

# Cabinet

## 24 October 2018



Working in partnership with **Eastbourne Homes**

**Time and venue:**

**6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG**

**Membership:**

**Councillor David Tutt (Chair); Councillors Alan Shuttleworth (Deputy-Chair) Margaret Bannister, Jonathan Dow, Stephen Holt, Colin Swansborough and John Ungar**

**Quorum: 3**

*Published: Tuesday, 16 October 2018*

## Agenda

- 1 Minutes of the meeting held on 12 September 2018. (Pages 1 - 6)**
- 2 Apologies for absence**
- 3 Declaration of members' interests (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 Review of safeguarding children and vulnerable adults policy (Pages 7 - 54)**

Report of Director of Service Delivery  
Lead Cabinet member: Councillor Alan Shuttleworth

**8 Statement of community involvement** (Pages 55 - 130)

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

**9 Joint transformation programme update** (Pages 131 - 152)

Report of Assistant Director for Human Resources and Transformation  
Lead Cabinet member: Councillor Colin Swansborough

## Information for the public

**Accessibility:** Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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**Public participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

## Information for councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

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).

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

## Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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## **Cabinet**

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 12 September 2018 at 6.00 pm**

### **Present:**

Councillor David Tutt (Chair)

Councillors Alan Shuttleworth (Deputy-Chair), Margaret Bannister, Jonathan Dow, Stephen Holt and Colin Swansborough

### **Officers in attendance:**

Robert Cottrill (Chief Executive), Alan Osborne (Deputy Chief Executive), Philip Evans (Director of Tourism & Enterprise), Ian Fitzpatrick (Director of Regeneration and Planning), Becky Cooke (Assistant Director for Human Resources and Transformation), Peter Finnis (Assistant Director for Corporate Governance) and Simon Russell (Committee Services Lead)

### **25 Minutes of the meeting held on 11 July 2018.**

The minutes of the meeting held on 11 July 2018 were submitted and approved and the chair was authorised to sign them as a correct record.

### **26 Apologies for absence**

An apology for absence was reported from Councillor Ungar.

### **27 Alan Osborne**

As this would be their last Cabinet meeting, a vote of thanks was extended to Alan Osborne, Deputy Chief Executive. The Cabinet expressed their sincere appreciation for all his work for Eastbourne and wished him a long and happy retirement. The Deputy Chief Executive expressed thanks to the Council for an amazing nine and a half years.

### **28 Declaration of members' interests**

Councillor Holt declared a personal interest in minute 29 (Questions by members of the public) as a leaseholder. He remained in the room and did not take part in the response to Mr Hanlon.

**29 Questions by members of the public**

Mr Mike Hanlon asked the following questions to Councillor Tutt in relation to the Leasehold Panel:

Can the Cabinet ensure that the agenda and minutes of the proposed meetings, laid out in the letter dated the 20 August 2018 be published on the Lewes and Eastbourne website?

Could any proposals emanating from those meetings be put before the leaseholders for consideration and approval?

The Director of Regeneration and Planning responded that the letter, dated 20 August 2018, referred to a review conducted by the Housing Policy Network and this would be shared with Mr Hanlon and where appropriate published on the website.

In relation to the Leasehold Panel, a letter was scheduled to be dispatched next week asking leaseholders about the current panel and whether an independent alternative should be pursued.

Councillor Holt declared a personal interest as a leaseholder and remained in the room and did not take part in the response.

**30 Corporate performance - quarter 1 2018/19**

The Cabinet considered the report of the Director of Regeneration and Planning and Deputy Chief Executive, updating them on the Council's performance against Corporate Plan priority actions, performance indicators and targets for the first quarter of 2018/19.

Visiting member, Councillor Freebody, addressed the Cabinet on the performance indicators and praised the decision to reduce the staff absence days due to sickness target to 8 days. Councillor Freebody further commented on the performance indicator for calls answered within 60 seconds and abandoned calls that had fallen below its quarter one target.

The Cabinet shared the concerns raised by Councillor Freebody and attributed multiple factors to the performance for call response. This included the vacancy rate within the Customer First team, training of new staff and implementation of new ways of working, a large increase in calls due to the changes in central government policies around benefits and implementation of the council's new garden waste system. In comparison to quarter one of last year, there had been a 49% increase in the number of calls. Queue busting continued to assist with the answering times and a recruitment drive has been completed with 8 preferred candidates being offered roles. The Cabinet advised that call response would continue to be monitored on a regular basis.

Councillor Tutt referenced that Councillor Jenkins had enquired about why the Sovereign Harbour Community Centre had been flagged as green when work had not been completed. Although the construction of the building had been completed, the Centre was not yet open to the public. The Chief Executive responded that this was due to snagging and gas connection work being carried out and an administrative matter of the deed of variation being formally signed by relevant parties after agreement. Once a definitive date for delivery of gas connection works was provided by Southern Gas Network, this would be communicated to Sovereign Councillors to inform their constituents.

The Cabinet discussed the key performance indicators for those at risk of homelessness and households living in emergency accommodation. The Council had re-prioritised resources across the organisation to a new Homelessness Pressures Project to help address what was a national issue. Other multi-agency initiatives had been carried out including the launch of the Street Community Partnership Initiative and thanks were conveyed to council officers and the other agencies associated with the work taking place.

The Cabinet praised the notable achievements for the quarter, detailed in the report and confirmed that key priorities over the next quarter would include improving the call response time at the Customer Contact Centre, reducing the number of abandoned calls, housing issues and disabled facilities grants.

Part B of the report detailed the Council's financial performance for the first quarter of the year 2018/19. The Cabinet expressed their thanks to the Deputy Chief Executive and the finance team for continuing to ensure the Council had strong financial resilience, in comparison to other authorities across the country.

**Resolved (key decision):**

- (1) To note the achievements and progress against Corporate Plan priorities for 2018/19, as set out in part A of the report.
- (2) To agree the General Fund, HRA and Collection Fund financial performance for the quarter ended June 2018 as set out in part B of the report
- (3) To agree the amended capital programme as set out at appendix 4 to the report.
- (4) To agree the Treasury Management performance as set out in section 5 in part B of the report

**Reason for decision:**

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

### 31 Environmental initiatives

The Cabinet considered the report of the Director of Regeneration and Planning, seeking their approval for a series of environmental initiatives. This included the formulation of a sustainability policy, drinking water provision, single use plastics project and an electric vehicle charge point feasibility study, given the current issues and proposal to ban combustion vehicles from sale by 2040.

Visiting member, Councillor Freebody addressed the Cabinet and welcomed the initiatives outlined in the report and offered the support of his group to assist in any way.

In response to a question about the overall budget of the initiatives, the Cabinet advised that the figure of £3,000 signified an initial likely spend and the budget may increase over time. It was also advised that funding towards the installation of water fountains around parks could be provided by the council's devolved ward budget scheme.

Thanks were conveyed to Jane Goodall (Strategy and Partnership Lead, Quality Environment), Kate Tradewell (Strategy and Corporate Projects Officer, Quality Environment) and Devan Briggs (Policy and Engagement Co-ordinator) for their work on the initiatives outlined in the report.

#### **Resolved (key decision):**

(1) To authorise the Strategy & Partnership Lead, Quality Environment, to conduct a desk-based feasibility study for the potential of free drinking water provision within council-owned parks and in other public places within Eastbourne borough, working with partners and stakeholders.

(2) To agree to support the national 'Refill' campaign through social media and as appropriate.

(3) To delegate authority to the Director of Regeneration and Planning, in consultation with the Cabinet member for Place Services, to bid for funding, supported by an appropriate business case, to invest in electric vehicle (EV) charging technology and infrastructure, working with partners and other local authorities.

(4) To authorise the Strategy & Partnership Lead, Quality Environment, in consultation with the Cabinet member for Place Services to prepare a Sustainability Policy to provide a framework for council activities for consideration and approval at Cabinet later in the year.

(5) To note the launch and progress to date of the 'Single-Use Plastics' project.



**Reasons for decisions:**

(1) Drinking water provision could be made available to the general public in areas of high foot traffic and where other access to water may be limited, for example parks. This would support various initiatives currently prominent in the political and public arena including the reduction of single use plastics and promoting healthy and active lifestyles

(2) The 'Refill' campaign, described in paragraph 1.2, had arrived in the area through community activism.

(3) A charging point feasibility study would provide an evaluation of the opportunities available to Eastbourne Borough Council (EBC) with regards to EV charging on its own estate in light of the national move towards the provision of this infrastructure.

