through the skate park users with a design and build contract to a set sum of £50k.	17 Aug -17		Works commenced on 19 July. The build is expected to be completed by the end of August, weather permitting.
Meeting housing need				
Housing & Economic Development Programme	Deliver an ambitious programme of housing development and refurbishment that provides homes and makes a positive contribution to Eastbourne's economic future	31-Mar-20		<p>The first Iconic beach hut has arrived on site and the second is due for installation in September. Princes Park café refurbishment is now complete and has opened for business.</p> <p>The development team has three schemes on site, new build at Sumach Close and two refurbishments, 62A Tideswell Road and 13 The Avenue. Contracts for new builds at Fort Lane and Northbourne Road are about to be awarded with start on sites expected Autumn 17.</p> <p>Works towards the remediation at Bedfordwell Road are progressing with enhanced security measures and a cleanse of the Pump House being done.</p> <p>Investigations into viability of garage sites across Eastbourne and Lewes underway.</p>
Resilient & engaged communities				
Delivery of Community Centre to serve the Sovereign Harbour Neighbourhood	EBC working with Sovereign Harbour Community Association and Wave Leisure to deliver a £1.6m community centre	30-Nov-17		SHL to sign Deed of Variation asap so that planning permission can be issued and an order placed for the structure.
Community Facilities	Supporting Development and Management of community buildings such as community centres, community library, town hall.	31-Mar-18		A Special Meeting of the Trustees of Trees Community Association agreed continuation of the contract with SCDA. The Chair stood down and a new Chair has been elected. One of the Trustees who has been keen to retire for some time stood down. The Association now has a strong Board with a number of active members. The building has been fully redecorated and one of the new Trustees project managed this work. A Business Plan has been agreed and funding plan is in place to ensure continuity.


Project / Initiative	Description	Target Completion	Current Status	Update
Community Lottery	Launch an online Eastbourne Local lottery to help fund discretionary support for Community organisations and to enable good causes to raise funds directly.	1-Oct-17		The gaming commission licence applications have been submitted. The target date for the lottery going live is still expected to be 1 October 2017.

4. Sustainable Performance

4.1 Sustainable Performance Key Performance Indicators

KPI Description	Annual Target	Q1 Target	Q1 2017/18	Status	Explanatory Note
Delivering a balanced budget					
Local percentage of Council Tax collected in year	At least 97.06%	At least 29.20%	29.19%		The performance during quarter 1 is slightly below target by -0.01%. The team has collected an extra £907,454.86 in the 1st quarter of the year compared to 2016/2017 Q1 figures.
National non-domestic rates collected	At least 98%	At least 29.12%	29.90%		The performance during quarter 1 is above target by -0.78%. The team has collected an extra £325,901.59 in the 1st quarter of the year compared to 2016/2017 Q1 figures.
Managing our people & performance					
Sickness absence - average days lost per employee	No more than 5.8 days	1.45 days	1.73 days		The sickness absence rate for the first quarter was very slightly over target.
					Performance Improvement Plan : Although above target, Eastbourne's sickness levels have historically been very low in comparison with other authorities, so this slight increase is not a particular cause for concern at this stage. The sickness absence management processes will continue to be closely followed and it is hoped that this will be reversed in the next quarter.

4.2 Sustainable Performance Projects & Programmes

Project / Initiative	Description	Target Completion	Current Status	Update
Delivering in partnership				
<p>Joint Transformation Programme</p> <p>Henry Branson</p>	<p>A major programme to integrate the Eastbourne Borough Council and Lewes District Council workforces, and transform the service delivery model for both organisations. Deliver £2.7m savings while protecting services</p>	31-Mar-20		<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>

Community Projects - Devolved Ward Budgets Q1

Ward	Projects	Description	Project Spend to Date
Devonshire	Allchorn Pleasure Boats	To enable schools and the Public etc to access the public viewing gallery / building for observation purposes and talks on what we are doing, this will enable us to raise more money for the project.	£1,000.00
	Mardi Gras	To support the organisation of Eastbourne' s first Mardi Gras parade on 22 July 2017.	£2,500.00
	Gated Alleyway in Latimer Road	To fit gates to prevent access to residential alleyways.	£2,055.00
	Same Sky / Princes Park	To support the Princes Park Community Fun Day.	£3,000.00
	Eastbourne Volunteers	To support volunteers, make the best use of shared resources, create a website so the public know where to go information about volunteer groups, promote inclusion and fight social isolation. These funds are to be used to assist in the production of a newsletter.	£597.00
Devonshire Total			£9,152.00
Hampden Park	Balloon Festival	To support the organisation of Eastbourne's first Balloon Festival 29-30 July 2017.	£2,000.00
	Eastbourne Stagers	To supply new equipment to allow performances in the street and at the school venue where they currently perform.	£1,500.00
Hampden Park Total			£3,500.00
Langney	Goals for Eastbourne Youth Team	To provide Goals, footballs and accessories for Youth football teams. Langney Wanderers/ Under 12 year olds.	£500.00
Langney Total			£500.00
Meads	1st Meads Scout Group	To acquire a shed (for storage) and flags for the 1st Meads Scout Group to assist in its development.	£1,575.85
Meads Total			£1,575.85

Community Projects - Devolved Ward Budgets Q1 cont.

Ward	Projects	Description	Project Spend to Date
Old Town	No spend for Q1		£0.00
Ratton	Balloon Festival	To support the organisation of Eastbourne's first Balloon Festival 29-30 July 2017.	£2,000.00
Ratton Total			£2,000.00
St Anthony's	No spend for Q1		£0.00
Sovereign	No spend for Q1		£0.00
Upperton	No spend for Q1		£0.00
Grand Total			£16,727.85

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	Original Budget	Revised Budget	Profiled Budget	Actual	Variance	Comments
	£'000	£'000	£'000	£'000	£'000	
CORPORATE SERVICES						
Corporate Management	188	203	75	79	4	
Financial Services Team	1,550	1,550	458	493	35	
Corporate Finance	312	312	213	224	11	
Internal Audit and Corporate Fraud	240	240	80	77	(3)	
Strategic Finance	2,102	2,102	751	794	43	
Human Resources	379	379	140	135	(5)	
Legal Services	234	256	117	116	(1)	
Systems Admin and Support	1,650	1,664	835	835	-	
Projects and Performance	330	254	119	119	-	
IT Services	1,980	1,918	954	954	-	
Corporate Development	200	200	70	78	8	
Local Democracy	705	705	210	203	(7)	
Corporate Development and Governance	905	905	280	281	1	
TOTAL CORPORATE SERVICES	5,788	5,763	2,317	2,359	42	
SERVICE DELIVERY						
Service Management	(70)	(70)	14	15	1	
Strategy and Commissioning Community	116	116	12,324	12,328	4	
Service Management	81	81	76	76	-	
Specialist Advisory	4,843	4,877	1,436	1,427	(9)	
Case Management	633	633	180	180	-	
Account Management	448	435	124	150	26	
Customer Contact	866	865	288	269	(19)	
Neighbourhood First	574	590	233	215	(18)	
Customer First	7,445	7,481	2,337	2,317	(20)	
Bereavement Services	(1,147)	(1,133)	(202)	(213)	(11)	
TOTAL SERVICE DELIVERY	6,344	6,394	14,473	14,447	(26)	
REGENERATION, PLANNING POLICY & ASSETS						
Service Management	62	62	16	16	-	
Regeneration	265	265	679	679	-	
Planning	108	108	32	32	-	
Corporate Landlord	(2,030)	(2,063)	(515)	(535)	(20)	
Facilities Management	310	306	270	320	50	
Estates and Property	(1,720)	(1,757)	(245)	(215)	30	
TOTAL REGENERATION, PLANNING POLICY & ASSETS	(1,285)	(1,322)	482	512	30	
TOURISM AND ENTERPRISE						
Service Management	69	91	22	22	-	
Towner	623	623	332	332	-	
Devonshire Park Complex	-	-	-	-	-	
Tourism and Enterprise	445	445	73	70	(3)	
Catering	231	196	19	2	(17)	
Heritage	188	189	18	18	-	
Tourist Information	120	118	26	28	2	
Tourism and Enterprise	984	948	136	118	(18)	
Sports Delivery	269	273	220	218	(2)	
Seafrost	(29)	(24)	47	70	23	
Events	662	661	(27)	(47)	(20)	
Theatres	1,186	1,194	239	248	9	
TOTAL TOURISM AND ENTERPRISE	3,764	3,766	969	961	(8)	
TOTAL SERVICE EXPENDITURE	14,611	14,601	18,241	18,279	38	

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112				
	ORIGINAL BUDGET £' 000	REVISED BUDGET £' 000	ACTUAL £' 000	VARIANCE £' 000
INCOME				
Gross Rents	(14,489)	(3,654)	(3,656)	(2)
Charges for Services	(1,062)	(417)	(424)	(7)
TOTAL INCOME	(15,551)	(4,071)	(4,080)	(9)
EXPENDITURE				
Management Fee (Eastbourne Homes Limited)	7,261	1,815	1,815	0
Supervision and Management	1,024	16	2	(14)
Provision for Doubtful Debts	126	0	(8)	(8)
Depreciation and Impairment of Fixed Assets	4,206	0		0
TOTAL EXPENDITURE	12,617	1,831	1,809	(22)
NET COST OF SERVICE	(2,934)	(2,240)	(2,271)	(31)
Loan Charges - Interest	1,896	0	0	0
Interest Receivable	(11)			0
NET OPERATING (SURPLUS) DEFICIT	(1,049)	(2,240)	(2,271)	(31)
Appropriations				
Transfer to Reserve	1,049	0	0	0
HOUSING REVENUE ACCOUNT (SURPLUS) / DEFICIT	0	(2,240)	(2,271)	(31)
HOUSING REVENUE ACCOUNT WORKING BALANCE				
In Hand at 1st April 2016	(3,549)	(3,678)	(3,678)	
Surplus for 2016/17	0	(2,240)	(2,271)	
In Hand at 31st March 2017	(3,549)	(5,918)	(5,949)	

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Line No	Scheme	Total Scheme Approved	Scheme Actual to 31.3.17	Spend 2017-18 Q1	Re-profiled Allocation 2017-18	Balance of Allocation remaining for 2017-18	Future Years Allocation	Funding	Comments
		£000	£000	£000	£000	£000	£000		
1	HOUSING REVENUE ACCOUNT								
2	Major Works	Ongoing	N/a	297	5,167	4,870	-	EBC	On target to complete in 2017-18
3	Environmental Improvements	Ongoing	N/a	-	40	40	-	EBC	On target to complete in 2017-18
4	Riverbourne House Kitchen Conversion	262	-	-	262	262	-	EBC	Scheme has been shared with residents. Start expected in 6 months.
5	Total Managed by Eastbourne Homes		-	297	5,469	5,173	-		
6	Other Schemes								
7	New Build Phase 2	4,016	1,190	230	2,827	2,597	-	EBC/Grant	Sumach Close practically complete. Fort Lane works due to start Autumn
8	Empty Homes Prog Ph2	2,448	1,949	110	499	389	-	EBC/Grant	Completion expected November 2017
9	Total HRA		3,139	637	8,795	8,159	-		
10	COMMUNITY SERVICES								
11	Memorial Safety Cems	40	6	-	34	34	-	EBC	Works planned for 2017-18
12	Digitalise Burial Records	10	-	-	10	10	-	EBC	Works planned for 2017-18
13	Ocklynge Cemetery Chapel	150	81	-	70	70	-	EBC	Works planned for 2017-18
14	Main Chapel Refurb - Phase 2	26	9	-	17	17	-	EBC	Works planned for 2017-18
15	Disabled Facilities Grants	Ongoing	3,898	124	2,169	2,045	-	Grant	Options being considered for best use of funds with other authorities
16	BEST Grant (housing initiatives)	Ongoing	1,936	-	159	159	-	Grant	Spend based on demand with a slow start to the year
17	Acquisition of Land & Property	2,400	-	-	2,400	2,400	-	EBC	Schemes under investigation
18	Contaminated Land	185	114	-	71	71	-	Grant	On target to complete in 2017-18
19	Coast Defences Beach Management	Ongoing	5,605	-	298	298	-	Grant	Beach surveys carried out and recycling shingle works to commence from October
20	Cycling Strategy	41	-	-	41	41	-	EBC	No plans to spend at the moment, but retained to allow the implementation of any initiatives identified in the Cycling Strategy
21	Play Area Sovereign Harbour	27	-	-	27	27	-	S106	Awaiting site for new play area
22	Terminus Road Improvements	500	-	-	500	500	-	EBC	Completion expected 2017-18
23	Sov Harbour Community Centre	1,600	371	-	1,229	1,229	-	EBC/S106/Grant	there will be ongoing costs associated with the provision of the community centre which is expected to be provided on site before the end of the calendar year

Line No	Scheme	Total Scheme Approved	Scheme Actual to 31.3.17	Spend 2017-18 Q1	Re-profiled Allocation 2017-18	Balance of Allocation remaining for 2017-18	Future Years Allocation	Funding	Comments
		£000	£000	£000	£000	£000	£000		
24	Bodiam Cres Play Area Path	20	18	-	2	2	-	EBC	Completed
25	Shinewater Skate Park	50	-	-	50	50	-	EBC	Consultation with skate park users/ fine tune designs, ordered with start date in July 2017 with completion by 31 August 2017
26	Seaside rec - Play Equipment	120	9	111	111	0	-	EBC	Completed
27	Motcombe Pond	50	46	1	4	3	-	EBC	Final biodiversity enhancements to complete - autumn 2017 completion
28	Hampden Park - Improvements (Green Flag)	50	15	3	35	32	-	EBC	Works in progress. Completion due Sept 2017
29	Old Town Rec. - Improvements (Green Flag)	25	14	-	11	11	-	EBC	Works completed
30	Seaside Rec - all weather path	50	28	12	22	10	-	EBC	Works completed
31	Signage Re-branding (Parks & Open Spaces)	30	-	-	30	30	-	EBC	Delayed due to rebranding. Now at design stage should be completed by December 2017
32	Tugwell Park - all weather path (Phase 1 & 2)	50	37	13	13	0	-	EBC	Works completed
33	Car Parking Machines	72	67	-	5	5	-	EBC	Works completed under allocation
34	Public Conveniences Beachy Head	40	39	-	1	1	-	EBC	Works completed
35	Public Conveniences Green St	40	37	-	3	3	-	EBC	Works completed
36	Shinewater Park - Scoping	20	-	-	20	20	-	EBC	Options being considered
37	Air Quality Monitoring Equipment	31	2	29	28	-1	-	EBC	Completed within allocation
38	Helen Gardens Play Equip	40	-	-	40	40	-	EBC	Design brief prepared, schemes received. New play area to be designed/built by December 2017
39	Chiltern Close Play Equip	25	-	-	25	25	-	EBC	Design brief to be prepared by October 2017 for installation by 31 March 2018
40	Lower Holywell Public Con	50	-	-	50	50	-	EBC	Works planned for Nov 17 - March 18.
41	Redoubt Public Convenience	40	-	-	40	40	-	EBC	Design work due Sept 17
42	Green Street Disabled Toilet	31	25	-	6	6	-	EBC	Works completed
43	Total Community Services		12,357	293	7,521	7,228	-		
44	TOURISM & LEISURE								
45	Volleyball Court	25	7	-	18	18	-	EBC	Planning permission has been granted for the courts. Awaiting decisions regarding next steps

Line No	Scheme	Total Scheme Approved	Scheme Actual to 31.3.17	Spend 2017-18 Q1	Re-profiled Allocation 2017-18	Balance of Allocation remaining for 2017-18	Future Years Allocation	Funding	Comments
		£000	£000	£000	£000	£000	£000		
46	Sports Park Flood Lights	30	-	-	30	30	-	EBC/External	Additional funding to be sought through partners to complete
47	Re-surface Tennis Courts	265	242	-	23	23	-	EBC/External	Working with the LTA regarding re-surfacing of the courts at Manor Gardens
48	ILTC - Air Conditioning	60	-	-	60	60	-	EBC	On target to complete in 2017-18
49	Redoubt - Stair Climber	20	-	-	20	20	-	EBC	Workable scheme identified. Waiting for permission from Historic England
50	Colonnade Removal	500	-	-	500	500	-	EBC	Works planned for November 2017
51	Redoubt - Asphalt Gun Platform	50	-	-	50	50	-	EBC	Working with Historic England to agree a works programme, to coincide with the colonnade removal
52	HPSC - Changing Rooms	20	-	-	20	20	-	EBC	Works planned for Autumn 2017. Quote to be sought August/Sept.
53	5 Iconic Beach Huts	90	-	19	90	71	-	EBC	On target to complete in 2017-18
54	Equipment at Devonshire Park	70	20	6	50	44	-	EBC	On target to complete in 2017-18
55	Sovereign Centre	24,480	270	133	3,230	3,097	20,980	EBC	Initial planning work in progress.
56	Changing Places	69	-	-	69	69	-	External	Works due August 2017
57	Wash Down - Devonshire Park	20	-	-	20	20	-	EBC	On target to complete in 2017-18
58	Seafront Van	13	-	-	13	13	-	EBC	On target to complete in 2017-18
59	Sports Park Astro Pitch	35	-	35	35	-	-	EBC	Works completed April 17. Awaiting invoices
60	Total Tourism & Leisure		539	193	4,228	4,035	20,980		
61	CORPORATE SERVICES								
62	Carbon Reduction Works	434	172	13	262	249	-	EBC	Options being considered
63	Invest to Save	15	-	-	15	15	-	EBC	Available for schemes to be identified
64	Future Model Phase 2	3,661	3,535	-	126	126	-	EBC	Budget will be fully spent by year end.
65	Investment Capital	5,750	1,150	-	4,600	4,600	-	External	Schemes to be identified
66	IT - Block Allocation	Ongoing	561	45	517	472	-	EBC	Majority of budget due to be committed in 2017/18
67	EHIC - Loan (Gowland Ct)	1,850	1,835	-	15	15	-	EBC	Property purchased 26.11.15. Full loan for works not yet drawn down
68	EHIC - Revolving Credit	100	65	5	35	30	-	EBC	Available for drawdown as required
69	EHIC - Loan Facility (EBC transfers)	4,173	450	393	3,723	3,330	-	EBC	Further schemes to be identified
70	EHIC - Loan Facility (Private Properties)	5,000	490	480	2,010	1,530	2,500	EBC	Further properties to be identified
71	EHIC - Victoria Mansions	4,035	2,960	50	1,075	1,025	-	EBC	Purchase completed. Major works due 2017-18

Line No	Scheme	Total Scheme Approved	Scheme Actual to 31.3.17	Spend 2017-18 Q1	Re-profiled Allocation 2017-18	Balance of Allocation remaining for 2017-18	Future Years Allocation	Funding	Comments
		£000	£000	£000	£000	£000	£000		
72	Bedfordwell Road	3,100	1,604	13	1,496	1,483	-	EBC	Purchase completed 2016-17. Works being planned.
73	Hampden Park Retail	18,840	35	18,805	18,805	0	-	EBC	Completed April 2017
74	Buccaneer Pub	1,580	-	1,578	1,580	2	-	EBC	Completed Q1. Legal fees outstanding
75	JTP Programme Office	6,878	2,296	457	1,143	686	3,439	EBC	Planned works on schedule.
76	Mayor's Car	20	-	-	20	20	-	EBC	On target to complete in 2017-18
77	Total Corporate Services		15,153	21,839	35,422	13,583	5,939		
78	Asset Management								
79	Devonshire Park Redevelopment Project	44,000	6,064	2,109	17,744	15,635	20,192	EBC/External	Project on target.
80	Spinnakers Café	200	-	2	200	198	-	EBC	Demolition being investigated
81	Royal Hippodrome Theatre	127	-	-	127	127	-	EBC	Options being considered
82	Town Hall Community Hub	20	-	-	20	20	-	EBC	Options being considered
83	The Point - improvements	20	-	12	20	8	-	EBC	Fire alarm, door security and electrical works completed. Further works required to bring to acceptable standards.
84	Water Co. Project	124	6	118	118	-	-	EBC	Utilities mapping survey for Downs Water completed
85	Asset Management - Block Allocation	Ongoing	-	-	168	168	-	EBC	Unallocated to specific schemes
86	Total Asset Management		6,070	2,241	18,397	16,156	20,192		
87	Grant Funded Schemes								
88	Wish Tower Restaurant	1,800	75	-	1,725	1,725	-	Grant	New operator chosen. Building works planned to start end of 2017-18
89	Statue Sculpture Installation	22	1	-	21	20	-	Grant	Project ongoing; currently in design phase. Currently on budget; no exceedance predicted. Completion anticipated Summer 2018.
90	Total Grant Funded Schemes		76	-	1,746	1,745	-		
91	General Fund		34,195	24,566	67,314	42,747	47,111		
92	HRA		3,139	637	8,795	8,159	-		
93	Total		37,334	25,203	76,109	50,906	47,111		

Body:	Cabinet
Date:	13 September 2017
Subject:	"Stronger Together" Joint Transformation Programme Update
Report of:	Assistant Director for Business Transformation
Ward(s)	All
Purpose	To update Cabinet on the progress of the Joint Transformation Programme and key decisions taken by the Programme Board
Decision Type:	Key Decision
Recommendation:	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.
Contact:	Henry Branson, Assistant Director for Business Transformation Tel: 01323 415155 or email henry.branson@eastbourne.gov.uk

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.

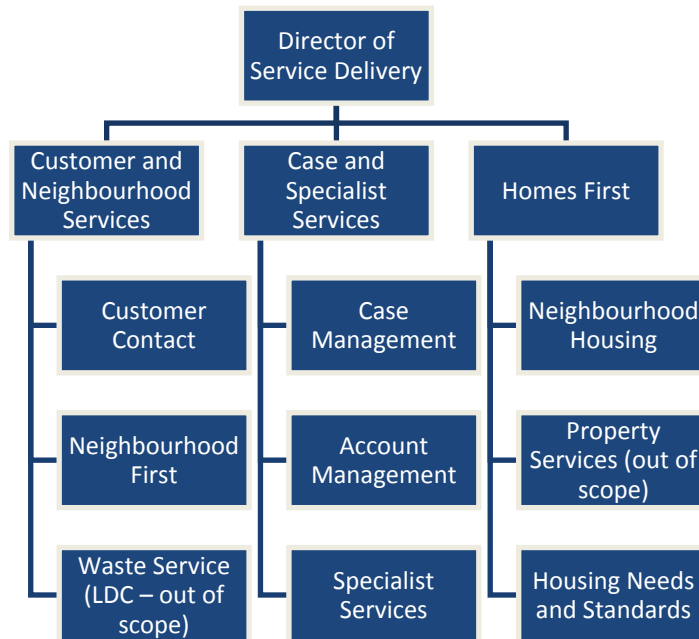
2.2 Phase Two Design Proposals

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 Implications

The programme is operating within the budget approved by Cabinet in May 2016. There are no significant variances to report.

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

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Body:	CABINET
Date:	13 September 2017
Subject:	Eastbourne Town Centre Business Improvement District
Report of:	Director of Service Delivery
Ward(s)	Devonshire, Meads and Upperton.
Purpose	To approve the amended Business Improvement District Business Plan.
Decision type:	Key decision
Recommendations:	<p>(1) That the amended Business Improvement District Business Plan set out in Appendix 1 be approved and the council's Returning Officer (as 'ballot holder') be instructed to proceed with the ballot and require the lead officer for revenues, benefits and service support to supply up to date rating list information in suitable format to the ballot contractor.</p> <p>(2) That the Chief Finance Officer be given delegated authority –</p> <ul style="list-style-type: none">(i) to determine the statement of baseline services and baseline agreement and to review the agreement annually; and(ii) if the ballot is successful, to operate a BID revenue account and pass over relevant monies to the BID company. <p>(4) To confirm that the expected costs of the ballot (c.£3,500) will be met by the council.</p> <p>(5) That the Director of Service Delivery be given delegated authority –</p> <ul style="list-style-type: none">(i) approve the BID operating agreement;(ii) to vote in favour of the BID in respect of business hereditaments held by the council within the BID area; and(iii) if the ballot is successful, to administer, bill, collect and enforce levies under the BID scheme . <p>(6) To note that the council's Returning Officer is permitted to delegate his responsibilities to others and that he has engaged the services of Electoral Reform Services Ltd to undertake the ballot on his behalf.</p> <p>(7) To agree that the initial 'one-off' software costs required to collect the BID levy (c.£20,000) will be met by the council.</p> <p>(8) To note that the council's reasonable costs of collecting the levy and the associated financial management costs will be recoverable from the BID levy monies as outlined in paragraph 8.4 of the report to Cabinet on 22 March 2017.</p>

Contacts: Bill McCafferty, Functional Lead for Growth and Prosperity, Tel: (01323) 415171 or internally on extension 5171.
E-mail: bill.mccafferty@lewes-eastbourne.gov.uk

David Robinson, senior local democracy officer, Tel: (01323) 415022 E-mail: david.robinson@eastbourne.gov.uk

1.0 Business improvement districts

- 1.1 Cabinet approved the Business Improvement District ("BID") Business Plan at their meeting on 22 March 2017. At this meeting authority was given for the ballot to proceed and for delegations in respect of approval of certain documents (including the BID proposal, including business plan and operating agreement, the statement of baseline services, for the conduct of the ballot and setting up of a revenue account). Given the changes that have taken place in the interim, it is appropriate that the original recommendations (revised as necessary) are re-stated in full so as to provide a record of the decisions in a single minute. Reference should be made to the March report for explanation and detail behind these recommendations.
- 1.2 The BID company has amended the Plan to include a 15% discount on the BID levy for serviced tenancies that pay a separate charge (unrelated to the BID levy) to the Arndale Centre for security and marketing. There are approximately 72 units that the discount will apply to. Instead of paying a BID levy of 1.5%, the levy for such businesses would be 1.275%.
- 1.3 The amended Business Plan is at appendix 1. In addition the Baseline Agreement and draft Operating Agreement are at appendices 2 and 3 (please note that this is an early version of the Operating Agreement which will be updated in consultation with the BID proposer prior to the ballot).
- 1.4 The Council has power to veto the BID proposals approved by ballot where it is of the opinion that the BID Plan is likely –
(a) to conflict to a material extent with any existing formally adopted local authority policy (as to which, see paragraph 4.1 below); or
(b) to be a significantly disproportionate financial burden on any business or class of businesses (as compared to other non-domestic ratepayers in the BID area) and:
(i) that burden is caused by the manipulation of the geographical area of the BID or by the structure of the BID levy; and
(ii) that burden is inequitable.
- 1.5 The Council had satisfied itself that it was not necessary to exercise that power of veto in relation to the original BID proposal, and it should re-apply the above test in relation to the amended proposal.

2.0 Timetable

- 2.1 The BID proposer has indicated a wish to ballot in the period 4 October to 1

November 2017. Officers are currently in liaison with ERS as to whether this timetable is achievable. It is possible that a week's delay may be required, if so the following timetable will be amended and show the ballot closing on 8 November.

2.2 A summary of the proposed key dates is given below:

Notice to Secretary of State	Given on 22 June 2017
Appoint ERS as ballot operator	March 2017
ERS to receive mailing list, wording for all documents	6 September 2017
Publication of notice of ballot	20 September 2017
Ballot papers issued	4 October 2017
Ballot closes	5pm 1 November 2017
BID company is established	November/December 2017
BID revenue account established	November/December 2017
BID levy billed and collection starts	January to March 2018

3.0 Consultation

3.1 The BID proposers had carried out intensive consultation on the original Business Plan. Some 800 businesses from the proposed BID area took part in an initial online survey in 2015, designed to assess support and determine priorities for town centre initiatives. Of those who responded, 68% were wholeheartedly in favour and 29% stated they were not yet sure.

3.2 Following the changes made to the Business Plan the BID proposer has written to all businesses in the BID area to draw their attention to the revised Plan and asking them to respond to a survey with one simple question – “Do you support our plans for the BID?” (appendix 4).

3.3 Members should note that, whilst the covering letter to businesses did not refer explicitly to the proposal to grant a 15% discount to serviced tenancies in the new shopping centre, it is set out in the full business plan on which the consultation was based.

3.4 To date 84 businesses have responded; 82% supporting the BID proposal and 18% in opposition.

4.0 Council Policies

4.1 Council policies support the extension of the Arndale Centre (Corporate Plan 2017 refresh). In addition there are references in the various Local Plan documents to encouraging or supporting small businesses.

There is reference to promoting small businesses in the Employment Land Local Plan (ELLP). The ELLP contains an objective: *ELLP2 - Encourage Small and Start-up Businesses - To deliver a variety of new employment opportunities by providing a range of flexible employment spaces that can be used by existing businesses and new start-up businesses.*

In addition, ELLP Policy EL1 states that *Job growth and economic prosperity in Eastbourne will be supported in order to enable the achievement of a sustainable economy and make Eastbourne a town where people want to live and work. This will be achieved by (a number of measures, including): Promoting development which provides units for new start-up businesses and small enterprises.*

The ELLP goes on to say: *The majority of economic activity in Eastbourne is undertaken by small businesses within a broad range of sectors. In order to encourage such businesses and encourage local 'home grown' employment growth, it is important to provide new units suitable for small and start-up businesses. This could be in the form of good quality managed workspace and 'hybrid units' that cater for a range of innovative business activities, and have proved highly successful and driven economic and business growth in other parts of East Sussex (para 3.11).*

In reference to shopping units, the Core Strategy Policy D4: Shopping aims to protect larger units in the Town Centre – particularly in the primary shopping frontages – from subdivision or change of use. This was recommended by the Shopping Assessment 2010 in order to retain units that are most likely to be attractive to multiple retailers.

However, the Town Centre Local Plan (TCLP) makes a number of references to small and independent retailers, identifying areas such as Little Chelsea as a particular location where these are prevalent. TCLP Policy TC5 identifies that within secondary shopping areas, *comprehensive redevelopment or the amalgamation of individual shops within the secondary retail frontages will be resisted unless it can be demonstrated that this contributes to the overall vitality and viability of the Town Centre.* In justification, the TCLP states that: *The secondary retail areas support a diverse range of independent and specialist retailers which make a significant contribution to the overall variety of the Town Centre. It is important to protect these smaller retailers and the contribution they make in enlivening the retail mix and character of the Town Centre particularly the areas around South Street and Grove Road (Little Chelsea) and the area around Cornfield Road and Cornfield Terrace.*

4.2 It is not considered that the BID proposals conflict with published council policies.

5.0 Levy discounts

5.1 British BIDs, in their annual review of BIDs nationwide commented "*...some BIDs give a discount to levy payers who are located in a shopping centre or mall, on the grounds that they are often also paying their landlord a service charge for marketing, security or cleaning. Of the relevant sample of 162 BIDs who have a shopping centre in their area, 129 (80%) do not give a*

discount to tenants in a shopping centre.” The following table was included in their report:

% discount applied	No. of BIDs	% of BIDs
Less than 20%	4	15.38%
25%	11	42.31%
50%	8	30.77%
Greater than 50%	3	11.54%
	26	

- 5.2 Examples of levy reductions for shopping centre tenants include:
- Hastings, where the levy is reduced from 1.5% to 1.25% for serviced tenancies.
 - Swansea, where tenants of the Quadrant shopping centre paying a service charge for security, cleansing and marketing receive a 10% discount.
 - Cheltenham, where tenants within managed shopping and entertainment centres have their levy reduced from 1.25% to 1%.
 - Canterbury, where businesses part of the Whitefriars Shopping Centre pay 1% levy (instead of 1.5%) in recognition of the substantial service charge those businesses already pay.

- 5.3 An alternative approach by some BIDs has been to either exclude or exempt shopping centres and negotiate voluntary contributions.
- In Birmingham, the BID does not charge a levy in 3 shopping centres and occupiers are exempt from the BID ballot and levy. All 3 centres make a considerable voluntary contribution to the annual retail BID budget which reflects the number of business within their centres. The contributions are committed for the entire BID term of five years.
 - Brighton exempts businesses in Churchill Square and instead receives voluntary contributions.

6.0 Financial implications: BID levy collection and account administration

- 6.1 The amended Business Plan will slightly reduce the reasonable costs that the council are able to recover, these being no more than 3% of the levy.

7.0 Legal implications

- 7.1 The statutory framework for establishing and operating a BID is Part 4 of the Local Government Act 2003 and the Business Improvement Districts (England) Regulations 2004. The Council should apply the Regulations with due regard to DCLG’s Technical Guide for Local Authorities, which focuses on the core roles and responsibilities the Council is required to undertake in relation to a ratepayer-based BID development, management and termination.

Under s. 51(2) of the 2003 Act, the Council may, in the circumstances prescribed by regulation 12 of the 2004 Regulations, veto the BID proposals within 14 days of the ballot where those proposals were approved by a majority of the non-domestic ratepayers entitled to vote. The prescribed circumstances are as set out in paragraph 1.4 of this report.

It should be noted that the function of vetoing the BID proposals in those circumstances is a discretionary power and not a duty.

Lawyer consulted 3 August 2017. Legal ref: 006145-EBC-OD

8.0 Conclusion

- 8.1 The Council, having considered all the documentation supplied and being satisfied that the amended BID Business Plan does not conflict with borough policies, is satisfied that the Returning Officer can move forward with the conduct of the ballot.

Ian Fitzpatrick, Director of Service Delivery

Appendix 1

Your Eastbourne - Business Improvement District (BID) – amended Business Plan - 2017 – 2022

Appendix 2 – Statement of Baseline Services

Appendix 3 – draft Operating Agreement

Appendix 4

Consultation letter to businesses, July 2017

Background Papers:

The background papers used in compiling this report were as follows:

Report to Cabinet on 22 March 2016.

<http://democracy.eastbourne.gov.uk/ieListMeetings.aspx?CommitteeId=125>

Business Improvement Districts: Technical Guide for Local Authorities (Department for Communities and Local Government).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415990/BIDs_Technical_Guidance.pdf

Information and guidance on Business Improvement Districts: Overview (Department for Communities and Local Government) <https://www.gov.uk/guidance/business-improvement-districts>

British BIDs survey 2016. <http://www.britishbids.info/wp-content/uploads/BB-Nationwide-BID-Survey-2016-1.pdf>

To inspect or obtain copies of background papers please refer to the contact officer listed above or use the links provided.



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Eastbourne
**Let's make
it shine**



Business Plan
2017-2022

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Harley Davidson nights: with over 200 bikers and live entertainment throughout the evening. We close the top of Terminus Road once a month to create a pedestrianised precinct.



Paws for Pudsey: Eastbourne's world record attempt. The event was devised by the Healthy High Street initiative which aims to increase footfall in the town.



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The Coca-Cola Christmas truck: which features in the company's television advertising, is always a sure sign that the festive season has arrived.



Neon Noel: heralded as one of the lightshows to visit in the UK by the national press, this 3D explosion of colour and sound illuminated our Town Hall to captivate an estimated 25,000.

Eastbourne has a **once** **in a lifetime** opportunity

With more than £175m inward investment, these are exciting times in our beautiful seaside town. Within five years, Eastbourne will be transformed with a fabulous new shopping centre – bringing with it new retailers, restaurants, a cinema – and the promise of an expanded night-time economy.

All this alongside the redevelopment of conference and theatre facilities at Devonshire Park, ambitious plans for the seafront and its leisure facilities and much-needed spending on our town centre infrastructure.

There are challenges, though. The past five years have seen our high street change dramatically with some major names disappearing from the shopping scene altogether. We know that for our town centre to thrive and prosper – and to compete against online shopping – we need to create a visitor experience that brings people back, time and again.

So what can we do to make the most of this investment and to make Eastbourne more prosperous for us all?

During the past two years we've talked to you, we've listened to you, we've heard your concerns and we've shared your ambitions. And we've

agreed: Eastbourne is a great town but if we all work together, it can be something very special.

We want Eastbourne to be a place where businesses come, stay and prosper. Where people from a wider area choose to spend their shopping and leisure time. Where every business – large and small – can make the most of the changes happening in and around our town.

We believe the best way we can achieve this is by creating a Business Improvement District (a BID); a business-led organisation to promote and enhance our town centre.

Our BID proposal will profit from the investment already made whilst putting us – the business community – in charge of an additional £1.5m. **Our** money to be spent as **we** choose.

Now it's time to realise our true potential. To write our own success story so we've created this plan to reflect what you've said. We hope you will support us by voting "yes" in our ballot in October so that, together, we can make Your Eastbourne a better place to do business.

Christina Ewbank
On behalf of Your Eastbourne BID



It's your
Eastbourne
Let's make
it shine



“The BID can be a catalyst in bringing all of our various, exciting projects to life. Large or small, if we can bring all of that energy from our businesses together, we really can change the face of Eastbourne. Please get behind us and the BID – and vote yes!”

Denise Greaves, Commercial Director, Etc Magazine

“The BID is a great initiative for Eastbourne going forward as it will bring additional funds through the BID levy to spend on additional services – shaped by local business – which will help with the sustainability of our town.”

André Brincat, Manager, Marks & Spencer



Your Eastbourne Your Goals

There are already almost 240 BIDs working for their communities throughout the UK. Cumulatively, they are investing more than £200 million in projects decided on by their local business communities. They have a record of success, and recently neighbouring towns and cities (such as Hastings and Brighton) have either established or successfully renewed their BID.

During our recent consultation meetings in Eastbourne we have listened carefully to what you said is important to your business and we have carried out a business survey to make sure we understand your ambitions.

As a result we have set out the goals of our BID:

- 1 Bringing more customers to Eastbourne
- 2 Attracting more businesses and jobs to Eastbourne
- 3 Creating a lively and attractive alternative to on-line shopping
- 4 Promoting Eastbourne as a place that residents and visitors will want to come back to time and again
- 5 Delivering all of these ambitions, whilst at the same time reducing your business costs



Your Eastbourne Your Choice

Your Opportunity

To raise over £1.5 million to invest in Your Eastbourne over the next five years.

Your Funding

The BID will be funded by a 1.5% levy on each business in the defined area with an annual rateable value of £6,000 or more and will raise over £300,000 per year to be spent on the town centre BID area. We also aim to raise £70,000 additional sponsorship over the five year period.

Your Control

The BID will be managed entirely by business people from within the BID area and will oversee the delivery of projects detailed in this business plan. Anyone from the BID area can stand to join the BID Steering Group at the AGM in 2018.

Your Decision

You have told us what you would like to see in the BID area. So this is your chance to vote "Yes" and make it happen.

Your Vote

We are asking you to nominate the person in your organisation who will be eligible to vote. Ballot papers will be sent to all eligible voters by post in October 2017, and voting will be possible between October 4th and October 31st 2017.

Remember, this initiative is business funded and business run.
It's Your BID, Your Eastbourne



Your Eastbourne BID Steering Group

The BID is comprised of business leaders in our town and includes a range of sectors. From hospitality to retail and the professional services, our BID team also stretches across the town, with each area represented.

Carl Bird
Alison Brewer
André Brincat
Adam Chugg
Christina Ewbank
Denise Greaves
Denise Harwood
Diana Hing
Stephen Holt
Matt Huddart

Luke Johnson
Lawrence Neil
Dave Padmore
Ashley Pugh
Bill Plumridge
Keith Ridley
Martin Searle
Shoes
Jeremy Sogno

Coffee Republic
Chair, the Brewers Group
Marks & Spencer
3VA
Eastbourne unLtd Chamber of Commerce
Etc Magazine
The Enterprise Centre
C&H Fabrics
Edeal Enterprise Agency
The View Hotel on behalf of the
Eastbourne Hospitality Association
Eastbourne Borough Market
Tristore
McDonalds
W Brufords, Pandora and Inspired
Manager, the Arndale Centre
BID Co-ordinator
The Federation of Small Business
Dew Drop Inn & The Eagle
Lawson Lewis Blakers

Fish & Tips
Agency taken by
Aless Photography





"Our town centre has a bright future and real opportunity with the investment being made in the extension to the Arndale and we now have a real chance to capitalise on this. The BID process in my opinion will give us the ability and the finance to make both physical and strategic changes to bring the town centre into the 21st century."

Ashley Pugh, Managing Director, W Brufords



"I would like to offer my full support for the BID, after being involved in the successful Hastings BID where I was part of the Board. It is an exciting opportunity for the business people in the town to help shape their own future, whether you are part of a large multi-national chain or a small independent business, everyone has a voice."

David Padmore, McDonalds, Eastbourne

Our Success So Far...

Your BID team has already held a number of successful events as a result of grant funding and sponsorship.

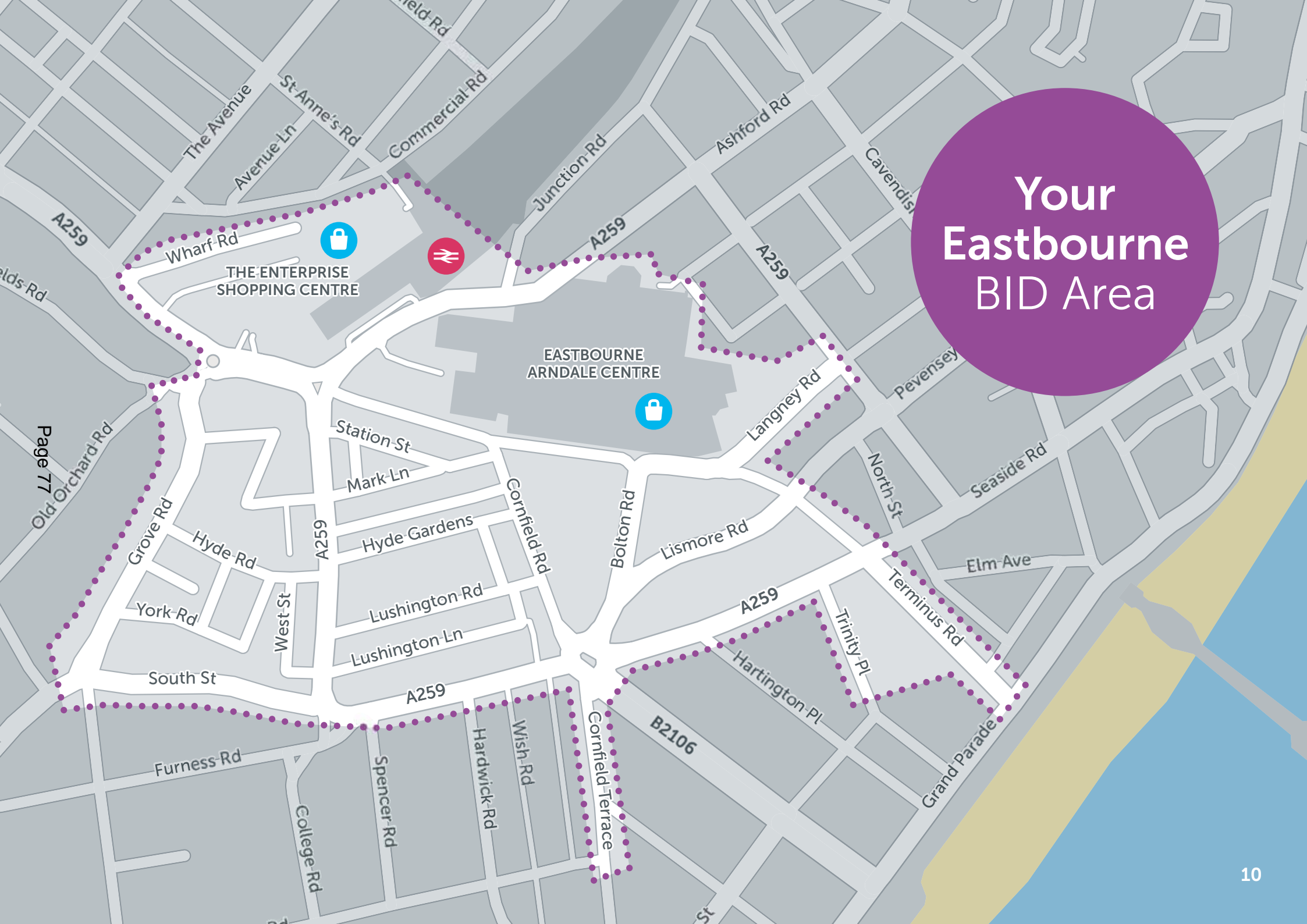
- Over 70,000 attracted to the town over Christmas
- Neon Noel, our Town Hall lightshow gathered widespread national media coverage including TV and newspapers and attracted over 25,000 spectators per year. Neon Noel will not happen again without the BID
- Hosted the Coca Cola truck tour for two successive years attracting 10,000 spectators per annum
- We welcome over 200 Harley Davidson bikers every month during the summer when we pedestrianise the road and attract live entertainment
- 100 zombies and their families attended the first Day of the Undead in Eastbourne
- 250 bears and their owners attended a world record "Paws for Pudsey" attempt
- We successfully lobbied Eastbourne Borough Council to purchase and upgrade Victoria Mansions



We want to **build on these successes** and do so much more to **create a buzz around the town centre**. Failure to invest in our town could lead to our falling behind competitors, like Hastings and Brighton



Your Eastbourne BID Area



Consultation What We've Done

An initial feasibility study was launched online to all businesses in the town centre in August 2015 to assess support and determine priorities for any future BID.

With the overwhelming majority of respondents giving their support, the decision was taken to launch a steering group, comprising of leaders from the different sectors and parts of our proposed BID area.

Over 250 one-to-one consultation meetings have been held to help form this business plan and further individual consultations will continue in the weeks leading up to the ballot.

Consultation has also included talks and presentations with interested local businesses and organisations such as the Chamber of Commerce, the Federation of Small Business and the local town centre crime reduction partnership.

From October to February we held a series of group consultations with businesses across the town drilling down into your priorities. Each meeting was attended by between 25 and 34 individual businesses. In total we have contacted all of the hereditaments, and spoken to over 60%.

In January 2017 an online survey was released to ask for input on our BID priorities. If you would like further members of your staff to receive this survey or any other information about the BID, please do pass on their contact details and we will happily add them to the distribution list.

Our BID has also attracted strong media support both locally and regionally, including a number of articles in the Eastbourne Herald, Platinum Business Magazine and ACESussex. We have also been featured on Eastbourne Buzz and BBC Radio Sussex.