(4) The adoption of a set of guiding principles in the form of an overarching Sustainability Policy would bring EBC into line with many other councils nationally. The policy would support planning policy and guidance, guide procurement decisions, potentially reduce costs with regards to energy and waste (through staff education and project initiatives) and generally work to ensure the council had 'its own house in order' before guiding others.

(5) The Single-Use Plastic (SUP) project started in May as a result of the Council's aim to become SUP free where it was reasonable to do so by 31 December 2018.

**32 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 was 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.)

**33 Brokerage services to other public sector organisations**

The Cabinet considered the exempt report of the Chief Executive regarding the establishment of a joint venture for brokerage and development services.

**Resolved (key decision):**

(1) To delegate authority to the Chief Executive Officer, in consultation with the Assistant Director of Legal and Democratic Services, the Chief Finance Officer and the Portfolio Holder for Finance to undertake further work and

detailed due diligence to establish a suitable vehicle to provide investment brokerage for public sector schemes.

(2) To approve General Fund budget allocation of up to £40k for external finance and legal costs associated with the detailed due diligence work.

**Reason for decision:**

To enable the Council, to generate commercial revenues by brokering funding alongside development services to public sector agencies in line with section 2 of the exempt report.

*Notes: (1) The report remains exempt. (2) Exempt information reason 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).*

The meeting ended at 6.40 pm

Councillor David Tutt (Chair)

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>24 October 2018</b>
<b>Title:</b>	<b>Review of Safeguarding Children and Vulnerable Adults Policy</b>
<b>Report of:</b>	<b>Director of Service Delivery</b>
<b>Cabinet member:</b>	<b>Councillor Alan Shuttleworth</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To seek Members' agreement to the proposed joint Safeguarding Children and Vulnerable Adults Policy</b>
<b>Decision type:</b>	<b>Key decision</b>
<b>Officer recommendation(s):</b>	<b>(1) To note the review of Eastbourne Borough Council and Lewes District Council's Safeguarding Children and Vulnerable Adult policies and procedures carried out in 2018</b> <b>(2) To approve the new Safeguarding Policy appended to this report</b> <b>(3) To delegate authority to the Director of Service Delivery in consultation with the Lead Member for Direct Assistance Services to make any minor amendments required following consultation.</b>
<b>Reasons for recommendations:</b>	<b>To update the previous policy bringing into line with recommended practice and with current pan-Sussex policies and procedures.</b>
<b>Contact Officer(s):</b>	<b>Name: Laura Lea</b> <b>Post title: Policy and Engagement Coordinator</b> <b>E-mail: <a href="mailto:laura.lea@lewes-eastbourne.gov.uk">laura.lea@lewes-eastbourne.gov.uk</a></b> <b>Telephone number: 01323 415447</b>

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## **1 Introduction**

- 1.1 Under the Children Act 2004 the council has a duty to cooperate to improve well-being and safeguard children and promote their welfare. The Working Together to Safeguard Children (DfES, 2018) guidance sets out how organisations and individuals should work together to safeguard and promote the welfare of children.
- 1.2 The role and responsibilities of local authority staff with responsibilities for

children living or present in East and West Sussex and Brighton and Hove are set out in the Pan Sussex Child Protection and Safeguarding Procedures Manual. This includes staff in district and borough councils providing services to children and young people, such as housing and activities for young people. The manual covers key issues for the council, notably on information sharing and confidentiality, referrals and reporting.

1.3 The Pan Sussex Child Protection and Safeguarding Procedures Manual states:

*“Responsibility for the protection of children must be shared because children are safeguarded only when all relevant agencies and individuals accept responsibility and co-operate with one another.”*

1.4 The Pan Sussex Child Protection and Safeguarding Procedures Manual is updated every 6 months to take account of new legislation and guidance and learning from Serious Case Reviews. Recent updates take account of the Care Act 2014 and “Working Together to Safeguard Children” 2015.

1.5 The Care Act 2014 places Safeguarding Adults on a statutory footing. Part 1 of the Act covers responsibilities for Safeguarding and came into force on 1 April 2015.

1.6 The Sussex Multi-Agency Policy and Procedures set out local arrangements for raising and responding to concerns relating to the suspected abuse or neglect of adults.

1.7 Section 6 of the Care Act includes a requirement for cooperation between the Local Authority and each of its relevant partners to protect adults experiencing or at risk of abuse or neglect and to establish a Safeguarding Adults Board.

1.8 An internal review of Eastbourne Borough Council and Lewes District Council’s policies and procedures has been carried out in order to produce a single joint policy that complies fully with the latest legislation and guidance.

1.9 The re-modelling of service roles and responsibilities under the Joint Transformation Project (JTP) has also necessitated a review of lines of responsibility, training procedures and arrangements for information recording, storage and sharing to ensure the council meets the required standards and cooperates effectively with other agencies and in line with locally adopted procedures.

## **2 Proposal**

2.1 Section 11 of the Children Act 2004 places a duty on local authorities to ensure their functions are discharged having regard to the need to safeguard children and promote their welfare. At the request of the Local Safeguarding Children Board (LSCB) a self-assessment was completed in April 2018 to assess the Council’s compliance with current legislation and guidance. In addition, an internal audit has been carried out to identify any gaps in the existing policies and in implementation of these.

2.2 An aligned and revised Safeguarding Policy has been developed based on the findings of these internal reviews and is presented at Appendix 1. Amendments incorporated in the policy cover:

- Aligned procedures to operate across both areas
- Updated details to represent the changes brought about by the JTP
- Inclusion of an e-safety policy
- Addition of Prevent responsibilities and contact details
- Inclusion of responsibilities around private fostering
- Details on Domestic Violence procedures
- Updated information on reporting concerns based on current guidance agreed Pan Sussex procedures; including the role of the Single Point of Advice (SPOA) within Children's Services.

### **3 Outcome expected and performance management**

3.1 Adopting the aligned and updated policy will help ensure that the council is compliant with Pan Sussex Procedures and complies with its legal duties in safeguarding children, young people and vulnerable adults.

### **4 Consultation**

4.1 The East Sussex Local Safeguarding Children Board and the East Sussex Safeguarding Adults Board will be consulted to ensure the proposed policy meets their expectations.

### **5 Corporate plan and council policies**

5.1 The policy and its appendices will provide staff with clear guidelines to ensure that the council's policies and practices comply with current legislation and agreed Pan Sussex procedures. The principles set out in the policy will allow officers to make a judgement about when they should report safeguarding concerns, the procedure for reporting and the roles and responsibilities that different officers have.

### **6 Business case and alternative option(s) considered**

6.1 The alignment of the Eastbourne Borough Council and Lewes District Council's safeguarding policies and procedures is designed to ensure that the policy is robust and is implemented effectively. The amendments from the previous policies are designed to cover all areas in which the council is involved and to minimise the risks to those council services, resources and premises and to council staff, volunteers, contractors and other partners.

6.2 The duty to co-operate quoted in paragraph 1.1 above is a reference to section 10 of the Children Act 2004, which requires local authorities to make arrangements to promote co-operation between the authority, each of their relevant partners, and any other partners, and any other persons the authority considers appropriate with a view to improving the wellbeing of children in the authority's area, in relation to:

- a) Physical and mental health and emotional wellbeing;
- b) Protection from harm and neglect;
- c) Education training and recreation;
- d) The contribution made by those children to society
- e) Social and economic wellbeing.

In making arrangements under this section, a local authority must have regard to the importance of parents and other persons caring for children in the wellbeing of children.

## **7 Financial appraisal**

- 7.1 There are no significant financial or staff resource implications arising from the recommendations of this report.

## **8 Legal implications**

- 8.1 The draft Joint Safeguarding Children and Vulnerable Adults Policy at Appendix 1 is consistent with:

- Sections 10 and 11 of the Children Act 2004 (the council's duty to make arrangements to promote co-operation between the council and relevant partners, with a view to improving the well-being of children in the council's area; and the council's duty to make arrangements for ensuring that the council discharges its functions, having regard to the need to safeguard and promote the welfare of children).
- Section 6 of the Care Act 2014 (the council's duty to co-operate with each of its relevant partners in exercising its functions relating to adults with needs for care and support).
- Section 26 of the Counter-Terrorism and Security Act 2015 (the council's duty to have due regard to the need to prevent people from being drawn into terrorism)

*Lawyer consulted 22.08.18*

*Legal ref: 007629-EBC-OD*

## **9 Risk management implications**

- 9.1 Reviewing the Council's policies and performance on a regular basis provides an assurance that the Council is fulfilling its functions in a way that protects children and vulnerable adults and reduces the risk of harm. It also reduces the risk of reputational damage to the Council by minimising the risk of its own actions or inaction leading to serious harm caused to a child or vulnerable adult

## **10 Equality Analysis**

- 10.1 The policy is designed to protect children, young people and those adults most at risk of abuse or neglect. This includes anyone who is, or may be in need of community services due to age, illness or a mental or physical disability and may include, for example, people who are frail due to age, those who have specific disabilities and those at risk of exploitation. No negative impact on groups

protected under the Equality Act 2010 have been identified.

10.2 An Equality and Fairness Analysis has been carried out and is available from the report author.

## 11 **Appendices**

- Appendix 1 - Draft Joint Safeguarding Children and Vulnerable Adults Policy

## 12 **Background papers**

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

- EBC Safeguarding Policy – February 2016 - [Safeguarding - Lewes and Eastbourne Councils](#)

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## Appendix 1



Lewes District Council



Working in partnership with Eastbourne Homes

### Draft Safeguarding Children and Vulnerable Adults Policy

DRAFT

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## 1. Scope

1.1. This policy is the responsibility of all:

- Councillors
- Staff and volunteers
- Contractors and partners working for or on behalf of the council.

References to staff in this policy include all workers (e.g. permanent and temporary staff, agency staff, casual staff, volunteers, apprentices and those undertaking internships or work experience). The Staff Code of Conduct requires compliance with the policy.

1.2. Children and young people are defined as those aged under 18.

1.3. A vulnerable adult is someone aged 18 or over who:

- Has needs for care and support (where or not the local authority is meeting any of these needs) and
- Is experiencing, or at risk of, abuse or neglect; and
- as a result of these care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

For example a person who:

- Is frail due to age
- Has drug or alcohol problems
- Has a learning disability
- Has mental or physical ill health or disability
- Has been trafficked for purposes such as forced labour or sexual exploitation.

Vulnerability is related to how able an adult is to make and exercise their own informed choice, free from duress or undue influence, and to protect

themselves from abuse, neglect and exploitation. There is no hard and fast rule: an adult should be assumed to be covered by this policy unless there is information to indicate that they are not.

## **2. Reasons for the policy**

- 2.1. Everyone, including children, young people and vulnerable adults, has the right not to be abused. We recognise the need to ensure their welfare when they come into contact with the services we provide. The council has wide ranging contacts with potentially vulnerable children and adults. It is essential that a clear and consistent approach to safeguarding is followed across the all council services.
- 2.2. It is known that some individuals will actively seek employment or voluntary work with vulnerable people, particularly with children and young people in order to control harm and 'control' them. People who work with children, young people and adults who may be at risk, contractors and other partners of the council have a role to play in protecting them from harm and safeguarding their welfare.
- 2.3. It is also important to recognise additional vulnerability in terms of race, disability, religion, ethnicity or language. Specific reference is made to these issues in the Pan Sussex Children Protection and Safeguarding Procedures and in the Sussex Multi Agency Policy and Procedures for Safeguarding Vulnerable Adults.
- 2.4. The Children Act 2004 and the Care Act 2014 place specific duties on District and Borough councils to have regard to the need to safeguard and promote the welfare of children and vulnerable adults, and to co-operate with other agencies to improve the wellbeing of children and vulnerable adults. The council is a partner of the East Sussex Local Safeguarding Children Board (LSCB) and the East Sussex Local Safeguarding Adults Board (LSAB) and is required, where appropriate, to contribute information to Serious Case Reviews (SCRs) and Safeguarding Adults Reviews (SARs), and to ensure learning from these is disseminated and acted on within the council.

## **3. Safeguarding statement**

- 3.1. Lewes District and Eastbourne councils work to ensure that all children, young people and vulnerable adults coming into contact with the council and its employees are protected and treated with respect. The council will endeavour to create an organisational culture where staff, councillors and contractors are sensitive to abuse and exploitation and take responsibility for and feel confident in reporting concerns. The council will cooperate with relevant partners in order to protect children and adults experiencing or at risk of abuse in accordance

with arrangements and procedures agreed by the Local Safeguarding Children Board and the Safeguarding Adults Board.

- 3.2. It is not the policy of the council to encourage staff to investigate suspicions or allegations, but to make all staff aware of the issues surrounding child and vulnerable adult protection and to have clear procedures in place to ensure that staff are aware of how and to whom any concerns should be reported. All staff involved in the provision of services should know what to do if there are any concerns about abuse and what procedures and guidelines they should follow.

#### **4. Safeguarding roles and responsibilities**

- 1.1. Safeguarding children from abuse and promoting their welfare means:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring children are growing up in circumstances consistent with the provision of safe and effective care;
- taking action to enable all children to have the best outcomes.

- 1.2. Safeguarding vulnerable adults means protecting them from maltreatment, and preventing injury or significant harm. Abuse violates an adult's human and civil rights. It can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering.

- 1.3. A safeguarding concern arises if abuse is suspected or disclosed. Abuse can happen anywhere – at home, in a residential or nursing home, a hospital, in the workplace, at a day centre or educational establishment or in the street.

- 1.4. It is the responsibility of all those working within or on behalf of the council to be vigilant and report alleged or suspected incidents of child, young person and/or vulnerable adult abuse.

- 1.5. A minimum of five team leaders or other officers in key roles within the council will act as **Safeguarding Contacts** supporting staff and ensuring that concerns are reported appropriately and in accordance with current guidance. The role and responsibilities of the Safeguarding Contacts are set out in more detail in Section 8.

- 1.6. The **Named Senior Officer**, the Director of Service Delivery, has overall responsibility for safeguarding, including e-safety. This responsibility includes:

- keeping this policy up to date and ensuring its conformity with the Pan Sussex LSCB and LSAB guidance;
- making sure this policy is implemented, and that staff, councillors, contractors, organisations receiving financial support from the Councils and partners understand their responsibilities;
- checking that appropriate steps are taken in the event of any allegations against a councillor or member of staff, and that the council liaises

appropriately and effectively with authorities responsible for investigating these safeguarding concerns: the Police and/or East Sussex County Council Children's and Adults' Services. The Named Senior Officer oversees liaison between the responsible authorities and the councils to determine how any internal and external investigations can be conducted properly, preserving evidence and avoiding unnecessary duplication and delay. Investigation by the responsible authorities normally takes precedence over council investigations under the complaints, grievance or disciplinary procedures

- supporting the Safeguarding Contacts and other staff, providing direction, advice and guidance where appropriate;
- ensuring that the council actively supports all Serious Case Reviews (SCRs) and Safeguarding Adults Reviews (SARs) where the council may have had involvement / contact with the victim; and
- ensuring that the council acts on lessons learnt from SCRs and SARs and other safeguarding issues, grievances or disciplinary proceedings.

1.4. The **Prevent Lead**, the Strategy and Partnerships Lead – Thriving Communities, has overall responsibility for the Council's Prevent duties. These include:

- attending meetings of the East Sussex Prevent Board and maintaining up to date knowledge of the Council's duties and locally agreed procedures for reporting concerns
- ensuring that staff, councillors, contractors, organisations receiving financial support from the Council and partners understand their responsibilities under the Counter Terrorism and Security Act 2015;
- supporting the Safeguarding Contacts and other staff, providing direction, advice and guidance where appropriate.

1.5. Specific safeguarding responsibilities are tabulated at Appendix A.

## 5. Types of abuse

1.7. The Care Act 2014 includes a list of some types and patterns of abuse and neglect and the different situations in which this may take place. This is intended as an illustration rather than an exhaustive list and the Councils should not limit its view of what constitutes abuse or neglect to examples illustrated. The list below is included as an illustration of the types of abuse and neglect that may arise.