Consultation What You Want

From the consultations held,
the BID will:

- 1 Enhance the environment with striking winter lighting, signage, and impactful planted areas whilst creating an identity to promote Eastbourne's independent shopping areas; like Little Chelsea, Terminus Road, Cornfield, Langney and Bolton Roads
- 2 Support and run events that will help increase footfall to our town
- 3 Introduce family friendly street ambassadors and work with partners to make our town safer
- 4 Lobby all levels of Government to ensure the needs of our town centre are heard



Dressing Our Town

What you told us:

- “It’s difficult to find your way around the town”
- “Parts of our town are looking very tired”
- “We need to inject some colour”
- “Eastbourne doesn’t have a focal point”

The challenges:

- Eastbourne is a beautiful town, but parts are starting to look a little dated.
- This will only get worse as the new development spotlights the areas that need enhancement.
- This was the number one concern that was raised during our consultation meetings.
- Your BID will invest heavily in improving the street scene, and helping people find their way around the town. Whether it’s the perfect coffee shop, the tastiest treats or the essential gift, we will make it easy to find where to go.

What we’ll do:

- 1 Invest in winter and Christmas lighting, to brighten up the town between October and March
- 2 Way Finder signage between the station and the seafront to help people find their way to the places they want to visit!
- 3 Create an attractive visual identity for wider areas of our town
- 4 Impactful planters and a “Let’s make it Bloom” campaign to inject colour and life into our town centre

ALLOCATED
£685,000
OVER 5 YEARS

Footfall, Marketing and Promotion

What you told us:

"We need more events in our town centre"

"Events make the centre exciting"

"Any events that entice families and locals to the town rather than internet shopping is a good thing"

"We don't always see the benefit of the seafront events as they are located away from the centre"

The challenges:

- Eastbourne has a busy Summer events schedule, but often these are located on the seafront and have little direct impact on the town centre.
- Few events are held within the town centre itself. This will change with funding from the BID.
- Eastbourne's event schedule during the Spring, Autumn and Winter also needs investment – to drive footfall throughout the year.
- Footfall is vital to a town centre – but the offering has to be right. With a co-ordinated campaign, our events and marketing will push our town to the next level.



What we'll do:

- 1 Employ street ambassadors to meet and greet visitors to the town during peak periods. They will know what's going on in the town, and direct footfall and guide them to places less visited
- 2 Provide funding and support for seasonal events across the town centre – particularly at Little Chelsea and the seafront end of Terminus Road
- 3 Fund Neon Noel and Eastbourne's Christmas activities – making sure we are a destination town for Christmas
- 4 We will shout about what's going on in Eastbourne, working with media partners to promote our events to families and visitors
- 5 We will work with partners to develop and promote an Eastbourne app for visitors. This will allow businesses to post events and special offers to customers

ALLOCATED
£192,500
OVER 5 YEARS

Safe and Secure

What you told us:

“There is no night-time economy”
“We are worried about street drinkers and homeless people”

The challenges:

- Improvements to our Town Centre are superficial if our visitors do not feel safe and secure.
- Whilst the crime statistics for our town are low, there is a perception of increasing anti-social behaviour within our town.
- Tackling street drinkers, homelessness and crime are all areas that require partnership working and the BID makes us stronger together.



What we'll do:

- 1 We will establish a business led night time economy working group to take advantage of this great opportunity
- 2 We will work with partners to help tackle street drinkers, property damage and anti-social behaviour
- 3 We will work with the Joint Action Group on street drinkers, beggars and homelessness to implement a plan and make sure the business community is appropriately heard
- 4 We will survey the town centre to identify locations which attract trouble and work on ways to reduce criminality

ALLOCATED
£207,500
OVER 5 YEARS

Stronger Together

What you told us:

"We want to see improvements to our town's infrastructure"

"We need a powerful lobbying voice"

"We want more shared space and pedestrianisation"

"We want better parking controls and easier access"

"We want to help grow our business"

The challenges:

- We need to take charge of our own future. We need to make sure the voice of the business community is heard loud and unified.
- We need to communicate about our town and the issues that affect us more clearly.
- We've heard complaints about poor parking, poor paving, increased costs, a lack of night time economy and poor access.
- We also know that the Southern Rail strikes have had a devastating effect on our local economy.
- Working together, with 600+ businesses in the town centre – our voice cannot be ignored!

VOTE
YES
TO THE BID

What we'll do:

- 1 We will lobby for better parking controls and restrictions
- 2 We will lobby on changes to the bus routes and the condition of pavements
- 3 We will lobby for shared space and access and making our town accessible for all
- 4 We will work with groups to increase buying power and help your business bring down costs
- 5 We will work with partners to find mentors to help grow your business
- 6 We will organise regular website briefings and networking events
- 7 We will be an inclusive BID – bringing all sectors and areas of the town together

ALLOCATED
£50,000
OVER 5 YEARS

Investing Your Levy

A "Yes" Vote will allow us to invest approximately £1.5 million in our town between 2017 and 2022.



INCOME	2017/18	2018/19	2019/20	2020/21	2021/22	TOTAL
Levy Income	£300,000	£300,000	£300,000	£300,000	£300,000	£1,500,000
Sponsorship	£10,000	£15,000	£15,000	£15,000	£15,000	£70,000
TOTAL INCOME	£310,000	£315,000	£315,000	£315,000	£315,000	£1,570,000
PROJECT EXPENDITURE	2017/18	2018/19	2019/20	2020/21	2021/22	TOTAL
Dressing our town Signage, winter lighting, identity & planters	£115,000	£150,000	£152,500	£135,000	£132,500	£685,000
Footfall, Marketing & Promotion Bringing in new customers and promoting your business	£25,000	£30,000	£42,500	£47,500	£47,500	£192,500
Safe and secure Street ambassadors and security	£25,000	£35,000	£40,000	£52,500	£55,000	£207,500
Stronger together Working to get what we want	£10,000	£10,000	£10,000	£10,000	£10,000	£50,000
TOTAL SPENT ON BID PROJECTS	£175,000	£225,000	£245,000	£245,000	£245,000	£1,135,000
MANAGEMENT / ADMIN COSTS	2017/18	2018/19	2019/20	2020/21	2021/22	TOTAL
Bad debt provision (3% of levy income)	£9,000	£9,000	£9,000	£9,000	£9,000	£45,000
Levy collection *	£10,000	£10,000	£10,000	£10,000	£10,000	£50,000
Office costs **	£50,000	£50,000	£50,000	£50,000	£50,000	£250,000
BID loan repayment ***	£45,000	-	-	-	-	£45,000
BID development costs	£20,000	£20,000	-	-	-	£40,000
TOTAL SPENT ON RUNNING BID	£134,000	£89,000	£69,000	£69,000	£69,000	£430,000
TOTAL EXPENDITURE	£309,000	£314,000	£314,000	£314,000	£314,000	£1,565,000
BALANCE	£1,000	£1,000	£1,000	£1,000	£1,000	£5,000

* Fee charged by Eastbourne Borough Council to collect the BID levy.

** Office costs include office rental, insurance, website, bookkeeping and accounting, postage, IT, telephony, staffing, stationery & printing.

*** A one off repayment to the Department of Communities following our BID loan application.

Example Levy Calculations

Rateable Value	Annual Levy	Monthly Equivalent	Weekly Equivalent
Up to £5,999	Donations welcome	£0	£0
£6,000	£90	£7.50	£1.73
£8,000	£120	£10.00	£2.30
£10,000	£150	£12.50	£2.88
£50,000	£750	£62.50	£14.42
£100,000	£1,500	£125.00	£28.85
£150,000	£2,250	£187.50	£48.27





“Imagine an organisation that supports, really supports business in our town. Imagine people who listen to our views and get things done here, in Eastbourne. Imagine someone representing us before the council, arguing actively – vociferously – against an increase in parking charges, arguing for better, cleaner pavements, for sunny hanging baskets in the summer.”

Diana Hing, Manager, C&H Fabrics



“We have a unique opportunity to follow on from the recent large investments in the town to help improve the independent retail offering in Eastbourne. For a small addition to our outgoings each year, we could attract a tremendous return in funding available to help us ride on the back of the improvements elsewhere in the area.”

Lawrence Neil, Proprietor, TriStore

Frequently Asked Questions

There are more than 240 successful BIDs currently operating in different towns and cities around the UK. Here are some of the FAQs asked about BIDs.



1 What is a Business Improvement District?

A BID is a business led organisation working to implement projects that benefit an area and its businesses. Your Eastbourne BID can only start operating after a successful ballot of businesses in the BID area which will be conducted by the local Council on our behalf.

2 How long would our BID last?

Your Eastbourne BID would last five years after which it has to submit to a new ballot. (N.B. The vast majority of BIDs vote “yes” in larger numbers when their second ballot is held.)

3 How would Eastbourne BID be run?

The day to day operation of the BID is managed by a steering group which any levy payer can apply to join. The group includes town centre retailers, pubs, clubs, restaurants and offices. In effect, every business whose rateable value is £6,000 or more.

Following the first AGM in 2018, an Advisory Panel will be established comprising volunteer members who will formulate strategy, projects and priorities and oversee the delivery of the BID.

4 Are any businesses excluded?

Some charities are excluded - including those who do not make money selling goods in a retail shop. For example, the Food Bank would be excluded while charity shops are included.

NHS premises are excluded but any premises practicing health services privately are included.

Businesses with annual rateable value of £5,999 or less are excluded but will be encouraged to make a donation each year.

5. How is a BID funded?

It is funded by a small levy on all businesses within the BID area. In Eastbourne this would be calculated at 1.5% of your rateable value and would be collected annually

Serviced tenancies who pay a charge to the Arndale Centre for security and marketing will receive a 15% discount on the total levy payable.

If you decide Your Eastbourne BID would help make Eastbourne a better place to do business, please vote “Yes” in the ballot.

6 When will the ballot be held in Eastbourne?

The ballot lasts for 28 days and will start on the 4th October 2017. For a BID to be set up, there needs to be a ballot of eligible businesses. The ballot will ask a simple question: “Are you in favour of the proposals for the Eastbourne Business Improvement District?”

7 How is the vote calculated?

In order for the BID to come into existence, a simple majority of those voting must vote in favour. However, their votes must also represent a majority of the aggregate rateable value of the properties that vote.

8 Who actually votes?

The owner of the business normally votes. National chains may delegate the responsibility to a local manager or appoint someone to vote from head office. They may consult the local manager before voting.

If you wish to nominate a local manager or individual to vote in the BID ballot on your behalf, please get in touch with the Eastbourne BID team (contact details are on the back page).

If your business falls within the proposed BID area and has a rateable value above £5,999, you are eligible to vote in the BID ballot.

9 How will the levy be collected?

The BID levy will be collected through the current business rates system, but will be the subject of a separate bill. The levy may be amended on an annual basis in line with inflation, at a rate to be agreed by Your Eastbourne BID Advisory Panel to a maximum of 5%.

The Eastbourne BID will be clear and transparent about how it is spending the money. Regularly updated information about income and expenditure will be available to all members of the BID.

10 Why do my business rates not cover this?

The BID will provide services and benefits over and above those offered by the local authority and other statutory agencies. The BID will sign what is known as a Baseline Agreement with both Eastbourne Borough Council and East Sussex County Council, which will legally establish what the local authorities already deliver, and the steering group will monitor these agreements.

11 How long will the BID last?

The BID will last for five years, meaning guaranteed investment in Eastbourne until 2022. If you want the BID to continue beyond 2022, you will make this decision in 2022 through a further ballot process.

During the five year term, there will be KPIs reported to the BID advisory board, measuring the success of the BID in achieving its goals, including footfall and awareness of the town.

12 How will I be represented?

If the ballot in 2017 is successful, the Eastbourne BID Limited will be a subsidiary of the not-for-profit Edeal enterprise agency, in operation for over 30 years. It will have separate management accounts and bank accounts which will be independently audited annually. The levy will be ringfenced for the purposes of the operation and delivery of the BID.

EDEAL will be responsible for the governance of the BID, whilst operational matters overseen by the Your Eastbourne BID Advisory Panel. The Advisory Panel will formulate strategy, projects and priorities for the BID whilst ensuring accountability.

The first AGM will take place within the first 12 months after the BID starts its work.

The Advisory Panel has already been appointed for the first year to represent every part of the BID Area.

Any business owner who is eligible to vote and pay the levy may become a voluntary member of the BID Advisory Panel, alongside representatives of our business partners – including Healthy High Streets, the Chamber of Commerce, EDEAL, the Arndale Centre, The Enterprise Centre and Eastbourne Hospitality Association.

Any member of the BID can stand for election to the Advisory Panel at the AGM held each year.

The Next Step Vote Yes!

The Business Improvement District ballot is YOUR chance to have YOUR say in the future of your Eastbourne – a town centre that you will be investing in.

This is your chance to help Eastbourne to move ahead of its competitors and to make us an attractive “destination town”.

This is your chance to make Eastbourne shine.
Please don't miss it.

October 2017

You will receive your voting pack from Electoral Reform Services and you will then be able to vote.

4th October to 31st October 2017

The 28 day ballot will open and close on these dates.

1st November 2017

We will announce the result of the ballot.

4th December 2017

Commencement date.

2017 – 2022

Five years of exciting investment and improvements to our town centre.

2023

You decide on a five-year renewal, based on the performance of Your Eastbourne BID.





“The BID will allow us all to be able to add the finishing touches to our town, such as helpful way finder signage and the possibility of friendly and helpful town centre street ambassadors at peak times.”

Denise Harwood, Commercial Director, Enterprise Centre

“The Devonshire Park development as well as a transformed Arndale Centre, along with all that Little Chelsea and the independent sector has to offer, will allow us to establish ourselves as a destination town in the South East. The BID gives us a terrific chance to get shops, restaurants and hotels working together, to create a better business environment for us all”

Matt Huddart, General Manager, View Hotel



BID Legislation

The small print

1 GOVERNANCE

- 1.1 Your Eastbourne BID will be a subsidiary of the not-for-profit Edeal Enterprise Agency and will have separate management accounts and bank accounts which will be independently audited annually.
- 1.2 The governance of Eastbourne BID will be the responsibility of EDEAL Enterprise Agency with operational matters overseen by the Your Eastbourne BID Advisory Panel. The steering group will be the Advisory Panel until the first AGM.
- 1.3 The Advisory Panel will consist of business and other stakeholders within the BID area. Any business within the BID area is entitled to be elected to the Advisory Group. The Advisory Panel will be made up of voluntary representatives of levy paying businesses and property owners who will be elected annually (starting in 2018) with the process advertised to all levy payers. Additional members may be co-opted on as required.
- 1.4 The Advisory Panel will have responsibility for financial arrangements, contractual obligations, human resources, standards and compliance, and strategic direction. The Panel will be made up primarily of appointed representatives of levy payers with additional expertise as required.
- 1.5 During the first year of the term, appropriate rotation policies for all Panel members, including the chair, will be approved by the Board. When the period of office of the current chair expires, the position will be advertised.
- 1.6 Provided the BID is meeting its overall objectives, the Panel shall have the ability to vary service delivery and expenditure allocation, according to the changing demands of the levy payers. However, any changes to the BID boundaries or to the levy rate proposals would require an alteration ballot.
- 1.7 BID levy contributions will be spent entirely to service the area within the identified boundary and ringfenced for BID projects and its operational costs. The Panel will be responsible for controlling and managing the finances of the BID. The EDEAL Board will monitor the monthly management accounts and annually audited accounts.
- 1.8 The BID accounts will be audited annually by independent accountants.
- 1.9 An Operating Agreement, which includes the two councils' baseline service statements, has been agreed and will be in place from the commencement of the BID term. (The two councils are East Sussex County Council and Eastbourne Borough Council.)
- 1.10 Notice of the intention to hold a ballot was provided to the Secretary of State on 17th January 2017.
- 1.11 Representatives of the BID Advisory Panel will provide copies of statutory accounts and financial statements to the local billing authority annually and to local levy payers on request. A financial summary and chair's statement will be sent to all levy payers annually, including a website link to the statutory accounts.
- 1.12 Representatives of the BID Advisory Panel will meet with the billing authority on a quarterly basis to discuss service delivery, levy collection and financial management issues.
- 1.13 An annual presentation to levy payers and stakeholders will be held which will help determine priorities for the following year.
- 1.14 The BID will ensure that all businesses within the BID area are engaged with its work and that BID communications assist inclusivity.

2 BID RULES

In developing the rules that will apply, consideration has been given to The Industry Criteria and Guidance Notes for BIDs (2016), published jointly by the British Retail Consortium, the Inter Bank Rating Forum, the Federation of Small Businesses, the British Council of Shopping Centres and the British Property Federation.

The ballot:

- 2.1 In October 2017, Electoral Reform Services will send a ballot paper to those responsible for properties or hereditaments subject to the BID.
- 2.2 Each property or hereditament within the BID liable to pay the levy will be entitled to one vote in respect of the proposal in a 28-day postal ballot period which will commence on 4th October and close at 5pm on October 31st 2017. Ballot papers received after 5pm on October 31st 2017 will not be counted.
- 2.3 In order for the vote to be successful at ballot, the result will need to meet as a minimum, two independent criteria which are (a) of those ballot papers returned by the close, those voting in favour must exceed those voting against it, and (b) of those ballot papers by the close, the total rateable value of those properties or hereditaments which vote in favour, must exceed the total of those voting against.
- 2.4 The result of the ballot will be announced on Wednesday 1st November 2017.
- 2.5 If successful at ballot, the BID company will commence delivery of its proposed services and will continue for a period of five calendar years until 2022.

3 FINANCES

- 3.1 The proposed BID levy is 1.5% of rateable value, with an exemption up to and including £5,999. The levy will be collected via Eastbourne Borough Council through an adaptation of its billing software, after which the funds will be deposited within a BID company bank account.
- 3.2 Performance elsewhere would suggest that 97% of the BID levy will be successfully collected.
- 3.3 The average annual levy available to be spent by the BID for the term is £300,000.
- 3.4 A DCLG government loan of £42,000 (secured to help establish the project) will be repaid in the first year of the term, and this is reflected in the budget.

4 BID LEVY

- 4.1 From the beginning of the five-year BID term, the levy rate to be paid by each property or hereditament will be 1.5% of its rateable value.
- 4.2 All non-domestic properties or hereditaments with a rateable value of £6,000 or more will be required to pay the levy with the exception of charities who do not make money selling goods in a retail shop (such as People Matter) and NHS premises which do not practice private health services.
- 4.3 Serviced tenancies who pay a charge to the Arndale Centre for security and marketing will receive a 15% discount on the total levy payable .
- 4.4 The number of properties or hereditaments liable for the levy is approximately 660.
- 4.5 The levy will be charged annually in advance for each chargeable period, starting in 2017. No refunds will be made.
- 4.6 The owners of untenanted properties or hereditaments will be liable for payment of the levy.
- 4.7 Eastbourne Borough Council, as the rating authority, will be responsible for the collection of the levy.

Voting YES will ensure the success of Eastbourne

Voting YES will see **£1.5 million** invested in our town

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Contact: Stephen Holt
Phone: 01323 641 144
Email: info@youreastbournebid.com
Visit: www.youreastbournebid.com

Created by Firebrand

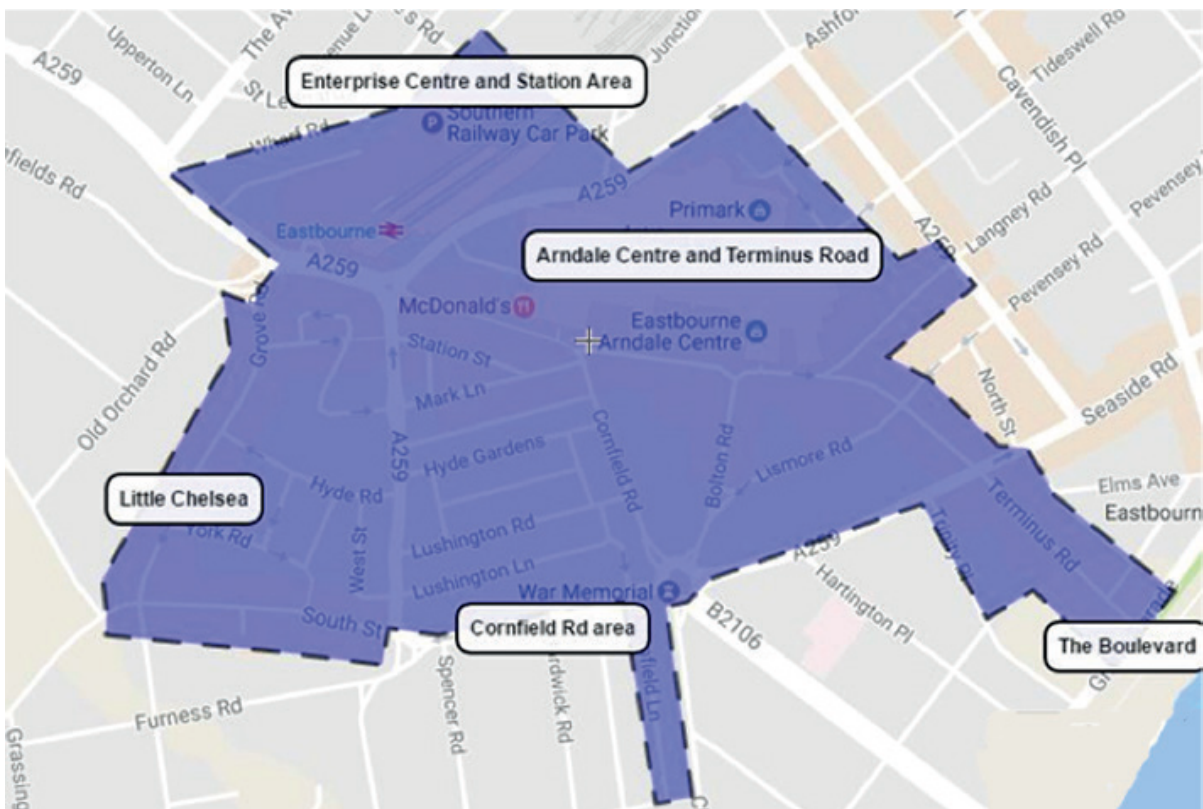
Your Eastbourne Business Improvement District

Baseline Agreements 2017-2022*

- Due to Local Government cost pressures, our initial proposal is that these costs are reviewed on an annual basis as per national BID guidance. The baselines here are for 2015/16.

The purpose of this baseline agreement is to set out, for the avoidance of doubt, the **STANDARD SERVICES** provided by Eastbourne Borough Council and East Sussex County Council within the BID area and to set the benchmark criteria against which the provisions of additional services will be assessed. These are services that Eastbourne Borough Council and East Sussex County Council are required to undertake as part of statutory functions.

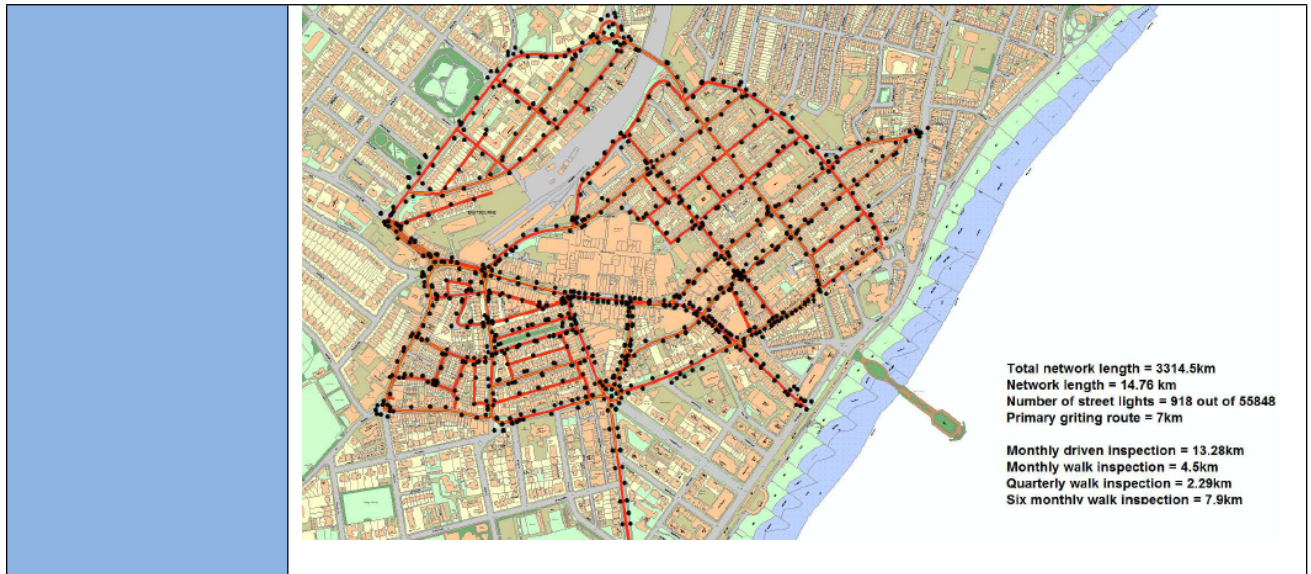
Any services provided by the BID levy are *complementary* to these baseline services.



Service	Highways Maintenance
Head of Service	Trevor Sutherland

Telephone	(01273) 335790
Email	trevor.sutherland@eastsussex.gov.uk

Baseline activity	<p>Maintenance and repair of the highways network whilst minimising disruption on the transport network and protecting infrastructure:</p> <ul style="list-style-type: none"> - Identified, programmed and prioritised capital schemes; - Inspections & Reactive works; - Emergency response; - Winter Maintenance
Service specification	<p>The Highways Act 1980 places a duty on the Highway Authority to maintain the public highway network in a condition that is safe for users.</p> <p>The public highway network includes all roads, footpaths and verges which the highways authority has responsibility for.</p> <p>We regularly inspect our network in accordance with the current Code of Practice for Highway Maintenance. The frequency of inspections depends upon the importance of the road and footpath in question. A busy main road and footpath may be inspected monthly while a minor estate road or rural lane may only be inspected annually.</p> <p>The New Roads and Streetworks Act 1991 also places a duty on us to coordinate and regulate work carried out in the public highway by any organisation. An organisation includes contractors working for gas, waste, electricity and telecom companies as well as private works on behalf of individuals.</p>
Statutory or discretionary?	Statutory
Timing of activity	This is a day time activity with an out of normal working hours emergency response service
Staffing and equipment	<p>Network length = 14.76 km of 3314.5km total network length</p> <p>Number of street lights = 918 out of 55848</p> <p>Primary gritting route = 7km</p> <p>Monthly driven inspection = 13.28km Monthly walk inspection = 4.5km Quarterly walk inspection = 2.29km Six monthly walk inspection = 7.9km</p>



Key performance measures	Maintaining/improvement of the National Performance Indicators			
	Road Class	% of roads where maintenance should be considered		
		2013/14	2014/15	2015/16
	Principle	7	5	5
	Non-principle	9	9	6
	Unclassified	25	23	22
	Unclassified	70	63	65
Footways	7	5	5	
Non-compliance procedure				
Existing value of contract/service				
Boundary area	As per agreed BID boundary			
Proposed additional BID activity	Not yet known			
Cost of additional BID activity	Not yet known			

Service	Street Lighting
Head of Service	Daniel Marciniak, Senior Asset Engineer East Sussex Highways, Asset Management Team
Telephone	01273 482 710
Email	daniel.marciniak@eastsussex.gov.uk

Baseline activity	Provision/maintenance of street lighting within Eastbourne
--------------------------	--

	Town Centre, including all street lights, illuminated signs, bollards and floodlighting
Service specification	Provision/maintenance of street lighting within Eastbourne Town Centre, including all street lights, illuminated signs, bollards and floodlighting
Statutory or discretionary?	<p>Design, installation & maintenance of all street lighting assets are undertaken by East Sussex Highways division:</p> <ul style="list-style-type: none"> • Maintenance, repair or replacement of street lighting and illuminated signs, floodlighting and bollards. • The maintenance of an up-to-date electronic-based inventory of all units to ensure satisfactory management of the maintenance process and to enable annual assessment of the energy charge. • Cyclical maintenance and inspections on routine lamp changes/maintenance including night time audits. • Alterations to existing installations including column relocations and conversion of lights to newer more energy efficient technologies. • New lighting installations for Council highway schemes. • All electrical and structural testing is undertaken by the East Sussex Highways' preferred contractor in accordance with best practice and Well Lit Highways - Code of Practice for Highway Lighting Management Oct 2004, Updated August 2013. <p>Emergency call out facility is in place to cover any out of hours dangerous situations arising.</p>
Timing of activity	<p>Discretionary</p> <p>There is no statutory obligation to provide street lighting however, all local authorities have a duty of care to ensure highway electrical equipment is maintained in a safe condition. All systems of public lighting will be maintained to a standard that ensures its safe, economic and effective operation.</p>
Staffing and equipment	<p>Ongoing - maintenance service operates 7 days a week, 24 hours a day.</p> <p>Emergency telephone number for fault reporting and on-line reporting capability linked to East Sussex Highways website.</p>
Key performance measures	<p>Staff (when required)</p> <p>6 X FTE 1 X PT: including Delivery Manager, Technical Officer, Street Lighting Technician (PT), 2 x Electricians, 2 x Street Lighting Operatives.</p>

	<p>Equipment (when required): 2 x 14.5 metre MEWPS (cherry pickers) 1 x SL rig 18 Tonne.</p>
Non-compliance procedure	<p>PS1 Lighting Installation (Core Investment Period) PS2 Lighting Performance and Planned Maintenance PS3 Operational Responsiveness and Reactive Maintenance</p>
Existing value of contract/ service	<p>2 hours maximum response time to repairs for Category 1 Defects and Emergency Responses (as defined in Asset Inspection/Reactive Response Services). 1 day maximum response time to faults requiring replacement of illuminated mandatory traffic sign or faults involving rectification of non-operating Belisha beacons and school crossing flashing signs 5 days maximum response time to faults requiring removal of any unauthorised attachments. 10 days maximum response to faults involving replacement of components or/and complete unit of apparatus.</p> <p>Electrical testing is undertaken to BS7671 and completed on all street lights within a minimum six year period as per requirements. All results are recorded on the County Council's asset management database.</p> <p>Structural inspections and risk assessments will be undertaken on a regular basis, during the course of planned maintenance programme, to ensure all equipment is in a safe condition. The results of these inspections will be recorded in the County Council's asset management database.</p> <p>Where equipment is found to have a serious structural defect then such equipment will be replaced as soon as possible.</p>
Boundary area	<p>Currently two Street Lighting schemes and one VAS scheme on the ESRP in the area (value ~£150k) + ongoing cyclical maintenance cost, electrical testing and structural testing cost.</p>
Proposed additional BID activity	<p>As per agreed BID boundary</p>
Cost of additional BID activity	<p>Not yet known</p>
	<p>Not yet known</p>

Service	Drainage
Head of Service	Ken Hollingdale
Telephone	(01273) 335196
Email	Ken.Hollingdale@eastsussex.gov.uk

Baseline activity	Provision/maintenance of Drainage within Eastbourne Town Centre, including all gullies, chambers, catch pits and drainage pipes.																												
Service specification	<p>As below we have 535 gullies listed in this area, with 566 cleaned per year at an approximate yearly cost for cyclical cleaning of £3.4k.</p> <p>Currently 14 (3%) are blocked and 11 (2%) have other defects so would incur some extra costs if these were attended to.</p> <p>There are no sites on the year 1 ESRP for drainage.</p>																												
Statutory or discretionary?	Statutory																												
Timing of activity	This is a day time activity with an out of normal working hours emergency response service																												
Staffing and equipment	1 jetting crew																												
Key performance measures	<p>Gullies</p> <table border="1"> <thead> <tr> <th>Sum of Total</th> <th></th> <th>Cleaned/yr</th> <th>Cost/yr</th> </tr> </thead> <tbody> <tr> <td>Frequency</td> <td>Total</td> <td></td> <td></td> </tr> <tr> <td>12 Months</td> <td>471</td> <td>471</td> <td></td> </tr> <tr> <td>24 Months</td> <td>26</td> <td>13</td> <td></td> </tr> <tr> <td>3 Months</td> <td>3</td> <td>12</td> <td></td> </tr> <tr> <td>6 Months</td> <td>35</td> <td>70</td> <td></td> </tr> <tr> <td>Grand Total</td> <td>535</td> <td>566</td> <td>£ 3,396.00</td> </tr> </tbody> </table>	Sum of Total		Cleaned/yr	Cost/yr	Frequency	Total			12 Months	471	471		24 Months	26	13		3 Months	3	12		6 Months	35	70		Grand Total	535	566	£ 3,396.00
Sum of Total		Cleaned/yr	Cost/yr																										
Frequency	Total																												
12 Months	471	471																											
24 Months	26	13																											
3 Months	3	12																											
6 Months	35	70																											
Grand Total	535	566	£ 3,396.00																										
Non-compliance procedure																													
Existing value of contract/ service	£ 3,396.00 to jet																												
Boundary area	As per agreed BID boundary																												

Proposed additional BID activity	Not yet known
Cost of additional BID activity	Not yet known

Service	Tourism and Enterprise
Head of Service	Annie Wills
Telephone	01323 415410
Email	annie.wills@eastbourne.gov.uk

Baseline activity	Town Centre Marketing.	
Service specification	Destination marketing , raising the profile of Eastbourne as a premier destination for visitors. Eastbourne receives around 5m visitors per year. The value of tourism is £346m. Shopping is cited as the second highest reason for visiting Eastbourne	
Statutory or discretionary?	Discretionary	
Timing of activity	Year round service	
Staffing and equipment		
Key baseline performance measures (relevant to bid)	Number of users for the VisitEastbourne Website	
	Cost per response to destination marketing material	
	Number of staying visitors each year	
	Number of day visitors per year	
	Number of people attending events	
	Accommodation occupancy rates	
Non-compliance procedure		
Existing value of contract/ service	Destination Marketing & Promotions £120,000 budget £- 60,000 income Net Cost £60,000	
Boundary area	As per agreed BID boundary	
Proposed additional BID activity	Not yet known	
Cost of additional BID activity	Not yet known	

Service	CCTV
Head of Service	Insp Trish Barnes
Telephone	101
Email	trish.barnes@sussex.pnn.police.uk

Baseline activity	Public Space Surveillance and Security
Service specification	<p>- Public Space Surveillance (Crime prevention + detection) Real-time response to incidents and retrospective support in obtaining information and evidence.</p> <p>The objective of the Sussex CCTV Partnership scheme is to assist in creating an environment hostile to the commission of crime and the occurrence of disorder. The partnership agreement between Sussex Police and its local authority partners also authorises the use of the cameras appertaining to each council, by that council in support of its statutory responsibilities and duties.</p> <p>Normal local authority use will include monitoring council officers engaged in their official and legitimate duties, including, but not limited to:</p> <ul style="list-style-type: none"> • Observation of street traders by licensing officers • Observation of licensed premises by licensing officers • Observation of taxi and private hire operators by licensing officers • Monitoring controlled areas for parking contraventions, both on and off street • Observation of traffic flow and crash hot spots • Enforcement of bus lane and other highway regulations
Statutory or discretionary?	?
Timing of activity	24/7/365, including bank holidays.
Staffing and equipment	17 CCTV cameras and various monitoring equipment. 56 i-Witness platforms allowing direct access to CCTV pictures by i-Witness trained Sussex Police staff via a secure network.

	<p>15 dedicated CCTV Operators working 24/7 shifts as well as 24/7 maintenance provided by Chroma-Vision and BTRedcare.</p> <p>1 CCTV Manager 1 CCTV Supervisor 1 CCTV Administrator</p>
Key performance measures	<p>Key Performance measures :</p> <p>Arrests Recorded Incidents monitored Contributed to Arrests Initiated Arrest Initiated Incidents Incidents resolved</p> <p>All users of the CCTV system must adhere to the stipulations of the Data Protection Act 1998, the Human Rights Act 1998, the Freedom of Information Act 2000, and the Regulation of Investigatory Powers Act 2000 (RIPA).</p>
Non-compliance procedure	Sussex Police performance management procedures
Existing value of contract/ service	£11019 per annum
Boundary area	As per agreed BID boundary
Proposed additional BID activity	Not yet known
Cost of additional BID activity	Not yet known

Service	Parking Services
Head of Service	
Telephone	
Email	

Baseline activity	Parking Services for Eastbourne Town Centre
Service specification	<p>Speak to: Jo Newton The Parking Shop, Lewes 08456 801129 (option 2) 01273 483962 www.nsl.co.uk @NSLConnect NSL LinkedIn Group Latest NSL News</p>
Statutory or discretionary?	Statutory
Timing of activity	Marion.marchant@nslservices.co.uk
Staffing and equipment	
Non-compliance procedure	
Existing value of contract/ service	
Boundary area	As per agreed BID boundary
Proposed additional BID activity	Not yet known
Cost of additional BID activity	Not yet known

Service	Street Cleansing
Head of Service	Melanie Thompson
Telephone	5227
Email	melanie.thompson@eastbourne.gov.uk

Baseline activity	Street cleansing of the Eastbourne Town Centre		
Service specification	The Contractor is required to cleanse all streets, roads and other paved areas, soft landscapes in Highway areas, parades, beaches and Downland, and empty all litter bins and dog bins, throughout the Partnership area disposing of all arisings to the Delivery Points as directed and in accordance with the legislation. [Borough wide]		
Statutory or discretionary?	Statutory		
Timing of activity	6.00-22.00 Daily [Town centre area]		
Staffing and equipment	Contracted service with Kier. Staffing levels fluctuate depending on seasonal requirements.		
Key performance measures	Measure	2013/14	2014/15 YTD
	NI195 Inspections 3 x per year		
Non-compliance procedure	Default process built into the contract for failing to reach the contract standard		
Existing value of contract/ service	£1,069,041.53 [Borough Wide]		
Boundary area	Borough Wide		
Proposed additional BID activity			
Cost of additional BID activity			

Service	Parking Services
Head of Service	Tim Whelan
Telephone	01323 415279
Email	Tim.whelan@eastbourne.gov.uk

Baseline activity	Parking Services for Eastbourne Town Centre
Service specification	Off street parking in Hyde Gardens
Statutory or discretionary?	Discretionary
Timing of activity	8.00 – 18.00
Staffing and equipment	3 Coin pay Machines 2 FTE cover All off street parking including outside the BID area
Non-compliance procedure	Issue Parking Penalty Notice
Existing value of contract/ service	200K
Boundary area	Hyde Gardens
Proposed additional BID activity	N/A
Cost of additional BID activity	N/A

Service	East Sussex County Council, Parking Services
Head of Service	David Weeks, Parking Team Manager
Telephone	01323 466230
Email	David.weeks@eastsussex.gov.uk

Baseline activity	Managing the on street civil parking enforcement scheme.
Service specification	To introduce and maintain parking schemes to control and manage the available parking space within the town and borough.
Statutory or discretionary?	Statutory
Timing of activity	Dependent on the times of the restrictions. The usual hours of enforcement are 8am to 6pm daily with regular 'out of hours' enforcement.
Staffing and equipment	Staff: 19 members of our contractors staff work in Eastbourne covering the whole of the borough and the Parking Information Centre. We cannot break this down for the area covered in the map. Equipment: pay and display machines and personal equipment used by the civil enforcement officers consisting of hand held computers, mobile phones and printers.
Non-compliance procedure	If a KPI is not achieved a financial penalty is imposed.
Existing value of contract/ service	Please see details in our annual parking reports www.eastsussex.gov.uk/roadsandtransport/parking/policies/annualreports-and-minutes1
Boundary area	Eastbourne Borough
Proposed additional BID activity	N/A
Cost of additional BID activity	N/A

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OPERATING AGREEMENT

between

Eastbourne Borough COUNCIL

and

**Your Eastbourne BID Limited
A wholly owned subsidiary of
Eastbourne & District Enterprise Agency Limited**

DRAFT

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- 1 Definitions
- 2 Statutory Authority and Interpretation
- 3 Calculating the BID Levy
- 4 The BID Revenue Account
- 5 Debits from the BID Revenue Account
- 6 Collecting the BID Levy
- 7 Enforcement of payment of the BID Levy
- 8 Payment to the BID Company and Reconciliation
- 9 Performance Monitoring
- 10 Termination
- 11 Confidentiality
- 12 Notices
- 13 Miscellaneous
- 14 Rights and Duties Reserved
- 15 Contracts (Rights of Third Parties) Act 1999
- 16 Dispute Resolution

Schedule 1 – The BID Levy Rules

Schedule 2 – Plan of the BID Area

Schedule 3 – The BID Proposals

Dated the

day of

2017

Between

- (1) **EASTBOURNE BOROUGH COUNCIL** (“the Council”) of 1 Grove Road, Eastbourne, BN21 4PN
- (2) **YOUR EASTBOURNE BID LIMITED** a wholly owned subsidiary of **EASTBOURNE & DISTRICT ENTERPRISE AGENCY LIMITED** (“the BID Company”) registered as a company limited by guarantee in England with company number [xxxxxxxxxxxxxxxxxxxxx] whose registered office is [xxxxxxxxxxxxxxxxxxxxxxxxxxxxx].

(together a “**party or parties**”)

Background

- A The Council is the billing authority for the purposes of the Local Government Act 2003 and is responsible for collecting the BID Levy and administering the BID Revenue Account which shall be used towards the operation of the BID within the area of the Council and the funding of the BID Arrangements
- B With effect from [1 JUNE 2017], the BID Company will become responsible for the operation of the BID and for using the BID Levy for the purposes of achieving the objectives and aspirations set out in the BID Arrangements
- C Both parties wish to confirm the arrangements by which the BID Levy is collected together with general arrangements as to the relationship to be established between the Council and the BID Company for the duration of the BID.
- D The purpose of this Agreement is to:
 - establish the procedure for setting the BID Levy.
 - confirm the basis upon which the Council will be responsible for collecting the BID Levy.
 - set out the enforcement mechanisms available for collection of the BID Levy.
 - set out the procedures for accounting and transference of the BID Levy.

- provide for the monitoring and review of the collection of the BID Levy.
- confirm the manner in which the Council's expenses incurred in collecting the BID Levy shall be accounted for.
- provide for the monitoring and review of the spending of the BID Levy by the BID Company and its internal control arrangements.

It is agreed as follows:

1 Definitions

“Bad or Doubtful Debts” shall have the same meaning as further described in **Part 2 of Schedule 3** of the Regulations;

the **“Balancing Payment”** means the difference between the sum of the First and Second Advance Payments and the actual total sum of the BID Levy collected by the Council for the relevant Financial Year as ascertained by Council and notified to the BID Company within three (3) calendar months after the end of the financial year in question. If the aggregate of the two former payments exceed the latter, it is negative, if the aggregate of the former payments is less than the latter, it is positive;

“BID” means Business Improvement District as defined by the Local Government Act 2003 Part 4 and The Business Improvement Districts (England) Regulations 2004

the **“BID Area”** is identified on the map in **Schedule 2**;

the **“BID Arrangements”** means those arrangements to be put in place pursuant to the Regulations for the operation of the BID;

the **“BID Company’s Report”** means a report for each Financial Year to be prepared by the BID Company which details the following:

- (i) the total income and expenditure of the BID Levy;
- (ii) other income and expenditure of the BID Company not being the BID Levy;
- (iii) a statement of actual and pending deficits; and
- (iv) the various initiatives and schemes upon which the BID Levy has been expended by the BID Company analysed in line with the agreed BID Proposals;

the “**BID Internal Control Arrangements**” means the arrangements put into place by the BID Company under **Clause 3.2** as revised from time to time under **Clause 3.2** following an independent review;

the “**BID Levy**” means the charge to be levied and collected within the BID area pursuant to the Regulations;

“**BID Levy Payer(s)**” means the non-domestic rate payers responsible for paying the BID Levy;

the “**BID Levy Rules**” means the rules set out in **Schedule 1** of this Agreement which sets out how the BID Levy will be calculated, details of Exempt Properties and other requirements related to the BID Levy (as may be amended by a successful alteration ballot pursuant to the Regulations);

the “**BID Proposals**” means the BID Company’s BID Proposals set out in **Schedule 3** to this Agreement.

the “**BID Revenue Account**” means the account to be set up in accordance with Regulation 14 and operated in accordance with Schedule 3 of the Regulations;

the “**BID Term**” means the period commencing on the Operational Date and expiring on [30TH JUNE 2022];

“**CLA**” means the Commission for Local Administration;

“**Confidential Information**” means:

- All information relating to this Agreement which includes, but is not limited to, commercial, financial, technical, operational or other information in whatsoever form (including information disclosed orally) which concerns the business and affairs of a party including information disclosed prior to the date of this Agreement, where one party can demonstrate to the other party that disclosure would cause considerable harm;
- All information reasonably designated as such by either party in writing together with all other information which relates to the business, affairs, products, developments, trade secrets, know-how, personnel, customers and suppliers of either party being information where one party can demonstrate to the other party that disclosure would cause considerable harm;
- Any information which is agreed by the parties at the Execution Date or any time prior to publication of this Agreement or any part of it under

the Freedom of Information Act 2000 or any other legislation as being commercially sensitive;

“Confidentiality Expiry Date” means the date one (1) year following the expiry of the BID Term;

the **“Contributors”** means the BID Levy Payers or other contributors making voluntary contributions to the BID Company;

“Demand Notice” shall have the same meaning ascribed to it as further set out in paragraph 3 of Schedule 4 of the Regulations;

“Dispute Resolution Procedures” means the procedures set out in **Clause 16**;

“DPA” means the Data Protection Act 1998;

“EEA State” means a state which is a contracting party to an agreement on the European Economic Area pursuant to Section 70 DPA;

“Execution Date” means the date of the execution of this Agreement by the parties;

the **“Exempt Properties”** means those class or classes of properties as identified in the BID Levy Rules which shall be exempt from any requirement to pay the BID Levy;

the **“Financial Year”** means the period of twelve (12) consecutive months from 1st April to the following 31st March;

the **“First Advance Payment”** means the amount collected from BID Levy payers. **“FOIA Scheme”** means the Council’s current published scheme under Section 19 Freedom of Information Act 2000;

“Hereditament” shall have the same meaning as defined in Regulation 1 (2);

“Legislation” means any Act of Parliament or subordinate legislation within the meaning of Section 21 (1) of the Interpretation Act 1978, any exercise of the Royal Prerogative, and any enforceable community right within the meaning of Section 2 of the European Communities Act 1972, in each case in the United Kingdom;

“Liability Order” has the meaning given in Regulation 10 of the 1989 Regulations;

the “**Operational Date**” means [1 July 2017] being the date upon which the BID Arrangements come into force;

“**Personal Data**” is defined by DPA;

“**Public Meeting**” means the meeting to be held of all BID Levy Payers pursuant to Regulation 18(1)(a)(ii);

the “**Regulations**” means the Business Improvement Districts (England) Regulations 2004 SI 2004 No. 2443 and such amendments made from time to time by the Secretary of State pursuant to Section 48 Local Government Act 2003;

“**Relevant Authority**” means any court with the relevant jurisdiction and any local, national or supra-national agency, inspectorate, minister, ministry, official or public or statutory person of the government of the United Kingdom or of the European Union;

“**Reminder Notice**” means the notice to be served by the Council pursuant to **Clause 7.2**;

“**Second Advance Payment**” means the amount collected from the BID Levy payers less the amount of the First Advance Payment for such Financial Year;

“**Working Day**” means a day (other than a Saturday or a Sunday) on which banks are open for domestic business in the city of London;

the “**1989 Regulations**” means the Non Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 SI 1989 No 1058.