1.8. **Physical: causing physical harm**, including hitting, shaking, biting, grabbing, withholding food or drink, force-feeding, wrongly administering medicine, unnecessary restraint, failing to provide physical care and aids to living;

1.9. **Sexual**: including sexual assault, rape, inappropriate touching/molesting, forcing or enticing, someone into sexual acts they don't understand or feel powerless to refuse; grooming a child or young person in preparation for abuse, including on-line activity;

- 1.10. **Emotional or psychological:** persistent emotional ill treatment or rejection (domestic or otherwise), including verbal abuse, shouting, swearing, threatening abandonment or harm, isolating, taking away privacy or other rights, bullying/intimidation, blaming, belittling, silencing, controlling or humiliating;
- 1.11. **Exploitation:** either opportunistically or premeditated, unfairly manipulating someone for profit or personal gain;
- 1.12. **Financial or material: illegal or improper use of an adult's property, money or other assets without their informed consent or where the consent is obtained by fraud.** It can include withholding money or possessions, theft of money or property, fraud, intentionally mismanaging finances, borrowing money and not repaying. In relation to an adult's financial affairs or arrangements this could include wills, property, inheritance or financial transactions of the misuse or misappropriation of property, possessions or benefits;
- 1.13. **Neglect and acts of omission:** persistent or severe failure to meet a person's basic physical and psychological needs. It will result in serious impairment of their health or development, and can include withholding shelter, food, drink, heating and clothing, failing to provide access to health, social and educational services, ignoring physical care needs, exposing a person to unacceptable risk, failing to ensure adequate supervision or unresponsiveness to the basic emotional needs of a child;
- 1.14. **Discriminatory abuse:** including slurs, harassment and maltreatment due to a protected characteristic (Equality Act 2010);
- 1.15. **Institutional abuse:** including neglect and poor care practice within an institution or specific care setting such as a hospital, care home or children's home;
- 1.16. **Unintentional abuse:** this may be the result of negligence or ignorance;
- 1.17. **Child Sexual Exploitation (CSE):** includes forcing or enticing a child aged under 18 to take part in sexual activities whether or not the child is aware of what is happening. The may include situations or relationships where children receive something (e.g. food, drugs, alcohol, cigarettes, affection, gifts, accommodation and money) linked to sexual activity. CSE also occurs remotely, not necessarily with the child's awareness through the use of technology, e.g. posing sexual images on the internet;
- 1.18. **Modern slavery:** recruiting people by deception or coercion and moving them to a new place where they can be exploited. This includes human trafficking;
- 1.19. **Domestic abuse:** an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an

intimate partner or family member regardless of gender or sexuality. Children who have witnessed domestic abuse may also need safeguarding.

- 1.20. **Honour Based Abuse (HBA):** A collection of practices which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour and which can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code;
- 1.21. **Forced Marriage (FM):** A marriage conducted without the valid consent of one or both parties and where duress is a factor. FM is now a specific offence under section 121 of the Anti-Social Behaviour, Crime and Policing Act 2014;
- 1.22. **Female Genital Mutilation (FGM):** FGM is a collective term for a range of procedures which involve partial or total removal of the external female genitalia for non-medical reasons, sometimes referred to as female circumcision or female genital cutting. FGM of girls is regarded as child abuse;
- 1.23. **Human Trafficking:** The recruitment, transportation, transfer, harbouring or receipt of people by means of threat or use of force or other forms of coercion, abduction, fraud, of deception, abuse of power or inducements for the purpose of exploitation through prostitution or others forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal or organs. Victims may be physically or psychologically 'imprisoned';
- 1.24. **Self-neglect:** Self-neglect is the 'inability (intentional or non-intentional) to maintain a socially and culturally accepted standard of self-care with the potential for serious consequences to the health and well-being of people who self-neglect and perhaps even to their community' (Gibbons, 2006);
- 1.25. **Prevent:** This is the Government counter-terrorism strategy. From July 2015 local authorities have a responsibility to work with and support individuals and communities who may be vulnerable to the threat of violent extremism and terrorism. Children and vulnerable adults may be at risk of being drawn into extremism. Early intervention can help protect them before illegality occurs, and concerns relating to extremism can be reported as a Safeguarding concern.

## 6. Signs of abuse

- 1.26. There are many possible signs of abuse, none being conclusive on their own. Examples include:
  - Unexplained injury / weight loss / cuts and bruises / dirtiness
  - Changes in behaviour
  - Depression / low self-esteem / anxiety
  - Lack of self-care / dehydration / abnormal eating pattern
  - Harm to self
  - Obsessive behaviour
  - Bills not being paid



- An overly critical or disrespectful carer (or boss, for trafficking) who may control, bully or undermine
- Isolation from usual network of friends, family or community
- No access to GP / local services and legal documents e.g. passport (trafficking).

## 7 Reporting safeguarding concerns

- 1.27. We all have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse, poor practice by staff, councillors and others acting for or on behalf of the council, allegations brought to our attention by a member of the public. This includes the need to report concerns relating to children who have witnessed domestic abuse. Reporting safeguarding concerns can prevent serious abuse or harm from happening, or from escalating.
- 1.28. All staff, volunteers, members contractors and partners of the council are expected to act promptly and effectively in communicating concerns relating to child and adult protection either through one of the council's Safeguarding contacts or directly to East Sussex Children's Services or Adult Social Care Service.
- 1.29. A list of the council's **Safeguarding Contacts** is maintained by the Strategy and Partnerships Lead for Thriving Communities. Staff must not attempt to investigate abuse themselves; neither must they confront anyone who is allegedly responsible for abuse nor tell them that allegations have been made against them.
- 1.30. **Inside normal office hours** safeguarding concerns must be reported to a Safeguarding Contact at the earliest possible opportunity and within **one working day** of recognising the risk. Verbal reports must be confirmed on the CRM within one working day.
- 1.31. **Outside normal office hours** safeguarding concerns must be reported immediately to the East Sussex County Council Emergency Duty Service. A record must be made of everything that is said and a Safeguarding Contact must be informed on the next working day and the details of the report recorded on the CRM.
- 1.32. **Dial 999** if a child, young person or vulnerable adult may be in imminent danger or a criminal offence may have been committed before taking the above steps.
- 1.33. The Safeguarding Contact should be given as much factual information as possible. For example:

- The child, young person or vulnerable adult's name and address (and parents'/carers' address if different);
- The reason for concern – a note of significant events or conversation should be made as promptly as possible to assist with any referral and subsequent investigation. Evidence such as texts or social media entries should be preserved;
- Any other known factors which may be contributing to the problem;
- Additional information such as age (or date of birth), ethnicity, religion, language and disabilities/specific needs.

However, it is not the role of council staff to investigate suspicions or allegations and any safeguarding concern should be reported whether or not the information is complete.

- 7.8 If there are doubts about whether a safeguarding concern has been handled in accordance with the Safeguarding Policy, these should be raised with the Named Senior Officer. If this is not appropriate, the concern should be raised with another member of the council's Corporate Management Team.
- 7.9 Variations to these arrangements may be agreed with specific terms (e.g. sheltered housing) to ensure that safeguarding concerns are dealt with promptly.

## 8 Role of Safeguarding Contacts

- 8.1 A Safeguarding Contact is responsible for receiving reports of safeguarding concerns inside normal office hours from any councillor or staff member **regardless** of which team they work in and for maintaining appropriate records on behalf of the council, seeking advice from East Sussex County Council (ESCC) Children's and Adult Services and informing the Named Senior Officer of the concern and advice received.
- 8.2 To discharge this responsibility the Safeguarding Contact must inform the ESCC Children's or Adult Services of the Safeguarding concern, where possible on the same working day as it is received and **within 24 hours** and obtain their advice about the appropriate action to be taken. For Children's Services the point of contact will be the Single Point of Advice (SPOA). Advice may also be received from the police if appropriate.
- 8.3 It is not the job of the Safeguarding Contact or the Named Senior Officer to establish whether or not abuse is taking place, or whether a crime has been committed. That is the job of the "responsible authorities" (Police, ESCC Children's or Adult Services).

- 8.4 Safeguarding Contacts are also responsible for supporting staff who report concerns directly to ESCC whether this is out of normal hours or in situations where they have not been able to locate a Safeguarding Contact.

## **9 Confidentiality, record keeping and sharing information**

- 9.1 Information about safeguarding concerns should be regarded as **confidential** and should be channelled through a Safeguarding Contact. The information is not secret, however, and the Safeguarding Contact will seek advice from ESCC Children's and Adults' Services and be guided by the information set out at Appendix H. Information sharing must be necessary, proportionate, relevant, accurate, timely and secure.
- 9.2 If someone discloses abuse, but asks that it should be kept a secret, they should be told that if what they have said indicates that they, or someone else, may be harmed, there is a duty to report it to a Safeguarding Contact. This is called acting in the public interest.
- 9.3 If a witness who is not a councillor or member of staff requests anonymity, they should be told that it is much better if they are willing to give their name, but if not, their concern will still be reported to a Safeguarding Contact.
- 9.4 Records should be written in plain English, and should always differentiate clearly between fact and opinion or judgement. All must be dated, and stored securely. Any paper records must be signed, and appropriately destroyed after scanning.
- 9.5 Information about a safeguarding concern may be shared by a Safeguarding Contact or the Named Senior Officer at the earliest opportunity with appropriate others in accordance with information sharing principles (Appendix H). For example:
- The council's HR Manager in the case of an allegation against staff
  - The council's Monitoring Officer in the case of an allegation against a councillor
  - Where safeguarding concerns and allegation relate to contractors or partners the appropriate company/organisation manager and council senior manager overseeing the contract or partnership;
  - The alleged victim or their parent/carer where appropriate (regarding the safeguarding concern and steps being taken to deal with it).
- 1.1. A secure GCSX compliant email system must be used where there is a need to share safeguarding or other confidential information with external organisations (in accordance with the information sharing requirements of this policy).