2 **Statutory Authority and Interpretation**

2.1 This Agreement is made pursuant to Part 4 of the Local Government Act 2003 and the Regulations.

2.2 This Agreement shall be interpreted according to the following provisions, unless the context requires a different meaning:

2.2.1 words importing persons shall, where the context so requires or admits, include individuals, firms, partnerships, trusts, corporations, governments, governmental bodies, authorities, agencies, unincorporated bodies of persons or associations and any organizations having legal capacity;

2.2.2 references to any statutes and statutory instruments are to be construed as references to those statutes and statutory instruments as from time to time amended or to any statutes

and statutory from time to time replacing, extending, consolidating or amending the same.

Insert the term and commencement of the agreement here as an introduction to what follows (1st April 2017 and five years).

3 Calculating the BID Levy and BID Internal Control Arrangements

3.1 No later than fourteen (14) days prior to 1st April in each Financial Year, the Council shall:-

3.1.1 Calculate the BID Levy due from each BID Levy Payer in accordance with the BID Levy Rules; and

3.1.2 Confirm in writing to the BID Company the BID Levy payable annually by each BID Levy Payer.

3.2 The BID Company shall, within twenty (20) Working Days of the 1st April in each Financial Year, supply the Council with a copy of its BID Internal Control Arrangements which are designed to ensure that the BID Levy as passed by the Council to the BID Company under **Clause 8** is spent effectively, efficiently and economically in accordance with the BID Proposals PROVIDED THAT:-

3.2.1 The BID Company shall arrange for an independent review of the BID Internal Control Arrangements every twelve (12) months, the first review to be undertaken no later than 1st April 2018 and thereafter on or before the 1st April of each subsequent year.

3.2.2 The BID Company shall provide the Council with a copy of the related report and findings of the independent review and its proposals and timescales to consider the recommendations. Any agreed recommendations will be actioned as detailed in the report and findings no later than 8 weeks of the publication of the report and the findings.

3.2.3 The BID Company shall within one (1) month of supply to the Council of the information under **Clause 3.2.2**, confirm in writing to the Council any revision to the BID Internal Control Arrangements and any other action taken in accordance with its proposals as disclosed under **Clause 3.2.2**.

3.2.4 If the BID Company shall fail to comply with its obligations under **Clause 3.2.1** the Council may employ an independent person to carry out the review under **Clause 3.2.1** and deduct all costs

reasonably incurred in so doing from any payment due to the BID Company under **Clause 8**.

4 The BID Revenue Account

- 4.1 The Council shall set up the BID Revenue Account and confirm in writing to the BID Company that the BID Revenue Account has been set up.
- 4.2 The BID Company shall provide the Council with details of its own bank account into which payments are to be made by the Council under **Clause 8**.

5 Debits from the BID Revenue Account

- 5.1 The Council shall seek a service charge of **no more than 3%** of the income collected to cover its costs of collecting the BID Levy. In addition the Council agrees that it shall only debit:
 - 5.1.1 Sums equal to the First Advance Payment, the Second Advance Payment and the Balancing Payment under **Clause 8**; and
 - 5.1.2 Bad or Doubtful Debts;

from the BID Revenue Account and if to the extent the Council is required by the Regulations to debit any further sums from the BID Revenue Account it shall immediately credit an equal sum to the BID Revenue Account.

6 Collecting the BID Levy

- 6.1 The Council shall serve a Demand Notice on each BID Levy Payer at the start of each Financial Year and thereafter as necessary, and shall continue to calculate the BID Levy and serve Demand Notices in each Financial Year of the BID Term.
- 6.2 The Council shall maintain an accurate and up to date list which identifies payment and/or non payment of the BID Levy and shall make this available to the BID Company on a quarterly basis on a date to be agreed at the beginning of each Financial Year.
- 6.3 BID Levy Payer queries regarding the BID or levy will be dealt with by the BID Company. Queries that are received directly by the Council will be referred to a named contact provided by the BID Company for resolution. Queries regarding payments and payment arrangements will be dealt with by the Council.

6.4 If the BID Company determines that there has been a change which may affect the amount of the BID Levy for the current or a future financial year or is aware of any change in the occupier of a hereditament or the merger or division of a hereditament (or provision of an additional hereditament) the BID Company shall inform the Council in writing accordingly In accordance with Council procedures any appropriate changes will then be made to the BID Company's account by the Council.

6.5 The Council shall use all reasonable endeavours, which are consistent with its usual procedures for the collection of non-domestic rates, to collect the BID Levy on the date specified (pursuant to Clause 6.1.) and thereafter on an annual basis and in accordance with the procedure set out in Schedule 4 of the Regulations.

7 Enforcement of payment of the BID Levy

7.1 In the event that the BID Levy is not paid by a BID Levy Payer within 30 days of issue of the Demand Notice, the BID Company will contact the Levy Payer in the first instance by telephone or email to arrange payment.

7.2 In the event that the BID Levy remains unpaid after the initial contact from the BID Company the Council shall serve a Reminder Notice on such relevant BID Levy Payer which shall:-

7.1.1 identify the sum payable;

7.1.2 provide a further seven (7) days for payment to be made;

7.1.3 confirm that the Council will apply to the Magistrates' Court for a Liability Order to recover the unpaid Bid Levy (together with costs).

7.3 If after a further seven (7) days from the payment date stated in the Reminder Notice the outstanding amount of the BID Levy has not been paid by the Bid Levy Payer, the Council shall make arrangements for an application to be made to the Magistrates' Court summoning the BID Levy Payer for non-payment of the BID Levy. The BID Levy Payer will be responsible for paying the court costs.

7.4 If the outstanding amount of the BID Levy (together with costs) is not paid in full by the court date, the Council shall make an application to the Magistrates Court to be granted a Liability Order to recover the outstanding sum of the BID Levy (and costs) as is permitted by the Regulations and the 1989 Regulations.

7.5 If payment is not made within seven (7) days following the granting of a Liability Order the case will be passed to the Council's appointed debt recovery agents for recovery of the debt.

8 Payment to the BID Company and Reconciliation

- 8.1 No later than 30 (thirty) Working Days following the **Execution Date or Operational Start Date** (whichever is the later), the Council shall pay the BID Company the First Advance Payment. In the following Financial Years the Council shall pay the BID Company the First Advance Payment [30 working days following the 1st **Oct**] in each of those Financial Years.
- 8.2 No later than 30 (thirty) Working Days after the sixth month following the Execution Date or Operational Start Date (whichever is the later) the Council shall pay the BID Company the Second Advance Payment. In the following Financial Years the Council shall pay the BID Company the Second Advance Payment on [30 working days and six months following the execution date or operational start date] in such Financial Years.
- 8.3 Except in the first year, no later than [25 July] after the end of each Financial Year, the Balancing Payment shall be payable. If it is negative, it shall be payable to the Council by the BID Company, and, if it is positive, it is payable by the Council to the BID Company.

9 Performance Monitoring

- 9.1 On [30th June] in each Financial Year, the Council shall provide the BID Company with an accurate and up to date report setting out in respect of the previous Financial Year the following information:-
- 9.1.1 the amount of BID Levy for each individual BID Levy Payer;
 - 9.1.2 the BID Levy collected in relation to each BID Levy Payer;
 - 9.1.3 details (together with the outstanding unpaid sum) of those BID Levy Payers who have not paid the BID Levy in full;

Additional Information

- 9.2 On [31st July] in each Financial Year, the BID Company shall provide the Council with an accurate and up to date report containing the following details for the previous Financial Year:
- 9.2.1 the total amount of income received from the Contributors (excluding the BID Levy);
 - 9.2.2 the total expenditure incurred and committed;
 - 9.2.3 The total expenditure by the BID Company on each head of expenditure and services in the BID Proposals;

- 9.3 The Parties shall review the operation of this Agreement and shall meet within six (6) weeks of the issue of the Council's report under **Clause 9.1** and the Bid Company's report under **Clause 9.2** in order to:
- 9.3.1 review the effectiveness of the collection and enforcement of the BID Levy;
 - 9.3.2 if required, review and assess the information provided by the Council and the BID Company pursuant to **Clauses 9.1** and **9.2**;
 - 9.3.3 make any recommendations for implementation as may be agreed (and which are permitted by the Regulations and this Agreement);

10 **Termination**

- 10.1 The Council may not terminate the BID Arrangements under Regulation 18(1)(a) of the Regulations unless it shall have first served written notice on the BID Company and, in addition to holding a Public Meeting, shall have met with the BID Company as soon as is reasonably practicable to discuss and review the following:
- 10.1.1 the basis of the Council's view that the BID Company has insufficient finances to meet its liabilities for the relevant period;
 - 10.1.2 the amount of its funds; and
 - 10.1.3 alternative means by which the deficit can be remedied, and shall have allowed the BID Company a reasonable timescale within which to specify a financial solution that is acceptable to the Council.
- 10.2 The Council may not terminate the BID Arrangements under Regulation 18(1)(b) of the Regulations unless it shall have first served written notice on the BID Company setting out its intention to do so and shall have met with the BID Company as soon as is reasonably practicable to discuss and review the following:
- 10.2.1 the services or works which the Council is no longer able to provide together with confirmation and details as to why such works or services cannot be provided;
 - 10.2.2 whether such works or services are of material importance to the BID so that termination of the BID Arrangements is the only option;

10.2.3 alternative means of procuring the said services or works by third parties or increased financial funding from the BID Company; and

10.2.4 alternative replacement services or works which will be acceptable to the BID Company;

and shall have afforded the BID Company a reasonable timescale within which to specify a practical solution that is acceptable to the Council.

10.3 If the BID Company shall fail to attend a meeting at a time specified by the Council on a Working Day following the giving of five (5) Working Days' notice then the Council shall have discharged its obligations under **Clause 10.1** or **10.2** as appropriate to meet with the BID Company.

10.4 In the event that the Council is not satisfied with the solutions offered by the BID Company under **Clauses 10.1** or **10.2** as appropriate or if no solution is offered, and subject to consideration of representations made by any BID Levy Payer at the Public Meeting then the Council shall be permitted to terminate the BID Arrangements provided that notice by the Council to terminate the BID shall be provided to the BID Company no less than twenty eight (28) days prior to termination taking place.

10.5 Upon termination of the BID Arrangements the Council shall ascertain whether there is a credit in the BID Revenue Account and in the event that there are sufficient funds in the BID Revenue Account amounting to a refund of at least £5 for each BID Levy Payer (having already deducted a reasonable sum for the administration of such refund) then the Council shall:

10.5.1 calculate the amount to be refunded to each BID Levy Payer;

10.5.2 ensure that the amount to be refunded is calculated by reference to the amount payable by each BID Levy Payer for the last chargeable period; and

10.5.3 make arrangements for the amount calculated to be credited against any outstanding liabilities of each BID Levy Payer or, where there are no such liabilities, refunded to the BID Levy Payer.

10.6 Upon termination of the BID the Council shall notify the BID Levy Payers of such termination in accordance with Regulation 18(6) of the Regulations together with confirmation as to whether any part of the BID Levy is to be repaid to BID Levy payers in accordance with **Clause 10.5**.

10.7 The BID Company shall not terminate the BID Arrangements if:

- 10.7.1 the works or services under the BID Arrangements are no longer required; or
- 10.7.2 the BID Company is unable, due to any cause beyond its control to provide works and services which are necessary for the BID to continue;

unless and until it shall have first served a written notice on the Council setting out its intention to do so and setting out full particulars as to how such decision has been reached and allowed the Council at least twenty eight (28) days to submit written representations for consideration by the BID Company and thereafter carried out a proper consultation with all relevant representatives, including representatives of the business community of the BID Area as considered appropriate by the Council.

- 10.8 Upon termination of the BID Arrangements the BID Company shall notify the Council of such termination in accordance with Regulation 18(5) and the Council shall notify the BID Levy Payers pursuant to Regulation 18(6) together with confirmation as to whether any part of the BID Levy is to be repaid to BID Levy Payers in accordance with **Clause 10.5**.

11. **Confidentiality**

- 11.1 The parties shall not disclose any Confidential Information and shall use all reasonable endeavours to prevent their employees and agents from making any disclosure to any person of any Confidential Information.

11.2 **Clause 11** shall not apply to:

- 11.2.1 any disclosure of Confidential Information that is reasonably required by persons engaged in the performance of its obligations under the Agreement;
- 11.2.2 any Confidential Information which a party can demonstrate is already generally available and in the public domain otherwise than as a result of a breach of this **Clause 11**;
- 11.2.3 any disclosure to enable a determination to be made under the Dispute Resolution Procedures;
- 11.2.4 any disclosure which is required by any Legislation (including any order of a court of competent jurisdiction), any Parliamentary obligation or the rules of any stock exchange or governmental or regulatory authority having the force of law;

- 11.2.5 any disclosure of Confidential Information which is already lawfully in the possession of the receiving party, prior to its disclosure by the disclosing party;
 - 11.2.6 any disclosure of Confidential Information by the Council to any other Relevant Authority;
 - 11.2.7 any disclosure for the purpose of the examination and certification of a party's accounts;
 - 11.2.8 any examination pursuant to the Audit Commission Act 1998 of the economy, efficiency and effectiveness with which the Council has used its resources;
 - 11.2.9 disclosure to a party's professional advisers;
 - 11.2.10 disclosure to the Council's members;
 - 11.2.11 any disclosure required or permitted by the Freedom of Information Act 2000 or in compliance with the FOIA Scheme;
 - 11.2.12 any disclosure made by a party following the prior written consent of the party owning the Confidential Information;
 - 11.2.13 any disclosure made by a party where it has requested the owning party to consent to such disclosure and the owning party has either: -
 - 11.2.13.1 failed to respond within 10 Working Days of the issue of such request;
 - 11.2.13.2 refused such request and has failed to set out its reasons for such refusal; or
 - 11.2.13.3 unreasonably refused to grant such consent or has granted it on terms or subject to conditions which are unreasonable;
 - 11.2.14 any disclosure made following the Confidentiality Expiry Date.
- 11.3 Where disclosure is permitted under **Clause 11.2**, other than **Clauses 11.2.4, 11.2.7, 11.2.8 and 11.2.12**, the recipient of the information shall be made subject to the same obligation of confidentiality as that contained in this Agreement.
- 11.4 For the purposes of the Audit Commission Act 1998 the District Auditor may examine such documents as he may reasonably require which are

owned, held or otherwise within the control of the BID Company and may require the BID Company to produce such oral or written explanation as he considers necessary.

11.5 CLA may investigate complaints of injustice in consequence of maladministration against the Council under the Local Government Act 1974 which can include complaints relating to the BID Arrangements. If such a complaint is made the BID Company shall:

11.5.1 fully and promptly answer whether oral or written communications from the CLA and shall send the Council a copy of any communication to the CLA at the same time as it is sent to the CLA;

11.5.2 co-operate fully and courteously in any investigation by the CLA;

11.5.3 fully and promptly respond to any communication from the Council concerning the complaint so that the Council may answer any issue raised by the CLA directly with the Council;

11.5.4 Pay to the Council any compensation paid as a result of a finding of maladministration if and to the extent that maladministration was caused to by any act or omission of the BID Company subject to a maximum of two thousand pounds.

11.6 In relation to all Personal Data, the BID Company shall at all times comply with the DPA as a data controller if necessary, including maintaining a valid and up to date registration or notification under the DPA covering the data processing to be performed in connection with the BID Arrangements.

11.6.1 The BID Company shall only undertake processing of Personal Data reasonably required in connection with the BID Arrangements and shall not transfer any Personal Data to any country or territory which is not an EEA state.

11.6.2 The BID Company shall not disclose Personal Data to any third parties other than:

11.6.2.1 to employees to whom such disclosure is reasonably necessary in order for the BID Company to carry out the BID Arrangements

11.6.2.2 to the extent required under a court order,

provided that disclosure under **Clause 11.6.2.1** is made subject to written terms substantially the same as, and no less stringent than, the terms contained in this **Clause 11.6** and that the BID

Company shall give notice in writing to the Council of any disclosure of Personal Data it is required to make under **Clause 11.6.2.2** immediately it is aware of such a requirement.

11.6.3 The BID Company shall bring into effect and maintain all technical and organizational measures to prevent unauthorised or unlawful processing of Personal Data and accidental loss or destruction of, or damage to, Personal Data including but not limited to take reasonable steps to ensure the reliability of staff having access to the Personal Data and the Council may be entitled to obtain from the BID Company , at reasonable intervals (but not more than once in any Financial Year), a written description of such technical and organisational methods.

12. Notices

12.1 Any notice shall be sufficiently served if served personally on the addressee, or if sent by prepaid first or second class or recorded delivery post, to the correct address set out in **Clause 12.1**.

12.2 The Council’s and the BID Company’s addresses are as set out in the Address Table:

ADDRESS TABLE			
	POSTAL ADDRESS	FACSIMILE TRANSMISSION No.	E-MAIL ADDRESS
Council	1 Grove Road, Eastbourne, BN21 4PN	n/a	n/a
BID Company	7 Hyde Gardens Eastbourne BN21 4PN	n/a	n/a

12.3. The Council and the BID Company may by notice to the other party change its address for service as indicated in **Clause 12.2** or in any previous notice issued under **Clause 12.3** take effect no earlier than seven (7) days from the service of such notice.

12.3 Any notice served in accordance with **Clause 12** shall be presumed to have been received at the time stated in the Service Table: -

SERVICE TABLE			
	METHOD OF SERVICE	TIME OF RECEIPT	ADDITIONAL FORMALITIES REQUIRED
1.	Personal Service	Time of service	None
3.	Second Class Post	On the second Working Day after the date of posting	None

13 **Miscellaneous**

- 13.1 For the avoidance of doubt where any part of this Agreement is incompatible with the Regulations or any other regulations which the Secretary of State may issue pursuant to Part IV of the Local Government Act 2003 then the parties shall endeavour to agree an amendment to the Agreement and if they fail to reach agreement, either party may institute the Dispute Regulations Procedures.
- 13.2 The headings appearing in this Agreement are for ease of reference only and shall not affect the construction of this Agreement.
- 13.3 References to the Council include its successors to its functions as a billing authority.
- 13.4 A reference to any Act of Parliament or to any Order, Regulation, Statutory Instrument, or the like shall include a reference to any amendment or re-enactment of the same.
- 13.5 This Agreement constitutes the entire agreement and understanding of the parties as to the subject of this Agreement and, save as may be expressly referred to or referenced in this Agreement supersedes all prior representations, writings, negotiations or understandings with respect to this Agreement except in respect of any fraudulent misrepresentation made either by the Council or the BID Company.

14 **Rights and Duties Reserved**

For the avoidance of doubt it is hereby agreed and declared that nothing in this Agreement, express or implied, shall prejudice or affect the Council's rights, powers, duties and obligations in the exercise of its functions as a local authority and the rights, powers, duties and obligations of the Council under all public and private statutes, bye-laws, orders, regulations and statutory instruments may be fully and effectively exercised in relation to the subject matter of this Agreement and any consent, approval, licence or permissions required under this Agreement unless stated otherwise shall be in addition to, and not in substitution for, any consent, approval, licence or permissions required to be obtained under any statute, bye-laws or other Legislation.

15 **Contracts (Rights Of Third Parties) Act 1999**

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement. Therefore a person who is not a party to this Agreement shall not be able to enforce any of its terms against either the Council or the BID Company.

16 **Dispute Resolution**

The following provisions shall apply in the event of a dispute:

16.1 **Resolution by Senior Officers**

Any dispute or difference of any kind whatsoever arising between the parties out of or in connection with this Agreement shall first be discussed by the Chairman of the BID Company and the Council's Director of **Service Delivery** (or their respective nominated representatives).

16.2 **Mediation**

If the parties are unable to resolve the dispute under **Clause 16.1** they may decide to refer the dispute to mediation on the terms of the latest model mediation procedure produced by the Centre for Effective Dispute Resolution, subject to the proviso that any such mediation shall be completed within four (4) weeks of referral (or such longer period as the parties may agree).

16.3 **Arbitration**

Save where the parties have agreed in writing that a decision under **Clause 16.1** or an agreement reached at or during mediation under **Clause 16.2** as appropriate, is to be final and binding, either party may refer the dispute to arbitration before a single arbitrator as follows:

- 16.3.1 If the parties shall fail to agree upon an arbitrator within twenty eight (28) days of one party serving upon the other a written notice to concur in the appointment of an arbitrator, then the arbitrator shall be appointed by the President or the Vice President of the Chartered Institute of Arbitrators.
- 16.3.2 The Arbitration Act 1996 shall apply to such arbitration.
- 16.3.3 The arbitrator shall have power to open up, review and revise any certificate, opinion or decision of the Council.
- 16.3.4 The parties hereby agree and consent pursuant to Sections 45(2)(a) and 69(2)(a) of the Arbitration Act 1996 that either party;
 - 16.3.4.1 may appeal to the High Court on any question of law arising out of an award made in an arbitration under this Agreement;
 - 16.3.4.2 may apply to the High Court to determine any question of law arising in the course of the reference;and the parties agree that the High Court should have jurisdiction to determine any such question of law.
- 16.3.5 **Subject to Clause 16.3.4**, the award of the arbitrator shall be final and binding on the parties.
- 16.3.6 The parties agree that the maximum recoverable costs which may be awarded to the successful party in the arbitration shall not exceed one half of the sum claimed by the Claimant in the arbitration ("**the Claim Sum**"). The Claim Sum is the aggregate of the total damages specified in the Claimant's Points of Claim or Statement of Case, and the total interest so specified (excluding in both cases any sums which are not quantified) notwithstanding any subsequent amendment of the same.
- 16.3.7 The parties agree pursuant to Sections 61 and 62 of the Arbitration Act 1996 that, if the total sum (including interest) awarded to the Claimant in the arbitration (less any sum (including interest) awarded to the Respondent in a counterclaim in the arbitration) does not exceed 20% of the Claim Sum as defined by **Clause 16** then the arbitrator in

determining how costs are to be allocated shall not (if he is minded to make an award in the Claimant's favour) award the Claimant more than the lesser of: -

16.3.7.1 50% of the maximum recoverable costs as defined and limited by reference to **Clause 16.3.6**.

16.3.7.2 50% of the Claimant's recoverable costs.

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Schedule 1 – The BID Levy Rules

1. General

The Local Government Act 2003 enables the local authority to issue a demand for a BID Levy. The BID Levy is collected by the Council and held in a separate account for the exclusive use of the BID. The liable person to pay the BID Levy is the ratepayer liable for non-domestic rates in respect of the Hereditament.

2. Non-Domestic Rate Payers

The BID Levy will be applied to all eligible non-domestic ratepayers with Hereditaments in the BID Area who are identified in the 2017 valuation list issued by the Valuation Office Agency.

3. Chargeable Period

The chargeable period will be the BID Term namely a period of five (5) years from 1 July 2017 to 30 June 2022.

4. Percentage Levy

4.1 A 1.5% BID Levy will be applied to rateable values of £6,000 or more as listed in the 2017 Local Non-domestic Rating List as at 1st April 2017. No subsequent adjustments will be made to levy charges for outstanding proposals not reflected in the rating list as at 1st April 2017.

4.2 No relief will be granted for void or partially empty properties, the liability falling to the owner or leaseholder (if an occupational lease exists).

4.3 There will be no VAT charged on the BID Levy.

4.4 Registered charities with no retail unit will be exempt from paying the BID levy.

4.5 Medical practices which only carry out NHS work will be exempt. Those operating private practices will pay the full levy.

5. Administration and Collection

The Council will be responsible for the billing, administration, collection and recovery of the BID Levy.

6. Removal of Hereditaments

- 6.1 If a Hereditament is removed from the Valuation Office listing or the Rateable Value drops below the levy threshold, no credit or refund will be made for the year in which the levy was collected.

7. New Hereditaments

- 7.1 If there are any new Hereditaments in the BID Area raised following the Operational Date the occupiers will be liable to pay a BID Levy based on the new rateable value applying to such Hereditaments (provided that the exemptions under Paragraphs 2 and 4 will apply).

Do they pay a full year's levy if they become liable to pay a levy towards the end of the year and will be paying again at the correct anniversary?

8. Merging or Splitting of a Hereditament

Where a Hereditament is split or merged, the BID Levy shall be made on the revised entries under the 2017 rating list and the BID Levy will be based on that list until the list is replaced.

9. Payment Date

The BID Levy is a charge based on rateable value. It is to be paid for the year in full in advance, the payment date being 1 April in all Financial Years or within fourteen (14) days of a demand notice being served whichever is the later. For the purposes of the BID Arrangements, a financial year is a period 365 days (366 in a leap year) from 1 April to 31 March inclusive. The levy is an annual sum and will not be apportioned during the year when a ratepayer vacates or occupies a property.

If a new property comes into the rating list part way through the year the levy will not be amended to reflect the change until the following year.

If a property undergoes a split or merger in the rating list during the year the levy will not be amended to reflect the change until the following year. If a property's rateable value is either increased or decreased the change will not take effect until the following year and no part of the levy will be credited.

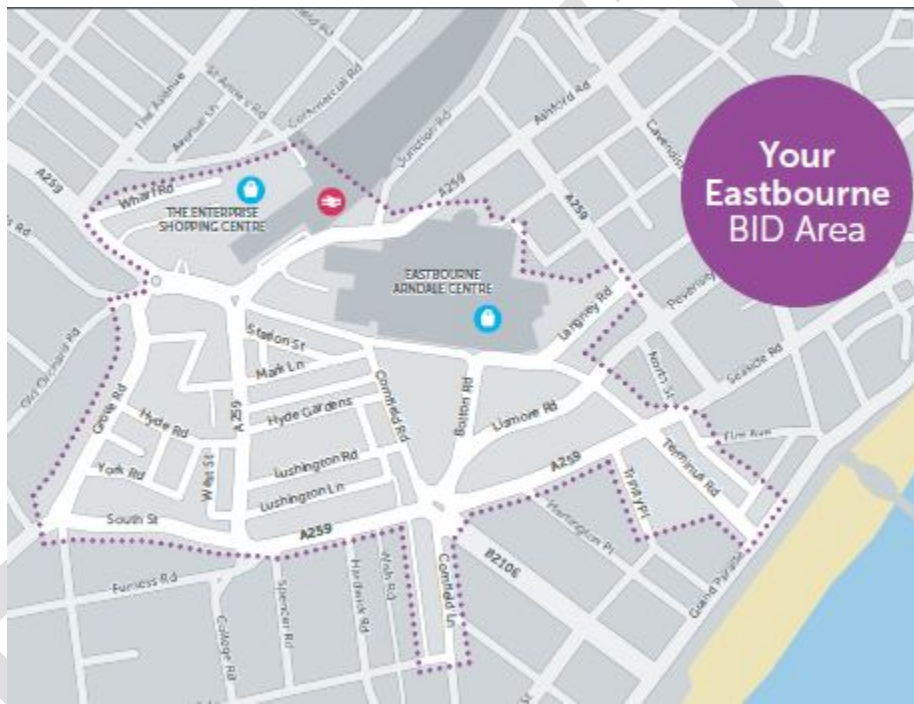
10. Recovery

The non-payment of the BID Levy will be effectively pursued by the Council using all practical available enforcement options. This will include:

the preparation, issuing and serving of summonses; the use of enforcement agents; committal action and insolvency proceedings. All of these actions may incur additional costs for which the BID Levy Payer will be liable.

11. The BID company will supply all bill design, leaflets, and layout for recovery documents following the non domestic ratings legislation. This will be supplied by the end of March 2017.

Schedule 2 - BID Area



Schedule 3 - Your Eastbourne BID Proposals

Attached

DRAFT

IN WITNESS of which this Agreement has been executed by the parties as a DEED

THE COMMON SEAL OF
EASTBOURNE BOROUGH COUNCIL
was affixed to this contract
in the presence of:-

)
)
)
)

Authorised signatory

.....

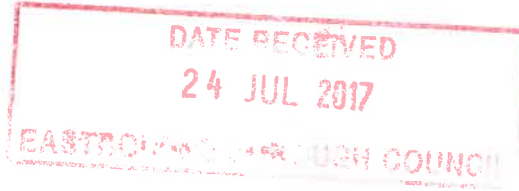
EXECUTED as a deed by
YOUR EASTBOURNE BID LIMITED
a wholly owned subsidiary of Eastbourne & District Enterprise Agency Limited by:

.....
Director

.....
Director/Company Secretary

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Bill McCafferty



Eastbourne Borough Council
Eastbourne Borough Council Offices
1 Grove Road
Eastbourne
BN21 4TW

Delivered by hand

View our business plan: www.youeastbournebid.com

Complete our one question survey: <https://www.surveymonkey.co.uk/r/BIDLetter>

Your Eastbourne BID – Two years in the making...

It's been two years since we first discussed making Eastbourne a Business Improvement District, which would unlock £1.5M to spend in our town centre over five years.

In that time, we have spoken to businesses at various consultation meetings and during 1-2-1 sessions. We have heard your thoughts not only on the challenges of our town centre, but also on your aspirations on how it can be improved.

The business plan we have produced will enhance our town centre and make it more profitable for all.

Our Investment

- **£685,000** into dressing our town with 50 planters, winter lighting, signage and more!
- **£207,500** into addressing your concerns over security, with street ambassadors acting as your eyes and ears on the street
- **£192,500** into footfall marketing and promotion with a calendar of events designed to bring people to our town. We'll also invest in a footfall camera to make sure we are measuring our achievements
- **£50,000** on lobbying our public servants on the issues that matter to us so that your concerns are addressed

The cost to you

- A levy of 1.5% of your rateable value will be collected by Eastbourne Borough Council and ringfenced for Your BID
- This is exclusive of any business rates you pay
- This will amount to £300,000 per year, every year for five years
- The BID steering group comprising local and national businesses from all sectors and areas of the town centre will determine how that money is spent. **It is your money – under your control**

Joining the BID Success Story

Since the start of this process other towns have successfully launched BIDs – including Hastings, Brighton and Worthing. We believe that in order for Eastbourne to compete we need to invest in our town centre – and we have been overwhelmed by the support we have received from the business community. In total, there are currently 270 successful BIDs in the UK.

Your Decision

We have now published our final business plan which you can view on our website – www.youeastbournebid.com. There have been some changes to the draft that we published after listening to your feedback, so we'd encourage you to have a read.

We had hoped to go to ballot in May, but with the General Election being called we felt it wise to delay it for a few weeks.

We anticipate our new ballot commencing from the 4th October to the 31st October.

Before going to ballot though, we want to hear from you – with one simple question – do you support our plans for the BID?

We'd therefore be very grateful if you could spend just a few seconds to go to our survey – <https://www.surveymonkey.co.uk/r/BIDLetter> - and answer that one simple question!

The BID has been in development for almost two years – and lots can change (including BREXIT and Government) so it's important we know that the concerns you have expressed have been addressed. Please do let us know what you think now.

Please take a couple of seconds to tell us whether you support Your Eastbourne BID or not. It is vital to know this so we can decide to go to ballot.

We need to know as soon as possible, so please do take the time to join your neighbours and tell us your opinion on our one question survey.

Kind regards



Stephen Holt
BID Co-Ordinator

Complete our one question survey: <https://www.surveymonkey.co.uk/r/BIDLetter>

COMMITTEE	CABINET
DATE	13 September 2017
SUBJECT	Affordable Housing Supplementary Planning Document (SPD)
REPORT OF	Director of Strategy, Planning & Regeneration

Ward(s) All

Purpose To seek Cabinet endorsement of the Affordable Housing Supplementary Planning Document (SPD) for formal adoption at Full Council on 15 November 2017.

Contact Matt Hitchen, Senior Planning Policy Officer
1 Grove Road, Eastbourne
Tel no: (01323) 415253
E-mail: matt.hitchen@eastbourne.gov.uk

- Recommendations**
1. That Cabinet endorse the Affordable Housing SPD as set out in Appendix 3, and recommend its adoption by Full Council.
 2. That Cabinet endorse, and recommend to Full Council, the revocation of the Affordable Housing Implementation Technical Note (adopted 2013) as set out in Appendix 4.
 3. That Cabinet delegate authority to the Director of Regeneration and Planning in consultation with the Cabinet portfolio holder to make any minor or technical adjustments found necessary in the Affordable Housing SPD before it is presented to Full Council.
-

1.0 Introduction

- 1.1 There is an on-going need for the provision of affordable housing in Eastbourne. The private rented sector doubled in the period between 2001 and 2011 whilst the proportion of households that live in affordable housing and mainly rent from social housing landlords fell slightly over the same period. Analysis from the Strategic Housing Market Assessment (2017) suggests that this is a result of challenges with the delivery of affordable housing and increasing unaffordability of owner occupation as house prices have continued to rise, as without dual incomes and/or access to savings/equity the owner occupied market remains unaffordable to the vast

majority of households.

- 1.2 A significant proportion of affordable housing is delivered through the planning system. As part of planning permissions, Local Plan policy requires that applicants for housing developments make a contribution towards the delivery of affordable housing, either on-site or elsewhere in the town.
- 1.3 As a result of changes in national policy and updated information on development viability, Eastbourne Borough Council has prepared a new Affordable Housing Supplementary Planning Document to update the position relating to affordable housing contributions sought from development.
- 1.4 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. SPDs are material planning considerations in the determination of planning applications.
- 1.5 The Affordable Housing SPD will provide detailed explanation in support of the implementation of Policy D5: Housing of the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013). It contains advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.
- 1.6 A draft Affordable Housing SPD was published for consultation with the local community and other stakeholders for an 8 week period between 26 May and 21 July 2017. The results of the consultation are detailed in this report.
- 1.7 The Affordable Housing SPD now needs to be adopted by Full Council, following endorsement from Cabinet. Once adopted, the Affordable Housing SPD can be used to help secure affordable housing contributions in development. The Affordable Housing SPD will replace the Affordable Housing Implementation Technical Note (adopted 2013), which will need to be rescinded.

2.0 Background

- 2.1 Policy D5: Housing of the Eastbourne Core Strategy Local Plan, which was adopted in 2013, required all development involving a net increase in housing units to make a contribution towards affordable housing. As market conditions vary across the town, the level of contribution required varies across the town. The level of contribution represents a starting point that can be negotiated if evidence can prove it would make development unviable.
- 2.2 In 2013, an Affordable Housing Implementation Technical Note was published, which provided an explanation of how Policy D5 will be implemented, including the type of affordable housing to be sought, how the financial viability of development will be assessed and how any commuted

sum payments will be calculated.

- 2.3 However, in 2014 the Government introduced a policy through a Written Ministerial Statement whereby developments of 10 units or less would be exempt from affordable housing contributions. This policy has since been transposed into national planning guidance¹. This means that Core Strategy Policy D5 can no longer be implemented as it was originally intended and now contributions can only be sought of developments of 11 units or more.
- 2.4 The Affordable Housing SPD updates the Affordable Housing Implementation Technical Note to take account of the changes to the contribution threshold, and also to update the considerations that will be taken into account in assessing viability of development and the indicative values used to calculate commuted sums.

3.0 Approach to Affordable Housing Contributions

- 3.1 National Planning Guidance is clear that planning obligations, including those in the form of affordable housing contributions, should not prevent development from coming forward².
- 3.2 In order to take account of development viability, the Core Strategy divides the neighbourhoods in the town into 'High Value' and 'Low Value' neighbourhoods, which reflects disparity between house prices and impacts on the viability of development. This is established through Core Strategy Policy D5 and cannot be changed through this SPD.
- 3.3 Since the introduction of the national threshold, an affordable housing contribution will be required where a development results in the creation of 11 or more residential units. The strong presumption is that the affordable housing contribution should be delivered on-site, unless off-site provision, free serviced land or a financial contribution (commuted sum) in lieu of on-site provision can be robustly justified.
- 3.4 Through Core Strategy Policy D5, the starting point for affordable housing contribution is set at 40% in 'High Value' neighbourhoods and 30% in 'Low Value' neighbourhoods. For example, for a development of 15 residential units in a 'High Value' neighbourhood, the affordable housing contribution would be 6 affordable units ($15 \times 40\% = 6$).
- 3.5 Where evidence proves that this level of contribution will not result in a viable development, the contribution can be negotiated to a level that will enable a viable development.

¹ <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 031, Reference ID: 23b-031-20161116)

² <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 004 Reference ID: 23b-004-20150326)

- 3.6 The new SPD, which will replace the 2013 Affordable Housing Implementation Technical Note, sets out:
- Policy requirement for the delivery of affordable housing on all residential development sites;
 - Type and standard of affordable housing that is likely to be sought;
 - Assessment of financial viability of the development;
 - Calculation of any commuted sum payments;
 - Delivery agencies for the affordable housing.

4.0 Planning application process

- 4.1 The SPD provides a detailed summary of the stages involved in seeking affordable housing contributions, from pre-application stage through to submission and determination of a planning application.
- 4.2 Applicants are encouraged to undertake pre-application discussion to discuss financial viability to deliver the affordable housing requirements. During these discussions, regard will be made to:
- The viability of development, considering the need and cost of supporting infrastructure on and off the site and any unavoidable and necessary site remediation to resolve environmental hazards;
 - The location and character of the site;
 - The tenure of affordable housing and type of dwelling units required in relation to the housing needs and the viability of specific developments;
 - The current availability of affordable housing in the local area when measured against demand for such accommodation; and
 - Any updated national policy and/or guidance to be implemented.
- 4.3 If a developer considers that the mandatory requirements of the affordable housing policy cannot be met on a particular site, this must be justified in an evidenced and 'open-book' financial viability assessment and supporting statement, including all necessary information to demonstrate and justify residual values. If an independent opinion from a viability expert is required to corroborate the evidence, this will be at the expense of the applicant.

5.0 Commuted Sum

- 5.1 If it is not possible to deliver affordable housing on-site or off-site, or if the required contribution results in a percentage of an affordable unit to be delivered, then commuted sum payments will be considered. The SPD sets out how commuted sums will be calculated.
- 5.2 The SPD sets out an affordable housing payment table, which identifies the required financial contribution per square metre for different types and sizes

of development. This is used to calculate what total financial contribution is required towards affordable housing.

- 5.3 In the 'Low Value' Market Areas, negative viability is likely to be demonstrated for some types of residential development if the affordable housing policy is delivered. Where the commuted sum payment table in the SPD (Appendix 3, Table 3, p24) shows a potential negative viability level within the 'Low Value' Market Area, a commuted sum payment will not be requested. Also, if a commuted sum requirement equates to less than £1,000 for the whole development scheme, then a financial contribution will not be sought for the development.

6.0 Consultation

- 6.1 The Draft SPD was published for consultation for an 8 week period between 26 May and 21 July 2017. During the consultation on the Affordable Housing SPD, a total of 8 representations were received. This included representations from Bespoke, Natural England, Southern Water, East Dean & Friston Parish Council, RentPlus, Highways England and Historic England, and one individual.

- 6.2 The representations and the recommended officer response to the representations are contained in Appendix 1. A schedule of changes recommended in light of those representations is provided as Appendix 2. An amended version of the Affordable Housing SPD as a result of the recommended changes is provided as Appendix 3. A summary of the main issues raised during the consultation is provided below.

6.3 Consistency with emerging national policy approach

- 6.3.1 A representation raised a concern that the starting point for negotiating tenure mix does not yet reflect the emerging policy approach proposed by successive Government consultations, which seek to widen the definition to allow an even more flexible and responsive set of tenures. The representation considers that it is necessary to respond to the Government's agenda by widening the types of affordable housing that will be encouraged in the Borough.

- 6.3.2 The starting point for tenure mix of affordable housing is identified in Core Strategy Policy D5: Housing as being 70:30 Rented to 'shared ownership', and it is not possible to change adopted policy through a SPD. However, the SPD does state that there is flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs, and that the Council may also consider adjusting the tenure mix of a scheme if it is necessary to secure the viability of the development.

6.3.3 Therefore it is considered that the SPD has been developed to be sufficiently flexible enough to accommodate future changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence. As such, no changes are proposed to the SPD as a result of this representation.

6.4 Space and Accessibility Standards

6.4.1 A representation raised a concern that the space and accessibility standards identified in the SPD are not contained in Local Plan policy, and the cumulative impacts of standards could create a burden on viability of development. It is therefore not consistent with the national Planning Policy Guidance.

6.4.2 It is accepted that the national space standards are not reflected in local policy due to the Core Strategy being adopted prior to the publication of the DCLG's Space Standards in March 2015. However, Core Strategy Policy B2: Creating Sustainable Neighbourhoods requires development to meet certain criteria that includes *protect(ing) the residential and environmental amenity of existing and future residents*. The national space standards are considered to be an acceptable guide as to what level of space provision would be required in order to ensure that residential amenity is not adversely impacted, and therefore how Core Strategy Policy B2 is applied.

6.4.3 It is considered that the Affordable Housing SPD has in-built flexibility and in this sense it is not overly prescriptive. For example, the SPD identifies that requirements will be applied in a flexible way on a site by site basis taking into consideration other planning considerations that may affect delivery. It is believed this approach will ensure that development remains viable.

6.4.4 However, in order to ensure that it is clear that the space standards are guidelines rather than policy, reference to space standards expectations will be amended to signify that they are guidelines that will be used to ensure that residential amenity of existing and future residents is not adversely impacted.

6.5 Infrastructure and design issues

6.5.1 A representation raised a concern that there is no real vision for how housing can provide anything wider than just the buildings themselves, and that the SPD does not refer to design and sustainable travel options. In addition, another representation requested that the SPD consider traffic flows in and out of town.

6.5.2 In response to these representations, it should be noted that the Affordable Housing SPD does not set out new Local Plan policy; it only provides guidance on the implementation of an existing policy (Core Strategy Policy

D5). It is not within the scope of the Affordable Housing SPD to consider design or infrastructure. These issues will be considered through the preparation of the new Eastbourne Local Plan.

7.0 Implications

7.1 Legal Implications

7.1.1 The Affordable Housing SPD has been prepared in order to comply with Regulations 12 and 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and with regard to the requirements of the National Planning Policy Framework.

7.1.2 Regulation 12 requires that before the SPD is adopted, a statement setting out details of those consulted when preparing the SPD, together with a summary of the main issues raised, must be prepared. Any relevant issues raised during the consultation will need to be addressed in the SPD. The Statement of Consultation is a background paper to this report.

7.1.3 Following adoption, there is a three month period where any person aggrieved by the decision to adopt the SPD may make an application to the High Court for judicial review. Any application for judicial review should be made promptly and in any event, no later than 3 months after the date of adoption (i.e. no later than Friday 16 February 2018).
(Legal Implications Provided - 23.08.17 - 6280-LDC-JCS)

7.2 Financial Implications

7.2.1 There are no financial implications to the Council as a direct result of this report.

7.3 Human Resource Implications

7.3.1 The implementation of the Affordable Housing SPD will be through the usual work of the Planning Policy and Development Management functions, and therefore it is not expected that there will be a significant resource implication for the Council.

7.4 Equalities and Fairness Implications

7.4.1 The Affordable Housing SPD helps to secure the provision of affordable housing, which may have a positive impact on people in need of housing that cannot be met by the market. This includes young people and older people who have problems accessing appropriate housing. This will help eliminate discrimination in access to housing, help equality in housing opportunities and help to foster good relations with people who need to access specialist housing.

7.4.2 An Equalities Impact Assessment for the Affordable Housing SPD is a background paper to this report.

8.0 Conclusion

8.1 A new Affordable Housing SPD has been prepared to provide updated detail on the implementation of Core Strategy Policy D5: Housing, specifically in relation to affordable housing contributions. The new SPD will replace the existing Affordable Housing Implementation Technical Note and reflects changes in national policy and development viability in Eastbourne.

8.2 Public consultation was undertaken on a draft Affordable Housing SPD, resulting in 8 representations being received. As a result of these representations, a small number of modifications to the Affordable Housing SPD are recommended.

8.3 In order for the Affordable Housing SPD to be formally adopted, it requires approval from Full Council. Cabinet are requested to endorse the Affordable Housing SPD and recommend to Full Council that the Affordable Housing SPD be formally adopted.

Background Papers:

- Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013)
- Affordable Housing Supplementary Planning Document (EBC, 2017)
- Affordable Housing SPD Sustainability Appraisal Screening Report (EBC, 2017)
- Affordable Housing SPD – Statement of Consultation (EBC, 2017)
- Affordable Housing SPD Equalities Impact Assessment (EBC, 2017)
- Strategic Housing Market Assessment (Arc4, 2017)
- National Planning Policy Framework (DCLG, 2012)
- Town & Country Planning (Local Planning) (England) Regulation 2012

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.

APPENDIX 1

Table of Representations Received on Draft Affordable Housing SPD

Rep ID	Name	Representation	Officer Response
AH_SPD/1	Paul Humphreys (Bespoke)	<p>There is no real vision of how housing developments can provide anything wider than just the buildings themselves.</p> <p>Bespoke want the SPD to reflect a vision of a more sustainable town with active travel options. I would refer you to Wealden generally, but Hailsham specifically, as to good practice and what is required. They have the idea of a green corridor for active travel with each new development connecting to this solution. In Wealden this is an enhanced Cuckoo Trail.</p> <p>Design should ensure that there are direct routes for pedestrians and cyclists. Too often meandering streets are built to slow traffic but add to the distance for pedestrians. Designs should have permeability for non-vehicle traffic and given this as pre-design guidance</p> <p>Design should ensure that cars cannot, or need not park, on the pavements.</p> <p>Build community resources, open spaces and schools that people can get to without the need for driving</p>	<p>The Affordable Housing SPD does not set out new Local Plan policy; it only provides guidance on the implementation of an existing policy (Core Strategy Policy D5). It is not within the scope of the Affordable Housing SPD to consider how development can provide anything wider than just the buildings themselves, or to introduce active travel options.</p> <p>The Eastbourne Local Plan 2015-2035, which is currently under preparation, will review all planning policy and create new policies for the growth of the town over the plan period. Issues such as design and travel options could be considered through the new Local Plan.</p>
AH_SPD/2	Gaurav Bijlani	<p>I am glad you are thinking of affordable housing.</p> <p>I would like you to look at traffic flow in and out of town and near A27, DGH, Lottbridge roundabout etc.</p> <p>As we are growing as a community, we need traffic to flow and make this town inviting to habitants and visitors alike.</p> <p>If part of affordable housing funding is used for 21st century would be appreciated.</p>	<p>The Affordable Housing SPD provides guidance on the implementation of an existing policy (Core Strategy Policy D5), and therefore cannot address issues relating to highways infrastructure.</p> <p>The Eastbourne Local Plan 2015-2035, which is currently under preparation, will consider the level of growth required in Eastbourne over that period, and identify the infrastructure issues that need addressing to accommodate</p>

Rep ID	Name	Representation	Officer Response
			that growth, including addressing issues associated with highways.
AH_SPD/3	Sharon Jenkins (Natural England)	Whilst we welcome this opportunity to give our views, the topic of the Affordable Housing Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	Comments noted.
AH_SPD/4	Charlotte Mayall (Southern Water)	I confirm we have reviewed the document, and that Southern Water has no comments to make at this time.	Comments noted.
AH_SPD/5	Katrina Larkin (East Dean & Friston Parish Council)	<p>East Dean and Friston parish council's planning committee took note of your draft Affordable Housing SPD at their meeting on 20th June 2017.</p> <p>They generally welcome your proposals, and thank you for giving them the opportunity to comment, but do not wish to make any specific comments on the draft.</p>	Comments noted.
AH_SPD/6	Meghan Rossiter (Tetlow King Planning) on behalf of Rentplus	<p>The starting point for negotiating tenure mix, whilst in line with existing policy, does not yet reflect the emerging policy approach proposed by successive Government consultations. This includes the introduction of rent to buy within the National Planning Policy Framework, which sought to widen the definition to allow an even more flexible and responsive set of tenures that better reflects the reality of delivering affordable housing across the country. Whilst Eastbourne experiences a continued acute need for affordable housing, particularly for family sized housing, it is considered necessary to respond to the Government's agenda by widening the types of affordable housing that will be encouraged in the Borough.</p> <p>Rent to buy is not an intermediate tenure, instead being defined more clearly as a hybrid, providing affordable rent for the period in which tenants save towards full purchase</p>	<p>It is appreciated that national policy with regards to the definitions of affordable housing is likely to evolve over time. With this in mind, the Introduction of the Affordable Housing SPD explains that the document 'has been developed to be sufficiently flexible enough to accommodate changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence'. In addition, para 2.2 of the SPD refers to future changes in the definitions of affordable housing superseding the definitions set out in the SPD.</p> <p>In terms of tenure mix, the starting point is identified in Core Strategy Policy D5: Housing as being 70:30 rented to 'shared ownership', and it is not possible to change adopted policy through a SPD.</p> <p>However, Core Strategy Policy D5 states that proposals for</p>

Rep ID	Name	Representation	Officer Response
		<p>of their home. As tenants rent for between 5 to 20 years at an affordable rent the model does not fit within the current definition of intermediate housing; the specifics of the Rentplus model are discussed more fully in the enclosed Statement. As a hybrid model, the tenure enables households to access affordable rented housing that does not require them later to move house in order to purchase, or to staircase ownership; this gives rent to buy households the certainty of a secure tenancy and the ability to achieve their aspiration to own their own home. For the duration of the tenancy the homes are managed by the partner Registered Provider, enabling the family time to integrate with the surrounding community and contribute to their local area. This contributes to the creation of stable and balanced communities.</p> <p>The Rentplus model seeks to enhance the affordable housing already being delivered in the borough, either as a standalone product or as part of the overall affordable housing offer on mixed development sites. With house prices and rents continuing to rise beyond reach for many within Reading, Rentplus provides an opportunity for those trapped by not being able to save for a mortgage deposit, to use an affordable rent period to save towards purchasing their home. This can have a real impact on affordability, improving the ability to deliver even more affordable housing on residential schemes across the Borough, and enabling even more households to access housing they can afford.</p>	<p>housing must take appropriate account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings. The SPD explains that the affordable housing requirement will be applied in a flexible way on a site-by-site basis, and there is flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs. The Council may also consider adjusting the tenure mix of a scheme if it is necessary to secure the viability of the development.</p> <p>In addition, Section 8 of the SPD explains that 'Eastbourne Borough Council is willing to work with housing providers which are not registered with HCA as well as those housing providers which are registered with HCA, in order to maximise the opportunities to provide affordable housing in Eastbourne Borough.' The intention is to maximise affordable housing in the Borough. To this end, the Council will work with a number of developers and providers, which may use different models and deliver various affordable housing tenure types.</p> <p>Therefore it is considered that the SPD has been developed to be sufficiently flexible enough to accommodate future changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence. As such, no changes are proposed to the SPD as a result of this representation.</p>
AH_SPD/7	Meghan Rossiter (Tetlow King Planning) on behalf of Rentplus	Whilst paragraph 3.10 (and Section 6) indicates that the Council will seek to deliver all affordable housing in accordance with the nationally prescribed space and accessibility standards, the adopted Plan does not include these and the PPG specifically states:	It is accepted that the national space and accessibility standards are not reflected in local policy. This is due to the Core Strategy being adopted prior to the publication of the DCLG's Space Standards in March 2015. However, it is considered that the amount of space provided by accommodation can have a significant effect on residential

Rep ID	Name	Representation	Officer Response
		<p><i>"Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard."</i> (Paragraph: 018 Reference ID: 56-018-20150327)</p> <p><i>"Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations ... They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements."</i> (Paragraph: 008 Reference ID: 56-008-20160519)</p> <p>It is also important to note that the NPPF emphasises that the site and scale of development in plans should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. In order to be appropriate, the cumulative impact of these standards and policies should not put the implementation of the plan at serious risk; the implementation of the optional technical standards has potentially major consequences for viability and should only be considered through a review of the Eastbourne Plan. Introducing the standard through the SPD does not comply with the PPG and therefore all reference to the national space and accessibility standards should be removed until such time as the Borough Council introduces such policies in the Local Plan.</p>	<p>amenity, which may impact on the acceptability of a development proposal.</p> <p>Core Strategy Policy B2: Creating Sustainable Neighbourhoods requires development to meet certain criteria that includes protect(ing) the residential and environmental amenity of existing and future residents. The national space standards are considered to be an acceptable guideline as to what level of space provision should be required in order to ensure that residential amenity is not adversely impacted.</p> <p>Whilst not meeting the space standards may not on its own be an acceptable reason for refusing development, it is considered the accommodation provided at significantly below this standard will have a negative impact on residential amenity and could be refused in accordance with Core Strategy Policy B2.</p> <p>It is considered that the Affordable Housing SPD has in-built flexibility and in this sense it is not overly prescriptive. For example, the SPD identifies that requirements will be applied in a flexible way on a site by site basis taking into consideration other planning considerations that may affect delivery. It is believed this approach will ensure that development remains viable.</p> <p>However, in order to ensure that it is clear that the space standards are guidelines rather than policy, reference to space standards expectations will be amended to signify that they are guidelines that will be used to ensure that residential amenity of existing and future residents is not adversely impacted.</p> <p>In terms of accessibility standards, the SPD will be amended to make it clear that although it is the Council's desire to see affordable housing built to Level 2 of the Accessibility Standard and comply with require M4(2) in the</p>

Rep ID	Name	Representation	Officer Response
			Building Regulations, the Council is unable to insist upon this.
AH_SPD/8	David Bowie (Highways England)	Having reviewed the published documentation, we do not have any comments on the Eastbourne Borough Council Affordable Housing Supplementary Planning Document	Comments noted.
AH_SPD/9	Alan Byrne (Historic England)	Historic England has no comments to make, in our view the document deals with matters outside our remit and raises no issues that are likely to impact on the historic environment.	Comments noted.

APPENDIX 2

Schedule of Changes to the Draft Affordable Housing SPD

Note: Deleted text highlighted by ~~strikethrough~~. New text highlighted in red and underlined.

Ref	Section	Modification
C/1	Policy Guidance	<p>Amend para 3.4:</p> <p>The Community Infrastructure Levy (CIL) Charging Area covers all areas within the local authority boundary excluding the South Downs National Park (the South Downs National Park <u>Authority</u> adopted CIL in April 2017). However, the regulations regarding CIL give full relief from paying the levy on the portions of the chargeable development intended for affordable housing. Eastbourne has no affordable housing requirement on developments of 10 (net) or less dwelling units which have a maximum combined gross floorspace of no more than 1,000 square metres (sqm). This reflects the national policy position on this matter.</p>
C/2	Policy Guidance – Development Site Standards and Characteristics	<p>Amend para 3.9:</p> <p>A particular site’s characteristics and the development as a whole should be reflected in the affordable housing mix of dwelling tenure, type and size, taking into account the expected <u>space standards guidelines</u> for affordable housing. The Council’s planning team will advise on the exact tenure, type and size split on each site through pre-application discussions.</p>
C/3	Policy Guidance – Development Site Standards and Characteristics	<p>Amend para 3.10:</p> <p>It is expected that affordable housing provided on-site will be subject to the same standards and be indistinguishable from the open market housing. The provision of on-site affordable housing should be integrated into the layout of the development through ‘pepper-potting’ within market housing, in order to fully reflect the distribution of property types and sizes in the overall development. The Council understands that pepper-potting may not be possible on developments sites consisting of 25 dwellings or less. For developments consisting of more than 25 dwellings, discussions will be required between the Council and the applicant/developer on a site-by site basis. It is expected that the nationally described space standards, as set out in Section 6 of this document, will also be adhered to. <u>In order for development to comply with Core Strategy Policy B2: Creating Sustainable Neighbourhoods, and in</u></p>

Ref	Section	Modification
		<p><u>particular, protect the residential and environmental amenity of existing and future residents, the nationally described space standards will be used as a guideline as to what size of accommodation is desirable to ensure residential amenity is protected.</u></p>
C/4	Policy Guidance – Development Site Standards and Characteristics	<p>Amend para 3.12:</p> <p>The housing should comply with consider all relevant design and quality codes and standards as set out by the Homes and Communities Agency or other associated national bodies, as well as any corresponding local guidance and specifications.</p>
C/5	Policy Guidance – Development Site Standards and Characteristics	<p>Add new paragraph after para 3.12:</p> <p><u>Information gathered from the Council’s Housing Register provides an indication of the need for each dwelling type. With reference to this, the Council will expect the affordable housing units within each development to be provided in line with the following dwelling mix:</u></p> <ul style="list-style-type: none"> • <u>1 bedroom: 40 per cent;</u> • <u>2 bedrooms: 30 per cent;</u> • <u>3 bedrooms: 20 per cent; and</u> • <u>4+ bedrooms: 10 per cent.</u>
C/6	Policy Guidance – Delivery of Affordable Housing Provision	<p>Amend para 3.16:</p> <p>The provision of affordable housing will be subject to a Nominations Agreement between the Council and the housing provider. A copy of the template of a Nominations Agreement will be attached as part of the Section 106 Agreement template. This will be made available at the moment the planning application is made.</p>
C/7	Policy Obligations – Prioritisation of Affordable Housing	<p>Amend bullet points in para 4.6:</p> <ol style="list-style-type: none"> i. The Council’s on-site preferred mix; ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s); iii. A level of affordable housing on-site which is less than the specified threshold; iv. Serviced plots onsite;

Ref	Section	Modification
		<p><u>v. Service plots offsite;</u></p> <p><u>vi. Transfer of land;</u></p> <p><u>vii. A commuted sum</u></p>
C/8	Policy Obligations – Section 106 agreements and Unilateral Undertakings	<p>Add new paragraph after para 4.20:</p> <p><u>Mortgagee in Possession Clauses</u></p> <p><u>In consultation with the applicant/developer the Council will look to support Mortgagee in Possession Clauses which have a time period of three months or less.</u></p>
C/9	Expected Standards	<p>Amend Section Heading:</p> <p>Expected Standards <u>Guidelines on Standards of Development</u></p>
C/10	Expected Standards	<p>Amend para 6.1:</p> <p>The Council's expected space standards for affordable housing, taken from the DCLG document Technical housing standards – nationally described space standard are set out in Table 4. <u>The Council will use the nationally described space standards, taken from the DCLG Technical Housing Standards, as a guideline for space provision in housing development, including affordable housing, to ensure that development protects the residential amenity of existing and future residents in accordance with Core Strategy Policy B2: Creating Sustainable Neighbourhoods. The space standard guidelines are set out in Table 4.</u></p>
C/11	Expected Standards – Quality of Design, Materials and Construction	<p>Amend para 6.4:</p> <p>The Council requires <u>would prefer that</u> all affordable homes to be built to Level 2 of the Accessibility Standard, and in all cases to comply with requirement M4(2) of Approved Document M: access to and use of buildings, volume 1: dwellings. There may also be a requirement <u>desire</u> for M4(3) category homes to be supplied on the site, which will be advised at the point of the planning application being submitted. Further information regarding building regulations is set out in the Department for Communities and Local Government's Approved Documents.</p>

Ref	Section	Modification
C/12	Appendix B – Commuted Sum Methodology	<p>In Appendix B, amend text:</p> <p>DVS have assessed the average development costs per unit type taking account of their own experience and similar studies carried out in the region as follows:</p> <p>Build Costs – BCIS median rates adjusted for location</p> <p>a. Flats – £1,481 per sqm</p> <p>b. Houses – £1,216 per sqm</p> <p>c. Bungalows – £1,440 per sqm</p> <p>d. Site and Infrastructure Costs – Flats 10%, Houses and Bungalows 15%</p> <p>e. External Works – 5%</p> <p>f. Contingencies and Insurances – 4.5%</p> <p>g. Planning Fees – £500 per unit</p> <p>h. Survey Costs – £500 per unit</p> <p>Professional Fees – 8.00 %</p> <p>Marketing and Sales Costs – 2% of sales value plus £600 per unit for legals</p> <p>Finance Costs – 7% including arrangement fees</p> <p>Land Costs – 1.75% fees etc plus holding cost of land for the development programme at 7%</p> <p>Developers Profit – 17.5% on private</p> <p><u>The Development Costs used in the Affordable Housing Commuted Sum Payment Table are based on information provided by the District Valuation Service (DVS) in Autumn 2016 and is set out in the tables below. The Serviced Plot Value is derived from the difference between the Development Value and the Development Cost.</u></p>
C/13	Appendix B – Commuted Sum Methodology	In Appendix B, add Viability Appraisals for each type of unit.

APPENDIX 3

Affordable Housing Supplementary Planning Document (2017)

Attached below

APPENDIX 4

Affordable Housing Implementation Technical Note (2013)

Attached below

Eastbourne

AFFORDABLE HOUSING

Supplementary Planning Document



November 2017



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1.0 Introduction

- 1.1 There is an on-going need for the provision of affordable housing in Eastbourne. The private rented sector doubled in the period between 2001 and 2011 whilst the proportion of households that live in affordable housing and mainly rent from social housing landlords fell slightly over the same period. Analysis from the Strategic Housing Market Assessment (2017) suggests that this is a result of challenges with the delivery of affordable housing and increasing unaffordability of owner occupation as house prices have continued to rise, as without dual incomes and/or access to savings/equity the owner occupied market remains unaffordable to the vast majority of households.
- 1.2 A significant proportion of affordable housing is delivered through the planning system. As part of planning permissions, Local Plan policy requires that applicants for housing developments make a contribution towards the delivery of affordable housing, either on-site or elsewhere in the town.
- 1.3 As a result of changes in national policy and updated information on development viability, Eastbourne Borough Council is preparing a new Affordable Housing Supplementary Planning Document to update the position relating to affordable housing contributions sought from development.
- 1.4 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. SPDs are material planning considerations in the determination of planning applications.

Background

- 1.5 The Borough of Eastbourne covers a total area of 4,500 hectares, a significant proportion of which is Downland (39 per cent) and located in the South Downs National Park. There is a limited supply of developable land given the urban area's tight confinement by the National Park, the sea, and land subject to flood risk. The Borough has recently seen a growing and increasingly diverse population established, with many younger families having moved to the area.
- 1.6 The Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013) states that 'Eastbourne needs to provide new homes to meet local needs.' In 2006,

the South East Plan targeted the delivery of 4,800 dwellings in Eastbourne between 2006 and 2026. Over the plan period, this translated into an annual requirement of 240 dwellings per year. The Council saw 1,377 new homes built between 2006 and 2011, and gave permission for a further 1,035 to be completed. To ensure that Eastbourne provided a 15-year supply of housing on adoption of the Core Strategy, the remaining annual target was adjusted to 222 dwellings per year until 2027. This equates to a new overall total of 5,022 dwellings between 2006 and 2027.

1.7 According to the Eastbourne Strategic Housing Market Assessment [SHMA] (2017), the following demographic drivers will continue to influence the operation of the Eastbourne Housing Market Area:

- An increasing population, with a 19.2 per cent increase (19,600 additional people) between 2015 and 2039¹, and with a projected increase in all age cohorts and particular growth of those aged 65 and over;
- 2014-based DCLG household projections suggest that the total number of households in Eastbourne is expected to increase from 45,427 in 2015 to 59,285 in 2039, an increase of 23.4 per cent;
- For open market housing, at borough level the minimum income required is £27,648 for lower quartile or entry-level renting, and £39,471 for lower quartile or entry-level house prices.
- Analysis indicates that individual lower quartile earnings are not sufficient to afford any tenure of dwelling across every neighbourhood. For median earnings, social renting is affordable along with affordable and market rent in some neighbourhoods;
- Upper quartile earnings are not sufficient to provide individuals with a range of housing tenure choices. These earnings are sufficient for renting across much of Eastbourne, but median/average house prices and even starter homes remain unaffordable.

1.8 The SHMA shows that there is a need for a wider variety of housing across Eastbourne, with a particular need for larger family accommodation and affordable units as part of the overall supply of housing. However, the National Planning Guidance is clear that planning obligations, including those in the form of affordable housing contributions, should not prevent development from coming forward². Whilst it is clear that the planning system alone will not be able to deliver all the affordable housing needed in

¹ According to ONS 2014-based sub-national population projections.

² <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 031, Reference ID: 23b-031-20161116)

Eastbourne, it should ensure that the proportion of affordable housing within a development is maximised.

- 1.9 The Eastbourne Core Strategy Local Plan, which was adopted in 2013, contains Policy D5: Housing, which required all development involving a net increase in housing units to make a contribution towards affordable housing. As market conditions vary across the town, the level of contribution required varies also. The Core Strategy divides the neighbourhoods in the town into 'High Value' and 'Low Value' neighbourhoods, which reflects disparity between house prices and impacts on the viability of development (Appendix A). Within 'High Value' neighbourhoods the affordable housing requirement is 40%, whilst in 'Low Value' neighbourhoods the affordable housing requirement is 30%. The level of contribution represents a starting point that can be negotiated if evidence can prove it would make development unviable.
- 1.10 Since the publication of the Written Ministerial Statement in November 2014, a national threshold of 11 units or more applies to affordable housing contribution. This means that affordable housing contributions can no longer be sought on developments of 10 units or less. This threshold has been transposed into Planning Practice Guidance³.
- 1.11 The supporting text to Policy D5 explains that the affordable housing requirement will be applied in a flexible way on a site by site basis taking into consideration other planning considerations that may affect delivery. Where a developer considers that the affordable housing requirements cannot be met on a particular site, and where replacement affordable units are not being provided by the developer on another site agreed with the Council, it will be necessary to secure the due affordable contribution in the form of a commuted sum.
- 1.12 However, the Council is committed to the fundamental principle of planning obligations to deliver affordable housing. Such obligations should not be used to 'buy' a planning permission nor should they be used as a method to tax a developer. Therefore, any development which is unsuitable in planning terms cannot be made acceptable by applying developer contributions to the scheme. Planning obligations cannot be sought or used to mitigate an existing problem in the area. They can only be sought against a future need that would be created by the proposed development.

³ <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 031, Reference ID: 23b-031-20161116)

Purpose of this document

- 1.13 The purpose of this Supplementary Planning Document (SPD) is to provide a detailed explanation in support of the implementation of Core Strategy Policy D5: Housing. This includes advice concerning the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.
- 1.14 This policy guidance relates to Eastbourne Borough. It specifically refers to the areas within the Eastbourne Borough Council Planning Authority boundary and the Eastbourne Borough Council Housing Authority area covering the whole Borough. It does not refer to the area of the Borough designated as the South Downs National Park.
- 1.15 This document should be read in conjunction with Policy D5 of the Core Strategy, and other relevant documents including the [National Planning Policy Framework](#) and the [Planning Practice Guidance](#), when considering making a planning application within the Borough. This document should be used as a guidance tool from the earliest stages of the development process of any site, including during purchase negotiations and the preparation of development schemes. Entering into discussion with the Council, including Planning and Housing Officers, at a very early stage in planning for a residential development scheme is strongly advised, to clarify and establish the policy requirements for affordable housing on a particular site.
- 1.16 The SPD is intended to guide the Council, developers, agents and other stakeholders in relation to:
- Policy requirement for the delivery of affordable housing on all residential development sites;
 - Type and standard of affordable housing that is likely to be sought;
 - Assessment of financial viability of the development;
 - Calculation of any commuted sum payments;
 - Delivery agencies for the affordable housing.
- 1.17 The document has been developed to be sufficiently flexible enough to accommodate changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence.

Status of Supplementary Planning Document

- 1.18 The Affordable Housing SPD was subject to public consultation with the local community and other stakeholders between 26 May and 21 July 2017.
- 1.19 The Affordable Housing SPD is a material consideration in the determination of planning applications. It has superseded the Affordable Housing Implementation Technical Note, which was adopted 2013.

2.0 Definitions

2.1 This Affordable Housing SPD adopts the definitions outlined in the National Planning Policy Framework [NPPF] (2012) as the following:

Affordable housing

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing

Owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency (HCA).

Affordable rented housing

Let by local authorities or private registered providers of social housing to households who are eligible for social rented housing.

Affordable Rent

Subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing

Homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing. Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes.

Starter homes

The Housing and Planning Act 2016⁴ defines a Starter Homes as a new dwelling which is available for purchase by qualifying first-time buyers at least 23 years old and under the age of 40, and is to be sold at a discount of at least 20% of the market value. Starter Homes are to be sold for less than the price cap of £250,000 outside of Greater London and £450,000 inside Greater London.

Serviced Plots

The Homes and Communities Agency⁵ defines Serviced Plots as “shovel ready” sites with planning permission, where plots or parcels are laid out and the land is ready for construction. Access is provided and each plot or parcel has utilities/services provided to the plot/parcel boundary.’

- 2.2 If any of the definitions set out above are updated within the National Planning Policy Framework, or if any of the definitions not included in the NPPF are updated by the relevant organisation, the updated definitions will supersede those set out in this Affordable Housing SPD.
- 2.3 Reference is often made to ‘low cost housing’ when the term affordable housing is used. It is important to note that such housing may not fall within the above definitions, and therefore would not qualify towards the policy target of affordable homes.
- 2.4 The expectation is that affordable rents will be restricted to no more than the Local Housing Allowance rate due to affordability, although some specialist accommodation may justifiably be higher.

⁴ Housing and Planning Act 2016 (2016) Part 1: New Homes in England; Chapter 2: Starter Homes.

⁵ HCA (June 2015) Custom Build Serviced Plots Loan fund Prospectus – Continuous Market Engagement (p3).

3.0 Policy Guidance

- 3.1 Eastbourne Borough Council expects all developments, including those contributing affordable housing, to be delivered in line with national and local policies. The relevant policies include:

The National Planning Policy Framework and Planning Practice Guidance

- 3.2 Since the revocation of the South East Plan, the scale of future housing growth needs to have due regard to the policies set out in the NPPF and the Planning Practice Guidance. Paragraph 47 of the NPPF states that Local Plans should meet the full Objectively Assessed Need (OAN) for market and affordable housing as far as is consistent with other policies of the Framework.

- 3.3 Eastbourne Borough Council's SHMA calculates an Objectively Assessed Need figure ranged between 555 dwellings and 743 dwellings per year. This takes account of the need to deliver more affordable and market housing for an increasing number of households, takes account of recent trends in net in-migration and supports substantial economic growth.

The Community Infrastructure Levy (CIL)

- 3.4 The Community Infrastructure Levy (CIL) Charging Area covers all areas within the local authority boundary excluding the South Downs National Park (the South Downs National Park Authority adopted CIL in April 2017). However, the regulations regarding CIL give full relief from paying the levy on the portions of the chargeable development intended for affordable housing. Eastbourne has no affordable housing requirement on developments of 10 (net) or less dwelling units which have a maximum combined gross floorspace of no more than 1,000 square metres (sqm). This reflects the national policy position on this matter.

Vacant Building Credit

- 3.5 Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, and where this results in an overall increase in floorspace in the proposed development, the developer can be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be

required for any increase in floorspace. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. Further information is available from the [Planning Practice Guidance - Planning obligations](#) webpage.

Local Policy

- 3.6 For the avoidance of doubt, in the event of any future change in Government policy that requires alternative thresholds, levels of types of affordable housing to be provided by development, the resulting national policy position will supersede the relevant part(s) of Policy D5 below, where necessary.

Policy D5: Housing

Proposals for housing will be in accordance with the approach set out in Policy B1: Spatial Development, with a focus of delivering housing within the sustainable centres and sustainable neighbourhoods and must take account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings.

The Council will work with partner organisations to ensure that there is an appropriate supply of high quality affordable housing distributed throughout Eastbourne. This will be achieved by having regard to the up-to-date strategic housing market assessments.

All development will be required to contribute towards affordable housing where there is a resultant net gain of 1 or more residential units (C3 Use Class).

The Council recognises that market conditions vary across Eastbourne. In order to ensure that developments remain economically viable, the proportion of affordable housing sought will vary. In developments within Neighbourhoods in High Value Areas, 40 per cent affordable housing will be sought on all sites. In developments within Neighbourhoods in Low Value Areas, 30 per cent affordable housing will be sought on all sites.

Where the percentage (either 30 or 40%) does not result in a whole residential unit being required (i.e. 0.66 or 1.33), a commuted sum will be sought for the remaining requirement. Every whole affordable unit required should be delivered on site to ensure an appropriate mix of housing types and tenures throughout Eastbourne.

Tenure mix – 70:30 Rented to 'shared ownership' adjusted where necessary to balance housing need and makes schemes viable, subject to negotiation. 30% 'shared ownership' to include other forms of intermediate tenure include intermediate rented.

The affordable housing should be a mix of housing sizes and types in proportion to the housing being developed in each scheme and informed by evidence of housing need contained in the most up-to-date Housing Market Assessment. Affordable housing will be distributed across the whole site and will be indistinguishable from other forms of development on the site.

Tenure Mix

- 3.7 The Council's Housing and Planning Officers will be directly involved in negotiating and agreeing the tenure mix on all residential development schemes in Eastbourne Borough. Policy D5: Housing of the Core Strategy provides the starting point for the consideration of the tenure mix of the development scheme, for a ratio of 70% rented to 30% shared ownership, with flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs. The Council may also consider adjusting the tenure mix of a scheme if it is necessary and agreed by the Council and the developer, to secure the viability of the development.
- 3.8 Further information regarding the assessment of housing needs of Eastbourne Borough, including tenure mix, is outline in the SHMA:

Development Site Standards and Characteristics

- 3.9 A particular site's characteristics and the development as a whole should be reflected in the affordable housing mix of dwelling tenure, type and size, taking into account the space standards guidelines for affordable housing. The Council's planning team will advise on the exact tenure, type and size split on each site through pre-application discussions.
- 3.10 It is expected that affordable housing provided on-site will be subject to the same standards and be indistinguishable from the open market housing. The provision of on-site affordable housing should be integrated into the layout of the development through 'pepper-potting' within market housing, in order to fully reflect the distribution of property types and sizes in the overall

development. The Council understands that pepper-potting may not be possible on developments sites consisting of 25 dwellings or less. For developments consisting of more than 25 dwellings, discussions will be required between the Council and the applicant/developer on a site-by site basis. In order for development to comply with Core Strategy Policy B2: Creating Sustainable Neighbourhoods, and in particular, protect the residential and environmental amenity of existing and future residents, the nationally described space standards will be used as a guideline as to what size of accommodation is desirable to ensure residential amenity is protected.

- 3.11 Within flatted developments it is accepted that management and other requirements could mean floors, wings or whole blocks will generally be designated for affordable or market housing, or that on larger developments affordable housing is likely to be provided in small clusters around the development. Any such management issues will be taken into consideration in order to arrive at a consensus which is beneficial to the provision of affordable housing.
- 3.12 The housing proposals should consider all relevant design and quality codes and standards as set out by the Homes and Communities Agency or other associated national bodies, as well as any corresponding local guidance and specifications.

Delivery of Affordable Housing Provision

- 3.13 Information gathered from the Council's Housing Register provides an indication of the need for each dwelling type. With reference to this, the Council will expect the affordable housing units within each development to be provided in line with the following dwelling mix:
- 1 bedroom: 40 per cent;
 - 2 bedrooms: 30 per cent;
 - 3 bedrooms: 20 per cent; and
 - 4+ bedrooms: 10 per cent.
- 3.14 Housing proposals will be expected to make efficient use of land in accordance with Policy D1: Sustainable Development of the Core Strategy. Policy D1 states: '*All new development should be sustainable and be well designed and constructed and demonstrate that it has taken account of the principles of sustainable development by: Conserving scarce resources, making efficient use of land and infrastructure*'. Any proposal that appears to have an artificially low density as a possible measure to avoid the required thresholds for affordable housing will be scrutinised and may be refused

planning permission, where they fail to make efficient use of land and provide appropriate levels of affordable housing.

- 3.15 Affordable housing should be delivered by one of the housing providers who have a strong stake within the area. The choice of housing provider should be agreed upon by the developer with the Council. The developer should dispose of any affordable housing to the housing provider either on a freehold basis or on a long lease, at a peppercorn rent, of at least 125 years.
- 3.16 It is expected that the majority of new affordable housing delivered in line with this SPD will be delivered without the aid of a grant. The price to be paid by the housing provider or other private sector body to the developer will therefore need to be an amount that delivers the housing as affordable housing without the input of social housing grant.
- 3.17 The provision of affordable housing will be subject to a Nominations Agreement between the Council and the housing provider.

Timeline

- 3.18 The Council expects delivery of affordable housing to be considered by the developer as a priority contribution, after the provision of essential development pre-requisites, such as highways requirements and flood storage provision, for example.
- 3.19 The Council expects that affordable rented housing units will, unless there are exceptional circumstances, be handed over to the agreed housing provider by the time no more than 40 per cent of the open market units on the site have been sold or occupied.
- 3.20 The Council expects that shared ownership housing units will, unless there are exceptional circumstances, be handed over to the agreed housing provider by the time no more than 50% of the open market units on the site have been sold or occupied.
- 3.21 The Council is willing to negotiate the timeline for the affordable rented housing units and the shared ownership housing units, to agree upon a phasing plan. This will be reflected in the Section 106 Agreement. The Council expects that all of the affordable housing units will be constructed in accordance with the planning permission.

4.0 Policy Obligations

Application of Policy

- 4.1 The requirement for affordable housing applies to all developments that would result in net additional residential units being provided within Class C3 Use.
- 4.2 The criteria for determining whether the use of particular premises should be classified within Class C3 Use include both the manner of the use and the physical condition of the premises. Premises can properly be regarded as being used as a single dwelling house where they are:
- A single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them;
 - Designed or adapted for residential purposes - containing the normal facilities for cooking, eating and sleeping associated with use as a dwelling house⁶.
- 4.3 The affordable housing policy applies to sheltered, extra care and assisted living residential development in the same way as it does to general dwelling houses, where each residential unit is designated within Class C3 Use. It also applies to conversions and subdivisions where there is a net residential gain of 11 or more dwelling units, in reference to the national planning policy position, and in accordance with the thresholds set out in Policy D5 of the Core Strategy. The affordable housing requirements do not apply to developments designated within Class C2 Use.

⁶ DCLG (November 2012) Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation (pp 2-6)

Prioritisation of Affordable Housing

- 4.4 The strong presumption is that the policy of affordable housing will be delivered on all developments of 11 or more dwelling units, unless off-site provision, free serviced land⁷ or a financial contribution (commuted sum) in lieu of on-site provision can be robustly justified. In the event that delivery of the required number of affordable housing units is justified as undeliverable, the Council will work through a series of options outlined in paragraph 4.6 of this SPD, to ensure that the development remains viable.
- 4.5 The policy is not intended to operate in a way that renders development non-viable and thereby reduces development coming forward. Section 7 of this SPD explains in more detail how viability issues will be considered, so that where it is demonstrated that development would not be viable with the contribution required under the policy, the level of contribution can be reduced or waived to ensure that development remains viable.
- 4.6 The priority for Eastbourne Borough Council is to increase the number of affordable homes within the Borough, and ideally developers will build the correct number and mix of affordable dwellings as directed by Policy D5 of the Core Strategy, in line with the Planning Practice Guidance. However, where this is not possible the Council will work to a five tier system of general principles, weighted towards the independently assessed financial viability of each of the following options. The Council recognises there will be variation in circumstances, and will assess each development on a site-by-site basis. The order of preference is:
- i. The Council's on-site preferred mix;
 - ii. An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
 - iii. A level of affordable housing on-site which is less than the specified threshold;
 - iv. Serviced plots onsite;
 - v. Service plots offsite;
 - vi. Transfer of land;

⁷ Free serviced land is land with planning consent for unrestricted residential development (i.e. not restricted to purely affordable housing use, with no restrictive covenants, easements etc. in place), free of land purchase cost excluding any incidental costs that may be incurred in procuring the land (i.e. legal and surveyor fees) with fully serviced road and pedestrian access, utility services provided on site and with no abnormal costs free from contamination.

- vii. A commuted sum.

Payment and Allocation of Commuted Sums

- 4.7 If, following negotiations between Eastbourne Borough Council and the applicant, the outcome is that a commuted sum is to be paid to the Council, the commuted sum will be based on the size of the dwellings as agreed between the Council and the applicant during the planning application stage. The sum to be paid will be calculated based on the size of the internal floor area of the proposed dwellings, on a per square metre (sqm) basis. The methodology used to calculate the contribution per square metre is set out in Appendix B.
- 4.8 The Council is aware that during pre-application discussions, applicants/developers may assert that affordable housing would be undeliverable on a development site, before submitting a formal planning application. In some circumstances it will be agreed between the Council and the applicant/developer that a commuted sum will be paid to the Council, in lieu of the affordable housing which would have been built. The commuted sum to be paid will be based on the dwelling type and size of the affordable housing which the Council deems would be most suited to the current housing needs on that particular development site, following discussions with the applicant/developer.
- 4.9 The commuted sum to be paid and the payment schedule will be reflected in the Section 106 Agreement or Unilateral Undertaking. The expectation is that the commuted sum will be paid prior to the commencement of the development and this will be reflected in the Section 106 Agreement or Unilateral Undertaking. However, Eastbourne Borough Council recognises the potential for economic conditions to change. With reference to this, the Council may agree to an alternative payment schedule.
- 4.10 The Planning Practice Guidance⁸ states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (sqm). If the number of dwellings to be built on a development site is below the threshold regarding the number of units required to contribute affordable housing, but has a combined gross floorspace of more than 1,000 sqm, the Council expects that either affordable housing units will be built on the

⁸ <https://www.gov.uk/guidance/planning-obligations> (Paragraph: 031, Reference ID: 23b-031-20161116)

development site, or a commuted sum will be paid to the Council. The number of affordable units to be built on the development site or the commuted sum to be paid, will apply to the total development site in line with the thresholds as stated in Core Strategy Policy D5, i.e. 40 per cent affordable housing or the equivalent commuted sum will be sought from the applicant/developer in High Value Market Areas, and 30 per cent or the equivalent commuted sum in Low Value Market Areas.

- 4.11 In circumstances where a development consists of 10 units or less, but it is determined that a commuted sum is to be paid to the Council due to the development exceeding a combined gross floorspace of 1,000 sqm, the commuted sum to be paid will be calculated based on the size of the gross internal floor area of the proposed dwellings on a per sqm basis, as specified by the Royal Institution of Chartered Surveyors at September 2015⁹. The calculation includes integral garages, and excludes ancillary uses such as sheds, greenhouses and adjacent garages.
- 4.12 The Council will have a maximum of 10 years from the date of payment to spend the commuted sum. Where a financial contribution is secured via a Section 106 Agreement or Unilateral Undertaking, the contribution will be 'ring-fenced' and used to meet the Council's affordable housing objectives.
- 4.13 In order to maximise the benefits derived from deployment of any commuted sums in addressing the affordable housing needs of the Borough, the Council will prioritise expenditure on a one-for-one basis. Where this is not possible, the Council will look to maximise the number of units to be built.
- 4.14 The intention will be to spend any commuted sums within the close geographical proximity to where the commuted sum was generated, but may be spent anywhere in the Borough. In some circumstances, commuted sums may be pooled and used to enable the provision of affordable housing, as determined by the Council.
- 4.15 Monitoring will be on a site-by-site basis and the Council will report where funds have been allocated and spent. This information will be reported on an annual basis. Through the Section 106 Agreement the Council will expect to index the agreed financial contribution from the date of the agreement to the date of payment. A relevant method of indexation will be applied and will be specified in the Section 106 Agreement.

⁹ Royal Institution of Chartered Surveyors (September 2015) Gross Internal Floor Area (GIFA) and International Property Measurement Standard (IPMS) for Offices.

Planning Obligations - Section 106 Agreements and Unilateral Undertakings


- 4.16 Planning Obligations can be secured through either a Section 106 Agreement or a Unilateral Undertaking depending on the nature of the development.

Section 106 Agreements

- 4.17 A Section 106 Agreement is a legal agreement or undertaking between the Council and an applicant/developer, executed as a deed, to restrict the use of the land or to do any of the things listed in Section 106(1) of the Town and Country Planning Act 1990. The Council will require the Section 106 Agreement to be executed by all those with an interest in the land and the obligations will generally be binding against all those party to the agreement and their successors in title. An obligation requires the applicant/developer to provide either a financial contribution, physical infrastructure or a management plan in relation to their development proposal, and otherwise restricts what can be done with land following the granting of planning permission. Planning obligations are now mainly used to deliver site-specific mitigations that may be required to make the development acceptable in planning terms.
- 4.18 A Section 106 Agreement will be drawn up by the Council, which forms the legal framework in order that the applicant/developer delivers affordable housing on-site, off-site, or contributes financially through a commuted sum payment or serviced plots. The purpose of a Section 106 Agreement is to ensure that the affordable housing complies with the Council's housing and planning policies, and secures affordable housing in perpetuity for local people most in need, and at prices and rents which remain affordable.
- 4.19 For all planning applications that require affordable housing, the affordable housing will be secured through the signing of a Section 106 Agreement. This relates to all sites above the stated thresholds. Further information regarding Section 106 Agreements is available from the Eastbourne Borough Council website.

Unilateral Undertakings

- 4.20 A Unilateral Undertaking is a legal document made pursuant to Section 106 of the Town and Country Planning Act 1990. Unlike Section 106 agreements, Unilateral Undertakings do not have to be entered into by the Local Authority.



A unilateral undertaking comes into effect when planning permission, to which the unilateral undertaking is linked, is granted. Unilateral Undertakings are sometimes used for small scale applications, and should be used where financial contributions are known at an early stage and the package of planning obligations is relatively straight forward.

Mortgagee in Possession Clauses

- 4.21 In consultation with the applicant/developer the Council will look to support Mortgagee in Possession Clauses which have a time period of three months or less.

5.0 Commuted Sums

- 5.1 In line with the Planning Practice Guidance, an affordable housing contribution is sought from residential developments which involve a net gain of eleven or more units (Class C3 Use) on-site. The Council understands that occasionally it may be difficult to provide affordable homes within the smallest developments, and therefore on such sites a commuted sum based on the associated thresholds of affordable housing set out in Policy D5 (40 per cent in High Value Market Areas; 30 per cent in Low Value Market Areas) may be accepted towards improving the provision of affordable housing off-site.
- 5.2 The size of any affordable housing will be agreed between the Council and the applicant/developer during the application stage. If, following the submission of a planning application, the applicant/developer subsequently asserts that the affordable housing component of the development is unviable, a commuted sum may be sought. The commuted sum will be based on the size of the affordable housing which it was originally agreed would be built. However, if no agreement in terms of size can be reached, the commuted sum to be paid will be based upon the average (mean) internal dwelling size of all dwellings across the development site.
- 5.3 The Core Strategy divides Eastbourne into 14 neighbourhoods. For the purposes of affordable housing requirements, Eastbourne Borough Council has chosen to divide these neighbourhoods into two market value areas, which reflect the disparity between dwelling prices across the Borough. This has a significant impact on residual site values and the financial viability of delivering affordable housing on-site. Developments located in neighbourhoods within High Value Market Areas are required to deliver 40 per cent affordable housing; and developments within Low Value Market Areas are required to deliver 30 per cent affordable housing. The Market Value Areas are summarised in Table 1 below. Appendix A contains a map displaying the High Value and Low Value Market Areas.

Table 1 - High Value and Low Vale Market Areas

High Value Market Neighbourhoods <i>(40% affordable housing requirement)</i>	Low Value Market Neighbourhoods <i>(30% affordable housing requirement)</i>
Neighbourhood 2: Upperton	Neighbourhood 1: Town Centre
Neighbourhood 4: Old Town	Neighbourhood 3: Seaside
Neighbourhood 5: Ocklynge & Rodmill	Neighbourhood 6: Roselands & Bridgemere
Neighbourhood 10: Summerdown & Saffrons	Neighbourhood 7: Hampden Park
Neighbourhood 11: Meads	Neighbourhood 8: Langney
Neighbourhood 12: Ratton and Willingdon	Neighbourhood 9: Shinewater & North Langney
Neighbourhood 14: Sovereign Harbour	Neighbourhood 13: St Anthony's & Langney Point

- 5.4 The policy thresholds (40 per cent or 30 per cent) may result in a percentage of an affordable housing unit being required (i.e. less than 1 whole unit). In these instances a commuted sum will be applicable for that percentage. Table 2 displays the level of affordable housing requirements for developments of 11 net units and over, up to 20 residential units, within both the High Value and the Low Value Market Areas.

Table 2 - Affordable Housing Requirements

Net residential units	High Value Market Area (40% affordable housing requirement)		Low Value Market Area (30% affordable housing requirement)	
	Whole affordable unit required	Part of unit (commuted sum required)	Whole affordable unit required	Part of unit (commuted sum required)
11	4	0.4	3	0.3
12	4	0.8	3	0.6
13	5	0.2	3	0.9
14	5	0.6	4	0.2
15	6	n/a	4	0.5
16	6	0.4	4	0.8
17	6	0.8	5	0.1
18	7	0.2	5	0.4
19	7	0.6	5	0.7
20	8	n/a	6	n/a

Commuted Sum Calculation


- 5.5 The Council’s approach to calculating the off-site financial contribution (the commuted sum) is to base the calculation on the cost of providing affordable housing on another site. This is taken as the cost of making serviced land available within an equivalent development to construct affordable housing.
- 5.6 The basis for calculating the cost to the developer of on-site provision is outlined in the Affordable Housing Commuted Sum Payment Table (Table 3), which is arranged by value market area, housing type and size of dwelling. Where the policy results in a percentage of a unit to be provided, this percentage can be calculated in monetary terms using this Payment Table.
- 5.7 A commuted sum will only be applicable to developments where delivery on-site is assessed as unviable, or where a financial contribution in lieu of a percentage of a unit is required. The Council will use the Affordable Housing Commuted Sum Payment Table to calculate the commuted sum payments. This method calculates the contributions required by assessing the average market sales values of housing and calculating the development costs to

show the service plot values, which are then expressed as a commuted sum. The commuted sums for dwellings of various sizes and located in both of these market areas are summarised in the table below. Appendix B of this SPD explains the methodology used to construct the Affordable Housing Commuted Sum Payment Table.

- 5.8 In using the Payment Table, the commuted sum for each unit will be calculated based on the internal floor area (sqm) of the development. This will be multiplied by the 'contribution per sqm' cell in the Payment Table. If the calculation required relates to a percentage of a unit, then a percentage of this sum will be calculated.
- 5.9 The Council will regularly review the Affordable Housing Commuted Sum Payment Table, to reflect any changes in economic viability over the lifetime of the Core Strategy. This will ensure that commuted sums remain financially viable for all relevant development types, and that affordable housing contributions will not compromise residential development in the foreseeable future. Monitoring arrangements are explained in Section 9.

Application of Commuted Sums

- 5.10 In the following instances it may not be considered appropriate to deliver affordable housing units on-site. In these instances the Council may alternatively seek either a commuted sum, free serviced land or off-site provision:
- Where the policy requirement results in a percentage of less than one whole unit being provided. A commuted sum will be required for this percentage of a unit. Commuted sum payments will be calculated using the Payment Table which is explained in this Technical Note. All commuted sums collected by the Council will be used to help deliver new and additional affordable housing;
 - Where the development is in the form of a flatted development, including new build and conversion or refurbishment of existing buildings, where it would not be possible on technical or architectural grounds to provide a separate entrance and access areas for the affordable housing separate from that fitted for housing provided at full market rates. This will be independently assessed and verified;
 - Where the development consists of a high value flat or similar development with high service charges, which would affect the overall



affordability of housing. The relevant housing provider will assess whether the housing is affordable.