- 1.2. Records will be stored in accordance with the council's policies and procedures governing information management and record/document retention and disposal.

## **10 Allegations against staff, councillors, contractors or partners**

- 1.3. If someone witnesses behaviour by a councillor, member of staff, contractor or partner, or an allegation is made about them that indicates that they have, or may have:

- harmed a child, young person or vulnerable adult, or put them at risk of harm;
- possibly committed a criminal offence against or related to a child, young person or vulnerable adult, or;
- behaved in a way that indicated they may pose a risk of harm to children young people or vulnerable adults.

they must report it as a safeguarding concern to a Safeguarding Contact (see section 8).

- 1.4. It is acknowledged that an allegation against any member of staff will generate concern amongst other staff. The way in which any such allegations are dealt with should be professional and fair and, above all, protect the welfare of the child, young person or vulnerable adult. Staff will be supported if they disclose information about a colleague.
- 1.5. A councillor or member of staff, whether paid or unpaid, must report any allegation made against them to a Safeguarding Contact following the procedure in Section 7 of this policy.
- 1.6. Safeguarding concerns and allegations relating to staff will be dealt with in accordance with the council's disciplinary procedures (including instances where the member of staff resigns or leaves). However, investigations by the responsible authorities will take precedence over internal council procedures relating to conduct. The HR Manager will liaise with the responsible authorities to agree the appropriate course of action.
- 1.7. The HR Manager will seek advice from ESCC Children's or Adult Services or the police prior to informing a member of staff of an allegation against them. The HR Manager will offer appropriate welfare support to the member of staff and ensure they are kept appropriately informed during any investigation process.
- 1.8. In accordance with the law the council will refer to the Disclosure and Barring Service (DBS) any member of staff who:

- was dismissed because they harmed a child or adult;
- was dismissed or removed from working in a regulated activity because they might otherwise have harmed a child or adult;
- would have been dismissed for either of the above reasons but they resigned first; or,
- who works with children or vulnerable adults in regulated activity and has been cautioned or convicted for a relevant offence.

1.9. Safeguarding concerns and allegations relating to councillors will be referred to the Monitoring Officer and dealt with in accordance with the council's Code of Conduct of Members and liaison with the lead officer responsible for safeguarding.

1.10. The council will implement procedures to deal with the outcome of any investigation including:

- advice and reassurance to the public;
- media attention;
- dealing with staff if the event of allegations being unfounded;
- dealing with staff should an allegation about a staff member be proven.

## **11 Recruitment and selection**

1.11. The council will take all reasonable steps to prevent unsuitable people working with children, young people and vulnerable adults on behalf of the council. Procedures will be deployed consistently for all staff whether in full time, part time, permanent or temporary employment and whether paid or voluntary.

1.12. The need to recruit quickly will not be allowed to take precedence over safe recruitment principles. They are incorporated into the council's recruitment policies and practices, and the HR Manager is responsible for their implementation and review. Key aspects are:

- a commitment to safeguarding must be included in all future employment contracts
- criminal record checks will be made where appropriate. Roles that involve regulated activities, such as caring for, supervising or being in sole charge of children or vulnerable adults, require an enhanced Disclosure and Barring Service (DBS) Check. This may include checking whether someone is included in the two DBS 'barred lists' of individuals who are unsuitable for working with children and adults. DBS checks must be obtained for staff and volunteers undertaking these roles, and they will not be permitted to

commence unaccompanied work until they have been received. It is against the law for employers to employ someone, or allow them to volunteer for this kind of work if they are on one of the barred lists.

- a commitment to safeguarding must be included in all employment contracts.
- any post-specific requirements relating to safeguarding must be included in the relevant job description and person specification.
- offers of employment or placements are subject to receipt of satisfactory references and identity checks. Where the post involves significant contact with children, young people or vulnerable adults, former employers will be asked about the suitability of the candidate and whether there have been any concerns, allegations or disciplinary investigations related to safeguarding.
- managers and HR staff must comply with corporate policies on the security of DBS records and on the Rehabilitation of Offenders to ensure the confidentiality of information received in relation to applicants.

1.13. Managers are responsible for ensuring that employment agencies used by the council offer safe recruitment and selection processes. Employment agencies must be made aware of this policy, must provide the council with a copy of their safeguarding procedure and must agree to share with the council any safeguarding concern within the agency relating to individual staff.

## **12 Information and training**

1.14. Information will be made available in council premises to raise awareness and to let people know how to voice any safeguarding concerns they may have.

1.15. Appropriate information will be made available to staff councillors, contractors and partners in the form of this policy and appendices.

1.16. All training carried out will be consistent with the recommendations of the Local Safeguarding Children Board and Safeguarding Adults Board.

1.17. Induction for new staff and councillors on safeguarding must be completed within 3 months of the start of their employment/placement/term of office. It will include:

- signposting this policy, procedures for reporting safeguarding concerns and contact details of safeguarding contacts.
- awareness training on safeguarding and role boundaries.

1.18. Existing staff and councillors will be required to undertake refresher awareness training on safeguarding and role boundaries every 3 years.

1.19. Requirements for more advanced training for staff who have significant contact with children young people or vulnerable adults will be identified as part of the induction and/or appraisal process, dependant on the nature of the post.

1.20. Requirements for additional training for HR Officers, Safeguarding Contacts, the Monitoring Officer, the Named Senior Officer and the Prevent Lead will be identified as part of the induction and/or appraisal process and refreshed at appropriate intervals.

### **13 External organisation licensed by, or working with for or on behalf of the council**

1.21. The council works with and through a number of external organisations such as charities, contractors, licensees, other public sector bodies, etc. Checks that relevant external organisations operate safe recruitment practices must be made at the tender/quotation stage.

1.22. Where these external organisations are likely to have significant contact with children, young people or vulnerable adults as a direct result of their work for, on behalf of or in partnership with the council, they are required to have safeguarding procedures, such as safe recruitment and selection process in place. They must be aware of this policy, must provide the council with a copy of their safeguarding procedure and must agree to share with the council any safeguarding concern within their organisation relating to relevant individuals who undertake work for or on behalf of the council.

1.23. Support for programmes which involve children, young people or vulnerable adults (funding, premises, etc.) will be subject to those organisations providing evidence of effective policy and procedures on child and vulnerable adult protection. This includes all those managing any of the council's building or with a licence to run services from any of the council's buildings.

1.24. Heads of Service and managers are responsible for ensuring that their teams are made aware of and comply with the provisions set out in 13.2. and 13.3.

1.25. Heads of Service and managers are responsible for obtaining assurances that external organisations have implemented their own safeguarding procedures once they have been alerted to a safeguarding concern under section 7. Senior Heads of Service and managers will also take appropriate steps to address any risk that may be posed by an individual in the course of their organisation's work for or on behalf of the council.

1.26. The council will undertake DBS checks in accordance with national guidelines as part of the licence application process (e.g. taxi licence applications).

#### **14 Policy review and version control**

This policy will be reviewed annually or in line with new advice from the LSCB or SAB or changes to the Pan Susses procedures.

<b>Date reviewed</b>	<b>Reviewed by</b>	<b>Approved by</b>
August 2018	Laura Lea/Pat Taylor	Tim Whelan (Head of Service Delivery)

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**Appendix A – table of specific responsibilities in relation to safeguarding**

Role			
Named Senior Officer	Safeguarding Contacts	HR Manager	Others
Maintain policy – update and ensure conformity with East Sussex LSCB and LSAB guidance.	Receive reports of safeguarding concerns and seek advice from ESCC Children’s and Adults’ Services	Manage allegations against staff <ul style="list-style-type: none"> <li>• Implement disciplinary procedure where appropriate;</li> <li>• Liaise with responsible authorities</li> <li>• Share information with appropriate others;</li> <li>• Offer appropriate welfare support to person against whom allegations have been made;</li> <li>• Make referrals to the DBS when appropriate.</li> </ul>	<b>Cabinet Member for Direct Assistance Services</b>  <b>Customer Communications and Lead</b>  Ensure Communications including social media comply with Safeguarding policies and standards and the Pan Sussex E-Safety Strategy
Oversee policy implementation and ensure awareness and understanding.  Ensure Corporate Risk	Raise concerns and submit reports to SPOA and HSCC as appropriate and ensure information is recorded and stored securely on appropriate	Implement safe recruitment practices including <ul style="list-style-type: none"> <li>• DBS checks where applicable;</li> <li>• Information in application pack;</li> </ul>	<b>Heads of Service / Managers</b> <ul style="list-style-type: none"> <li>• Ensure departmental compliance with the policy including completion, updating and recording of risk assessments on</li> </ul>

<p>Assessment is carried out, updated and recorded on Pentana</p>	<p>system</p>	<ul style="list-style-type: none"> <li>• Pre-employment checks.</li> </ul>	<p>Pentana;</p> <ul style="list-style-type: none"> <li>• Implement section 13 (external organisations).</li> <li>• Implement section 11.3 (employment agency checks)</li> <li>• Managers and Safeguarding Contacts ensure information is properly protected and shared, and use monitored.</li> </ul>
<p>Oversee management of allegations against councillors including</p> <ul style="list-style-type: none"> <li>• Implementation of appropriate procedures;</li> <li>• Liaison with responsible authorities.</li> </ul>		<p>Arrange appropriate induction and training</p>	<p><b>Assistant Director for Corporate Governance</b></p> <ul style="list-style-type: none"> <li>• Ensure appropriate induction and training is provided for councillors.</li> <li>• Ensure that safeguarding concerns and allegations relating to councillors are dealt with in accordance with the Code of Conduct of Members of the Council.</li> </ul>
<p>Ensure policy and procedures are implemented by staff</p> <p>Maintain and publicise a list of Safeguarding Contacts.</p>	<p>Maintain appropriate records of concerns, advice, decisions and actions taken.</p>	<p>Ensure staff agreements relating to IT Acceptable Use are in place covering e-safety</p> <p>Arrange appropriate induction and training for staff.</p>	<p><b>Heads or Service / Managers</b></p> <p>Ensure safeguarding issues are covered appropriately in induction, 1:1 and team meetings and staff appraisals</p>

		Liaise with managers to ensure mandatory training is completed by all staff.	and liaise with HR to ensure that mandatory training is completed by all staff.
Deliver policy with respect to contracts and grants			<p><b>Heads of Service / Managers</b></p> <p>Ensure procurement and grant processes comply with policy and procedures</p> <p><b>Specialist Advisor - Licensing</b> Implement national guidance on DBS checks as part of the licence application process.</p>
<p>Ensure appropriate information is shared with Safeguarding Contacts and Senior Managers of Service</p> <p>Support Serious Case Reviews and Safeguarding Adult Reviews</p> <ul style="list-style-type: none"> <li>• Active co-operation;</li> <li>• Lessons learnt.</li> </ul> <p>Support and direct the Safeguarding Contacts, in the light of advice from ESCC Children's and Adults' Services</p>	Share information with appropriate others.		

## Appendix B – General Guidance for Staff and Managers

We can reduce likely situations for abuse of children and help protect our staff and volunteers from false accusations by making sure that everyone is aware that **it is not acceptable to:**

- Spend time alone with children away from others;
- Take children alone in a car on journeys, however short;
- Take children to their home.

In exceptional circumstances where it is **absolutely unavoidable** that these things do happen, they should **only** occur with the full knowledge and consent of the senior head or their deputy.

You should make it clear to all staff and volunteers in your organisation that they should **never:**

- Engage in rough physical games, including horseplay (apart from structured sports activities);
- Allow or engage in inappropriate touching of any form;
- Allow children to use inappropriate language unchallenged;
- Make sexually suggestive comments about, or to, a child;
- Let allegations a child makes go unchallenged or unrecorded;
- Do things of a personal nature for children or vulnerable adults.

## Appendix C – Guidance For Managers: Supervision of Children

Making arrangements for the proper supervision of children is one of the most effective ways of minimising opportunities for children to suffer harm of any kind whilst taking part in organised programmes or whilst at Council facilities.

### Planning

- Organisers **must** plan and prepare a detailed programme of activities for the children who are involved in the project, **including preparing a risk assessment prior to the event.**
- Managers must ensure that all staff and volunteers have got required appropriate DBS clearance in place.
- Organisers are responsible for the welfare and safety of the children for the whole time they are in their care.
- Young people should not be left to their own devices when undertaking a supervised programme.
- All children should be adequately supervised and engaged in suitable activities at all times.
- In circumstances when planned activities are disrupted, e.g. due to weather conditions, then organisers should have a number of alternative activities planned.

### Supervision

- Leaders in charge must be satisfied that those workers and adults who accompany group parties are fully competent to do so.
- Children must be supervised at all times.
- Children must not be left unsupervised at any venue whether it is indoors or out of doors.
- Workers should know at all times where children are and what they are doing.
- Any activity using potentially dangerous equipment should have constant adult supervision.
- Children will be safer if supervised by two or more adults.
- Dangerous behaviour by children should not be allowed.

### Adult/Child Ratios

Level of supervision must be adequate whether at the organisation's venue or on a journey/visit. Therefore, when deciding how many adults are required to supervise, manager must take into consideration a range of practical matters:

- The number of participants in the group
- The nature of the site/venue and of the activity involved
- It is important that each individual supervisor knows the responsibilities he/she is expected to bear.

It is for the Manager in charge to exercise his/her professional judgement in deciding the level of supervision taking into account the appropriate national guidance. Risk assessments should be carried out in advance of programming the activity.

**Guidelines for listening to a child, young person or vulnerable adult who claims he or she has been abused:**

- React calmly so as not to frighten the child, young person or vulnerable adult
- Tell them they are not to blame and that they were right to tell
- Take what they say seriously, recognising how difficult it was for them to confide in you
- Always reassure them but do not make promises of confidentiality. Immediately afterwards, make a full, detailed record of what has been said, heard and/or seen.

## Appendix D – What to do if you have concerns – reporting incidents or allegations

**All staff** must report any incidents or allegations to one of the council's **Safeguarding Contacts**, or, in their absence, to a direct line manager.

If a disclosure is made it **must be reported**. If in doubt contact one of the Safeguarding Contacts, your line manager, Human Resources or the Director of Service Delivery.

The Safeguarding Contacts will be identified to the member of staff at the start of their employment.

These include:

- Customer Contact Manager
- Customer Contact Team Leaders
- Neighbourhood First Team
- Specialist Advisor – Housing
- Manager - Sports Team
- Events Coordinator

A full list may be found on the council's intranet.

The Safeguarding Contact or manager will contact the relevant team at East Sussex County Council during working hours or the Emergency Duty Team if outside office hours.

The Safeguarding Lead and Senior Named Officer should be informed.

In an emergency, if it is out of office hours or you are unable to contact a Safeguarding Contact, report your concerns directly.

If a child, young person or vulnerable adult is in **immediate danger ring 999**.

If the person you are concerned about is **injured, call an ambulance** or contact a doctor.

When requested by East Sussex Children's Services use the Safeguarding Referral Form at Appendix F as a checklist and to record information relating to a concern about a child or young person but **do not send this other than by secure (GCSX) email**.

This form can be also be used as guidelines:

- If you observe something that gives you concern, or witness and incident that involves a child or young person

- If you are concerned about the behaviour of a member of Eastbourne Borough Council staff towards a child or young person adult
- If a child, young person or vulnerable adult discloses abuse or neglect.

Pass this report to a Safeguarding Contact, or, if they are not available, to the Named Senior Officer or another member of the Corporate Management Team.

If you are unable to answer all the questions, do not delay making a report. Do not try to gather any further information. Staff, volunteers, members and partners are **not** expected to investigate suspected incidents but **must** act promptly and effectively in communicating the issues to child and adult protection professionals.

### **Reporting Concerns about child protection**

- Concerns relating to child protection should be reported to the Single Point of Advice on 01323 46422 or by secure (GCSX) email to [0-19SPOA@eastsussex.gcsx.gov.uk](mailto:0-19SPOA@eastsussex.gcsx.gov.uk) during office hours – by the Safeguarding Contact or manager who has been notified of the incident, or, if none of these is available, by the member of staff raising the concern.
- Out of hours, in the case of urgent childcare issues which cannot wait until the following day, staff should raise their concerns directly through the Out of Hours service on 01273 335906 or 01273 335905. This service is available out of office hours, including weekends and Public Holidays.
- All allegations should be reported regardless of their nature or who receives them. If you are unsure whether the concern should be referred, you should contact the Single Point of Advice on 01323 464222.

### **Reporting suspected abuse of an adult at risk**

- Concerns relating to suspected abuse of an adult at risk should be reported to East Sussex Adult Social Care Direct on 0345 6080 191.