Instances of Negative Viability

- 5.11 In some instances negative viability will be demonstrated for residential units if the affordable housing policy is delivered in full on the development scheme. The Affordable Housing Commuted Sum Payment Table calculations display a potential negative viability level within the Low Value Market Area for flatted schemes, and within the High Value Market Area for studio flats. In these instances if the on-site delivery of affordable housing is justified as unviable, and commuted sums would be the only available option, then a financial contribution will not be sought for that development scheme.

Table 3 – Affordable Housing Commuted Sum Payment Table

Eastbourne Borough - High Value Market Area* **

Commuted Sum Values	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat
Unit Size - m ²	39	50	61	74
MV completed unit	£95,000	£165,000	£200,000	£275,000
Serviced plot value per unit	-£3,546	£26,894	£32,708	£63,246
Contribution per sq. m	£0	£538	£536	£855

Commuted Sum Values	2 Bed House	3 Bed House	4 Bed House	5+ Bed House
Unit Size - m ²	79	93	106	119
MV completed unit	£250,000	£350,000	£450,000	£575,000
Serviced plot value per unit	£56,457	£106,305	£157,618	£224,166
Contribution per sq. m	£715	£1,143	£1,487	£1,884

Commuted Sum Values	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	50	70	86
MV completed unit	£200,000	£275,000	£310,000
Serviced plot value per unit	£50,273	£68,341	£56,499
Contribution per sq. m	£1,005	£976	£657

Eastbourne Borough - Low Value Market Area* **

Commuted Sum Values	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat
Unit Size - m ²	39	50	61	74
MV completed unit	£75,000	£125,000	£150,000	£175,000
Serviced plot value per unit	-£17,619	-£1,251	-£2,473	-£7,115
Contribution per sq. m	£0	£0	£0	£0

Commuted Sum Values	2 Bed House	3 Bed House	4 Bed House	5+ Bed House
Unit Size - m ²	79	93	106	119
MV completed unit	£180,000	£220,000	£260,000	£320,000
Serviced plot value per unit	£7,204	£14,835	£23,931	£44,743
Contribution per sq. m	£91	£160	£226	£376

Commuted Sum Values	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	50	70	86
MV completed unit	£165,000	£220,000	£250,000
Serviced plot value per unit	£25,647	£29,642	£14,282
Contribution per sq. m	£513	£423	£166

* Unit sizes taken from Table 1 - Minimum gross internal floor areas and storage (m²) - Technical housing standards – nationally described space standard (DCLG, March 2015; P.5).

**Figures have been rounded to the nearest £.

- 5.12 The following worked examples demonstrate how to calculate the commuted sum for a proposed development, if on-site delivery of the affordable housing is assessed as being unviable, or where a commuted sum for a percentage of a unit is required.

Worked example for commuted sum payment in lieu of delivery of affordable housing units

Development: Net delivery of 15 two bedroom flats within the High Value Market Area, each with an internal floor area of 65 square metres.

Policy requirement of 40 per cent affordable housing: $0.40 \times 15 = 6$ affordable units

Delivery:

- (1) On-site delivery of 6 affordable units, appropriately arranged on the site; or
- (2) If justified as unviable to deliver 6 two bedroom flats on-site, and if tiers I to VI as set out in paragraph 4.6 are assessed as undeliverable and it is agreed by the Council, use the Affordable Housing Commuted Sum Payment Table to calculate the sum payment for the full quota of 6 two bedroom flats at £536 per sqm.

The financial contribution would be calculated as:

$$6 \text{ units} \times 65 \text{ sqm} \times \text{£}536 = \text{£}209,040$$

Worked Example for commuted sum payment for a percentage of an affordable unit

Development: Net delivery of 12 two bedroom houses within the Low Value Market Area, each with an internal floor area of 80 square metres.

Policy requirement of 30 per cent affordable housing: $0.30 \times 12 = 3.6$ affordable units.

Delivery:

- (1) On site delivery of 4 affordable units, appropriately arranged on the site; or

- (2) On-site delivery of 3 affordable units and a commuted sum for 0.6 (60 per cent) of a two bedroom house, calculated from the Affordable Housing Commuted Sum Payment Table at £91 per sqm.

The financial contribution would be calculated as:

$$0.6 \text{ units} \times 80 \text{ sqm} \times \text{£}91 = \text{£}4,368$$

- (3) If justified as unviable to deliver the affordable units on site, use the Affordable Housing Commuted Sum Payment Table to calculate the sum payment for the full quota of 3.6 two bedroom houses at £91.19 per sqm.

The financial contribution would be calculated as:

$$3.6 \text{ units} \times 80 \text{ sqm} \times \text{£}91 = \text{£}26,208$$

Indicative values of commuted sums to be paid are displayed in Appendix C.

Commuted Sums of less than £1,000

- 5.13 If a commuted sum requirement, calculated from the Payment Table, is calculated as less than £1,000 for the whole development scheme, then a financial contribution will not be sought for this development.

6.0 Guidance on Standards for Development

- 6.1 The Council will use the nationally described space standards, taken from the DCLG Technical Housing Standards¹⁰, as a guideline for space provision in housing development, including affordable housing, to ensure that development protects the residential amenity of existing and future residents in accordance with Core Strategy Policy B2: Creating Sustainable Neighbourhoods. The space standard guidelines are set out in Table 4.

Table 4 - Expected gross internal floor areas and storage (m2)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) ²			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

- 6.2 The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts,

¹⁰ DCLG (March 2015) Technical housing standards – nationally described space standard (p5)

flights of stairs and voids above stairs. The Gross Internal Area should be measured and denoted in square metres (m²). The Gross Internal Areas in Table 3 will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Quality of Design, Materials and Construction

- 6.3 Development schemes should be designed with a view to reducing any ongoing management, maintenance and repair costs. Developments should also make use of good quality materials. This will reduce the risk of properties no longer being kept in good condition, falling into disrepair or blighting the area in the future. Designs which do not accommodate the long-term maintenance requirements, or use of low quality materials will not be acceptable to the Council.
- 6.4 The Council would prefer that all affordable homes be built to Level 2 of the Accessibility Standard¹¹, and in all cases to comply with requirement M4(2) of Approved Document M: access to and use of buildings, volume 1: dwellings¹². There may also be a desire for M4(3) category homes to be supplied on the site, which will be advised at the point of the planning application being submitted. Further information regarding building regulations is set out in the Department for Communities and Local Government's [Approved Documents](#).

Secured by Design

- 6.5 The Council expects that affordable housing will comply with the relevant and appropriate recommendations laid down in the most current Secured by Design guidance, issued by the Association of Chief Police Officers (ACPO).

¹¹ DCLG (August 2013) Housing Standards Review: Illustrative Technical Standards Developed by the Working Groups.

¹² DCLG (March 2016) Approved Document M: access to and use of buildings, volume 1: dwellings.

7.0 Planning Application Process for Residential Developments

- 7.1 The key stages involved in processing the affordable housing requirements for residential development schemes are set out below. A process map outlining the key stages of the affordable housing viability contribution process in line with the affordable housing requirements of Core Strategy Policy D5 is provided in Appendix D. This covers the expectations of applicants before a planning application is formally submitted to the Council (pre-application) and includes all the relevant stages involved in processing the application through to determination by the Council. Further information regarding the planning application process is available from the Council's [Eastbourne Planning Guide](#) webpage.

Step 1 – Pre-application Discussions

- 7.2 The Council encourages all applicants (whether developers, land agents or individuals) to undertake pre-application discussions with the Council's Planning and Housing Officers to discuss any proposed residential developments. In order to deliver the requirements of the housing policy, it will be essential to discuss the financial viability of the scheme at an early stage, and particularly if the prospective applicant believes that viability may be compromised as a result of the Council's affordable housing policy. Appendix E provides advice regarding the information applicants should consider in their financial viability appraisals of development schemes for affordable housing.
- 7.3 The affordable housing policy will be applied in line with Core Strategy Policy D5. This will involve taking into account other planning considerations which may affect the affordable housing to be provided. Regard will be made to:
- The viability of development, considering the need and cost of supporting infrastructure on and off the site and any unavoidable and necessary site remediation to resolve environmental hazards;
 - The location and character of the site;
 - The tenure of affordable housing and type of dwelling units required in relation to the housing needs and the viability of specific developments;
 - The current availability of affordable housing in the local area when measured against demand for such accommodation; and

- Any updated national policy and/or guidance to be implemented.

Step 2 – Financial Viability Assessment of the Development

- 7.4 When assessing the financial viability of a residential development the applicant should refer to the considerations listed in Appendix E of this SPD, unless there are any justified overriding factors. The Council recommends using an independent viability expert to assist in assessing the viability of the proposed development. Applicants may use their own viability assessment toolkit to assess financial viability, for which their figures should be independently verified by a qualified valuation officer or an organisation that is a full member of the Royal Institute of Chartered Surveyors (RICS), prior to the submission of the application. Should any such viability assessment assert that a development is unviable, the Council will, if necessary, commission an independent viability expert to scrutinise the assessment. The cost of any such assessment will be paid by the applicant.
- 7.5 If an applicant/developer considers that the mandatory requirements of the Council's policy in respect of affordable housing cannot be met on a particular site, then any such representation must be justified in an evidenced and 'open-book' Viability Assessment and supporting statement, including all necessary information to demonstrate and justify residual values. These should be provided by the applicant/developer to the Council during the pre-application discussions. The Council will therefore need to receive all the required figures for the Viability Assessment, including a Residual Valuation prior to the application being validated for consideration. This will prevent unnecessary delays to applications being decided. If the application is submitted without a satisfactory Viability Assessment, then it is likely that the application will be recommended for refusal.

Step 3 – Open Book Approach with Eastbourne Borough Council

- 7.6 The 'open book' approach detailed above will allow any reduced or amended affordable housing contribution to be assessed and agreed prior to the submission of a formal planning application. In this way data which the applicant may regard as commercially sensitive will remain outside the public domain. This approach will also assist in the efficient consideration of the planning application.

- 7.7 If the Council is required to seek an opinion from an independent viability expert, then this cost will be borne by the applicant. A liability notice to pay the viability expert fees will be issued by the Council, from which there will be a four week period for the Council to receive payment from the applicant. If this payment is not received then the application cannot be progressed. The independent viability expert will consider the financial impact of the cost of the affordable housing on the overall viability of the development. In making this assessment, the viability expert will build in an assumed acceptable developer profit level. If the provision of affordable housing in line with the Council's policy is proven to affect the overall viability of the development, the viability expert will calculate the total viability shortfall cost: the additional sum required to make the development viable for the developer with on-site affordable housing provided.

Step 4 - Next Steps if the site is assessed as unviable

- 7.8 If it is agreed that the requirements of the Council's affordable housing policy will render a site unviable, the Council's Housing and Planning Officers will work with the applicant/developer until overall delivery is considered viable. The Council's general preferences, in line with the overall provisions of Policy D5, are set out in order of priority in paragraph 4.6. Listed below, in sequential order, are options the Council will work through with the applicant/developer on a site-by-site basis to ensure viability. This provides further elaboration of the options discussed in the Core Strategy:
- An amended mix of affordable tenures to deliver in full the required quota of affordable homes on the application site;
 - Delivery in full of the required quota of affordable homes on an alternative suitable and serviced site elsewhere within the Borough, completion of such homes to be achieved within a similar time line to that established for the affordable housing originally proposed for the application site;
 - A reduction in the number of affordable homes to be delivered on the application site;
 - Free serviced land, to provide sufficient land to provide in full the required quota of affordable homes, with full and unfettered ownership of the land transferred to the Council. In this instance, the Council would require the applicant/developer to either obtain planning permission on the land prior to transfer, or to demonstrate that the site is clearly developable and with no undue planning risk or abnormal development costs associated with it;

- A commuted sum equivalent in value to the cost to the developer of on-site provision. All commuted sums collected by the Council will be used to help deliver new and additional affordable housing. As stated above, commuted sums will need to be spent by the Council within 10 years from the date of payment;
- Support for an application to the HCA for grant funding to deliver in full the required quota of affordable homes on the application site. It should be noted that HCA policy is not to award grant funding to schemes subject to the provisions of a Section 106 Agreement, other than in the most exceptional of circumstances. The Council reserves the right to reject this option if to do so would adversely impact upon the time taken to determine the application;
- An application to the Council for grant funding to deliver in full the required quota of affordable homes on the application site. It should be noted that the Council does not award grant funding to developments subject to the provisions of a Section 106 Agreement, other than in the most exceptional of circumstances. The Council reserves the right to reject this option if to do so would adversely impact upon the time taken to determine the application;
- To abandon the requirement for affordable housing to be provided or funded as a consequence of the development. This option will not normally be considered unless there is clear, justifiable and independently verified evidence that none of the options detailed above are viable.

7.9 Applicants/developers should be aware that alternatives to on-site provision can only proceed with the agreement of the Council. Offers of alternative arrangements or provision will not automatically be accepted by the Council without working through the options in paragraph 7.8 above.

8.0 Delivery Organisations

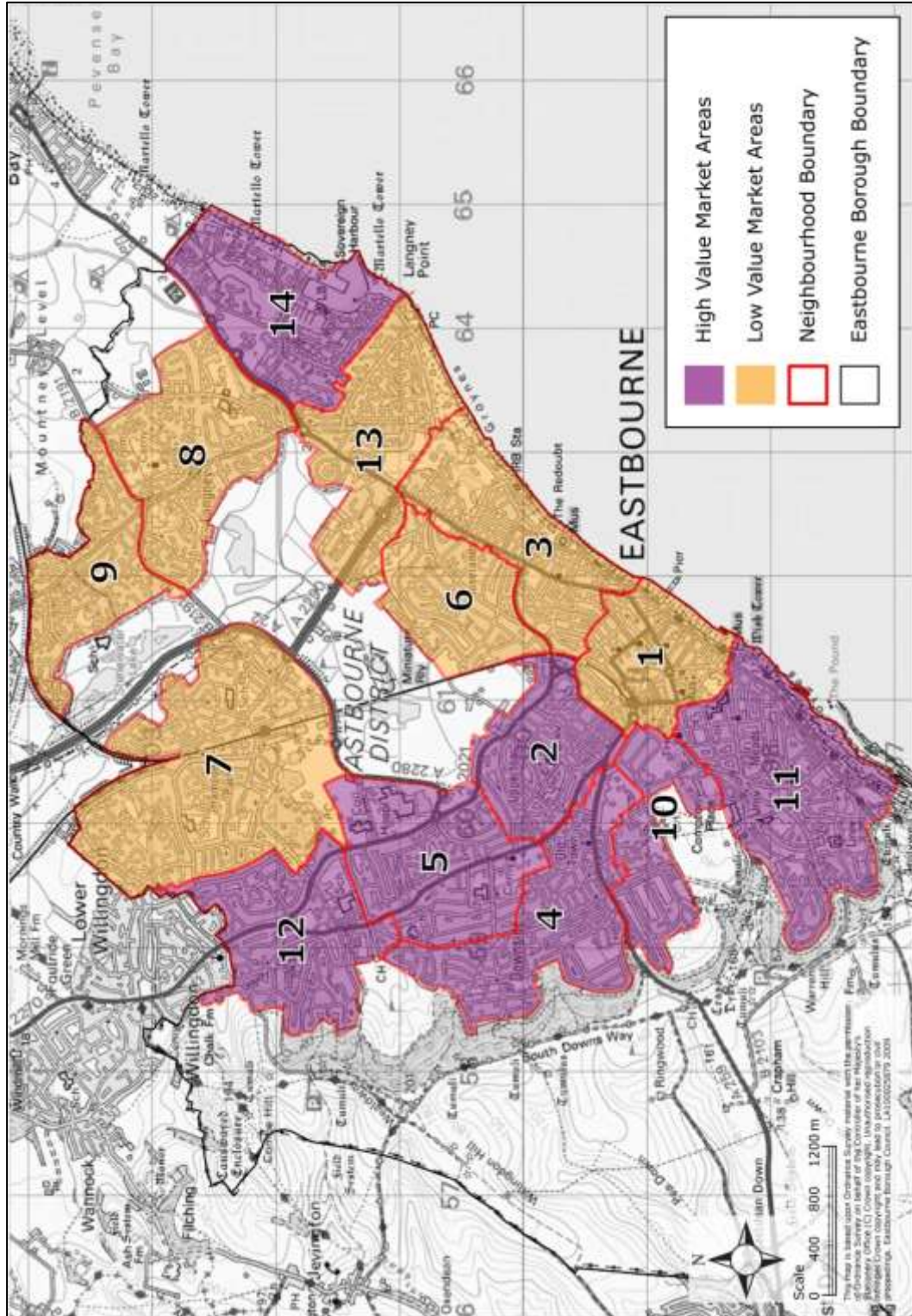
- 8.1 The Homes and Communities Agency (HCA) is responsible for registering and regulating providers of social housing. HCA maintain a Statutory Register of Providers of Social Housing (the register), which lists private (both not for profit and for profit) and local authority providers. HCA upload a monthly spreadsheet of current registered providers which lists the names, registration numbers, registered office addresses, type of provider, registration date and legal entity. HCA also publish a list of registrations and de-registrations to the register each month. The Registered Provider information is available from the [Homes and Communities Agency](#) website.
- 8.2 Eastbourne Borough Council is willing to work with housing providers which are not registered with HCA as well as those housing providers which are registered with HCA, in order to maximise the opportunities to provide affordable housing in Eastbourne Borough.
- 8.3 Support for a housing provider will be determined by the Council's Housing Officers with reference to the housing provider's approach to housing management and maintenance. Particular regard will be given to the relationship between the housing provider and the Council in terms of support for the Council's corporate and housing priorities. This includes such activities as estate and neighbourhood management, housing opportunities for homeless and other vulnerable clients, quality of property maintenance and participation in economic development initiatives.
- 8.4 Whilst Eastbourne Borough Council works with some affordable housing providers more frequently than others, the Council does not maintain a formal list of affordable housing preferred partners. However, the Council can provide a list containing a number of partners it has previously worked with which provide and manage homes, if requested. Developers would normally contact providers themselves in order to make the necessary arrangements.
- 8.5 In all instances, the Council will expect to be granted nomination rights to all tenures of affordable housing, to enable the Council to support those people registered on the Housing Register. The Council will make use of such nomination rights in line with its prevailing Allocations Policy. Further information relating to nominations is available from the Council's [Housing Allocation Policy](#) document.

9.0 Monitoring

- 9.1 Each year the Council prepares an Authority Monitoring Report (AMR), which is published on the Council's website on or before 31st December each year. One of the principal functions of the AMR is to monitor policies and report on their respective performances over the previous financial year. It reports progress on the policies and related targets in the Core Strategy and includes progress against any relevant targets and highlights any unintended significant effects of the implementation of the policies on social, environmental and economic objectives.
- 9.2 The Council will continue to carefully monitor housing delivery on a quarterly basis and will take appropriate action should the annual target not be realised. Annual Housing rates are published in the AMR each year.
- 9.3 In the event of a fall of 10 per cent or more in East Sussex average house prices (Land Registry House Price Index June 2011 baseline) the local planning authority will review the targets and thresholds of this policy guidance.

Appendices

Appendix A: Map showing High and Low Value Market Areas



Appendix B: Commuted Sum Methodology

Based on information provided by the District Valuation Service (DVS) January 2017

There are a number of methods to calculate the contributions required for part or whole units to be provided off site.

The three often used are:

- 1) Land Value provision – Assessment of the developer’s contribution expressed as land value after undertaking residual appraisals taking account of value less costs.
- 2) Revenue Gap – The Market value less the affordable housing revenue from the registered provider.
- 3) Build costs – Physical cost of provision.

Whilst other methods are used these are the three most common, and after discussions with the Council, the DVS are of the opinion that the Land Value method is the most applicable in the circumstances.

This assessment calculates the contributions required by assessing the average sales values of market housing and then deducting the development costs to show the residual land value required, which is then expressed as a commuted sum. The contribution is expressed per unit at a particular dwelling size and per sqm for each dwelling type.

Unit Types:

This Assessment has assumed the following unit types and areas:

Unit Type	Size (sqm)
Studio Flat	39
1 Bedroom Flat	50
2 Bedroom Flat	61
3 + Bedroom Flat	74
2 Bedroom House	79
3 Bedroom House	93
4 Bedroom House	106

Unit Type	Size (sqm)
5 + Bedroom House	119
1 Bedroom Bungalow	50
2 Bedroom Bungalow	70
3 Bedroom Bungalow	86

Market Sales Values:

DVS have undertaken detailed market sales research into the sales values achieved across all regions in the Borough and property types, and then averaged for the high and low value areas as defined. In addition DVS have averaged across the house types of terraced, semi-detached, town houses and detached.


The key sources for the research are DVS’s own internal data base of property sales and other data available on the internet and from local knowledge.

From the research the following average market values have been adopted:

Property Type	Size (sqm)	High Value Area (£)	Low Value Area (£)
Studio flat	39	95,000	75,000
1 bedroom flat	50	165,000	125,000
2 bedroom flat	61	200,000	150,000
3+ bedroom flat	74	275,000	175,000
2 bedroom house	79	250,000	180,000
3 bedroom house	93	350,000	220,000
4 bedroom house	106	450,000	260,000
5+ bedroom house	119	575,000	320,000
1 bedroom bungalow	50	200,000	165,000
2 bedroom bungalow	70	275,000	220,000
3 bedroom bungalow	86	310,000	250,000

Development Costs:

The Development Costs used in the Affordable Housing Commuted Sum Payment Table are based on information provided by the District Valuation Service (DVS) in



Autumn 2016 and is set out in the tables below. The Serviced Plot Value is derived from the difference between the Development Value and the Development Cost.

Contribution per sqm calculation:

This is calculated by dividing the Serviced plot value per unit for each type of dwelling in the Affordable Housing Commuted Sum Payment Table by the Unit size m² of the dwelling displayed in the Payment Table. This provides the contribution per sqm the Council expects to receive for each dwelling type, irrespective of the size of the dwelling. Applicants/developers should multiply the size of the dwelling which was scheduled to be built by the contribution per sqm for that particular dwelling type.

Summary:

DVS have determined to use the Land Value provision in determining the contributions required in lieu of a part of a unit on site or a contribution for a total off site provision if agreed.

The two value areas for the Borough have been predetermined as High Value Market Areas and Low Value Market Areas, which DVS have adopted and the property types have been agreed.

DVS have assessed the average market sales value for each property type for the two value areas.

DVS have also assessed all applicable development costs.

The result is a residual land value for each property type and then expressed as both a lump sum for a particular dwelling size and rate per sqm for each dwelling type.

High Value Market Area: Development Costs

Studio Flat (39 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£57,759.00
Site infrastructure & Other Works	£5,775.90
External Works	£2,887.95
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£1,992.69
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £5,313.83

Finance Costs

Building Costs	£2,517.04
Professional Fees	£185.98

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£1,900.00

Developers Profit (17.5%) £16,625.00

Total Development Cost **£99,057.39**

Residual Land Value

Gross -£4,057.39

Development Value: **£95,000.00**

Acquisition Costs (Net) -£3,986.39

Holding Cost (Land interest) -£439.98

Serviced Plot Value: **-£3,546.40**

1 Bed Flat (50 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£74,050.00
Site infrastructure & Other Works	£7,405.00
External Works	£3,702.50
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£2,554.73
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £6,812.60

Finance Costs

Building Costs	£3,192.43
Professional Fees	£238.44

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,300.00

Developers Profit (17.5%) £28,875.00

Total Development Cost **£134,230.69**

Residual Land Value

Gross £30,769.31

Development Value: **£165,000.00**

Acquisition Costs (Net) £30,230.84

Holding Cost (Land interest) -£3,336.63

Serviced Plot Value: **£26,894.21**

2 Bed Flat (61 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£90,341.00
Site infrastructure & Other Works	£9,034.10
External Works	£4,517.05
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,116.76
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£8,311.37

Finance Costs

Building Costs	£3,867.81
Professional Fees	£290.90

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,000.00

Developers Profit (17.5%)

£35,000.00

Total Development Cost**£162,579.00**Residual Land Value

Gross	£37,421.00
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Development Value:**£200,000.00**

Acquisition Costs (Net)	£36,766.14
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Holding Cost (Land interest)	-£4,057.95
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Serviced Plot Value:**£32,708.19**

3 Bed Flat (74 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£109,594.00
Site infrastructure & Other Works	£10,959.40
External Works	£5,479.70
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,780.99
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £10,082.65

Finance Costs

Building Costs	£4,665.99
Professional Fees	£352.89

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,500.00

Developers Profit (17.5%) £48,125.00

Total Development Cost **£202,640.63**

Residual Land Value

Gross £72,359.37

Development Value: **£275,000.00**

Acquisition Costs (Net) £71,093.08

Holding Cost (Land interest) -£7,846.67

Serviced Plot Value: **£63,246.41**

2 Bed House (79 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£96,064.00
Site infrastructure & Other Works	£14,409.60
External Works	£4,803.20
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,458.30
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £9,222.14

Finance Costs

Building Costs	£4,278.23
Professional Fees	£322.78

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,000.00

Developers Profit (17.5%) £43,750.00

Total Development Cost **£185,408.25**

Residual Land Value

Gross £64,591.75

Development Value: **£250,000.00**

Acquisition Costs (Net) £63,461.39

Holding Cost (Land interest) -£7,004.35

Serviced Plot Value: **£56,457.04**

3 Bed House (93 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£113,088.00
Site infrastructure & Other Works	£16,963.20
External Works	£5,654.40
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,071.17
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £10,856.45

Finance Costs

Building Costs	£5,014.69
Professional Fees	£379.98

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£7,000.00

Developers Profit (17.5%) £61,250.00

Total Development Cost **£228,377.88**

Residual Land Value

Gross £121,622.12

Development Value: **£350,000.00**

Acquisition Costs (Net) £119,493.73

Holding Cost (Land interest) -£13,188.74

Serviced Plot Value: **£106,304.99**

4 Bed House (106 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£128,896.00
Site infrastructure & Other Works	£19,334.40
External Works	£6,444.80
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,640.26
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £12,374.02

Finance Costs

Building Costs	£5,698.54
Professional Fees	£433.09

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£9,000.00

Developers Profit (17.5%) £78,750.00

Total Development Cost **£269,671.10**

Residual Land Value

Gross £180,328.90

Development Value: **£450,000.00**

Acquisition Costs (Net) £177,173.14

Holding Cost (Land interest) -£19,554.92

Serviced Plot Value: **£157,618.22**

5 Bed House (119 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£144,704.00
Site infrastructure & Other Works	£21,705.60
External Works	£7,235.20
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£5,209.34
Insurances	£2,604.67
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£13,891.58

Finance Costs

Building Costs	£6,473.56
Professional Fees	£486.21

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£11,500.00

Developers Profit (17.5%)

£100,625.00

Total Development Cost

£318,535.16

Residual Land Value

Gross	£256,464.84
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Development Value:

£575,000.00

Acquisition Costs (Net)	£251,976.70
-------------------------	-------------

Holding Cost (Land interest)	-£27,811.13
------------------------------	-------------

Serviced Plot Value:

£224,165.57

1 Bed Bungalow (50 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£72,000.00
Site infrastructure & Other Works	£10,800.00
External Works	£3,600.00
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£2,592.00
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £6,912.00

Finance Costs

Building Costs	£3,237.22
Professional Fees	£241.92

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,000.00

Developers Profit (17.5%) £35,000.00

Total Development Cost **£142,483.14**

Residual Land Value

Gross £57,516.86

Development Value: **£200,000.00**

Acquisition Costs (Net) £56,510.31

Holding Cost (Land interest) -£6,237.15

Serviced Plot Value: **£50,273.17**

2 Bed Bungalow (70 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£100,800.00
Site infrastructure & Other Works	£15,120.00
External Works	£5,040.00
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,628.80
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£9,676.80

Finance Costs

Building Costs	£4,483.11
Professional Fees	£338.69

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,500.00

Developers Profit (17.5%)

£48,125.00

Total Development Cost

£196,812.40

Residual Land Value

Gross	£78,187.60
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Development Value:

£275,000.00

Acquisition Costs (Net)	£76,819.32
-------------------------	------------

Holding Cost (Land interest)	-£8,478.69
------------------------------	------------

Serviced Plot Value:

£68,340.63

3 Bed Bungalow (86 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£123,840.00
Site infrastructure & Other Works	£18,576.00
External Works	£6,192.00
Code 4	£8,668.80
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,718.30
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£12,582.14

Finance Costs

Building Costs	£5,792.33
Professional Fees	£440.38

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£6,200.00

Developers Profit (17.5%)

£54,250.00

Total Development Cost**£245,359.95**Residual Land Value

Gross	£64,640.05
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Development Value:**£310,000.00**

Acquisition Costs (Net)	£63,508.85
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Holding Cost (Land interest)	-£7,009.59
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Serviced Plot Value:**£56,499.26**

Low Value Market Area: Development Costs

Studio Flat (39 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£57,759.00
Site infrastructure & Other Works	£5,775.90
External Works	£2,887.95
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£1,992.69
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£5,313.83

Finance Costs

Building Costs	£2,517.04
Professional Fees	£185.98

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£1,500.00

Developers Profit (17.5%) £13,125.00

Total Development Cost

£95,157.39

Residual Land Value

Gross -£20,157.39

Development Value:

£75,000.00

Acquisition Costs (Net) -£19,804.64

Holding Cost (Land interest) -£2,185.87

Serviced Plot Value:

-£17,618.76

1 Bed Flat (50 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£74,050.00
Site infrastructure & Other Works	£7,405.00
External Works	£3,702.50
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£2,554.73
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£6,812.60

Finance Costs

Building Costs	£3,192.43
Professional Fees	£238.44

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£2,500.00

Developers Profit (17.5%)

£21,875.00

Total Development Cost**£126,430.69**Residual Land Value

Gross	-£1,430.69
-------	------------

Development Value:**£125,000.00**

Acquisition Costs (Net)	-£1,405.66
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Holding Cost (Land interest)	-£155.14
------------------------------	----------

Serviced Plot Value:**-£1,250.51**

2 Bed Flat (61 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£90,341.00
Site infrastructure & Other Works	£9,034.10
External Works	£4,517.05
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,116.76
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £8,311.37

Finance Costs

Building Costs	£3,867.81
Professional Fees	£290.90

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,000.00

Developers Profit (17.5%) £26,250.00

Total Development Cost

£152,829.00

Residual Land Value

Gross -£2,829.00

Development Value:

£150,000.00

Acquisition Costs (Net) -£2,779.49

Holding Cost (Land interest) -£306.78

Serviced Plot Value:

-£2,472.71

3 Bed Flat (74 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£109,594.00
Site infrastructure & Other Works	£10,959.40
External Works	£5,479.70
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,780.99
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £10,082.65

Finance Costs

Building Costs	£4,665.99
Professional Fees	£352.89

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,500.00

Developers Profit (17.5%) £30,625.00

Total Development Cost **£183,140.63**

Residual Land Value

Gross -£8,140.63

Development Value: **£175,000.00**

Acquisition Costs (Net) -£7,998.17

Holding Cost (Land interest) -£882.77

Serviced Plot Value: **-£7,115.39**

2 Bed House (79 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£96,064.00
Site infrastructure & Other Works	£14,409.60
External Works	£4,803.20
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,458.30
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£9,222.14

Finance Costs

Building Costs	£4,278.23
Professional Fees	£322.78

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,600.00

Developers Profit (17.5%)

£31,500.00

Total Development Cost

£171,758.25

Residual Land Value

Gross	£8,241.75
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Development Value:

£180,000.00

Acquisition Costs (Net)	£8,097.52
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Holding Cost (Land interest)	-£893.74
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Serviced Plot Value:

£7,203.78

3 Bed House (93 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£113,088.00
Site infrastructure & Other Works	£16,963.20
External Works	£5,654.40
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,071.17
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £10,856.45

Finance Costs

Building Costs	£5,014.69
Professional Fees	£379.98

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,400.00

Developers Profit (17.5%) £38,500.00

Total Development Cost**£203,027.88**Residual Land Value

Gross £16,972.12

Development Value:**£220,000.00**

Acquisition Costs (Net) £16,675.11

Holding Cost (Land interest) -£1,840.46

Serviced Plot Value:**£14,834.65**

4 Bed House (106 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£128,896.00
Site infrastructure & Other Works	£19,334.40
External Works	£6,444.80
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,640.26
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£12,374.02

Finance Costs

Building Costs	£5,698.54
Professional Fees	£433.09

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,200.00

Developers Profit (17.5%)

£45,500.00

Total Development Cost

£232,621.10

Residual Land Value

Gross	£27,378.90
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Development Value:

£260,000.00

Acquisition Costs (Net)	£26,899.77
-------------------------	------------

Holding Cost (Land interest)	-£2,968.98
------------------------------	------------

Serviced Plot Value:

£23,930.79

5 Bed House (119 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£144,704.00
Site infrastructure & Other Works	£21,705.60
External Works	£7,235.20
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£5,209.34
Insurances	£2,604.67
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees £13,891.58

Finance Costs

Building Costs	£6,473.56
Professional Fees	£486.21

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£6,400.00

Developers Profit (17.5%) £56,000.00

Total Development Cost **£268,810.16**

Residual Land Value

Gross £51,189.84

Development Value: **£320,000.00**

Acquisition Costs (Net) £50,294.01

Holding Cost (Land interest) -£5,551.04

Serviced Plot Value: **£44,742.97**

1 Bed Bungalow (50 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£72,000.00
Site infrastructure & Other Works	£10,800.00
External Works	£3,600.00
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£2,592.00
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£6,912.00

Finance Costs

Building Costs	£3,237.22
Professional Fees	£241.92

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,300.00

Developers Profit (17.5%)

£28,875.00

Total Development Cost

£135,658.14

Residual Land Value

Gross	£29,341.86
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Development Value:

£165,000.00

Acquisition Costs (Net)	£28,828.38
-------------------------	------------

Holding Cost (Land interest)	-£3,181.84
------------------------------	------------

Serviced Plot Value:

£25,646.54

2 Bed Bungalow (70 sq. m)**Development Costs:**Building Costs

Estimated Building Cost	£100,800.00
Site infrastructure & Other Works	£15,120.00
External Works	£5,040.00
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£3,628.80
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£9,676.80

Finance Costs

Building Costs	£4,483.11
Professional Fees	£338.69

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,400.00

Developers Profit (17.5%)

£38,500.00

Total Development Cost**£186,087.40**Residual Land Value

Gross	£33,912.60
-------	------------

Development Value:**£220,000.00**

Acquisition Costs (Net)	£33,319.13
-------------------------	------------

Holding Cost (Land interest)	-£3,677.49
------------------------------	------------

Serviced Plot Value:**£29,641.64**

3 Bed Bungalow (86 sq. m)

Development Costs:

Building Costs

Estimated Building Cost	£123,840.00
Site infrastructure & Other Works	£18,576.00
External Works	£6,192.00
Code 4	£8,668.80
Demolition/ Site clearance	-
S106 Cost / unit:	£2,500.00
Contingency	£4,718.30
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

Professional Fees

£12,582.14

Finance Costs

Building Costs	£5,792.33
Professional Fees	£440.38

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,000.00

Developers Profit (17.5%)

£43,750.00

Total Development Cost

£233,659.95

Residual Land Value

Gross	£16,340.05
-------	------------

Development Value:

£250,000.00

Acquisition Costs (Net)	£16,054.10
-------------------------	------------

Holding Cost (Land interest)	-£1,771.92
------------------------------	------------

Serviced Plot Value:

£14,282.18

Appendix C: Commuted Sums – Indicative Values

Eastbourne – High Value Area - 40% Affordable*

Commuted Sums	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	39	50	61	74	79	93
For 0.5 units	£0	£13,447	£16,354	£31,623	£28,229	£53,152
1 unit	£0	£26,894	£32,708	£63,246	£56,457	£106,305
2 units	£0	£53,788	£65,416	£126,493	£112,914	£212,610
5 units	£0	£134,471	£163,541	£316,232	£282,285	£531,525
10 units	£0	£268,942	£327,082	£632,464	£564,570	£1,063,050

Commuted Sums	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	106	119	50	70	86
For 0.5 units	£78,809	£112,083	£25,137	£34,170	£28,250
1 unit	£157,618	£224,166	£50,273	£68,341	£56,499
2 units	£315,236	£448,331	£100,546	£136,681	£112,999
5 units	£788,091	£1,120,828	£251,366	£341,703	£282,496
10 units	£1,576,182	£2,241,656	£502,732	£683,406	£564,993

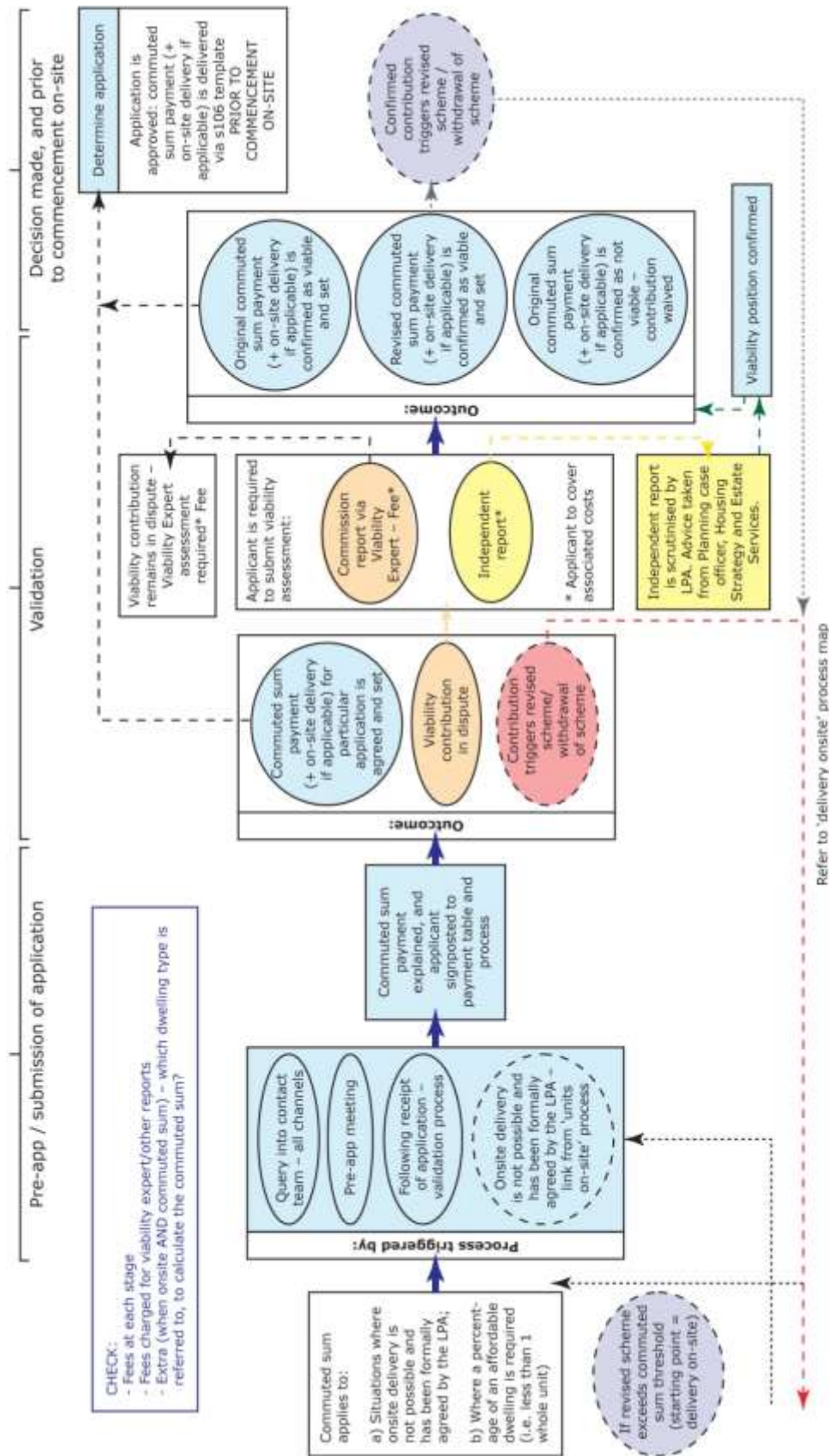
Eastbourne – Low Value Area - 30% Affordable*

Commuted Sums	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	39	50	61	74	79	93
For 0.5 units	£0	£0	£0	£0	£3,602	£7,417
1 unit	£0	£0	£0	£0	£7,204	£14,835
2 units	£0	£0	£0	£0	£14,408	£29,669
5 units	£0	£0	£0	£0	£36,020	£74,173
10 units	£0	£0	£0	£0	£72,040	£148,347

Commuted Sums	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	106	119	50	70	86
For 0.5 units	£11,965	£22,371	£12,823	£14,821	£7,141
1 unit	£23,931	£44,743	£25,647	£29,642	£14,282
2 units	£47,862	£89,486	£51,293	£59,283	£28,564
5 units	£119,654	£223,715	£128,233	£148,208	£71,411
10 units	£239,308	£447,430	£256,465	£296,416	£142,822

*Commuted Sums based on *Unit Size - m²* provided in this table

Appendix D: Map of Affordable Housing Viability Contribution Process



Appendix E: Considerations for Residential Development Financial Viability Appraisals

VIABILITY ASSESSMENT TEMPLATE	
This template lists the variables that will be required by the applicant/developer to access in order to undertake a viability assessment of a residential scheme.	
Revenue	
Schedule of units and areas (GIAs)	Schedule of accommodation with the gross internal areas (GIA) of all units to be built expressed in square metres.
Private Values with evidence	Market Value of all units with supporting evidence.
Affordable Values with evidence	Affordable Values of all units with supporting evidence.
Ground Rent Value if any	Most flats are sold on a long lease with a ground rent payable, the value of which should be included.
Commercial Value with evidence if relevant	Market value of all commercial units with supporting evidence.
Gross Development Value (GDV)	The total Value of all units to be built as part of the scheme.
Development Costs	
Residual Land Value of the scheme; or	The value that the relevant scheme can afford to pay for the site; or
Market Value of the site	The Market Value of the site with supporting evidence.
Stamp Duty Land Tax and fees	All fees etc. paid on site acquisition including Stamp Duty Land Tax, agent and legal fees.
<i>Construction costs including:</i>	
Base Construction Costs	Build costs of all units assessed using BCIS rates, by a Quantity Surveyor or quotes received from a builder.

Externals	All external costs including access roads, landscaping services to the property etc.
Abnormals	Any additional cost including demolition, remediation, additional costs due to poor ground conditions etc.
Other Costs	Any other relevant costs incurred.
Contingency	A percentage uplift to cover any unforeseen build costs.
Professional and planning Fees	All planning fees paid to the local authority, planning consultants and fees paid to architects engineers etc. in respect of design etc.
Section 106 Contributions/Community Infrastructure Levy (CIL)	Any section 106 or CIL financial contributions that are required for the scheme by the local authority.
Marketing Fees	Fees paid for marketing the units including brochures, advertising, show homes etc.
Sale Fees	Fees paid to agents and solicitors for the sale of the units.
Finance Costs including arrangement fees	Finance costs charged by a bank etc. for borrowing the money in order to undertake the development. The finance should be calculated by means of a cash flow but a scheme programme is to be included to show build and sales periods.
Profit on Private and Affordable Housing	The required profit expressed as a % of the Gross Development Value (GDV) of the scheme to reflect the risk.

Reference should also be made to the Department for Communities and Local Government Viability webpage (March 2014): [Viability - GOV.UK](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281112/20140306_Viability_Webpage.pdf)

Appendix F: Other Key Policies, Documents and Sources of Information

Approved Documents (Building Regulations)

Department for Communities and Local Government (2016)

<https://www.gov.uk/government/collections/approved-documents>

National Planning Policy Framework

Department for Communities and Local Government (March 2012)

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Portal

Further information regarding planning and building regulations, and planning applications is available from the Planning Portal

(<https://www.planningportal.co.uk/>)

Planning Practice Guidance

The Department for Communities and Local Government have published this web-based resource to bring together planning practice guidance for England.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013)

Eastbourne Borough Council (2013) <http://www.eastbourne.gov.uk/corestrategy>

South Downs National Park Authority Local Plan

Information relating to the South Downs National Park Authority Local Plan can be found on the South Downs National Park Authority website

(<https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/>)

The Building Regulations 2010

<http://www.legislation.gov.uk/ukxi/2010/2214/contents/made>

The Homes and Communities Agency

The Homes and Communities Agency is responsible for increasing the number of new homes that are built in England including affordable homes and homes for market sale or rent, and for regulating social housing providers.

(<https://www.gov.uk/government/organisations/homes-and-communities-agency>)

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Eastbourne Borough Council

Affordable Housing Implementation Technical Note

Final Report

Adopted 1 April 2013

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- 1. Introduction**
- 2. Definition of Affordable Housing**
- 3. On which Types of Development will the policy be applied?**
- 4. What will the affordable housing requirement for the development be?**
- 5. Type of Affordable Housing sought and Assessment of Financial Viability**
- 6. Planning Applications for Residential Development**
- 7. Commuted Sum Payments**
- 8. Planning Obligations – Section 106 Agreements**
- 9. Delivery Agencies**

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- A Checklist for development financial viability appraisals**
- B Spaces Standards for Affordable Housing Accommodation**
- C Notice of Liability to Pay District Valuation Office fees**
- D Commuted Sum Methodology**
- E Process Map for Planning Applications**

1. Introduction

1.1 This Technical Note has been prepared to provide detailed explanation in support of the implementation of 'Policy D5: Housing' of the Eastbourne Core Strategy Local Plan (the 'Core Strategy'), adopted 20 February 2013. Entering into discussion with the Council, including its Planning and Housing Specialists, at a very early stage in planning for a residential development scheme is strongly advised, to clarify and establish the policy requirements for affordable housing on a particular site.

1.2 The Technical Note is intended to guide the Council, developers, agents and other stakeholders in relation to the:

- Policy requirement for the delivery of affordable housing on all residential development sites;
- Type and standard of affordable housing that is likely to be sought;
- Assessment of financial viability of the development;
- Calculation of any commuted sum payments;
- Delivery agencies for the affordable housing.

1.3 Policy D5: Housing of the Core Strategy (2006-2027) reads as follows:

Policy D5: Housing

Proposals for housing will be in accordance with the approach set out in Policy B1: Spatial Development, with a focus of delivering housing within the sustainable centres and sustainable neighbourhoods and must take account of the need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings.

The Council will work with partner organisations to ensure that there is an appropriate supply of high quality affordable housing distributed throughout Eastbourne. This will be achieved by having regard to the up-to-date strategic housing market assessments.

All development will be required to contribute towards affordable housing where there is a resultant net gain of 1 or more residential units (C3 Use Class).

The Council recognises that market conditions vary across Eastbourne. In order to ensure that developments remain economically viable, the proportion of affordable housing sought will vary. In developments within Neighbourhoods in High Value Areas, 40% affordable housing will be sought on all sites. In developments within Neighbourhoods in Low Value Areas, 30% affordable housing will be sought on all sites.

Where the percentage (either 30 or 40%) does not result in a whole residential unit being required (i.e. 0.66 or 1.33), a commuted sum will be sought for the remaining requirement. Every whole affordable unit required should be delivered on site to ensure an appropriate mix of housing types and tenures throughout Eastbourne.

Tenure mix – 70:30 Rented to 'shared ownership' adjusted where necessary to balance housing need and makes schemes viable, subject to negotiation. 30% 'shared ownership' to include other forms of intermediate tenure include intermediate rented.

The affordable housing should be a mix of housing sizes and types in proportion to the housing being developed in each scheme and informed by evidence of housing need contained in the most up-to-date Housing Market Assessment. Affordable housing will be distributed across the whole site and will be indistinguishable from other forms of development on the site.

1.4 The Technical Note has been subject to targeted consultation with key stakeholders, including planning agents, developers, consultants and those with an interest in housing matters, from 20 February to 13 March 2013. Consultation responses and any necessary amendments were presented to planning committee on 26 March 2013. Planning Committee resolved to adopt the Technical Note on 1 April 2013.

2. Definition of Affordable Housing

2.1 Affordable housing is defined by the Government as "Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes."¹

2.2 Households defined as being in need of affordable housing are households lacking their own housing or living in housing which is inadequate or unsuitable, who are unlikely to be able to meet their needs in the housing market without some assistance. These include households who:

- Do not have access to the minimum deposit they require to purchase or rent a suitable home;
- By applying prevailing building society and banking sector income multipliers for lending purposes cannot afford to purchase and maintain open market housing suitable for their needs;
- By applying a rent threshold level of 25-30% of net income cannot afford to rent open market housing suitable for their needs.

2.3 The Council will use the following definitions for the various tenures and types of affordable housing stated in the policy:

Tenure Type	Definition
Rented Housing	shall include Social Rented, Target Rented and Affordable Rented Housing as follows:
Social and Target Rented Housing	Homes let by the Council or Registered Providers ² of social housing that are available for rent on a secure or assured periodic tenancy, or other tenancy offering directly equivalent

¹ Source: National Planning Policy Framework (CLG, March 2012)

² A Registered Provider is a housing provider usually operating on a not-for-profit basis, providing homes at below market rates for people who need an affordable, secure home and who have insufficient income to secure such accommodation in the private sector. This includes council and housing association landlords.

	levels of security of tenure, with an introductory tenancy being permitted for new tenants to social housing if the landlord's tenancy policy makes provision for such tenancies to be used. The rent should be set at a level equivalent to the Target Rent determined through the National Rent Regime ³
Affordable Rent	<ul style="list-style-type: none"> • Affordable Rent – homes let by the Council or registered providers of social housing to households who are eligible for social rented housing at a rent of no more than 80 per cent of the local market rent (inclusive of all service charges, where applicable). • The valuation of the Affordable Rent is to be built on the definitions of the basis of market rent contained within the Royal Institute of Chartered Surveyors (RICS) Red Book. In all cases, the market rent reference should be determined by reference to and in accordance with the approved valuation methods current at the time of submitting the planning application⁴. • All Affordable Rent properties must be let on a secure or assured periodic tenancy, or other tenancy offering directly equivalent levels of security of tenure, with an introductory tenancy being permitted if the landlord's tenancy policy makes provision for such tenancies to be used
Shared Ownership shall include: Shared Ownership Housing, Shared Equity Housing and Discounted Sale Housing, and other forms of intermediate tenure as defined below:	
Shared Ownership Housing	Housing in which the purchaser buys an initial share of the equity value in a home from the housing provider, who retains the remaining share for which they may charge a rent. The rent on the portion of the equity retained by the provider should not be above 2.75% of the value of that equity. The purchaser should have the right to buy additional shares in the property including up to 100% ownership of the property. EBC would expect the housing provider to use The Homes and Communities Agency model shared ownership lease ⁵
Shared Equity	<ul style="list-style-type: none"> • Housing in which the purchaser buys the property but shares the equity with another party such as the developer, local authority or private registered provider, in the form of an equity loan, or other equity sharing arrangement, at a price that is affordable to local households by reference to average in-work incomes for Eastbourne and normal lender loan-to-income ratios. The equity stake retained by the other party should be retained in perpetuity to ensure that the property remains affordable to future buyers; or • Housing in which the purchaser buys the accommodation but not the land, the land remaining in the ownership of the developer, local authority or private registered provider. The accommodation will be sold at a price that is affordable to

³ National Rent Regime: the system under which the government sets out the levels of rents to be charged for social rented housing, adopted in April 2006.

⁴ The Royal Institute of Chartered Surveyors (RICS) sets out its principles for valuations in the RICS Valuation Standards (known as the Red Book). Valuations of a market rent, for the purpose of the market rent forming the basis for an affordable rent, will thus adopt the definition of a market rent as settled by the International Valuation Standards Committee.

⁵ http://www.homesandcommunities.co.uk/cfg?page_id=6169&page=171

	<p>local households by reference to average in-work incomes for Eastbourne and normal lender loan-to-income ratios. The land retained by the developer, local authority or private registered provider should be retained in perpetuity to ensure that the property remains affordable to future buyers.</p> <ul style="list-style-type: none"> • There will be no charge or rent on the unsold equity.
Discounted Sale Housing	<p>Housing sold with a discount for the purchaser on the market price for a comparable property. The discount is calculated by reference to the percentage reduction in the market price that will create a sale price that is affordable to local households by reference to average in-work incomes for Eastbourne and normal lender loan-to-income ratios. Any such properties will be sold with an appropriate legal covenant in place to make sure that the discount rate from the full market price for a comparable property, agreed at the time of the first sale, applies to all subsequent sales.</p>
Intermediate Rent	<p>For the purposes of this Technical Note Intermediate Rent shall mean 'Affordable Rent' as defined previously.</p>

3. On what types of Residential Development will the policy be applied?

3.1 The policy applies to all developments that would result in net additional residential units being provided within the C3 planning Use Class. This could be in the form of: redevelopment of a site, conversion of a property through subdivision into smaller units, new build on available free land, or change of use from non-residential to residential use.

3.2 The definition of C3 (dwelling houses) residential development includes:

- People living together as a single household as defined by the Housing Act 2004 ('a family');
- Those living as a single household and receiving care;
- Those living as a single household that does not fall within the definition of a House in Multiple Occupation (HMO);
- Extra Care developments⁶;
- Assisted Living housing⁷.

⁶ Extra Care developments comprise fully self-contained homes with design features and support services available to enable independent living. It is targeted at people whose disabilities, frailty or health needs make ordinary housing unsuitable but who do not need or want to move to long term care.

⁷ Definition of Assisted Living:

A form of self contained housing for older people equipped with full sanitary and food preparation facilities and including:

- Domestic assistance, care spot purchased by individuals by arrangement and delivered by an external domiciliary care agency. These schemes can include a restaurant, and a staff presence 24 hours but not to provide care or support; or
- Care and support available 24 hours a day but purchased according to individuals needs to help with the activities of daily living. These schemes include a restaurant providing the option of three meals a day.

3.3 The criteria for determining whether the use of particular premises should be classified within the C3 use class include both the manner of the use and the physical condition of the premises. Premises can properly be regarded as being used as a single dwelling house where they are:

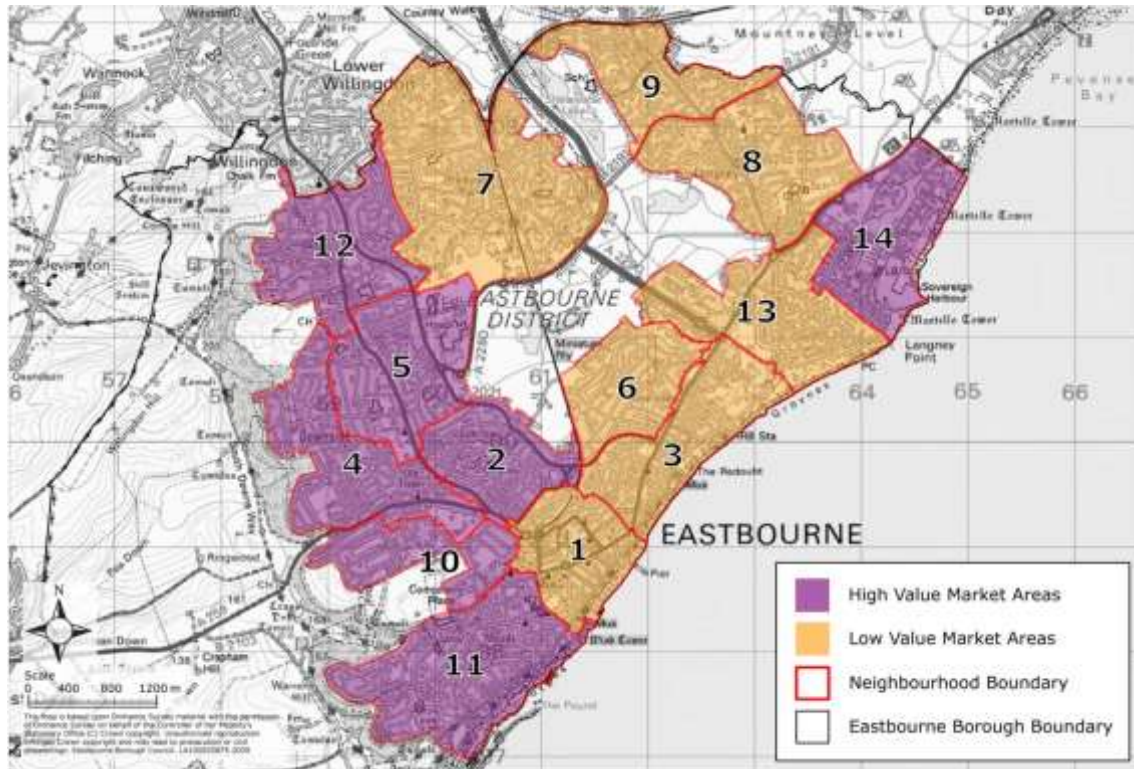
- A single, self contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them;
- Designed or adapted for residential purposes-containing a kitchen area and defined spaces for eating and sleeping and bathroom facilities associated with use as a dwelling house. The household does not need to share any facilities with other households although this does not preclude the provision of additional shared facilities, such as a communal restaurant, which the households may or may not choose to use.

3.4 The policy applies to the development of sheltered, extra care and assisted living schemes in the same way as it does to general needs housing, as long as residential units have their own facilities, e.g. kitchen area and bathroom, and therefore are self-contained designated within the C3 Planning Use Class. Accommodation that shares all or some facilities with other residential units, is classified in the C4 or sui generis Use Class as an House in Multiple Occupation (HMO).

4. What will the affordable housing requirement for the development be?

4.1 Eastbourne is divided into 14 neighbourhoods in the Core Strategy. These neighbourhoods fall into one of two Market Value Areas, which reflect the disparity between dwelling prices across the Borough. This has a significant impact on residual site values and the financial viability of delivering affordable housing on the site. Developments located in neighbourhoods within High Value Market Areas are required to deliver 40% affordable housing and developments within Low Value Market Areas are required to deliver 30% affordable housing. These are summarised in the table and diagram below:

High Value Neighbourhoods (40% affordable housing requirement)	Low Value Neighbourhoods (30% affordable housing requirement)
Neighbourhood 2: Upperton	Neighbourhood 1: Town Centre
Neighbourhood 4: Old Town	Neighbourhood 3: Seaside
Neighbourhood 5: Ocklynge & Rodmill	Neighbourhood 6: Roselands & Bridgemere
Neighbourhood 10: Summerdown & Saffrons	Neighbourhood 7: Hampden Park
Neighbourhood 11: Meads	Neighbourhood 8: Langney
Neighbourhood 12: Ratton & Willingdon Village	Neighbourhood 9: Shinewater & North Langney
Neighbourhood 14: Sovereign Harbour	Neighbourhood 13: St Anthony's & Langney Point



Map of the Borough's 14 Neighbourhoods within the High and Low Value Market Areas

4.2 The percentage policy requirement (30 or 40%) will result in a figure for the amount of affordable housing development required (i.e. 0.3 units, 2 units or 3.6 units). The following table demonstrates what the requirement will be on all developments up to 10 net units within both Market Value Areas.

Net residential units	High Value Market Area (40% affordable housing requirement)		Low Value Market Area (30% affordable housing requirement)	
	Whole affordable unit required	Part of unit (commuted sum required*)	Whole affordable unit required	Part of unit (commuted sum required*)
1		0.4		0.3
2		0.8		0.6
3	1	0.2		0.9
4	1	0.6	1	0.2
5	2		1	0.5
6	2	0.4	1	0.8
7	2	0.8	2	0.1
8	3	0.2	2	0.4
9	3	0.6	2	0.7
10	4		3	

*Commuted sum requirements are discussed later in Section 7 of this Technical Note

5. Type of Affordable Housing Sought and Assessment of Financial Viability

- 5.1 The Council will principally require affordable housing to be provided on the application site and to be delivered without any form of public subsidy. Affordable housing should normally be provided on site, unless off-site provision, free serviced land⁸ or a financial contribution (commuted sum) in lieu of on-site provision can be robustly justified. The Council will work through a series of options outlined in paragraph 6.8 of this Technical Note, to ensure that the development remains viable.
- 5.2 In the following instances it will not be considered appropriate to deliver an affordable housing unit on-site and the Council will seek either a commuted sum, free serviced land or off-site provision:
- Where the policy requirement results in a percentage of less than one whole unit being provided. A commuted sum will be required for this percentage of a unit. Commuted sum payments will be calculated using the Payment Table which is explained later in this Technical Note. All commuted sums collected by the Council will be used to help deliver new and additional affordable housing;
 - Where the development is in the form of a flatted development, including new build and conversion or refurbishment of existing buildings, where it would not be possible on technical or architectural grounds to provide a separate entrance and access areas for the affordable housing separate from that provided for housing provided for access at full market rates;
 - Where the development is a high value flat or similar development with high service charges that would affect the overall affordability of housing by reference to the average in-work incomes of local people. In such cases, the Council will require off-site provision of homes, free serviced land or a commuted sum calculated from the payment table.

Tenure Mix

- 5.3 The Council's Housing Specialists will be directly involved in negotiating and agreeing tenure mix on all residential development schemes in Eastbourne. 'Policy D5: Housing' of the Core Strategy provides the starting point for the consideration of the tenure mix of the development scheme. The policy for affordable housing is for a ratio of 70% rented to 30% shared ownership on the scheme, with flexibility to amend the balance between rented and shared ownership within a development to take account of up-to-date intelligence about local housing needs. The Council may also consider adjusting the tenure mix of a scheme if that is proven necessary and agreed by the Council and the developer to secure the viability of the development.
- 5.4 The type and size of the affordable housing to be provided on the development site should fully reflect the distribution of property types and

⁸ Free serviced land is land with planning consent for unrestricted residential development (i.e. not restricted to purely affordable housing use, with no restrictive covenants, easements etc in place), free of land purchase cost excluding any incidental costs that may be incurred in procuring the land (i.e. legal and surveyor fees) with fully serviced road and pedestrian access, utility services provided on site and with no abnormal costs free from contamination.

sizes in the overall development taking into account the required space standards for affordable housing (Appendix B).

Housing Standards

- 5.5 **Provider:** Affordable housing should be delivered by one of the Council's preferred Registered Providers, the choice of which should be agreed by the developer with the Council. A list of current providers can be obtained from the Council's Housing and Planning Specialists. The developer should dispose of any affordable housing to the Registered Provider either on a freehold basis or on a long lease, at a peppercorn rent, of at least 125 years.
- 5.6 **Environmental Standards:** All affordable housing will be required to be built to the minimum prevailing standard set out in the Code for Sustainable Homes⁹ At adoption of the Core Strategy, this will be Code Level 3. From April 2013, this will be Code Level 4, which matches Building Regulation requirements. The developer will be required to demonstrate how the development complies with the relevant standard.
- 5.7 **Design and Quality Standards: The Homes and Communities Agency's (HCA's) Design and Quality Standards¹⁰,** inherited from the Housing Corporation, are relevant. The standards relevant to the policy relate to unit size and unit layout including storage requirements¹¹. Specific actions for these standards are set out in the HCA's Housing Quality Indicators (HQIs)¹² which may change over time¹³. Affordable housing should be indistinguishable in its external appearance from general market housing. It should be 'pepper potted'¹⁴ throughout a development and not be segregated from market housing, with the exception of flatted developments.
- 5.8 **Materials and Construction Quality:** Any scheme should make use of good quality materials and be designed in such a way as to reduce ongoing management, maintenance and repair costs. This is to reduce the risk of the properties in the future no longer being kept in good condition, falling into disrepair or blighting the area. The use of low quality materials and designs which do not take heed of long term maintenance requirements, will not be acceptable to the Council.

⁹ The Code for Sustainable Homes is an environmental impact rating system for housing in England, setting standards for energy efficiency and sustainability. The code awards new homes a star rating from 1 to 6, based on their performance against 9 sustainability criteria which are combined to assess the overall environmental impact.

¹⁰ Design and Quality Standards – April 2007 – Housing corporation

¹¹ Size and layout are performance measures stipulated for the *internal environment core performance standard* set out in the Design and Quality Standards

¹² Housing Quality Indicator (HQI) Form: Version 4, (For NAHP 08-11). Published May 2007 – Updated April 2008

¹³ Information on Housing Quality Indicators can be found at:

<http://www.homesandcommunities.co.uk/hqi>

¹⁴ Pepper Potted is the dispersal of affordable housing units throughout mixed tenure residential developments, resulting in no concentrations of any particular tenure in any particular place.

- 5.9 **Lifetime Homes**¹⁵: All affordable housing should be built to the Joseph Rowntree Lifetime Homes standards, following the 16 set design criteria that provide a model for building accessible and adaptable homes. Ten per cent of the affordable housing provision should be fully accessible for disabled and vulnerable people, subject to the suitability and topography of the site and making such provision being reasonable by reference to normal technical and architectural criteria. The interior design of such properties should include adequate provision and space in all such units to allow the use of motorised and non motorised wheelchairs. The developer will be required to demonstrate how the development complies with the relevant standard at planning submission stage.
- 5.10 **Space Standards**: The Council's minimum space standards for affordable housing are set out in Appendix B of this Technical Note.
- 5.11 **Timeline**: The Council expects delivery of affordable housing to be considered by the developer as a priority contribution, after the provision of essential development pre-requisites, including for example highways requirements and flood storage provision have been completed. On-site affordable rented housing units should, unless there are exceptional circumstances, be handed over to the agreed Registered Provider by the time 40% of the market units on the site have been sold or occupied.
- 5.12 **Secured by Design**: affordable housing should follow any relevant and appropriate recommendations laid down in the most current Secured by Design guidance, issued by the Association of Chief Police Officers (ACPO).

6. Planning Applications for Residential Development

- 6.1 This section discusses the key stages involved in processing the affordable housing requirement for residential development schemes. A process map outlining the key stages that are involved in processing an application in line with the affordable housing requirements of Policy D5: of the Core Strategy is provided in Appendix E of this Technical Note. This covers the expectations of applicants before a planning application is formally submitted to the Council (pre-application) and includes all the relevant stages involved in the case officer processing the application through to determination by the Council.

Step 1 – Pre-application Discussions

- 6.2 The Council encourages all applicants (whether developers, land agents or individuals) to undertake pre-application discussions with the Council's Planning and Housing Specialists to discuss any proposed residential schemes. It will be essential at an early stage to discuss the financial viability of the scheme to deliver the requirement of the housing policy of the Core Strategy. Appendix A provides a check list for applicants to use in their financial viability appraisals of development schemes for affordable housing.

¹⁵ Lifetime Homes are ordinary homes incorporating 16 Design Criteria that can be universally applied to new homes at minimal cost. Each design feature supports the changing needs of individuals and families at different stages of their lives.

6.3 The affordable housing policy will be applied in line with Policy D5 of the Core Strategy on a site by site basis taking into account other planning considerations that may affect the financial viability of development of the site. Regard will be made to:

- The viability of development, considering the need and cost of supporting infrastructure on and off the site and any unavoidable and necessary site remediation to resolve environmental hazards;
- The location and character of the site;
- The tenure of affordable housing and type of dwelling unit required in relation to the housing needs and the viability of specific schemes;
- The current availability of affordable housing in the local area when measured against demand for such accommodation.

Step 2 – Financial Viability Assessment of the Scheme

6.4 When assessing the financial viability of residential development the applicant should refer to all considerations stated in Appendix A of this note, unless there are any justified overriding factors¹⁶. The Council recommend using the District Valuation Office to assist in assessing the viability of the proposed development. Applicants may use their own viability assessment toolkit to assess financial viability, for which their figures should be independently verified by a qualified valuation officer or an organisation that is full member of the Royal Institute of Chartered Surveyors¹⁷ (RICS) prior to the submission of the application. Should any such viability assessment suggest that a scheme is unviable, the Council will, if necessary, commission the District Valuation Office to scrutinise any such assessment and the cost of any such assessment will be paid by the applicant.

6.5 If a developer considers that the mandatory requirements of the Council's policy in respect of affordable housing cannot be met on a particular site then any such representation must be justified in an evidenced and 'open-book' Viability Assessment and supporting statement, including all necessary information to demonstrate and justify residual values. These should be provided by the developer to the Council during the pre-application discussions. The Council will therefore need to receive all the required figures for the Viability Assessment, including a Residual Valuation prior to the application being validated for consideration. This will prevent unnecessary delays to applications being decided. If the application is submitted without a satisfactory Viability Assessment, then it is likely that the application will be recommended for refusal.

Step 3 – Open Book Approach with Eastbourne Borough Council

6.6 The 'open book' approach detailed above will allow any reduced or amended affordable housing contribution to be assessed and agreed prior to the submission of a formal planning application. In this way data which the

¹⁶ Other financial contributions will need to be factored into Viability Appraisals including Section 106 contributions and the forthcoming Community Infrastructure Levy (April 2014).

¹⁷ RICS valuations need to be Red Book compliant so they can be relied upon by both the applicant and the local authority.

applicant may regard as commercially sensitive will remain outside the public domain. This approach will also assist in the efficient consideration of the planning application.

- 6.7 If the Council is required to seek an opinion from the District Valuation Office on viability then this cost will be borne by the applicant. A liability notice to pay the District Valuation Office fees (Appendix C) will be issued by the Council, from which there will be a four week period for the Council to receive payment from the applicant. If this is not received then the application cannot be progressed, nor approved. Indicative payments for the various size of developments are outlined in Appendix C. The District Valuation Office will consider the financial impact of the cost of the affordable housing on affecting the overall viability of the development. In making this assessment, the Valuation Officer will build in an assumed acceptable developer profit level. If the provision of affordable housing in line with the Council's policy is proven to affect the overall viability of the scheme, the District Valuation Office will calculate the total viability shortfall cost: the additional sum required to make the scheme viable for the developer with on-site affordable housing provided.

Step 4 - Next Steps if the site is assessed as unviable

- 6.8 If it is agreed that the requirements of the Council's policy on housing will render a site unviable the Council's Housing and Planning Specialists will work with the developer through the following options (these are not in sequential order) detailed below until overall delivery is rendered viable. This provides further elaboration of the options discussed in Core Strategy:
- An amended mix of affordable tenures to deliver in full the required quota of affordable homes on the application site;
 - Delivery in full of the required quota of affordable homes on an alternative site within the same neighbourhood or electoral ward as the application site, completion of such homes to be achieved within a similar time line to that established for the social housing originally proposed for the application site;
 - Delivery in full of the required quota of affordable homes on an alternative site elsewhere within Eastbourne, completion of such homes to be achieved within a similar time line to that established for the social housing originally proposed for the application site;
 - Free serviced land, to provide sufficient land to provide in full the required quota of affordable homes, with full and unfettered ownership of the land transferred to the Council;
 - A commuted sum equivalent in value to the cost to the developer of on-site provision. All commuted sums collected by the Council will be used to help deliver new and additional affordable housing. Commuted sums will need to be spent by the Council within 10 years of the granting of planning permission;
 - A reduction in the number of affordable homes to be delivered on the application site;
 - Support for an application to the HCA for grant funding to deliver in full the required quota of affordable homes on the application site. It should be noted that HCA policy is not to award grant funding to

schemes subject to the provisions of a Section 106 agreement¹⁸, other than in the most exceptional of circumstances. The Council reserves the right to reject this option if to do so would adversely impact upon the time taken to determine the application;

- An application to the Council for grant funding to deliver in full of the required quota of affordable homes on the application site. It should be noted that the Council does not award grant funding to schemes subject to the provisions of a Section 106 agreement, other than in the most exceptional of circumstances. The Council reserves the right to reject this option if to do so would adversely impact upon the time taken to determine the application;
- To abandon the requirement for affordable housing to be provided or funded as a consequence of the development. This option will not normally be considered unless there is clear, justifiable and independently verified evidence that none of the options detailed above are viable.

6.9 Developers should note that alternatives to on-site provision can only proceed with the agreement of the Council. Any unilateral offers of alternative arrangements or provision will not automatically be accepted by the Council without working through the options in 6.8 above.

7.0 Commuted Sum Payments

7.1 Commuted sum payments will only be applicable to developments, where delivery on site is justified as unviable, or where a financial contribution in lieu of a percentage of a unit is required (i.e. less than 1 whole unit). The Council will use the 'Affordable Housing Payments Table' to calculate the financial contributions for commuted sum payments or part commuted sum payments. This method calculates the contributions required by assessing the average sales values of market and affordable housing and then deducting the development costs to show the residual land value which is then expressed as a commuted sum. Appendix D to this report provides a full methodology for the commuted sum payment table.

Commuted Sum Calculation

The basis for assessing the cost to the developer of on-site provision will be the Affordable Housing Payments Table which is broken down by housing type, size and Market Value Area. Where the policy results in a portion of unit to be provided, this portion or percentage can be calculated in monetary terms using the payments table.

In using the Payment table, the requirement will be calculated based on the footprint (in square metres) of development. This will be multiplied by the 'contribution per sq m' cell in the payment table, and then if necessary for a percentage of a unit, a proportion of this sum to be calculated.

¹⁸ Section 106 of the Town and Country Planning Act 1990 allows a Local Planning Authority to enter into a legally binding agreement or planning obligation with a landowner in association with the grant of planning permission. The obligation is called a Section 106 Agreement.

- 7.2 The following payment table reflects the position of Policy D5: Housing of the Core Strategy which seeks a 70% social rented and 30% shared ownership tenure breakdown for the affordable housing element of the scheme.
- 7.3 The payment table will be reviewed annually and updated if necessary, to reflect any changes in economic viability over the lifetime of the Core Strategy. This will ensure that the financial contributions remain viable for all development types, and that affordable housing contributions will not impede residential development coming forward.

Affordable Housing Commuted Sum Payment Table

Figures as of December 2012

Eastbourne - High Value Area - 40% Affordable (70% Social Rented and 30% Shared Ownership)

Commuted Sum Values	Studio Flat*	1 Bed Flat*	2 Bed Flat*	3+ Bed Flat*	2 Bed House	3 Bed House
Unit Size - m ²	40	46	67	84	68	90
MV completed unit	£ 90,000	£ 130,000	£ 175,000	£ 225,000	£ 215,000	£ 315,000
Serviced plot value per unit	£ 8,178	£ 9,405	£ 13,698	£ 17,174	£ 54,082	£ 93,303
40% Policy compliant contribution:	£ 3,273	£ 3,762	£ 5,479	£ 6,870	£ 21,633	£ 37,321
Contribution per sq m	£ 81.78	£ 81.78	£ 81.78	£ 81.78	£ 318.13	£ 414.68

* For the purposes of flatted development the contribution has been averaged across all unit sizes, to provide one contribution per sq m.

Commuted Sum Values	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow	
Unit Size - m ²	106	125	73	85	95	
MV completed unit	£ 410,000	£ 495,000	£ 175,000	£ 225,000	£ 275,000	
Serviced plot value per unit	£ 136,529	£ 169,501	£ 13,969	£ 31,109	£ 50,893	
40% Policy compliant contribution:	£ 54,611	£ 67,800	£ 5,588	£ 12,444	£ 20,357	
Contribution per sq m	£ 515.20	£ 542.40	£ 76.54	£ 146.40	£ 214.29	

Eastbourne - Low Value Area - 30% Affordable (70% Social Rented and 30% Shared Ownership)

Commuted Sum Values	Studio Flat	1 Bed Flat	2 Bed Flat	3+ Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	40	46	67	84	68	90
MV completed unit	£ 65,000	£ 90,000	£ 125,000	£ 160,000	£ 150,000	£ 200,000
Serviced plot value per unit	-£ 16,668	-£ 7,875	-£ 13,374	-£ 13,220	£ 15,814	£ 23,577
30% Policy compliant contribution:	£ 0	£ 0	£ 0	£ 0	£ 4,744	£ 7,073
Contribution per sq m	£ 0	£ 0	£ 0	£ 0	£ 69.77	£ 78.59

Commuted Sum Values	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow	
Unit size - m ²	106	125	73	85	95	
MV completed unit	£ 240,000	£ 300,000	£ 135,000	£ 190,000	£ 215,000	
Serviced plot value per unit	£ 31,735	£ 50,060	-£ 8,262	£ 13,878	£ 17,932	
30% Policy compliant contribution:	£ 9,521	£ 15,018	£ 0	£ 4,163	£ 5,380	
Contribution per sq m	£ 89.82	£ 120.14	£ 0	£ 48.98	£ 56.63	

- 7.4 The following worked examples demonstrate how to work out the financial contribution for the proposed development: if on site delivery of the affordable housing is justified as unviable; or where a financial contribution for part of a unit is required.

Worked Example for Portion of Affordable Unit on Housing Scheme

Development: Net gain of 5 3-bed houses within 30% Low Value Market Area, each with a footprint of 100 square metres.

Policy Requirement: 1.5 affordable units.

Delivery:

- (1) On site delivery of 1 affordable unit with 0.5 (50%) of a unit delivered as a commuted sum, calculated from the payment table (at £78.59 per square metre).

Financial contribution would be calculated as:
 $0.5 \times 78.59 \times 100 = \mathbf{£3,929.50}$

- (2) If justified as unviable to deliver affordable unit on site, use payment table to calculate commuted sum payment for full quota of 1.5 dwellings at £78.59 per square metre.

Financial contribution would be calculated as:
 $1.5 \times 78.59 \times 100 = \mathbf{£11,788.50}$

Worked Example for Commuted Sum Payment in lieu of delivery of affordable housing units on flatted development scheme

Development: Net delivery of 20 flats within the 40% High Value Market Area, each with a footprint of 50 square metres.

Policy Requirement: 8 affordable units.

Delivery:

- (1) On site delivery of 8 affordable units, appropriately arranged on the site; or
- (2) If justified as unviable to deliver 8 flats on site, use payment table to calculate commuted sum payment for full quota of 8 flats at £81.78 per square metre.

Financial contribution would be calculated as:
 $8 \times 81.78 \times 50 = \mathbf{£32,712.00}$

Flatted Schemes and 1 bedroom bungalows within the Low Value Market Area

- 7.5 In some instances within the Low Value Market Areas of the Borough, negative viability will be demonstrated for smaller residential units if the affordable housing policy is delivered in full on the development scheme. The commuted sum payment table calculations show a potential negative viability level within the Low Value Market Area for flatted schemes and 1 bedroom bungalows. This is based on an assessment of various sizes of developments in floor space and unit number terms. In these instances if the onsite delivery of affordable housing is justified as unviable, and commuted sums would be the only available option, then a financial contribution will not be sought for that development scheme.

Commuted Sum Calculation

- 7.6 If a commuted sum requirement, calculated from the payments table, equates to less than **£1,000** for the whole development scheme, then a financial contribution will not be sought for this development.

Payment of Commuted Sums

- 7.7 Commuted sums shall be paid to the Council on commencement of the development and this will be reflected in the Section 106 Agreement.

8.0 Planning Obligations - Section 106 Agreements

- 8.1 A planning obligation (Section 106 Agreement) will be drawn up by the Council, which forms the legal framework in order that the applicant/developer delivers affordable housing on site, off-site or contributes financially through commuted sum payments or free serviced land.
- 8.2 A planning obligation is a legally binding agreement between the Council and a developer. An obligation either requires the developer to provide a financial contribution, physical infrastructure or a management plan in relation to their development proposals, otherwise this restricts what can be done with land following the granting of planning permission. The agreements are made under Section 106 of the Town and Country Planning Act 1990 and allow development proposals to meet the needs of the community by securing contributions towards community infrastructure.
- 8.2 For all planning applications that involve affordable housing, applicants will be required to sign a Section 106 Agreement. The purpose of the agreement is to ensure that the affordable housing complies with the Council's housing and planning policies including making sure that affordable housing is offered to those local people most in need of it and that the rents and prices remain affordable. An example Section 106 agreement with template wording to be integrated into the agreement is presented at the following web-link:
www.eastbourne.gov.uk/corestrategy.

9. Delivery Agencies

- 9.1 The affordable housing element of a development should be delivered by a Registered Provider that is a partner of the HCA and has the support of the Council. The Council itself is a Registered Provider of social housing and so may also be considered as a potential partner for the provision of affordable housing.
- 9.2 The Council has a list of Registered Providers already providing and managing homes in Eastbourne. This list is available upon request from the Housing Specialists.
- 9.3 Support for a Registered Provider will be determined by the Council's Housing Specialists with reference to the Registered Providers approach to housing management and maintenance. Particular regard will be paid to the relationship between the provider and the Council in terms of support for the Council's corporate and housing priorities. This includes such activities as estate and neighbourhood management, housing opportunities for homeless and other vulnerable clients, quality of property maintenance and participation in economic development initiatives.
- 9.4 In all instances, the Council will expect to be granted nomination rights to all tenures of affordable housing, to help the Council support people registered on the Housing Register. An example of a Nomination Agreement is available on the Council's website at www.eastbourne.gov.uk/corestrategy. The Council will make use of such nomination rights in line with its prevailing Allocations Policy.

APPENDIX A

Check list for development financial viability appraisals

VIABILITY ASSESSMENT TEMPLATE

This template lists the variables that will be required by the applicant/developer to access in order to undertake a viability assessment of a residential scheme.

Revenue	
Schedule of units and areas (GIA's)	Schedule of accommodation with the gross internal areas (GIA) of all units to be built expressed in sq metres
Private Values with evidence	Market Value of all units with supporting evidence
Affordable Values with evidence	Affordable Values of all units with supporting evidence
Ground Rent Value if any	Most flats are sold on a long lease with a ground rent payable, the value of which should be included
Commercial Value with evidence if relevant	Market value of all commercial units with supporting evidence
Gross Development Value (GDV)	The total Value of all units to be built as part of the scheme
Development Costs	
Residual Land Value of the scheme: or	The value that the relevant scheme can afford to pay for the site or
Market Value of the site	The Market Value of the site with supporting evidence
Stamp Duty Land Tax and fees	All fees etc paid on site acquisition including Stamp Duty Land Tax, agent and legal fees
<i>Construction costs including:</i>	
Base Construction Costs	Build costs of all units assessed using BCIS rates, by a Quantity Surveyor or quotes received from a builder
Addition for Code3/Code 4	Additional costs to achieve Code for Sustainable Homes Level 3 or 4
Externals	All external costs including access roads, landscaping services to the property etc
Abnormals	Any additional cost including demolition, remediation, additional costs due to poor ground conditions etc
Other Costs	Any other relevant costs incurred
Contingency	A percentage uplift to cover any unforeseen build costs
Professional and planning Fees	All planning fees paid to the local authority, planning consultants and fees paid to architects engineers etc in respect of design etc
Section 106 Contributions/Community Infrastructure Levy (CIL)	Any section 106 or CIL financial contributions that are required for the scheme by the local authority
Marketing Fees	Fees paid for marketing the units including brochures, advertising, show homes etc
Sale Fees	Fees paid to agents and solicitors for the sale of the units
Finance Costs including arrangement fees	Finance costs charged by a bank etc for borrowing the money in order to undertake the development. The finance should be calculated by means of a cash flow but a scheme programme is to be included to show build and sales periods.
Profit on Private and Affordable Housing	The required profit expressed as a % of the Gross Development Value (GDV) of the scheme to reflect the risk

Reference should also be made to Appendix C of the RICS 'Viability in Planning' document which can be accessed from: <http://www.pas.gov.uk/pas/aio/2784163>

APPENDIX B

Space Standards for Affordable Housing Accommodation

The Council's minimum space standards for affordable housing are set out below. All units will need to be large enough to meet Lifetime Homes standards. The following figures are derived from the Homes and Community Agency (HCA) standards.¹⁹

Type of Residential Unit	Gross Internal Floor Area Range (m²)
Studio self contained flat	30/35 *
1 bed 2 person flat	45/50
2 bed 3 person flat	57/67
2 bed 4 person flat	67/75
3 bed 5 person flat	75/85*
2 bed 4 person two storey house	67/75
3 bed 5 person two storey house	82/85
4 bed 6 person two storey house	95/100
3 bed 5 person three storey house	85/95
4 bed 6 person three storey house	100/105
<p>Wheelchair units will require a larger footprint to provide turning circles (1500 x 1500mm) and should meet the standards set out in the "Wheelchair Housing Design Guide, second edition" produced by Habinteg Housing Association. This guidance should be taken into account for all wheelchair units. Please note that Wheelchair Unit gross internal floor areas will exceed Lifetime Homes gross internal floor area requirements.</p>	

**It is not the Council's preferred option to increase the stock of studio or 3 bed flats for affordable housing at the time of publishing this AHITN, but housing needs can change from time to time and consideration will be taken of the identified need for such housing at the time of the application.*

¹⁹ Homes and Communities Agency Space Standards for the Home (August 2010)

APPENDIX C

Liability Notice to pay District Valuation Office Fees

Eastbourne Borough Council
Affordable Housing Viability

Liability Notice

To pay DVS Viability Assessment Fees

Eastbourne Borough Council
Planning Services
1 Grove Road
Eastbourne
BN21 4TW

[Insert date]

[Liability Notice Reference]

District Valuation Service – Viability Assessment Fees

In relation to: [Planning application address and reference number]

This notifies you that you will be liable to pay **[insert amount]** to Eastbourne Borough Council in order for the District Valuation Office to undertake an Affordable Housing Viability Assessment for the development scheme proposed under planning application **[insert planning application reference]**. Payment is due to the Council within 4 weeks of the date indicated on this letter.

Indicative Costs for DVS Viability Assessment

Number of Gross Residential Units:

Less than 5 units: £500 plus vat
5 - 10 units: £750 plus vat
11 - 15 units: £1250 plus vat
Over 15 units: Quote required

APPENDIX D

Methodology for Commuted Sum Payments

District Valuation Service (DVS), December 2012

There are a number of methods to calculate the contributions required for part or whole units to be provided off site.

The three often used are:

- 1) Land Value provision – Assessment of the developers contribution expressed as land value after undertaking residual appraisals taking account of value less costs.
- 2) Revenue Gap – The Market value less the affordable housing revenue from the registered provider
- 3) Build costs – Physical cost of provision

Whilst other methods are used these are the three most common and after discussions with the Council we are of the opinion that the Land Value method is the most applicable in the circumstances.

This assessment calculates the contributions required by assessing the average sales values of market and affordable housing and then deducting the development costs to show the residual land value required which is then expressed as a commuted sum at either 40% or 30%. The contribution is expressed per unit and per sq m.

Unit Types:

This Assessment has assumed the following unit types and areas:

Unit Type	Size – Sq m
Studio Flat	40
1 Bedroom Flat	46
2 Bedroom Flat	67
3 + Bedroom Flat	84
2 Bedroom House	68
3 Bedroom House	90
4 Bedroom House	106
5 + Bedroom House	125
1 Bedroom Bungalow	73
2 Bedroom Bungalow	85
3 Bedroom Bungalow	95

Market Sales Values:

We have undertaken detailed market sales research into the sales values achieved across all regions in the Borough and property types and then averaged for the high and low value areas as defined. In addition we have average across the house types of terraced, semi detached, town houses and detached.

The key sources for our research are our own internal data base of property sales and other data available on the internet and from local knowledge.

DVS research has indicated the following average market values:

Property Type	Size (m ²)	High Value Area (£)	Low Value Area (£)
Studio flat	40	90,000	65,000
1 bedroom flat	46	130,000	90,000
2 bedroom flat	67	175,000	125,000
3+ bedroom flat	84	225,000	160,000
2 bedroom house	68	215,000	150,000
3 bedroom house	90	315,000	200,000
4 bedroom house	106	410,000	240,000
5+ bedroom house	125	495,000	300,000
1 bedroom bungalow	73	175,000	135,000
2 bedroom bungalow	85	225,000	190,000
3 bedroom bungalow	95	275,000	215,000

Affordable Tenure:

We have assessed all affordable housing on the following tenure basis:

- 1) Social Rented
- 2) Affordable Rented (assuming 80% of market rental value inclusive of service charge)
- 3) Shared Ownership
- 4) Shared Equity
- 5) Discounted Market Sales (assuming a sale at no more than 80% of market value)

Affordable Sales Values:

We have assessed the value of the affordable housing for each tenure type and unit type taking account of rentals payable in the area, market values for part equity sales and retained rental income.

We have undertaken our own assessment as to the affordable values, based on our own experience of offers received on other developments in the region expressed as an average percentage of the market value across each tenure type as follows:

Tenure Type	% of Market Value
Social Rented	45%
Affordable Rented	55%
Shared Ownership	65%
Shared Equity	65%
Discounted Market Sales	80%

Development Costs:

We have assessed the average development costs per unit type taking account our own experience and similar studies carried out in the region as follows:

- 1) **Build Costs** – BCIS median rates adjusted for location
 - a) Flats - £988 per sq m
 - b) Houses - £851 per sq m
 - c) Bungalows - £924 per sq m
 - d) Site and Infrastructure Costs – 15%
 - e) External Works – 5%

- f) Code For Sustainable Homes Level 4 – 7%
 - g) Contingencies and Insurances – 4.5%
 - h) Planning Fees - £385 per unit
 - i) Survey Costs - £500 per unit
- 2) **Professional Fees** – 8.00 %
 - 3) **Marketing and Sales Costs** – 1.5% of sales value plus £600 per unit for legals
 - 4) **Finance Costs** – 7% including arrangement fees
 - 5) **Land Costs** – 5.75% fees etc plus holding cost of land for the development programme at 7%
 - 6) **Developers Profit** – 17.5% on private and 6% on affordable

Contribution Table:

Having completed our detailed research we have prepared a table showing the commuted sum as a residual land value per type of unit including a 15% uplift expressed as either 30% or 40% of the residual land value depending on the location. If the result is a negative land value the commuted sum is shown as Zero. The sum is also expressed as both a total amount and per sq metre.

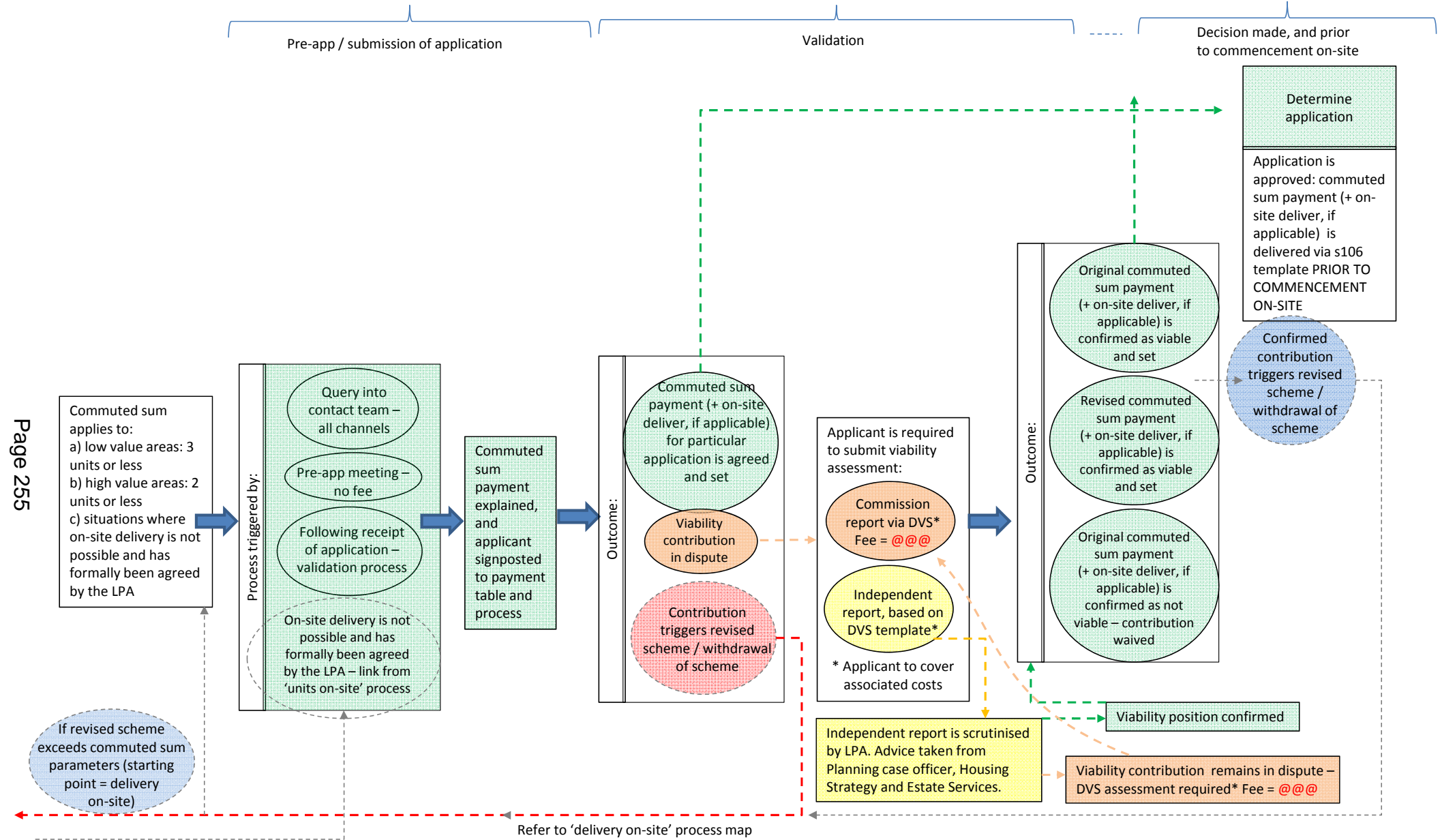
Summary:

DVS have determined to use the Land Value provision in determining the contributions required in lieu of a part of a unit on site or a contribution for a total off site provision if agreed. The two value areas for the Borough have been predetermined as High Value Areas and Low Value Areas which we have adopted and the property types have been agreed. DVS have assessed the average market sales value for each property type for the two value areas and also the affordable value for each property type under each affordable tenure. DVS have also assessed all applicable development costs. The result is a residual land value for each property type taken at either 30% or 40% depending on the value area and then expressed as both a lump sum and rate per sq metre.