### **Reporting concerns under the duty to Prevent extremist behavior**

- Concerns relating to a child or young person under 18 being drawn into extremist activity, should be reported through Safeguarding Contacts to SPOA in the usual way.
- Concerns relating to a vulnerable adult being drawn into extremist activity, should be reported to East Sussex Adult Social Care Direct in the usual way.
- You may be asked to complete and submit a Channel Referral Form. This can be found at Appendix F and should be sent by secure (GCSX) email.

### **Other useful contacts**

- Action on Elder Abuse  
Phone: 080 8808 8141  
Website: [www.elderabuse.org.uk](http://www.elderabuse.org.uk);



- Healthwatch  
Phone: 0300 0683 000  
email: [enquiries@healthwatch.co.uk](mailto:enquiries@healthwatch.co.uk)  
website: [www.healthwatch.co.uk](http://www.healthwatch.co.uk)
- Public Concern at Work (for staff concerned about bad practice in the workplace)  
Phone: 020 7404 6609;  
Website: [www.pcaw.org.uk](http://www.pcaw.org.uk)
- NHS Direct  
Phone: 111
- Samaritans (centre office)  
Phone: 0208 394 8300
- Carers Direct National Helpline  
Freephone: 0300 123 1053
- Care Quality Commission  
Phone: 03000 616161
- National Domestic Violence Helpline (24-hour helpline)  
Freephone: 0808 2000 247

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## **Appendix E - Allegations against a member of staff or councillor**

### **Allegations against a member of staff or councillor**

If you are concerned about the behaviour of a member of council staff or councillor towards a child, young person or vulnerable adult you must report this.

Where an allegation is made against an employee:

- the matter will be investigated in accordance with the council's disciplinary procedure.
- an appropriate person will be appointed to investigate;
- an immediate evaluation will be carried out to determine if there needs to be a full investigation;
- the employee may be suspended in cases of a more serious nature;
- if during the investigation there are suspicions of criminal activity or intent, the case will be referred to the police and/or social services.

Where an allegation is made against a councillor:

- The matter will be referred to the council's Monitoring Officer and will be investigated in accordance with the Code of Conduct of Members of the Council;
- If during the investigation there are suspicions of criminal activity or intent, the case will be referred to the police and/or social services.

If you report your concerns, you will be treated with sensitivity and fully supported by the council.

## Appendix F – Reporting Forms



### East Sussex Statement of referral

To make a referral to children's services you need to contact the countywide SPOA service:

Tel: 01323 464222 / Email: 0-19.SPOA@eastsussex.gov.uk

The SPOA Worker will ask if you have discussed with your agency Safeguarding lead with reference to the East Sussex Continuum of Need prior to calling and which level of need the case sits on, the concerns should be discussed in this way first, unless a significant immediate risk of harm is identified. Referrals should be followed up in writing using this form within 24 hours

For more information on the Continuum of Need please go to <https://czone.eastsussex.gov.uk/Continuum>

- If handwritten, please complete in BLOCK CAPITALS
- If you run out of space please attach a separate sheet

<b>To: (name of contact at East Sussex County Council)</b>	<b>Today's date:</b>
------------------------------------------------------------	----------------------

**Please attach any relevant additional information e.g. Chronology, Early Help Plan, CAF**  
(information from attached documents **does not** have to be repeated on this form)

**Please tell us what documents you have attached:**

#### 1. Child / young person you are concerned about

Full name	Gender
Date of Birth	Educational setting
Address	Phone number
NHS number	

#### 2. All other children & young people you are aware of in the household

Full name	Date of birth	Gender	Relationship to above	Educational setting	NHS number

#### 2a. Ethnicity of children & young people in the household

White	Mixed	Asian or Asian British	Black or Black British
<input type="checkbox"/> British	<input type="checkbox"/> White & Black	<input type="checkbox"/> Indian	<input type="checkbox"/> Caribbean
<input type="checkbox"/> Irish	<input type="checkbox"/> White & Black African	<input type="checkbox"/> Pakistani	<input type="checkbox"/> African
<input type="checkbox"/> Gypsy/Roma	<input type="checkbox"/> White & Asian	<input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Other*
<input type="checkbox"/> Irish Traveller	<input type="checkbox"/> Other*	<input type="checkbox"/> Other*	
<input type="checkbox"/> Other*	<input type="checkbox"/> Arab	<input type="checkbox"/> Chinese	<input type="checkbox"/> Prefer not to say

**\*Other Ethnic Group:**

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**3. Adults you are aware of in the household**

Full name	Gender	Relationship	Parental responsibility? Y/N

**3a. Any other significant adults, children or young people who live elsewhere**

Full name	Gender	Relationship	Parental responsibility? Y/N

**4. Why are you worried about this child / family? What is your risk assessment for them?**

Please include a chronology if not already attached/hi-light risks ie CSE/PREVENT/PHYSICAL ABUSE

--

**5. Do you know what has already been tried to support this family and the outcome of that support?  
(include attachments as appropriate)**

--

**6. What help do you think Children's Services – Early Help or Social Care can give in this case?**

--

**7. Who in the family is aware of this referral? What do they think about this referral being made?**

--

Please note: it is possible that this SOR and its contents will be discussed within the SPOA team and also within MASH if the SOR is passed through to that service. MASH is a multi-agency team and consists of staff from Children's Social Care, Police and other key early help services, information will be shared in order to work out the best way to respond to the concerns. We use the principles of information sharing as set out within Working Together 2015.

**8. Please list any organisations or services you think are working with any members of the family**

**9. Referrer information: Please tell us about you**

Name		Role	
Service		Contact details	
Signature			

# Pan-Sussex Channel referral and assessment form

Restricted when complete (this document is only disclosed to those partners who have an information sharing agreement in place).

<b>Pan-Sussex Channel referral and assessment form</b>			
<b>Referral Details</b>			
<b>Name:</b>			
<b>Alternative name:</b>			
<b>Date of Birth:</b>		<b>Gender:</b>	
<b>Address:</b>			
<b>Nationality:</b>		<b>Ethnicity:</b>	
<b>Language (first):</b>		<b>Faith:</b>	
<b>School/college or Occupation/workplace:</b>			
<b>Family or Carer details:</b>			
<b>Referring Agency Details</b>			
<b>Referral Author and Contact Details:</b>			
<b>Agency:</b>			
<b>Date of Referral:</b>			

<b>Vulnerability Factors</b>		
<b>Factor</b>	<b>Notes</b>	<b>Y/N</b>
<b>Faith/Ideology</b>	e.g. concerning comments relating to faith or ideology, or association with extremists	
<b>Social Mobility</b>	e.g. poverty, lack of education or employment, immigration issues	
<b>Physical or mental health</b>	e.g. disability, learning difficulties, mental health support needs	
<b>Risk or harm factor</b>	e.g. threat posed by family member (Domestic Violence issues), victim of hate crime or personal attack: Perpetrator of Hate Crime.	
<b>Criminal Activity or</b>	e.g. involved in criminal activity or	

<b>association</b>	associating with known criminals	
<b>Isolation or exclusion</b>	e.g. lack of social activity, isolation, absent peer groups	
<b>Other factor</b>	Any other factors Please specify: e.g Jordan is a violent young man who seems to enjoy fighting. He's also quite charismatic and intelligent and also appears to be quite manipulative.	
<b>Is the individual aware of the referral?</b>	It is not always necessary to notify the individual, but it can be beneficial if they are aware.	

### Restricted when Completed

<b>Summary reason for referral</b>
Outline main reasons for referral:
<b>Existing agency involvement</b>
<i>Outline and existing agency involvement (that you are aware of) e.g. CAF (Common Assessment framework), MAPPA (Multi Agency Public Protection Arrangements), Safeguarding:</i>
<b>Any other relevant information</b>
<p><b>Notes:</b> A Channel referral places an individual into a multi-agency assessment and support process which aims to reduce their vulnerability to extremist-related activity. Each referral is screened for suitability. Further information will be sought from partner agencies before any support mechanisms are put in place. Your referral is important and does not mean an individual is a terrorist or will become a terrorist, only that vulnerabilities have been identified which require further investigation or help. Please provide as much detail as possible.</p> <p>If you have any questions or concerns please do not hesitate to discuss with your head of safeguarding, your nominated Single Point of Contact or local <i>Prevent</i> Engagement Officer:</p> <p>Naomi Watkinson - Prevent Officer Force Counter Terrorism Intelligence Unit Sussex Police Telephone 07788 566585</p> <p>Email: <a href="mailto:naomi.watkinson@sussex.pnn.police.uk">naomi.watkinson@sussex.pnn.police.uk</a></p>

When completed please email to [channel@sussex.pnn.police.uk](mailto:channel@sussex.pnn.police.uk)

## Appendix G – Risk Assessment

The Named Senior Officer is responsible for ensuring that a corporate risk assessment covering safeguarding is carried out and recorded on Pentana.