APPENDIX E

Process Map for Planning Applications

Affordable Housing Viability Contribution Process



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CHECK:

- Fees at each stage
- Fees charged for DVS / other reports
- Extra portion (when on-site AND commuted sum) – which house type is referred to, to calculate the commuted sum?

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Body:	Cabinet
Date:	13 September 2017
Subject:	Housing Allocations Policy
Report Of:	Ian Fitzpatrick – Director of Service Delivery
Ward(s)	All
Purpose	This report recommends that Cabinet adopts a revised Housing Allocation Policy. It explains why Eastbourne Borough 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.
Contact:	Jennie Perkins, Lead for Housing Needs and Standards 1 Grove Road, Eastbourne Tel no: (01323) 415253 Email: jennie.perkins@eastbourne.gov.uk
Recommendation(s):	<ol style="list-style-type: none">1 That Cabinet adopt the Housing Allocations Policy as set out in Appendix A.2 That Cabinet approve the revocation of the previous Housing allocations Policy (adopted 2014) as set out in Appendix B.3 That Cabinet delegate 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.

1.0 Introduction

1.1 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.

1.2 As part of the initiative to bring Eastbourne Borough Council, Lewes District

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 Eastbourne Borough Council and Lewes District Council.

- 1.3 The Housing Allocation Policies of Eastbourne Borough Council and Lewes District Council contain similar content. However, the Lewes District Council Allocations 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. These sections are not required for the Eastbourne Borough Council Housing Allocations Policy.
- 1.4 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.
- 1.5 The draft Eastbourne Borough 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 Borough.
- 1.6 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 EBC and LDC social media accounts.

2.0 Proposed changes to current Eastbourne Housing Allocations Policy

- 2.1 We are proposing that the Policy enable us to set targets for lettings to particular groups. It would mean we could advertise some properties to applicants seeking a transfer from an existing social home, and would allow us to make better use of housing that becomes available by freeing up the home that the transfer applicant is currently living in.
- 2.2 Currently in Eastbourne, only people who have a housing need are eligible to join the Housing Register.
- 2.3 We are proposing to exclude people from the Housing Register if they or a member of their household has a current conviction for drug dealing.

- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 We are proposing to add 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. Currently, the Eastbourne policy does not include these households in Band A and could be seen to unfairly penalise those who are making their own temporary arrangements.
- 2.8 The current policy in Eastbourne is to register households in Band A who need to move urgently because of 'serious personal risk'.
- 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).
 - 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 rehouse. Priority transfer – e.g. Emergency harassment, agreed by the Head of Housing 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.

These additions give more detail on the circumstances in which applicants will automatically be placed in Band A so that it is clearer to applicants.

- 2.9 We are proposing to 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. We are also proposing to include 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. We are proposing these changes to comply with the Housing Act 1996 regulations (Additional Preference for Former Armed Forces Personnel) which came into force in 2012.
- 2.10 We are proposing to include Transfer Tenants needing a permanent or temporary decant to Band A where the property is imminently required for major repair or redevelopment. Where tenants are forced to move because of an urgent major repair need or because their property – e.g. a sheltered housing scheme – is being refurbished or redeveloped, we believe it is fair that they should have priority to move. In practice, Eastbourne has given Band A priority to these applicants in the past because of the need to move tenants quickly and to reflect that these tenants are being asked to move rather than doing so from their own choice. The change in the policy is designed to make this clearer to applicants.
- 2.11 We are proposing that households lacking two or more separate bedrooms are placed in Band B. 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.
- 2.12 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.
- 2.13 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.

- 2.14 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.
- 2.15 Eastbourne Borough Council amended its policy in 2014 to 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. This will be replicated in Lewes. 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.
- 2.16 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. The current Eastbourne policy places people into Band C and very few people are able to move on. The proposal of Band B status is to allow the household a settled period of time in temporary accommodation before moving to permanent housing.
- 2.17 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.
- 2.18 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.

3.0 Housing Allocations Policy Consultation Responses

3.1 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 results relating to Eastbourne Borough Council and Lewes District Council is attached as Appendix C. The consultation report which specifically relates to Eastbourne Borough Council is attached as Appendix D. The general results of the Eastbourne Borough Council consultation are set out below:

- 71.76% (61) of respondents agreed that the policy enable us to set targets for lettings to particular groups;
- 63.53% (54) 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;
- 90.59% of respondents (77) 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;
- 84.71% (72) 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;
- 83.53% (71) 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);
- 77.65% (66) 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;
- 81.18% (69) 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);
- 88.24% (75) of respondents agreed that the expanded definition of

'serious personal risk' should be included in the policy;

- 94.05% (79) 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;
- 90.48% (76) 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;
- 81.18.42% (69) of respondents agreed that the policy should include that households lacking two or more separate bedrooms are placed in Band B;
- 80.49% (66) 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;
- 81.18% of respondents (69) agreed that the under the policy we would place applicants who have deliberately worsened their circumstances or become homeless intentionally in Band C;
- 90.59% (77) of respondents agreed that the policy should include provision to make direct allocations when someone has 'Emergency Housing Status';
- 81.18% (69) 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;
- 82.14% (69) 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
- 78.82% (67) 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.

4.0 Main Implications on current Housing Register applicants

- 4.1 The main impact is likely to affect the Lewes District. The proposal that people who do not have a housing need should not qualify to join the Housing Register 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 to reduce the costs of managing unnecessary applications.
- 4.2 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.
- 4.3 The change which is likely to have the greatest impact for Eastbourne Borough will arise from the policy of setting a target for the proportion of initial voids let to people seeking transfers. This will potentially improve the chances of those applicants getting a property more quickly. This may also result in a longer wait for new applicants not already residing in a property and who may be waiting for a property due to needing a larger home for example. This is because transfer applicants are likely to have a higher proportion of those properties than they did previously (depending on the target), and will be freeing up smaller properties.
- 4.4 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.

5.0 Implications

5.1 Legal Implications

- 5.1.1 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.

- 5.1.2 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.
- 5.1.3 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.
- 5.1.4 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.
- 5.1.5 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

5.2 Financial Implications

- 5.2.1 There are no direct financial implications on the Council's General Fund or Housing Revenue Account budgets arising from this report.

5.3 Human Resource Implications

- 5.3.1 The implementation of the Housing Allocations Policy will be through the usual work of the Housing functions, and therefore it is not expected that there will be a significant resource implication for the Council.

5.4 Equalities and Fairness Implications

- 5.4.1 A draft Equalities Impact Assessment has been completed and is a background paper to this report. This is subject to sign-off by the Equalities & Fairness Planning Group.

6.0 Conclusion

- 6.1 A new Housing Allocations Policy has been prepared as part of the initiative of Eastbourne Borough Council, Lewes District 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.
- 6.2 Public consultation was undertaken on the draft Housing Allocations Policy, resulting in 85 representations being received for Eastbourne Borough, and 215 representations being received overall. The results of these representations indicate a relatively high level of general agreement with the modifications proposed.

Background Papers

- Draft Eastbourne Borough Council Housing Allocations Policy (2017)
- Eastbourne Borough Council Housing Allocations Policy (adopted 2014)
- Housing Act 1996
- Homelessness Act 2002
- Localism Act 2011
- Allocation of accommodation: guidance for local housing authorities in England (DCLG. 2012)
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG. 2013)
- Homelessness Reduction Act 2017
- Allocating social housing (England) (House of Commons. Briefing Paper number 06397. 9 June 2017)
- Equalities Impact Assessment

Appendices

Appendix A: Draft Eastbourne Borough Council Housing Allocations Policy (2017)

Appendix B: Eastbourne Borough Council Housing Allocations Policy (adopted 2014)

Appendix C: Consultation on the Housing Allocations Policy for Eastbourne Borough Council and Lewes District Council

Appendix D: Consultation on the Housing Allocations Policy for Eastbourne Borough Council

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Eastbourne Borough Council Allocation 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 Eastbourne. 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 Borough 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 Eastbourne Borough. 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

Draft Allocations Policy

Council's legal duties and responsibilities can be found on Eastbourne Borough 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 Eastbourne Borough.

Demand for social housing in Eastbourne 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 Eastbourne 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 Eastbourne Borough 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

Once 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 Eastbourne Borough
- 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 Eastbourne Borough 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 Eastbourne Borough.

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 Eastbourne Borough 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 Eastbourne Borough as their only or principal home and have done so for the previous 2 years; or
- b) Have resided in the Eastbourne Borough 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 Eastbourne Borough and have been for the previous 2 years; or
- d) Have close relatives who reside in the Eastbourne Borough 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 Eastbourne Borough Council do not need to meet the Local Connection criteria set out at above.

Existing Social Housing Tenants

Existing Social Housing Tenants of Eastbourne Borough Council or a Registered Provider living within the Eastbourne Borough are 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 Eastbourne Borough with an alternative means to transfer to a tenancy within its housing stock in the Eastbourne Borough 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.

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 Eastbourne 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 Eastbourne Borough 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 have 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 Eastbourne Borough Council and Eastbourne Borough 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.

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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 Eastbourne Borough 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 Eastbourne 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 Eastbourne Housing Register can bid for Eastbourne Borough 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 boroughs 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

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. The 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 Eastbourne 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/ren 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:

Draft Allocations Policy

- a) The Applicant is homeless and is owed a full housing duty under the homelessness legislation by Eastbourne Borough Council and is not in circumstances that warrant Band A priority
- b) The Applicant has a home but Eastbourne Borough 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 Borough 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 Eastbourne 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 Eastbourne Borough 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 Eastbourne Borough 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 Eastbourne Borough 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 Borough. 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 Eastbourne 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 on 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 Eastbourne Homes, and officers working for Eastbourne Borough 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 Eastbourne 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

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EASTBOURNE

Borough Council



**EASTBOURNE BOROUGH
COUNCIL
HOUSING ALLOCATION
SCHEME**

**If you need this information in large print, Braille, tape/CD
or in another language, please contact Eastbourne Borough Council
on 01323 410000**

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Introduction and Overview

1. INTRODUCTION

Part VI of the 1996 Housing Act (as amended by the Homelessness Act 2002 and the Localism Act 2011) requires that the Council has, and publishes, an Allocation Scheme which sets out how it decides whom to put forward as a prospective tenant for social housing in the Borough. The Scheme must show how the Council awards priority to particular descriptions of applicants and the procedure that is followed in allocating housing.

This Housing Allocation Scheme, which has been approved by elected Members, is intended to meet these legal obligations and has been framed with due regard to the Council's published Housing and Homeless Strategy, *Eastbourne at Home*, and the Tenancy Policy.

In Eastbourne, applying through the Eastbourne Housing Register is the usual route to social housing for most people, including, with certain exceptions (see **13**), current tenants of social landlords living either inside or outside Eastbourne who wish to move to a home in the borough owned by their own landlord or a different social landlord.

The Allocation Scheme sets out who qualifies to go on the Housing Register, how priority is given to Applicants with differing housing circumstances, and the procedures that are to be followed when applicants are selected to be allocated accommodation by the Council.

Effective Date

This Housing Allocation Scheme will take effect in respect of all allocations procedures of housing on or after January 1st 2015. The qualifying policy set out at **13** below will be applied to new Applicants from this date. Where transition arrangements for existing applicants apply these are explained under the relevant sections: **22 and 23**.

Qualifying/Eligibility criteria

The Council will only arrange housing options for an Applicant if they are 'eligible' and 'qualify' for social housing and their name appears on the Eastbourne Housing Register.

The rules which govern who is 'eligible' for housing are set out in Part VI of the Housing Act 1996 and details of this are given at **12** below.

The rules covering who can 'qualify' for social housing are set out at **13** below.

Priority Bands

An Applicant's priority for housing is gauged by assessing the housing needs of their household and comparing them against the needs of other Applicants. By law the Council must give reasonable preference to certain categories of Applicant and these categories are set out at **7** below. The law allows the Council to give different priority to Applicants falling within these categories and details of how it does this are set out in the Scheme.

Applicants are placed in one of three broad 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.

Choice-Based Lettings through Sussex Homemove (www.homemove.org.uk)

Since April 2001 the Council has adopted a Choice-Based Lettings Scheme which is operated through a countywide partnership called Sussex Homemove. Vacant homes in Eastbourne are advertised in a regular electronic magazine on the internet at www.homemove.org.uk . Applicants who are registered on the Eastbourne Housing Register may actively 'bid' for (express an interest in) any home that matches their need. With certain exceptions, the successful 'bidder' will be the highest placed suitable applicant in the highest Priority Band.

The Council's policy on offering choice and preference to housing applicants is set out at **6** below.

'Affordable Rented homes', 'Social Rented Homes' and 'Flexible Tenancies'

Since April 2011 housing providers have been allowed to offer some homes for rent at 'Affordable Rents' set at a maximum of 80% of market rents in the private sector. These rents are higher than the 'Social Rents' that other social housing is let at. All advertisements of homes will indicate which type of rent applies and will also detail the actual rent payable so that this is clear to any Applicant who bids.

The way Applicants are selected, and the way bids from Applicants are prioritised, is the same whether the rent is set as an 'Affordable Rent' or at a 'Social Rent'.

Housing providers are now also allowed to offer homes for rent on Flexible Tenancies, presently within the Borough for a minimum fixed term of 5 years. Most fixed term tenancies will be renewed when they come to an end but this cannot be guaranteed. At the end of a fixed term tenancy, the tenancy and the individual tenant's circumstances will be reviewed by

the housing provider. At that stage the tenancy may be renewed for a further fixed term or in some circumstances may be ended.

It is possible that a tenancy might not be renewed if the tenant has not complied with their tenancy agreement (e.g. they have rent arrears), or they no longer need the accommodation because their income is now high enough for them to afford to buy or rent privately. A tenant could also be asked to move at the end of their fixed term to a different affordable home if the home they occupy is more suitable for someone else e.g. because some of their family have moved away and they no longer need so many bedrooms. Each housing provider will be able to advise the tenant about its own particular policies on renewing tenancies.

Direct Allocation of homes

Homes (e.g. most supported housing) are allocated direct to Applicants and are not advertised through choice-based lettings. Details of rules associated with the Direct Allocation of these homes are set out at **40** below.

In summary, the Allocation Scheme explains:

How to apply, register and renew an application (**9-10**)

Who is excluded from joining the housing register (**11-13**)

The Priority Bands and categories of need within them (**14-17**)

The factors affecting priority and banding (**18-28**)

How we advertise homes to let (**29**)

How to bid (**32-35**)

How we prioritise bids (**36-38**)

The letting process (**39**)

Direct allocation of homes (**40**)

Other housing options available to Applicants (**41**)

2. THE EASTBOURNE HOUSING REGISTER

The Eastbourne Housing Register is a partnership between Eastbourne Borough Council and housing associations that provide homes in the borough. It is a list of people (and their details) who want to apply for social housing in Eastbourne.

The purpose of the Housing Register is to make it easier for Applicants to be considered for housing by the Council and all the housing associations

in the partnership, without them having to complete a separate form for each one.

The current housing associations who are the Housing Register partners are as follows:

- Affinity Sutton
- Stonewater
- Orbit Housing Association
- Moat Housing Group Limited
- Home Group Limited
- Southdown Housing Association Limited
- Places for People
- Hanover Housing Association
- Amicus Horizon

3. WHO CAN APPLY TO JOIN THE COMMON HOUSING REGISTER?

Any Applicant aged 16 or above may apply to join the register, although some may not be eligible or qualify to join (see **11** below).

An Applicant under the age of 18 will not usually be allocated accommodation. Exceptions may include:

- an Applicant who has been accepted for housing by the Council because they were homeless
- an Applicant who has been in the Care of Social Services or otherwise considered to be vulnerable and will be receiving on-going support

A guarantor may be required by housing providers when letting to an Applicant who is under 18.

Some existing social housing tenants who wish to apply for a transfer may also join the register (see **24** below). However, with certain exceptions, existing tenants of housing associations who provide them with alternative access to their housing stock in Eastbourne, and have therefore opted out of the Housing Register partnership, will not be 'qualifying persons' and will not be able to join the register, as set out at **13** below.

Details of how transfers are dealt with are set out at **24** below.

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. For example, the Applicant is in receipt of Child Benefit.

4. AN APPLICANT'S RIGHT TO REQUEST GENERAL INFORMATION

An Applicant has the right to request general information that will enable them to assess:

- How their application is likely to be treated under the Allocation Scheme and, in particular, whether they are likely to fall within the reasonable preference categories.
- Whether accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

The law prohibits us from divulging to other members of the public that a particular individual is an Applicant without their consent. All information about individual Applicants is kept strictly confidential.

All enquiries and requests for general information should be made to the Casework Team. *Appendix 1: Contacting the Eastbourne Borough Council about Allocations* provides up to date details on how to contact the Casework Team.

5. NOTIFICATION OF DECISIONS AND THE RIGHT TO APPEAL

An Applicant has the right, on request, to be informed of any decision made by the Casework Team concerning his/her application for housing.

An Applicant who is unhappy with any decision made on their case should first raise the matter with the Casework Team who will informally reconsider their decision.

An Applicant who is still unhappy with a decision has the right to request a reconsideration and to be notified in writing of the decision and the grounds for it.

A request for a reconsideration must be made within 21 days of the Applicant being notified of the decision (or the outcome of an informal reconsideration described above). Any request must be in writing and should indicate why the Applicant believes the decision is wrong.

The reconsideration request should be made to the Caseworker Team who will notify the Applicant of the decision within two weeks of the request being made or such longer period as may be agreed in writing. Any further reconsideration such as where the Housing Specialist Advisors were a party to the decision being challenged, the reconsideration will be

undertaken by a Senior Specialist Advisor or the Manager of the Council's Specialist Advisory Team Manager. If an Applicant considers that the reconsideration decision is wrong, the Applicant may wish to get advice from a solicitor or other advisor as to what options are available to them.

Practical details of the reconsideration process and the contact details of agencies providing independent advice are kept up to date in *Appendix 2: appealing an Allocation Scheme Decision*.

6. OUR POLICY ON OFFERING CHOICE AND PREFERENCE TO HOUSING APPLICANTS

The Council is committed to giving people greater choice in where they live. Our aim 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 where people want to live. We believe that people who have a part to play in the decision about where they live are more likely to contribute to their community and to encourage others to do the same.

To assist Applicants to make informed choices about their future housing we will provide them with accurate and relevant information about the stock of social housing in the Borough together with details of the number of lettings in previous years to enable them to assess the likelihood of them successfully obtaining housing of the type and in the area they wish to live.

We are committed to a system of Choice-Based Lettings in which applicants are encouraged to actively search 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 its offices, offer assistance, or provide information in an appropriate format.

Applicants are able to express an interest, or 'bid', for suitable homes they like. Applicants are placed in one of three broad Priority Bands of housing need according to their housing circumstances. With certain exceptions, the successful Applicant will be the person who bids who has the highest housing need and who has been registered with that need the longest.

Refusing an offer of accommodation

With certain exceptions we will not normally penalise Applicants who, having successfully bid for a home, subsequently refuse an offer of accommodation.

7. THE CATEGORIES OF APPLICANT TO WHOM WE MUST GIVE REASONABLE PREFERENCE

The law says we must give reasonable preference to certain categories of people on our register when we decide whom to offer accommodation. The Allocation Scheme therefore takes account of these categories and does so by placing people in an appropriate Priority Band, although the priority given to each category is not necessarily equal.

The categories of people the law says we must give reasonable preference to are as follows:-

(a) People who are homeless (within the meaning of Part VII of the Housing Act 1996;

(b) People who are owed a duty by any housing authority under the following sections of the Housing Act 1996:-

s.190(2) (intentionally homeless and in priority need);

s.192(3) (non-priority need homeless who are occupying accommodation arranged by the Council);

s.193(2) (unintentionally homeless and in priority need);

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).

8. EQUALITY AND DIVERSITY

Eastbourne Borough Council is committed to the principle of equal opportunity and accessibility in relation to affordable housing and full regard to the Equality Act 2010 has been given by this Allocation Scheme. We seek to ensure that all housing Applicants are treated fairly and that no one receives less favourable treatment on the grounds of age, disability, gender, religion, race, ethnic or national origin, sex, sexual orientation, gender reassignment, pregnancy or any other factor that might cause disadvantage that cannot be justified.

Eastbourne Borough Council is committed to helping anyone who needs assistance in accessing affordable housing in the Borough. The Casework Team will work closely with all agencies to assist customers wherever possible. The Council has undertaken its own Equality Impact Assessment on the changes introduced in 2014.

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.

How to apply, register and renew an application

9. HOW TO APPLY

Application to register on the Eastbourne Housing Register must be made by completing an online application form, available at www.eastbourne.gov.uk/homemove. See *Appendix 3: Making an online application for housing* for up to date details in plain English on how to do this.

If an Applicant cannot access the internet, or needs any help completing the form, they should contact the Customer First Team at Eastbourne Borough Council for assistance. The team has arrangements in place for interpretation for people whose first language is not English. (See *Appendix 1: Contacting the Eastbourne Borough Council about Allocations.*)

Applications will not be registered until all information has been received by the Customer First Team that they consider is necessary to assess an application.

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 the right to request a reconsideration.

Medical circumstances

If the Applicant or a member of their household has a 'Medical Need' to be rehoused, i.e. has any significant medical issue that is directly affected by the Applicant's current housing circumstances and would be relieved by rehousing, then the Medical Circumstances section of the form should be completed. Applicants may supply letters of support from their GP, Consultant etc. if they wish. For more information about how 'Medical Need' is assessed, see **19** below.

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. For more information on needing to move for care and support reasons see **20** below.

Need for Supported Housing

Those Applicants who may need supported housing or who have special housing needs should indicate this where requested to on the application form. The information on the form will be used to assess the Applicant's need so they can be allocated appropriate housing and or support.

Notifying changes of circumstances

The applicant is responsible for notifying the Casework Team 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 a change is relevant they should contact the Customer First Team to discuss the matter.

Help if you become 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 Councils Customer Advisory Team at the earliest opportunity to discuss their housing options. The Housing Casework Team will assess whether the Council has legal responsibilities towards an Applicant and to advise and assist as appropriate. (See *Appendix 1: Contacting the Eastbourne Borough Council about Allocations.*)

Providing False information

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 have 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 not exceeding 5 on the standard scale (currently £5,000).

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.

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 the Housing Register Partnership 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 the Council's registration under that Act.

10. THE REGISTRATION AND ASSESSMENT PROCESS

Once a completed application form is received, the Casework 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 according to the conditions set out at **11** below. If it is considered that an Applicant is not 'eligible' or does not 'qualify', the Casework Team will notify the applicant of this decision and the grounds for it, along with the right to request a reconsideration.

Where relevant, the Casework Team assess medical priority, based on the information supplied by the Applicant and using the medical criteria set out at **19** below.

Once their housing need has been assessed, the Applicant will be placed into one of the three Priority Bands as set out at **15** below 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 at **18** below.

Eastbourne Borough Council will write to 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 reconsideration if they are not happy with their assessment.

Renewals of Application

All Applicants will be requested to re-register annually to stay on the Housing Register.

If the Applicant fails to re-register when requested, a Housing 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 Housing 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 Casework 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.

Who is excluded from joining the register?

11. Overview

Although anyone aged 16 or above may apply to join the housing register, the law does not allow the Council to allocate accommodation to people unless they are 'eligible for an allocation of accommodation' and only such people will be allowed to join the register. For a description of who is 'not eligible', see below.

In addition, the law allows the Council to disqualify other categories of people from joining the register. For a description of these categories, see below.

The Council will notify the Council's Casework Team of any Applicant found 'not eligible' under **12** or not to 'qualify' because of unacceptable behaviour under **13** in writing and with full reasons.

12. Applicants who are 'not eligible' to join the housing register

The Housing Act 1996 (as amended by the Localism Act 2011) sets out two categories of applicant who are 'not eligible' and may not join the register. The two categories are as follows:

- Persons subject to immigration control who are 'not eligible'.
- Other persons from abroad who are not eligible.

The law does not allow the Council to allocate a joint tenancy to two or more people if any one of them is considered not to be eligible.

Persons subject to immigration control who are 'not eligible'

Anyone who is subject to immigration control is 'not eligible' unless they fall into one of the following categories:

- (a) a person who has been granted refugee status and who has leave to enter or remain in the UK; or
- (b) a person who has exceptional leave to enter or remain in the UK granted outside the provisions of the immigration rules - provided that there is no condition that they shall not have recourse to public funds; or
- (c) a person who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the UK is not subject to any limitation or condition.
- (d) a person who has humanitarian protection granted under the Immigration Rules.

Other persons from abroad who are 'not eligible'

Anyone who has come from abroad who is not subject to immigration control will be 'not eligible' if they are not habitually resident in the UK, the Channel Islands, the Isle of Man, or the Republic of Ireland, unless they fall within one of the following categories:

- (a) an EEA national (i.e. from any EU country, plus Iceland, Norway and Liechtenstein) who is a 'worker' or is self-employed; or
- (b) a person who is an accession state worker from Croatia requiring registration who is treated as a worker; or
- (c) a person who is an immediate family member of a person in (a) or (b) above;
- (d) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations; or
- (e) a person who left Montserrat after 1st November 1995 because of a volcanic eruption; or

(f) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK.

Additional persons from abroad who are 'not eligible'

A person who is not subject to immigration control will be 'not eligible' if their only right to reside in the UK:

(a) is derived from his status as a jobseeker or the family member of a jobseeker; or

(b) is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations; or

(c) his/her only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in (b) which is derived from the Treaty establishing the European Community.

13. Applicants who do not qualify

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 has decided that the following categories of applicant do not qualify:

a) Applicants without a Local Connection to Eastbourne

b) Applicants who are existing tenants of a housing association that provides its tenants with alternative access to its housing stock in Eastbourne

c) Applicants who have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months

d) Applicants with over £32,000 of savings or assets do not qualify

e) Applicants who own accommodation; have a legal interest in homeownership; or have the financial resources to own accommodation

f) Applicants whose unacceptable behaviour is serious enough to make them unsuitable to be a tenant.

Applicants without a local connection to Eastbourne do not qualify

To establish a 'Local Connection' with Eastbourne 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 Borough as their only or principal home and have done so for the previous 2 years; or
- b) Have resided in the Borough as their only or principal home for a period of at least 3 years in aggregate out of the previous 5 years; or
- c) Are in paid employment in the Borough and have been for the previous 2 years; or
- d) Have close relatives who reside in the Borough 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 brothers or sisters, including corresponding step relationships. Grandparents, grandchildren, aunts or uncles and non-adult children will normally be included only where the Council considers that it is necessary for the Applicant to be accommodated within the District in order to provide or receive medical or social support to/from the relative.

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

Armed Forces Personnel – exemption from Local Connection qualifying criteria

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) is serving in the regular forces or who has served in the regular forces within the previous 5 years; or
- b) 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 has served in the regular forces and whose death was attributable to their service; or
- c) is serving or has served in the reserve forces and who is suffering from serious injury, illness or disability which is attributable to 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 - exemption from Local Connection qualifying criteria

Homeless Applicants who are owed a full housing duty under the homelessness legislation by Eastbourne Borough Council do not need to meet the Local Connection criteria set out at above, unless the Council has decided to refer them to another council under s.198 of the Housing Act 1996 (see **23** below).

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 Housing Specialist Advisors.

Existing tenants of a housing association that provides its tenants with alternative access to its stock in Eastbourne do not qualify

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

An exception may be made, at the Casework Team's discretion, for a particularly vulnerable tenant who requires a placement in specialist supported housing or an Extra Care Scheme.

Applicants who have been registered for at least 12 months who have not 'bid' on a home in the preceding 12 months do not qualify

Applicants who have been registered for at least 12 months but have not bid on a home within the preceding 12 months do not qualify.

It is considered that Applicants who are not regularly bidding for homes are unlikely to be in sufficient housing need to qualify.

The Housing Specialist 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 the 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. However, their earlier Priority Date will not be retained.

Applicants with over £32,000 of savings or assets do not qualify.

Applicants who own accommodation, have a legal interest in homeownership, or have the financial resources to own accommodation do not qualify

(a) Homeownership or legal interest in homeownership - 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.

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.

(b) Financial resources - Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Eastbourne 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. It is considered that normally a mortgage can be obtained amounting to 3 times a single annual income or 2½ times joint annual incomes in addition to a suitably sized deposit. '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 criteria set out above may be considered as an exception by the Casework Team if:

- they own or part own accommodation or have a legal interest in accommodation; and
- 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 buy accommodation that meets their particular housing needs in the private market in Eastbourne

Applicants whose unacceptable 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.

The only behaviour which can be regarded as unacceptable for these purposes is 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 s.84 of the Housing Act 1985 in relation to any of the grounds (other than Ground 8) in Part I of Schedule 2 to that Act. These are fault grounds and include behaviour such as conduct likely to cause nuisance or annoyance, and use of the home for immoral or illegal purposes.

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, who has in the past been deemed by the Council not to qualify, 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.

The Priority Bands

14. OVERVIEW

When Applicants are registered on the Housing Register, their application will be assessed and they will be placed in one of three Priority Bands according to their category of need as set out below at **15** and given a Priority Date, which is the date they applied to go on the register or entered a 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 at **36** below. Within a Band, a bid from the Applicant with the earliest Priority Date will normally be considered first.

15. THE PRIORITY BANDS

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* (defined by the applicant's DLA/PIP entitlement, see Table 1 below) and a relevant Occupational Therapist Report that fully supports a move (see **19** below)

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

	Care Component	Mobility Component	Band
For DLA:	Highest	Higher	A
For PIP:	Enhanced	Enhanced	A

(b) The Applicant is a Transfer Applicant who is under-occupying their home (see **24** below)

(c) The Applicant is a Transfer Applicant who is occupying a significantly adapted home they no longer need but which could be used by someone else who needs the adaptations (see **24** below)

(d) The Applicant is a Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain (to be approved by the Discretionary Allocation Panel)

(e) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Discretionary Allocation Panel)

(f) The Applicant has needs that, when considered together, are so high that they should be placed in Band A (to be approved by the Discretionary Allocation Panel)

(g) The Applicant is a Transfer Applicant who is a successor wishing to move to suitable accommodation. (see **25** below)

(h) Accepted homeless households who are in bed and breakfast type accommodation. 'Accepted homeless' refers to cases where the Council has accepted a legal duty to provide accommodation under part VII of the Housing Act 1996.

(i) Accepted homeless cases that are in other forms of insecure temporary accommodation or their temporary accommodation/ tenancy is due to end in the next two months.

(j) The Applicant is ready to move on from supported housing in Eastbourne; or is homeless and is owed a full duty by Eastbourne Borough Council under the homelessness legislation; and their priority has been increased at the discretion of a Housing Specialist Advisor or their deputy (see **23**; **24** respectively below).

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 (see **18** below)

(b) The Applicant has a *Medium Medical Priority* (defined by the applicant's DLA/PIP entitlement, see Table 2 below) and a relevant Occupational Therapist Report that fully supports a move (see **19** below)

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

	Care Component	Mobility Component	Band
For DLA:	Middle	Higher	B
For PIP:	Enhanced	Standard	B
	Standard	Enhanced	B

(c) The Applicant is a Transfer Applicant who needs to move urgently because of harassment or threat of violence, subject to approval by the Discretionary Allocation Panel (see **24** below)

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 Eastbourne Borough Council and is not in circumstances that warrant Band A priority (see **23** below)

(b) The Applicant has a home but Eastbourne Borough Council has a statutory duty to rehouse them, e.g. Compulsory Purchase Order (see **24** below)

(c) The Applicant has been assessed as lacking one bedroom (see **18** below)

(d) The Applicant has a *Low Medical Priority* (defined by the applicant's DLA/PIP entitlement, see Table 3 below) and a relevant Occupational Therapist Report that fully supports a move (see **19** 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

(e) The Applicant is a Transfer Applicant who resides in unsanitary or unsatisfactory housing conditions (excluding overcrowding) 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 (see **20** below)

(g) The Applicant has deliberately worsened their circumstances or become homeless intentionally (see **28** below)

(h) The Applicant would normally be disqualified from joining the register because of homeownership under criteria set out at **13** above, but has been made an exception

(i) The Applicant is eligible and qualifies for the Housing Register but the Applicant does not have a housing need that is identified in Band A or B.

16. REASSESSING NEED AND CHANGING BAND

Re-assessing need because of changes in circumstances

The Casework 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.

It is important that the Housing Casework Team 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 Casework 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 notifies of a change that is likely to mean they will be moved to a lower Band, they will be moved to the lower Band immediately whilst their case is considered. In the event that it is decided that the Applicant is entitled to remain in the higher Band they will be returned to that Band.

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 Casework 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 reconsideration under **5** above, they will be given a new Priority Date of the date they requested a reconsideration, or an earlier date if considered appropriate by the Housing Specialist Advisors.

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

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 they had if they had been in the lower Band previously.

17. THE DISCRETIONARY ALLOCATION PANEL

The Terms of Reference Discretionary Allocation Panel are approved by the Senior Head of Community.

When an Applicant is awarded Discretionary Allocation by the Discretionary Allocation Panel in recognition of cases of exceptional need:

- In all cases a formal report will be prepared either by the Applicant's current social landlord if they are an existing social tenant, or the Council's Housing Specialists if they are not, and submitted to the Discretionary Allocation Panel
- An Applicant who is awarded Discretionary Allocation will be subject to a 12 week time limit for bidding as detailed at **34** below
- The Discretionary Allocation Panel may remove any priority it has awarded if the Applicant's circumstances change or the Panel considers that priority is no longer justified
- The Discretionary Allocation Panel will inform an Applicant in writing of any decision affecting his or her application made by the panel and how to request a reconsideration of any decision
- The Discretionary Allocation Panel may also consider cases where there are exceptional circumstances (complex medical cases that involve catering for a specific disability) and may also consider non qualifying successors

Factors affecting priority and banding

18. 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.

For these purposes:

- a room under 50 square feet in floor area does not count as a bedroom
- a second reception room will generally be considered to be available as a bedroom
- kitchens and bathrooms are ignored
- Applicants occupying a studio flat are considered to have access to a bedroom.

Exceeding the Local Housing Allowance (LHA) bedroom criteria

It is possible that the Council will make an offer to an Applicant where the household may be affected by the Welfare Reform reduction in Housing Benefit to under-occupying households. In such circumstances, the Council will ensure that applicants are fully aware of this. 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. Once aware, the decision to take up the offer is the Applicant's choice.

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

Reference to a child includes a baby who is expected within 12 weeks. For the purposes of calculating bedroom entitlement until the baby is born, it will be assumed that the expected baby can share a bedroom with an existing child who is under 16, regardless of the expected sex of the baby.

Additional bedroom because of a medical need

The Housing Specialist 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.

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.

Additional bedroom for approved foster carers or adopters

The Housing Specialist 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.

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.

19. MEDICAL NEED FOR REHOUSING

The procedure for establishing the priority given to an Applicant with Medical Need for rehousing is set out below.

Low Medical Priority entitles an Applicant to be placed in Band C

Medium Medical Priority entitles an Applicant to be placed in Band B

High Medical Priority entitles an Applicant to be placed in Band A

The medical aspects of a housing application will be assessed by the Housing Specialist Team, with regard to appropriate professional advice as necessary. Any Applicant who completes the Medical Circumstances section of the housing application form is asked to authorise contact with their GP or other medical practitioner if necessary in order to verify or obtain further information about their medical condition.

Medical Priority will only be awarded where the Applicant or a member of their household has a significant medical need to be rehoused, i.e. has a significant medical problem that is directly affected by their current housing circumstances and which is likely to be relieved by rehousing.

Medical Priority is awarded as follows to reflect the urgency of rehousing:

a) **No Medical Priority** will be awarded where an Applicant, or a member of their household, has a medical condition where it is considered by the Casework Team that rehousing would not improve their health or ability to cope with the condition.

b) **Low Medical Priority** (Band C) will be awarded where an Applicant, or member of their household, has a significant medical condition which is likely to be improved by rehousing. This would also apply where it is considered that the ability to cope with the medical condition is likely to be improved by rehousing even where it is unlikely that the condition itself may be improved.

c) **Medium Medical Priority** (Band B) will be awarded where the Applicant's current housing has a significant detrimental effect on their, or a member of their household's, medical condition and that their health is likely to seriously deteriorate unless early rehousing takes place.

d) **High Medical Priority** (Band A) will be awarded where an Applicant, or a member of their household, has an emergency medical condition requiring immediate rehousing. Medical conditions justifying High Medical Priority would include severe/acute disability which may render the Applicant housebound or technically homeless where it is considered unreasonable for them to remain where they are.

20. NEEDING TO MOVE FOR CARE & SUPPORT REASONS

Applicants who need rehousing for 'Care & Support reasons' are placed in Band C, category (f).

The welfare, care and support needs of an Applicant will be assessed by the Casework Team with the help of and in liaison with social services and other relevant agencies as appropriate.

'Care & Support reasons' for rehousing would apply to an Applicant whose household includes someone who has an established need for care and support in order for them to manage in their own home within the community and it is shown that they require rehousing to suitable and settled accommodation in order that these needs can be met and support services arranged and provided.

'Care & Support reasons' might also apply to a care leaver or other vulnerable person who needs a secure base from which they can build a stable life. This would include a person with a disability that renders them

less able than others to find their own accommodation and who is ready to live independently from their parent or carer.

'Care & Support reasons' for rehousing may include the need of an Applicant to move to a different locality to give care and support to another person. The need for such a move will be assessed on the basis of the recipient's need.

21. VULNERABLE APPLICANTS PRIORITISED FOR GENERAL NEEDS TENANCIES OR LICENCES WITH SUPPORT

Particularly vulnerable Applicants who have been selected for specialised floating support in self-contained general needs housing will be assessed for move on via a Specialist Advisor.

Referrals under this scheme will be considered by a multi-agency Panel who will select appropriate Applicants using the scheme criteria which have been agreed with the Council. Such Applicants will be accepted onto this scheme subject to the requisite support being available. For example, Independent Living 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 eventually withdrawn. Such Applicants could, for example, be particularly vulnerable Applicants who are considered to be ready for move on from supported housing (see **22** below)

Once selected under these arrangements, the Applicant will be subject to a 12 week time limit for bidding as detailed at **34** below. An Applicant who fails to bid successfully within this time limit may be subject to Direct Bidding on their behalf, and also the rules on refusing an offer resulting from a Direct Bid, as set out at **35** below.

Local Connection to Eastbourne – Only Applicants on the Eastbourne Housing Register may be considered by the Panel. As with all Applicants, in order to qualify, they must meet the Local Connection criteria that are set out at **13** above.

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 ESCC SAILS programme, particular housing provider schemes or other 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.

Transitional arrangements - Applicants who were selected for tenancies with floating support before 1st June 2015 and were placed in Band A or put forward for direct allocation will remain in that category but will otherwise be subject to the same rules as other Applicants who have been selected under this scheme.

22. 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.

Where it is confirmed to the Housing Specialist Team in writing by the by the manager of the supported housing provider that the Applicant is ready to live independently and move on to general needs housing, the Applicant will be placed in Band A, category (j) whatever other housing need they may have.

An Applicant will not be placed in this category if they are being required to leave supported housing because of a breach of tenancy conditions.

An Applicant who is placed in Band A, category (j), will be subject to a 12 week time limit for bidding as set out at **34** below. An Applicant who fails to bid successfully within this time limit may be subject to Direct Bidding, and the rules on refusing an offer resulting from a Direct Bid, as set out at **36** below.

Transitional arrangements - Applicants living in supported housing who are ready to move before 1st June 2015 and were placed in Band A or put forward for direct allocation will remain in that category but will otherwise be subject to the same rules as other Applicants who are ready to move on from supported housing as set out in this Allocation Scheme.

23. APPLICANTS WHO HAVE BEEN ACCEPTED AS HOMELESS

Applicants who have been accepted as homeless by the Council need to meet the Local Connection criteria set out at **13** to qualify to join the Housing Register, unless the Council has decided to refer them to another council under s.198 of the Housing Act 1996.

Applicants who make a homelessness application to the Council will remain in the Band they were in before they applied as homeless 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 as set out at **13** above.

Review of Applicant's Priority - the Housing Specialist Advisors 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.

Any Applicant whose priority is increased in this way will be subject to Direct Bidding as set out at **35** below.

Transitional arrangements - Applicants to whom the Council accepted a full homelessness duty before 1st June 2015 and who were placed in Band A will remain in that Band but will otherwise be subject to the same rules as other homeless Applicants as set out in this Allocation Scheme.

24. TRANSFER APPLICANTS

Definition of a Transfer Applicant

Any reference to Transfer Applicants in this Allocation Scheme refers only to Eastbourne tenants of Council properties or housing associations that are partners of the Eastbourne Housing Register listed at **2** above (or others that become partners subsequent to the publication of this Allocation Scheme) who wish to transfer to another tenancy in Eastbourne with the same or a different social landlord.

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

However, with certain exceptions, existing tenants of a housing association that provides its tenants with alternative access to its stock in Eastbourne, and has therefore opted out of the Eastbourne Housing Register Partnership, do not qualify to join the housing register (see **13** above) 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. *Appendix 4: How to bid for properties* will specify these actions.

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:

Banding decisions affecting Transfer Applicants

(a) Transfer Applicants under-occupying accommodation

In the interests of freeing up family-sized accommodation for those in need, it is appropriate that existing social tenants who wish to move to smaller accommodation are given the priority to do so. Transfer Applicants who have exclusive occupation of bedrooms in excess of the standard set out at **18** (Bedroom Entitlement) and express a wish to move to smaller accommodation suitable to their current need will be placed in Band A, category (b).

A Transfer Applicant who is required to move because their fixed term tenancy has been brought to an end by their landlord because they are under-occupying their home will also be placed Band A, category (b).

Any 3 or 4 bedroom house that is released in such a way will be advertised for bidding by Transfer Applicants only. If no successful bids are received from Transfer Applicants in the first cycle of advertising, the property will be advertised for bidding by any Applicant.

Transfer Applicants occupying a significantly adapted home

In the interests of freeing up significantly adapted homes that are no longer needed but which could be used by someone else who needs the adaptations, Transfer Applicants in this position and wishing to move will be placed in Band A, category (c).

A Transfer Applicant who is required to move because their fixed term tenancy has been brought to an end by their landlord because they are occupying a significantly adapted home which they no longer need will also be placed Band A, category (c).

(d) Transfer Applicants who are successors

A Transfer Applicant who is a successor wishing to move to smaller or more suitable accommodation will be placed in Band A, category (g).

(e) Transfer Applicants facing serious personal risk

A Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain will be placed in Band A, category (d), subject to approval by the Discretionary Allocation Panel.

(f) Transfer Applicants facing harassment

A Transfer Applicant who needs to move urgently because of harassment or threat of violence will be placed in Band B, category (d), subject to approval by the Discretionary Allocation Panel.

Priority given to bids from Transfer Applicants

Priority is given to bids from Transfer Applicants in certain circumstances. These are detailed in 'How Bids are Prioritised' section of this scheme at **36** below.

Additionally, some priority is given to bids from Transfer Applicants for the following accommodation:

3 or 4 bedroom houses released by a Transfer Applicant who was under-occupying (see **24** above)

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 Casework 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 (see **40**) 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 (see **40** below) where a tenant's home is to be demolished or redeveloped.

Alternatively, with Discretionary Allocation Panel approval, the Applicant may be placed in Band A category (e) to allow them to bid for a home of their choice as set out at **17** above.

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.

25. REFUSALS OF DIRECT BIDS AFFECTING PRIORITY

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 Bid on their behalf may be removed from the Housing Register, be moved down a band priority and be re-banded or for Applicants in Band C, priority may given to other Applicants amongst Band C for a specified period of time. The specified period of time will be decided by the Casework Team, approved by a Housing Specialist Advisor, and set for 3 months, 6 months or for a year. The Housing Specialist Team will notify in writing Applicants affected by such a decision, providing the reason for the decision and how an Applicant may request a reconsideration.

Applicants who refuse an offer on grounds on 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 reoccurring. If the Applicant does not enter into a required agreement or does not abide with that agreement then the above

26. 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 given to an Applicant who has any housing related debt or rent arrears (whether legally recoverable or not) with the Council, another local authority, or a housing association, unless the Applicant is a Transfer Applicant and their landlord expressly advises the Housing Specialist Team, in writing, that they are happy for their tenant to move with 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 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 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 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 other Applicants because of a housing related debt will be notified in writing, with reasons, by the Casework Team.

27. ANTI-SOCIAL BEHAVIOUR AFFECTING PRIORITY

Some Applicants are excluded from joining the register because they do not qualify as a result of unacceptable behaviour; see **13** above (Applicants who not qualify).

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 at **30** 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 Casework 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 Housing Specialist 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 Casework Team will seek the authority of a Housing Specialist Advisor.

28. 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 immediate 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) for a period of 12 months from the date of the decision that this paragraph should apply to them, whatever other housing need they may have.

After 12 months, the Applicant's housing need will be re-assessed and they will be placed in the Band that applies to their new circumstances at that time.

How homes are advertised for bidding

29. HOW WE ADVERTISE HOMES TO LET

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

The Sussex 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 until 2pm the following Wednesday when bidding closes. Shortlists will be created that day and successful Applicants contacted as soon as possible.

Only Applicants who are registered on the Eastbourne Housing Register can bid for Eastbourne Homes properties, unless the Housing Specialist Team decides to place hard-to-let homes in the 'cross-boundary' section of the magazine so that applicants from other boroughs can bid for them.

Labelling of homes in adverts

(a) Each home that is advertised in the magazine 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. This will also include:

- 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

(b) **Homes suitable for disabled people** - All homes that are suitable for disabled people will be considered as a part of the Discretionary Panel.

(c) **Older person's accommodation or sheltered homes** – All homes that have been designed to provide facilities which are intended specifically for use by an older person aged 60 or above will be advertised for bidding from Applicants in any Band. However such homes will only be allocated to older people and will be labelled as such when advertised.

(d) **Local Lettings Schemes** - Some homes will be advertised as being subject to a Local Lettings Scheme agreed with Eastbourne Borough Council to ensure that communities are as balanced as possible.

In such cases this will be clearly indicated in the advert.

Further details about Local Lettings Schemes can be seen at **30** below.

30. 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 Borough. 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 a Senior Specialist Advisor and the Specialist Advisor Manager.

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

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.

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.

How to bid

31. THE BIDDING PROCESS

Full details of how to bid are set out in the Scheme User Guide which will be sent out to all new Applicants and is available on the www.homemove.org.uk website. *Appendix 4: How to bid* provides a plain English guide on how to bid.

Bids must be received by 2pm on the Wednesday. 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 via the www.homemove.org.uk website, by telephone bidding, text bidding or by sending in a completed paper coupon. Applicants can also nominate a proxy bidder and in exceptional circumstances request that the Casework Team bid on their behalf.

Applicants with support needs and those who have difficulty with written English will be supported by the Casework Team or an appointed support provider.

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 Casework 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 at www.homemove.org.uk, Applicants can switch their bids to other homes if they change their mind before the bidding deadline.

32. 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.

Bedroom entitlement calculation

The calculation and rules used to decide the size of home an Applicant may bid for are the same as those used to assess how many bedrooms an Applicant is lacking in their current home.

The bedroom entitlement calculation and rules can be found at **18** above.

33. FEEDBACK ON LET HOMES

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 and the Priority Band and Priority Date of the successful Applicant.

34. TIME LIMITS FOR BIDDING

6 week time limit

There is a 6 week time limit for free bidding for the following categories of Applicants within Bands A: (h) and (i) (see **15**).

Within the 6 week time limit for free bidding Applicants who have not bid for a property will be subject to the conditions outlined below under **Failure to bid within time limit**.

Within the 6 week time limit for free bidding, as an offer resulting from a successful Direct Bid made on behalf of a Homeless Applicant will be considered to be a Final Offer for the purposes of the homelessness legislation, Applicants who successfully bid for a property and unreasonably reject an offer of a tenancy, the legal duty to rehouse may be discharged. (See below: **Refusal of an offer resulting from a Direct Bid made on behalf of an Applicant (a) Homeless Applicants**)

12 week time limit

There is a **12 week time limit** for free bidding for the following categories of Applicants within Bands A, B and C. Within the 12 week time limit for free bidding Applicants who successfully bid for a home may reject an offer of a tenancy without any penalty.

Band A

Category (**d**) The Applicant is a Transfer Applicant who needs to move urgently because there is a serious personal risk if they remain (to be approved by the Discretionary Allocation Panel (see **17**)).

Category (**e**) The Applicant is in exceptional need of housing that warrants placement in Band A (to be approved by the Discretionary Allocation Panel (see **17**)).

Category (**f**) The Applicant has needs that, when considered together, are so high that they should be placed in Band A (to be approved by the Discretionary Allocation Panel (see **17**)).

Band B

Category (**c**) The Applicant is a Transfer Tenant who needs to move urgently because of harassment or threat of violence (to be approved by the Discretionary Allocation Panel (see **17**)).

Band C

Category **(a)** The Applicant is homeless and is owed a full housing duty under the homelessness legislation by Eastbourne Borough Council (see **24**).

Category **(b)** The Applicant has a home but Eastbourne Borough Council has a statutory duty to rehouse them (e.g. under a Compulsory Purchase Order) (see **26**).

Start date for time limits

The 12 week time limit starts from:

- the date the statutory duty was accepted by the Council to the Applicant; or
- the date the Applicant is ready to move on from care or supported housing; or
- the date the Applicant was chosen by a Supported Housing Panel; or
- the date of the Discretionary Allocation Panel decision, as applicable.

The 12 week time limit may be extended at the discretion of a Housing Specialist Advisor.

Failure to bid within time limit

If an Applicant does not bid successfully within the time limit then the Applicant loses their right to bid for the home of their choice and any bids they make may be removed or disqualified.

After the time limit has expired, the Casework Team may make Direct Bids (see **35** below) on their behalf until a bid is successful and a reasonable offer is made to the Applicant, having reasonable regard to the areas of choice that the Applicant has indicated.

Any bid made by the Applicant after the time limit expires, which is not removed or disqualified, will be treated as if it was a Direct Bid that was made on their behalf, and the refusal of any offer resulting from this bid will be subject to the rules set out at **35** below.

An offer resulting from a successful Direct Bid made on behalf of a Homeless Applicant will be considered to be a Final Offer for the purposes of the homelessness legislation.

35. DIRECT BIDDING ON BEHALF OF APPLICANTS

In certain cases, the Housing Casework Teams may make Direct Bids on behalf of Applicants as follows:

(a) **After the expiry of a time limit for bidding** – where an Applicant who is subject to a time limit for bidding (see **34** above) fails to successfully bid within the specified time limit that applies to them, Direct Bids may be made on their behalf having reasonable regard to the areas of choice that the Applicant has indicated.

(b) **Where the Applicant's priority has been increased at the discretion of a Housing Specialist Advisor** – where the Applicant is ready to move on from supported housing in Eastbourne; or is homeless and is owed a full duty under the homelessness legislation by Eastbourne Borough Council; and their priority has been increased at the discretion of a Housing Specialist Advisor (see **23** or **24** above), Direct Bids may be made on their behalf having reasonable regard to the areas of choice that the Applicant has indicated.

(c) **Where the Applicant is a MAPPA case** - Applicants who pose a potential risk to the public as assessed by the Multi-Agency Public Protection Assessment Panel (MAPPA) will be restricted from bidding and will not be allowed to choose their home. Instead, Direct Bids may be made for suitable homes on their behalf until a reasonable offer is made and accepted by the Applicant.

Refusal of an offer resulting from a Direct Bid made on behalf of an Applicant

(a) Homeless Applicants

A Homeless Applicant who is owed a housing duty by the Council under s.193 or s.195(2) of the Housing Act 1996 who refuses a Final Offer of a home resulting from a Direct Bid on their behalf, 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 reconsideration 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.

(b) Other Applicants who the Council has a statutory duty to re-house

An 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 Bid on their behalf will result in the ending of that housing duty.

(c) Applicants who are ready to move on from supported housing in Eastbourne

An Applicant who is ready to move on from supported housing in Eastbourne who refuses a reasonable offer of a home resulting from a Direct Bid on their behalf will lose their priority in Band B and be re-banded according to their current housing circumstances; or for Applicants in Band C, the conditions detailed in **25** will be applied. An Applicant who refuses a reasonable offer may request a review of the suitability of the home they have been offered. However, any offer will not be kept open while the Applicant's case is considered but may be let to another Applicant.

How we prioritise bids

36. HOW BIDS ARE PRIORITISED

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 and then by Priority Date within the Band. Exceptions to this are detailed under the headings below and under the further headings at **38 – 40** below.

During transitional arrangements, Applicants placed in Band D prior to 1st June 2015 will be included in the prioritising of bids. For these Applicants transitional arrangements will cease following the required annual reapplication to register where Applicants will either be awarded a new banding or determined to be no longer eligible or as qualifying to be placed on the Housing Register.

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 use its best endeavours to contact the Applicant to allow them to choose which of these homes they should be nominated for.

Tied bids

Every bid will be assigned a random number when a bid is made and this number will be used to resolve a tie. The highest random number gets priority.

If there are no successful bids on a home

If there are no bids that meet the criteria for a home, a Housing Specialist Advisor will decide whether the home should be re-advertised or re-advertised as available for bidding from applicants in the Homemove partnership who are not registered on the Eastbourne Housing Register.

Housing related debt or rent arrears affecting priority

Bids from Applicants with a housing related debt or rent arrears will normally be given less priority than bids from other Applicants in Band A, or Band B, and amongst Applicants in Band C. For full details see **26** above.

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 Casework 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'. For full details see **27** above.

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 as detailed at **30** above.

37. SPECIAL RULES FOR ACCESSIBLE HOUSING All adapted properties will be let through the Council's Discretionary Allocation Panel

38. 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).

The letting process

39. THE LETTING PROCESS

The prioritised list of Applicants who bid for a home will be nominated to the housing provider so that the home can be let.

After close of bidding, and to minimise delays, the housing provider may arrange multiple viewings for no more than the 3 highest bidding Applicants per home. These Applicants will normally be contacted within 5 working days of close of bidding. If contact cannot be made with an Applicant within 5 days, then another Applicant may be contacted.

Applicants will be required to bring proof of identity, e.g. driving licence or passport to the viewing.

To ensure homes are let quickly and so minimise any loss of rent and homes being left empty unnecessarily, Applicants must be available and ready to sign for and take up an offer of accommodation they have bid for and viewed. If the successful Applicant has not signed for the tenancy within 2 days of viewing and verbally accepting the offer of the home, then the housing provider is entitled to offer the home to the next Applicant.

If the Applicant at the top of the prioritised list refuses the home, the next Applicant will be offered it, and so on down the list of bidders.

In exceptional cases, the housing provider may refuse to accept the nomination of an Applicant who appears on the prioritised list if to do so would conflict with its own Lettings Policy. In such cases, the housing provider will have to give reasons for its refusal to the Casework Team who will consider the refusal in consultation with a Housing Specialist Advisor at Eastbourne Borough Council.

For General Needs housing, the housing provider lettings team will:

- usually arrange accompanied viewings, advising of any non-essential work to be completed after the tenancy start date, giving a target date for the completion of these
- offer the Applicant the option to accept and invite to sign for the tenancy or agree to a decision within a reasonable time. Some flexibility is needed when vulnerable Applicants are involved who may need to consult with support staff or their Occupational Therapist before making a decision.
- on refusal by the Applicant, note the reasons for refusal, and offer the home to the next Applicant
- on failure of the Applicant to provide adequate proof of identity at the viewing, give the Applicant further time to provide this at the Neighbourhood Caseworkers discretion and, on expiry of further time provided, another Applicant may be offered the property.

- notify the Housing Caseworker immediately the accommodation has been accepted and the name of the successful Applicant.

Appendix 5: Receiving and accepting an offer provides a plain English guide on the letting process.

Direct allocation

40. DIRECT ALLOCATION OF HOMES

Some homes will not be advertised and will not be available for bidding by Applicants. These homes will be allocated by Direct Allocation by the Specialist Housing Team in liaison with the housing support provider and Supporting People, as appropriate. Direct Allocation will then apply as follows below:

Supported housing

Most supported special needs housing (except sheltered housing) will be allocated through Direct Allocation and will not be advertised.

However, Applicants who have been selected for specialised floating support in self-contained general needs housing will be allowed to bid for a home of their choice (see **21** above).

Supported housing allocated by multi-agency panel

Referrals of Applicants considered to be appropriate for specific supported housing schemes will be considered by a multi-agency Panel who will select the appropriate Applicant using scheme criteria which have been agreed with the Council.

All Applicants who are referred to supported housing vacancies that are subject to Council nomination rights will be prioritised on the basis of a combination of housing need and need for the specific support provided by the scheme.

Temporary accommodation

Short term tenancies for homeless households in designated (or temporarily designated) temporary accommodation will be allocated through Direct Allocation.

Temporary and Permanent Decants of housing association tenants

Some homes may be allocated through Direct Allocation in order to affect Temporary and Permanent Decants of an existing tenant whose home is undergoing extensive repair or is to be demolished or redeveloped. See **24** above.

Other housing options available to applicants

41. ALTERNATIVES TO SOCIAL HOUSING

As in many areas in the South East of England there is a shortage of social housing in Eastbourne compared to the demand for such accommodation. Applicants may wish to consider other housing options including the following:

Renting Privately

Renting privately is a good option to consider and offers several advantages over waiting a long time for social housing. Housing Benefit is available from the Council to help private tenants afford the rents that private landlords charge. Tenants may be entitled to receive Housing Benefit even if they are in paid employment. Help and advice on renting privately and financial help with deposits and rent in advance is available from the Council (*See Appendix 1: Contacting the Eastbourne Borough Council about Allocations*).

Affordable Home Ownership Schemes

Applicants wishing to be considered for schemes designed to help people into home ownership should register with the Government's "Help to Buy Agent" (*See Appendix 1: Contacting the Eastbourne Borough Council about Allocations*) for Low Cost Homeownership Schemes.

Priority will be given to Applicants with a Local Connection to Eastbourne as defined at **13** above. Priority will then be given to Applicants who are existing social housing tenants in Eastbourne, because this frees up affordable homes for other people, and Applicants who are armed forces personnel. Next priority is given to Applicants who are first-time buyers. Exceptions to this may be where funding has been provided to meet the housing needs of specific categories of people, such as key workers.

Mutual Exchanges

Existing social tenants of any social landlord who wish to swap homes with another social tenant may wish to consider a Mutual Exchange. To do this, they should register on one or more of the home swap schemes available on the internet. Eastbourne tenants may register for free on www.homeswapper.co.uk. However, both tenants must have the agreement of their landlords to carry out a Mutual Exchange.

APPENDIX 1: CONTACTING EASTBOURNE BOROUGH COUNCIL REGARDING A HOUSING ALLOCATION ISSUE

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 Locata reference number (if you have been given one)

- By phone on 01323 410000. Phone lines are open 8.30am – 5.30pm Monday to Friday
- In person – Customer Contact Centre – 1 Grove Road, Eastbourne, BN21 4TW – Monday – Friday 9am – 5pm
- Online at www.eastbourne.gov.uk
- Via Text relay – 18001 01323 410000 for those who are deaf, hard of hearing and speech impaired and have a text phone

APPENDIX 2: RECONSIDERATION OF ALLOCATION DECISION

If a customer does not agree with the Council's decision they can request a reconsideration of their housing assessment. Often reconsideration requests can be dealt with by contacting the customer's caseworker who is dealing with the assessment and who will be able to explain the decision.

The target for completing reconsideration of a housing decision is 33 days. The legislative requirement is 56 days.

The sort of decisions a customer might ask for reconsideration would include:

- Being prevented from applying for social housing after completing or part completing the Council's new online housing self-assessment form
- A reconsideration of their banding
- The type of properties the customer is being presented with during bidding
- A reconsideration of the number of bedrooms the household may require bedrooms or the type of adaption required

Customers are allowed 28 days to submit all the information and documents needed for the reconsideration. The customer will receive an automated message acknowledging receipt of the request using the customer's preferred method of contact.

A general guide for reconsiderations include:-

- If the customers' enquiry is to do with an initial homeless assessment, housing options decisions or full homeless assessment then enquiries would need to be made to the Council's case management team
- If the customers enquiry is a request for assistance with a grant or loan then enquiries the case management team
- If the customers enquiry is to do with a housing application, a banding decision or about bidding –then enquiries to the Council's case management team
- If the customers enquiry is to do with property offers, the type of property being offered, expiration of offers – then to the Council's Neighbourhood Caseworker Team
- If the customers' enquiry is to do with property requests such as adaptation permission, voucher requests, boundary enquiries and anything else relating to a tenancy – to the Council's Neighbourhood Caseworker Team

Appendix 3: MAKING AN ONLINE APPLICATION FOR HOUSING

To make an application for housing with Eastbourne Borough Council customers will need to make the application online at:

www.eastbourne.gov.uk/housingapplication.

Customers will also be able to use the self-help terminals in the contact centre to complete an online form and can be assisted by members of the Customer Advisory Team should they request help with completing on-line applications. Please come to Eastbourne Borough Council's Contact Centre at 1 Grove Road, Eastbourne, BN21 4TW.

The housing application will be entered onto the Council's Homemove system and customers will be seamlessly linked into this from the EBC website.

Once the housing application has been submitted a Customer Advisor will also assist with the collation and checking of supporting documents.

Validation of the information provided and confirmation of the customer's banding will be processed by Council's Caseworker team.

APPENDIX 4: HOW TO BID FOR PROPERTIES

All available properties are advertised on www.homemove.org.uk on a fortnightly basis. If there is a property that you are interested in and the applicant's criteria matches that of the accommodation being advertised, then you are eligible to place a bid of interest (which can be done via the Homemove website (www.homemove.org.uk), or by visiting the Customer Contact Centre at 1 Grove Road, Eastbourne BN21 4TW, by telephone on 01323 410000.

APPENDIX 5: RECEIVING AND REFUSING AN OFFER

The Council's Neighbourhood Caseworker will send an email or letter to the successful candidate to advise them that they have been shortlisted. This will include the property reference. It will include links to web based information about the neighbourhood the property is located in such as proximity to schools or public transport and confirm important details about the property itself (e.g. accessibility, adaptations). It will list the documents customers will need to produce if they are offered the property.

Once the property is ready to offer the customer will be contacted by the Neighbourhood Caseworker to arrange a viewing and advise of the proposed tenancy start date.

The customer will then have 2 working days to accept or refuse the offer of the property.

If the property is accepted the Neighbourhood Caseworker will arrange a mutually acceptable appointment for signing of the tenancy and collection of keys.

If the property is refused the Neighbourhood Caseworker will be asked to state the reasons for the refusal and this will then be discussed between the Caseworker and the customer.

Consultation on the Housing Allocations policy for Eastbourne Borough and Lewes District Councils

1. Are you responding as							Response Percent	Response Total	
1	An individual						94.12%	208	
2	An organisation or group						3.17%	7	
3	Other (please specify):						2.71%	6	
Analysis	Mean:	1.09	Std. Deviation:	0.36	Satisfaction Rate:	4.3	answered	221	
	Variance:	0.13	Std. Error:	0.02			skipped	0	
Other (please specify): (6)									
1	Mother and daughter								
2	Parent of adults in need of housing locally								
3	Family member								
4	Family								
5	Hampden Park & Willingdon Trees - Area Panel								
6	Parish Council								

2. Where do you live?							Response Percent	Response Total	
1	Eastbourne						39.72%	85	
2	Lewes district						53.74%	115	
3	Other (please specify):						6.54%	14	
Analysis	Mean:	1.67	Std. Deviation:	0.59	Satisfaction Rate:	33.41	answered	214	
	Variance:	0.35	Std. Error:	0.04			skipped	7	
Other (please specify): (14)									
1	Seaford								
2	Peacehaven								
3	Haywards heath								
4	Seaford								
5	newhaven								
6	seaford								
7	London								
8	wigan lanks								
9	Wealden, but my work is based in Lewes District								
10	Bridgnorth, Shropshire								
11	Brughton								

2. Where do you live?

		Response Percent	Response Total
12	Seaford		
13	POLEGATE		
14	Bexhill		

3. Please tell us the name of the organisation or group you are responding as:

		Response Percent	Response Total
1	Open-Ended Question	100.00%	8
1	HOMELINK		
2	Firle Estate		
3	Andy haig		
4	Saxon Weald		
5	Places for People Homes		
6	Newick Parish Council		
7	Home Works		
8	Brighton Housing Trust - Fulfilling Lives Project		
		answered	8
		skipped	213

4. Where is your organisation or group based?

		Response Percent	Response Total
1	Eastbourne	12.50%	1
2	Lewes district	50.00%	4
3	Both areas	0.00%	0
4	Other (please specify):	37.50%	3
Analysis	Mean:	2.62	Std. Deviation: 1.11
	Variance:	1.23	Std. Error: 0.39
		Satisfaction Rate:	54.17
		answered	8
		skipped	213
Other (please specify): (3)			
1	Lewes and Wealden		
2	National Landlord, but with Eastbourne stock		
3	East Sussex		

5. We are proposing the policy enables us to set targets for lettings to particular groups. This change would bring the Eastbourne policy in-line with the Lewes district policy. It would mean we could advertise some properties to applicants seeking a transfer from an existing social home. It would allow us to make better use of housing that becomes available by freeing up the home that the transfer applicant is currently living in. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	74.21%	164
2	No	6.79%	15
3	Don't know	19.00%	42
Analysis	Mean:	1.45	Std. Deviation: 0.79
	Variance:	0.63	Std. Error: 0.05
		Satisfaction Rate:	22.4
		answered	221
		skipped	0

6. Currently in Eastbourne, only people who have a housing need are eligible to join the Housing Register. In 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 so we need to restrict it to those households who have a housing need which they cannot meet through the private market. This change will also help us reduce the costs of managing unnecessary applications. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	61.09%	135
2	No	30.77%	68
3	Don't know	8.14%	18
Analysis	Mean:	1.47	Std. Deviation: 0.64
	Variance:	0.41	Std. Error: 0.04
		Satisfaction Rate:	23.53
		answered	221
		skipped	0

7. We are proposing to exclude people from the register if they or a member of their household has a current conviction for drug dealing. These people are currently excluded from joining the Lewes district Housing Register but not the Eastbourne Housing Register. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	81.00%	179
2	No	12.67%	28
3	Don't know	6.33%	14
Analysis	Mean:	1.25	Std. Deviation: 0.56
	Variance:	0.32	Std. Error: 0.04
		Satisfaction Rate:	12.67
		answered	221
		skipped	0

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 bring the current Lewes district policy on local connection in-line with the Eastbourne policy by allowing the following people to join the Lewes district Housing Register: People who have lived in 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 that 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. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	76.02%	168
2	No	15.84%	35
3	Don't know	8.14%	18
Analysis	Mean:	1.32	Std. Deviation: 0.62
	Variance:	0.38	Std. Error: 0.04
		Satisfaction Rate:	16.06
		answered	221
		skipped	0

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. 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. We are proposing to increase the level of savings someone can have and still be eligible to joint the Housing Register in Lewes district from £16,000 to £32,000. This brings Lewes district in-line with the current Eastbourne policy. 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 on-going income to afford to rent a home in the private market. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	81.45%	180
2	No	13.12%	29
3	Don't know	5.43%	12
Analysis	Mean:	1.24	Std. Deviation: 0.54
	Variance:	0.29	Std. Error: 0.04
		Satisfaction Rate:	11.99
		answered	221
		skipped	0

10. Homeless households We are proposing that homeless households who we have a duty to re-house are prioritised in Band A if they are in emergency accommodation or their temporary tenancy is due to end within the next two months. This policy is in-line with Eastbourne's current policy but is a change to the Lewes district policy which 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'. 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 re-housed in social rented housing, we are concerned that there would be more households in high-cost bed and breakfast accommodation if they are not re-housed quickly. Do you agree with this banding?

		Response Percent	Response Total
1	Yes	79.09%	174
2	No	10.91%	24
3	Don't know	10.00%	22
Analysis	Mean:	1.31	Std. Deviation: 0.64
	Variance:	0.41	Std. Error: 0.04
		Satisfaction Rate:	15.45
		answered	220
		skipped	1

11. We are proposing add to Band A homeless households who we have a duty to re-house and who are making their own temporary arrangements or suffering family split due to a genuine lack of accommodation. Currently, the Eastbourne policy does not include these households in Band A and could be seen to unfairly penalise those who are making their own temporary arrangements. This change would bring the priority given to these households in-line with those in Lewes district. Do you agree with this banding?

		Response Percent	Response Total
1	Yes	79.55%	175
2	No	6.82%	15
3	Don't know	13.64%	30
Analysis	Mean:	1.34	Std. Deviation: 0.71
	Variance:	0.5	Std. Error: 0.05
		Satisfaction Rate:	17.05
		answered	220
		skipped	1

12. The current policy in Eastbourne is to register households in Band A who need to move urgently because of 'serious personal risk'. The new policy is in-line with the current Lewes district policy which spells out in more detail what this means, adding: 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). 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. Priority transfer – e.g. Emergency harassment, agreed by the Head of Housing 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. These additions give more detail on the circumstances in which applicants will automatically be placed in Band A so that it is clearer to applicants. Do you agree with this banding?

		Response Percent	Response Total
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12. The current policy in Eastbourne is to register households in Band A who need to move urgently because of 'serious personal risk'. The new policy is in-line with the current Lewes district policy which spells out in more detail what this means, adding: 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). 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. Priority transfer – e.g. Emergency harassment, agreed by the Head of Housing 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. These additions give more detail on the circumstances in which applicants will automatically be placed in Band A so that it is clearer to applicants. Do you agree with this banding?

		Response Percent	Response Total			
1	Yes	83.18%	183			
2	No	8.18%	18			
3	Don't know	8.64%	19			
Analysis	Mean:	1.25	Std. Deviation: 0.6	Satisfaction Rate: 12.73	answered	220
	Variance:	0.36	Std. Error: 0.04		skipped	1

13. We are proposing to 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. We are also proposing to include 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. We are proposing these changes to comply with the Housing Act 1996 regulations (Additional Preference for Former Armed Forces Personnel) which came into force in 2012. This change would align the policy for Eastbourne with the existing Lewes district policy. Do you agree with this banding?

		Response Percent	Response Total			
1	Yes	90.91%	200			
2	No	4.09%	9			
3	Don't know	5.00%	11			
Analysis	Mean:	1.14	Std. Deviation: 0.47	Satisfaction Rate: 7.05	answered	220
	Variance:	0.22	Std. Error: 0.03		skipped	1

14. We are proposing to 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. Where tenants are forced to move because of an urgent major repair need or because their property – e.g. a sheltered housing scheme – is being refurbished or redeveloped, we believe it is fair that they should have priority to move. In practice, Eastbourne has given Band A priority to these applicants in the past because of the need to move tenants quickly and to reflect that these tenants are being asked to move rather than doing so from their own choice. The change in the policy is designed to make this clearer to applicants. Do you agree with this banding?

		Response Percent	Response Total
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14. We are proposing to 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. Where tenants are forced to move because of an urgent major repair need or because their property – e.g. a sheltered housing scheme – is being refurbished or redeveloped, we believe it is fair that they should have priority to move. In practice, Eastbourne has given Band A priority to these applicants in the past because of the need to move tenants quickly and to reflect that these tenants are being asked to move rather than doing so from their own choice. The change in the policy is designed to make this clearer to applicants. Do you agree with this banding?

		Response Percent	Response Total
1	Yes	86.70%	189
2	No	5.05%	11
3	Don't know	8.26%	18
Analysis	Mean:	1.22	Std. Deviation: 0.58
	Variance:	0.33	Std. Error: 0.04
		Satisfaction Rate:	10.78
		answered	218
		skipped	3

15. 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. Do you agree with this banding?

		Response Percent	Response Total
1	Yes	74.66%	165
2	No	15.84%	35
3	Don't know	9.50%	21
Analysis	Mean:	1.35	Std. Deviation: 0.65
	Variance:	0.42	Std. Error: 0.04
		Satisfaction Rate:	17.42
		answered	221
		skipped	0

16. 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. Do you agree with this banding?

		Response Percent	Response Total
1	Yes	72.69%	157
2	No	18.06%	39
3	Don't know	9.26%	20
Analysis	Mean:	1.37	Std. Deviation: 0.65
	Variance:	0.42	Std. Error: 0.04
		Satisfaction Rate:	18.29
		answered	216
		skipped	5

17. 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 are 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. Do you agree with this banding?

		Response Percent	Response Total
1	Yes	75.57%	167
2	No	14.48%	32
3	Don't know	9.95%	22
Analysis	Mean:	1.34	Std. Deviation: 0.65
	Variance:	0.42	Std. Error: 0.04
		Satisfaction Rate:	17.19
		answered	221
		skipped	0

18. 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 in the list in which we may make direct allocations to allow us to take action to re-house these applicants in an emergency, and subject to the same rules as now. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	88.13%	193
2	No	4.11%	9
3	Don't know	7.76%	17
Analysis	Mean:	1.2	Std. Deviation: 0.56
	Variance:	0.31	Std. Error: 0.04
		Satisfaction Rate:	9.82
		answered	219
		skipped	2

19. 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 is in-line with the current Eastbourne policy. Eastbourne Borough Council amended its policy in 2014 to 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. Do you agree with this being included in the policy?

		Response Percent	Response Total
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19. 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 is in-line with the current Eastbourne policy. Eastbourne Borough Council amended its policy in 2014 to 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. Do you agree with this being included in the policy?

						Response Percent	Response Total	
1	Yes					82.81%	183	
2	No					10.41%	23	
3	Don't know					6.79%	15	
Analysis	Mean:	1.24	Std. Deviation:	0.56	Satisfaction Rate:	11.99	answered	221
	Variance:	0.32	Std. Error:	0.04			skipped	0

20. We are proposing that homeless households who we have a duty to re-house 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. 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 Eastbourne policy places people into Band C and very few people are able to move on. The proposal of Band B status is to allow the household a settled period of time in temporary accommodation before moving to permanent housing. Do you agree with this being included in the policy?

						Response Percent	Response Total	
1	Yes					74.55%	164	
2	No					14.09%	31	
3	Don't know					11.36%	25	
Analysis	Mean:	1.37	Std. Deviation:	0.68	Satisfaction Rate:	18.41	answered	220
	Variance:	0.46	Std. Error:	0.05			skipped	1

21. 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 re-house a homeless household by offering suitable housing in either the private rented sector or in social housing. We do not wish to restrict the choices open to homeless households, but councils have a duty to re-house 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 re-house homeless households through making a direct allocation and would enable us to continue offering a short-period where homeless households may exercise some choice. Do you agree that we should retain a period where homeless households have a right to bid?

		Response Percent	Response Total
1	Yes	75.00%	165
2	No	9.55%	21
3	Don't know	15.45%	34
Analysis	Mean:	1.4	Std. Deviation: 0.74
	Variance:	0.55	Std. Error: 0.05
		Satisfaction Rate:	20.23
		answered	220
		skipped	1

Consultation on the Housing Allocations policy for Eastbourne Borough and Lewes District Councils

1. Are you responding as

							Response Percent	Response Total	
1	An individual						98.82%	84	
2	An organisation or group						0.00%	0	
3	Other (please specify):						1.18%	1	
Analysis	Mean:	1.02	Std. Deviation:	0.22	Satisfaction Rate:	1.18	answered	85	
	Variance:	0.05	Std. Error:	0.02			skipped	0	
Other (please specify): (1)									
1	Hampden Park & Willingdon Trees - Area Panel								

2. Where do you live?

							Response Percent	Response Total
1	Eastbourne						100.00%	85
2	Lewes district						0.00%	0
3	Other (please specify):						0.00%	0
Analysis	Mean:	1	Std. Deviation:	0	Satisfaction Rate:	0	answered	85
	Variance:	0	Std. Error:	0			skipped	0
Other (please specify): (0)								
No answers found.								

3. Please tell us the name of the organisation or group you are responding as:

							Response Percent	Response Total
1	Open-Ended Question						0.00%	0
No answers found.								
							answered	0
							skipped	85

4. Where is your organisation or group based?

							Response Percent	Response Total
1	Eastbourne						0.00%	0
2	Lewes district						0.00%	0

4. Where is your organisation or group based?

			Response Percent	Response Total
3	Both areas		0.00%	0
4	Other (please specify):		0.00%	0
			answered	0
			skipped	85
Other (please specify): (0)				
No answers found.				

5. We are proposing the policy enables us to set targets for lettings to particular groups. This change would bring the Eastbourne policy in-line with the Lewes district policy. It would mean we could advertise some properties to applicants seeking a transfer from an existing social home. It would allow us to make better use of housing that becomes available by freeing up the home that the transfer applicant is currently living in. Do you agree with this being included in the policy?

			Response Percent	Response Total				
1	Yes		71.76%	61				
2	No		7.06%	6				
3	Don't know		21.18%	18				
Analysis	Mean:	1.49	Std. Deviation:	0.82	Satisfaction Rate:	24.71	answered	85
	Variance:	0.67	Std. Error:	0.09			skipped	0

6. Currently in Eastbourne, only people who have a housing need are eligible to join the Housing Register. In 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 so we need to restrict it to those households who have a housing need which they cannot meet through the private market. This change will also help us reduce the costs of managing unnecessary applications. Do you agree with this being included in the policy?

			Response Percent	Response Total				
1	Yes		63.53%	54				
2	No		24.71%	21				
3	Don't know		11.76%	10				
Analysis	Mean:	1.48	Std. Deviation:	0.7	Satisfaction Rate:	24.12	answered	85
	Variance:	0.48	Std. Error:	0.08			skipped	0

7. We are proposing to exclude people from the register if they or a member of their household has a current conviction for drug dealing. These people are currently excluded from joining the Lewes district Housing Register but not the Eastbourne Housing Register. Do you agree with this being included in the policy?

		Response Percent	Response Total			
1	Yes	90.59%	77			
2	No	5.88%	5			
3	Don't know	3.53%	3			
Analysis	Mean:	1.13	Std. Deviation: 0.43	Satisfaction Rate: 6.47	answered	85
	Variance:	0.18	Std. Error: 0.05		skipped	0

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 bring the current Lewes district policy on local connection in-line with the Eastbourne policy by allowing the following people to join the Lewes district Housing Register: People who have lived in 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 that 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. Do you agree with this being included in the policy?

		Response Percent	Response Total			
1	Yes	84.71%	72			
2	No	8.24%	7			
3	Don't know	7.06%	6			
Analysis	Mean:	1.22	Std. Deviation: 0.56	Satisfaction Rate: 11.18	answered	85
	Variance:	0.31	Std. Error: 0.06		skipped	0

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. 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. We are proposing to increase the level of savings someone can have and still be eligible to join the Housing Register in Lewes district from £16,000 to £32,000. This brings Lewes district in-line with the current Eastbourne policy. 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 on-going income to afford to rent a home in the private market. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	83.53%	71
2	No	9.41%	8
3	Don't know	7.06%	6

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. 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. We are proposing to increase the level of savings someone can have and still be eligible to join the Housing Register in Lewes district from £16,000 to £32,000. This brings Lewes district in-line with the current Eastbourne policy. 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 on-going income to afford to rent a home in the private market. Do you agree with this being included in the policy?

						Response Percent	Response Total	
Analysis	Mean:	1.24	Std. Deviation:	0.57	Satisfaction Rate:	11.76	answered	85
	Variance:	0.32	Std. Error:	0.06			skipped	0

10. Homeless households We are proposing that homeless households who we have a duty to re-house are prioritised in Band A if they are in emergency accommodation or their temporary tenancy is due to end within the next two months. This policy is in-line with Eastbourne's current policy but is a change to the Lewes district policy which 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'. 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 re-housed in social rented housing, we are concerned that there would be more households in high-cost bed and breakfast accommodation if they are not re-housed quickly. Do you agree with this banding?

						Response Percent	Response Total	
1	Yes					77.65%	66	
2	No					12.94%	11	
3	Don't know					9.41%	8	
Analysis	Mean:	1.32	Std. Deviation:	0.64	Satisfaction Rate:	15.88	answered	85
	Variance:	0.4	Std. Error:	0.07			skipped	0

11. We are proposing add to Band A homeless households who we have a duty to re-house and who are making their own temporary arrangements or suffering family split due to a genuine lack of accommodation. Currently, the Eastbourne policy does not include these households in Band A and could be seen to unfairly penalise those who are making their own temporary arrangements. This change would bring the priority given to these households in-line with those in Lewes district. Do you agree with this banding?

						Response Percent	Response Total
1	Yes					81.18%	69
2	No					9.41%	8

11. We are proposing add to Band A homeless households who we have a duty to re-house and who are making their own temporary arrangements or suffering family split due to a genuine lack of accommodation. Currently, the Eastbourne policy does not include these households in Band A and could be seen to unfairly penalise those who are making their own temporary arrangements. This change would bring the priority given to these households in-line with those in Lewes district. Do you agree with this banding?

						Response Percent	Response Total	
3	Don't know					9.41%	8	
Analysis	Mean:	1.28	Std. Deviation:	0.63	Satisfaction Rate:	14.12	answered	85
	Variance:	0.39	Std. Error:	0.07			skipped	0

12. The current policy in Eastbourne is to register households in Band A who need to move urgently because of 'serious personal risk'. The new policy is in-line with the current Lewes district policy which spells out in more detail what this means, adding: 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). 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. Priority transfer – e.g. Emergency harassment, agreed by the Head of Housing 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. These additions give more detail on the circumstances in which applicants will automatically be placed in Band A so that it is clearer to applicants. Do you agree with this banding?

						Response Percent	Response Total	
1	Yes					88.24%	75	
2	No					4.71%	4	
3	Don't know					7.06%	6	
Analysis	Mean:	1.19	Std. Deviation:	0.54	Satisfaction Rate:	9.41	answered	85
	Variance:	0.29	Std. Error:	0.06			skipped	0

13. We are proposing to 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. We are also proposing to include 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. We are proposing these changes to comply with the Housing Act 1996 regulations (Additional Preference for Former Armed Forces Personnel) which came into force in 2012. This change would align the policy for Eastbourne with the existing Lewes district policy. Do you agree with this banding?

						Response Percent	Response Total	
1	Yes					94.05%	79	
2	No					3.57%	3	
3	Don't know					2.38%	2	
Analysis	Mean:	1.08	Std. Deviation:	0.35	Satisfaction Rate:	4.17	answered	84

13. We are proposing to 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. We are also proposing to include 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. We are proposing these changes to comply with the Housing Act 1996 regulations (Additional Preference for Former Armed Forces Personnel) which came into force in 2012. This change would align the policy for Eastbourne with the existing Lewes district policy. Do you agree with this banding?

				Response Percent	Response Total
Variance: 0.12 Std. Error: 0.04				skipped	1

14. We are proposing to 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. Where tenants are forced to move because of an urgent major repair need or because their property – e.g. a sheltered housing scheme – is being refurbished or redeveloped, we believe it is fair that they should have priority to move. In practice, Eastbourne has given Band A priority to these applicants in the past because of the need to move tenants quickly and to reflect that these tenants are being asked to move rather than doing so from their own choice. The change in the policy is designed to make this clearer to applicants. Do you agree with this banding?

				Response Percent	Response Total	
1	Yes			90.48%	76	
2	No			3.57%	3	
3	Don't know			5.95%	5	
Analysis	Mean:	1.15	Std. Deviation: 0.5	Satisfaction Rate: 7.74	answered	84
	Variance:	0.25	Std. Error: 0.05		skipped	1

15. 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. Do you agree with this banding?

				Response Percent	Response Total	
1	Yes			81.18%	69	
2	No			11.76%	10	
3	Don't know			7.06%	6	
Analysis	Mean:	1.26	Std. Deviation: 0.58	Satisfaction Rate: 12.94	answered	85
	Variance:	0.33	Std. Error: 0.06		skipped	0

16. 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. Do you agree with this banding?

		Response Percent	Response Total
1	Yes	80.49%	66
2	No	17.07%	14
3	Don't know	2.44%	2
Analysis	Mean:	1.22	Std. Deviation: 0.47
	Variance:	0.22	Std. Error: 0.05
		Satisfaction Rate:	10.98
		answered	82
		skipped	3

17. 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 are 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. Do you agree with this banding?

		Response Percent	Response Total
1	Yes	81.18%	69
2	No	16.47%	14
3	Don't know	2.35%	2
Analysis	Mean:	1.21	Std. Deviation: 0.46
	Variance:	0.21	Std. Error: 0.05
		Satisfaction Rate:	10.59
		answered	85
		skipped	0

18. 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 in the list in which we may make direct allocations to allow us to take action to re-house these applicants in an emergency, and subject to the same rules as now. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	90.59%	77
2	No	3.53%	3
3	Don't know	5.88%	5
Analysis	Mean:	1.15	Std. Deviation: 0.5
	Variance:	0.25	Std. Error: 0.05
		Satisfaction Rate:	7.65
		answered	85
		skipped	0

19. 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 is in-line with the current Eastbourne policy. Eastbourne Borough Council amended its policy in 2014 to 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. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	81.18%	69
2	No	16.47%	14
3	Don't know	2.35%	2
Analysis	Mean:	1.21	Std. Deviation: 0.46
	Variance:	0.21	Std. Error: 0.05
		Satisfaction Rate:	10.59
		answered	85
		skipped	0

20. We are proposing that homeless households who we have a duty to re-house 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. 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 Eastbourne policy places people into Band C and very few people are able to move on. The proposal of Band B status is to allow the household a settled period of time in temporary accommodation before moving to permanent housing. Do you agree with this being included in the policy?

		Response Percent	Response Total
1	Yes	82.14%	69
2	No	9.52%	8
3	Don't know	8.33%	7
Analysis	Mean:	1.26	Std. Deviation: 0.6
	Variance:	0.36	Std. Error: 0.07
		Satisfaction Rate:	13.1
		answered	84
		skipped	1

21. 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 re-house a homeless household by offering suitable housing in either the private rented sector or in social housing. We do not wish to restrict the choices open to homeless households, but councils have a duty to re-house 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 re-house homeless households through making a direct allocation and would enable us to continue offering a short-period where homeless households may exercise some choice. Do you agree that we should retain a period where homeless households have a right to bid?

						Response Percent	Response Total	
1	Yes					78.82%	67	
2	No					8.24%	7	
3	Don't know					12.94%	11	
Analysis	Mean:	1.34	Std. Deviation:	0.7	Satisfaction Rate:	17.06	answered	85
	Variance:	0.48	Std. Error:	0.08			skipped	0

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BODY: Eastbourne Cabinet
DATE: 13th September 2017
SUBJECT: Community Housing Fund
REPORT OF: Ian Fitzpatrick, Director of Service Delivery

Ward(s): All Wards

Purpose: To advise Cabinet of a £365,894 allocation of Community Housing Funds from Central Government; and to seek Cabinet approval for specified expenditure in respect of these funds.

Contact: Laura Webster, Development Project Manager, EBC and LDC. Telephone 01323 415616 Email: laura.webster@eastbourne.gov.uk

- Recommendations:**
1. That Cabinet use the Community Housing Funds allocated by Government to–
 - (a) approve a grant of £50,000 to Action in Rural Sussex (AiRS) to set up a Sussex Wide Community Housing Hub.
 - (b) approve funding of £25,000 for Eastbourne Borough Council's share of a post jointly funded with Lewes District Council to facilitate the Community Housing Fund (CHF).
 - (c) note that, following expenditure of items 1 and 2 above, Eastbourne Borough Council have £290,894 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 1(a) and (b) above; and to allocate the uncommitted sum of £290,894 on such community led housing initiatives as they consider appropriate.

1.0 Introduction

- 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 Eastbourne Borough Council (“the Council”) received notice of the allocation from DCLG of £365,894. Lewes District Council received an allocation of £180,179.
- 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 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 Eastbourne BC and Lewes DC 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.

2.0 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 affordable housing developments to be delivered in Eastbourne. 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 1(a) above, the Council will enter into a Service Level Agreement (SLA) with AiRS to govern the terms on which they will provide services in consideration 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.
 - Payment of £50,000 in full will proceed as soon as the SLA is in force.
- b. Recruitment of a joint New Initiative Development Officer
- As part of the bid to DCLG, both Eastbourne BC and Lewes DC sought to employ an officer to work across both councils to support local groups deliver community-led housing.
 - This report seeks Cabinet approval (at recommendation 1(b)) to

commit £25,000 from the DCLG grant to part-fund this joint post. It is anticipated that Lewes DC 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 £290,894 for Eastbourne BC.
- This will be utilised for promotional work, site feasibilities and used to support specific proposals as they come forward for further development.

3.0 Financial Assessment

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

AiRS Sussex Community Housing Hub	£50,000
Joint Funding of New Initiatives Development Officer Post	£25,000
Remaining grant	£290,894
Total Grant	£365,894

4.0 Legal Implications

4.1 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.

The funding of these activities is an executive function, for which Cabinet is the appropriate approval body.

4.2 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-EBC-OD

5.0 Conclusions

5.1 This allocation specifically relates to the identifying new sites for affordable housing development.

5.2 Effective utilisation of the Community Housing Funds will provide another channel for the delivery of housing, regeneration and community benefits.

Appendix A- Sussex Community Housing Hub Services

- **Raising awareness and enabling** - Via direct contact with individuals, groups and community based organisations, Advisors 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 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.

Appendix B

Key outcomes and indicators of success for AIRS' provision of Services to Eastbourne Borough Council

The key outcomes – across the Eastbourne borough will be:

- Increased awareness of community led housing provision;
- More community led housing ("CLH")
- Homes are in the pipeline for development;
- More people and groups are closer to living in affordable community-led housing;
- More sites and properties in the borough are secured for community-led housing.

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
- All relevant community based organisations approached directly with the offer to meet and discuss CLH and the work of the Sussex Community housing Hub (SCHH)
- At least 2 CLH groups provided with direct advice and support in the borough*
- 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)

SCHH Programme performance Indicators – by July 2020

- At least 2 new groups established as a CLH organisation (steering group formed)
- At least 1 group legally constituted as a CLH organisation
- At least 1 CLH scheme in the pipeline - site identified and secured, planning application in train

More refinement of indicators of success will be developed by the parties during the first year of this Agreement.

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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