Heads of Service are responsible for ensuring risk assessments are carried out in their service areas and recorded on Pentana.

For the purposes of this policy the type of work shown is indicative of the type of areas where protection of children and vulnerable adults should be considered. It is not intended to be comprehensive or exclusive.

Managers of work areas have responsibility for identifying “at risk” staff and other groups.

**High Risk:** Staff who enter people’s homes where Children or Vulnerable Adults may be, e.g.

- Leisure Centre & Sports Centre Staff
- Events staff
- Neighbourhood Advisors
- Contractors
- Volunteers

**Low Risk:** Staff who work out of the office but have no direct contact with Children, e.g.

- Contract inspectors
- Planning Officers / Building Control Officers

**No Risk:** Staff who are office based and have no contact with Children or Vulnerable Adults, e.g. Financial or Legal staff

When considering risk the same methodology should be applied to Council members, staff, contractors and volunteers.



## Appendix H – Information Sharing

Working Together to Safeguard Children 2015 states that:

*“Effective sharing of information between professionals and local agencies is essential for effective identification, assessment and service provision.*

*Early sharing of information is the key to providing effective early help where there are emerging problems. At the other end of the continuum, sharing information can be essential to put in place effective child protection services. Serious Case Reviews (SCRs) have shown how poor information - sharing has contributed to the deaths or serious injuries of children.*

*Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children.” (Working Together 2015)*

Professionals often feel confused or concerned when they are asked to provide information to Children’s or Adult Social Care. Usually, this concern centres on the Data Protection Act and whether or not the professional has to obtain the consent of a parent before personal information can be shared.

There have been occasions when attempts to protect children from significant harm have been obstructed or delayed by a professional’s reluctance to share relevant information.

No professional should assume that someone else will pass on information which they think may be critical to keeping a child safe. If a professional has concerns about a child’s welfare and believes they are suffering or likely to suffer harm, then they should share the information with local authority children’s social care.

### **What is the legal basis for sharing information?**

Sharing information with Children’s or Adult Social Care when they are discharging their legal duty to safeguard children or vulnerable adults is enshrined in legislation, statutory guidance, and in inter-agency safeguarding procedures.

- The Children Act 1989 requires local authorities to make child protection enquiries if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, and requires other organisations to assist them with those enquiries if asked to do so.
- The Children Act 1989 places a general duty on local authorities to provide services for children in need in their area; section 27 of the act enables local authorities to request the help of other organisations to exercise this duty.
- Section 10 of the Children Act 2004 requires organisations to cooperate with the local authority to make arrangements to improve the wellbeing of children in their area.

- Section 11 of the Children Act 2004 places a duty on organisations to make arrangements to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children; this includes ensuring arrangements are in place for appropriate information sharing.
- Section 175 of the Education Act 2002 requires governing bodies of maintained schools and further education colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. Section 157 of the Education Act 2002 requires proprietors of independent schools (including academies, Free Schools and city technology colleges) and The Non-Maintained Special Schools Regulations 1999 require governing bodies of non-maintained special schools to make similar arrangements to safeguard and promote the welfare of children. Collaborative work and information sharing is necessary to fulfil these duties.
- Clause 45 of the Care Act focuses on 'supply of information'. This relates to the responsibilities of others to comply with requests for information from the Safeguarding Adults board

Staff should be aware of:

- 'Working Together to Safeguard Children' 2018, which replaces the guidance issued in 2015 (<http://www.workingtogetheronline.co.uk/>)
- The 'Care and Support Statutory Guidance' 2018 (<http://www.safecic.co.uk/>)
- Local requirements as set out in the *Sussex Safeguarding and Child Protection Procedures* (<https://sussexchildprotection.procedures.org.uk/>)
- Local requirements as set out in the *Sussex Safeguarding Adult – Policy and Procedures* (<http://sussexsafeguardingadults.procedures.org.uk/>)

The general principle is that information will only be shared with the consent of the subject of the information.

However, consent should not be sought:

- If it would place a child or adult at increased risk of harm
- If it would prejudice the prevention of detection of a serious crime
- If it would lead to unjustified delay in making enquiries about allegations of significant harm to a child
- If required by a statutory duty or a court order to share information

Consent is not necessary in cases where Children's Social Care are making child protection enquiries under section 47 of the Children Act 1989 – information needs to be shared with them; staff should ensure they record that the information has been shared.

## Seven Golden Rules

- i. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.
- ii. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- iii. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
- iv. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgment on the facts of the case. See also [Further Information to Inform Decision Making Procedure](#) regarding the need for consent.
- v. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions.
- vi. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- vii. Keep a record of your decision and the reasons for it - whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

(Extract from “Information sharing: Guidance for Practitioners and Managers”)

### Further information can be found at:

[www.eastsussexlscb.org.uk](http://www.eastsussexlscb.org.uk) or <http://sussexsafeguardingadults.procedures.org.uk/>

## **Appendix I**

### **Multi-agency Public Protection Arrangements (MAPPA)**

The purpose of the MAPPA framework is to reduce the risks posed by sexual and violent offenders in order to protect the public, including previous victims, from serious harm.

The responsible authorities in respect of MAPPA are the police, prison and probation services. They have a duty to ensure that MAPPA is established in each of their geographic areas in order to ensure the risk assessment and management of all identified MAPPA offenders (primarily violent offenders on licence or mental health orders and all registered sex offenders).

Police, prison and probation services have a clear statutory duty to share information for MAPPA purposes. Other organisations have a duty to cooperate with the responsible authority, including housing providers. This information includes sensitive personal data where a need-to-know approach applies.

The council sends a representative to MAPPA meetings and contributes to minimising risk in the community through its participation. The council's Senior Specialist Advisor – Housing is the council's lead representative for MAPPA.

### **Multi-agency Risk Assessment Committee (MARAC)**

As a housing services provider the council makes referrals to and participates in casework at MARAC meetings when an incident of domestic violence, stalking or 'honour'-based violence triggers a risk concern. The MARAC data sharing protocol adopts a need-to-know approach. This requires the council to provide a Single Point of Contact (SPOC) to manage the security and appropriate dissemination of information and to co-ordinate council officer case involvement.

The council's Senior Specialist Advisor – Housing is the council's Single Point of Contact for MARAC and is responsible for ensuring attendance at MARAC meetings.

Where domestic violence is being experienced by an adult at risk, safeguarding procedures provide the overarching process for ensuring the coordination of multi-agency involvement. The MARAC process is used in addition to ensure that issues relating to domestic abuse are covered effectively.

The council's safeguarding contacts, managers and team leaders are responsible for ensuring legislative compliance, best practice, up-to-date contact details and effective liaison with partners at an operational level.

## Appendix J – e-Safety policy

This policy has been developed to support the council’s commitment to safeguarding and promoting the welfare of children and young people in a digital age.

The council recognises that being safe on line is not just a matter of technology and a comprehensive approach to e-safety is necessary.

### Background

“All agencies providing services to children have a duty to understand e-safety issues, recognising their role in helping children to remain safe online while also supporting adults who care for children.”

*Becta 2008, Safeguarding Children in a Digital World*

E-safety is the process of limiting risks to children and young people when using Information and Communications Technology (ICT). E-safety is primarily a safeguarding issue not a technological issue, which relates to the use of all ICT-fixed or mobile; current, emerging and future ICT.

ICT is used daily as a tool to improve teaching, learning, communication and working practices to the benefit of our children and young people and those that work to support them. The use of ICT is recognised as being of significant benefit to all members of our community, in personal, social, professional and educational contexts. However alongside these benefits, there are potential risks that we have a statutory duty of care to manage, to ensure they do not become actual dangers to children and young people in our care or for employees.

### E-Safety Risks & Issues

Some E-safety risks and issues are illustrated below

	<b>Commercial</b>	<b>Aggressive</b>	<b>Sexual</b>	<b>Values</b>
<b>Content</b> (child as recipient)	Adverts Spam Sponsorship Personal info	Violent/hateful content	Pornographic or unwelcome sexual content	Bias Racist Misleading info or advice
<b>Contact</b> (child as participant)	Tracking Harvesting personal info	Being bullied, harassed or stalked	Meeting strangers; being groomed	Self-harm Unwelcome persuasions
<b>Conduct</b> (child as actor)	Illegal downloading Hacking Gambling Financial scams Terrorism	Bullying or harassing another	Creating and uploading inappropriate material	Providing misleading info or advice.

*DSCF, 2008 - Safer Children in a Digital World: The report of the Byron Review*

## **e-Safety lead officer**

The Head of ICT is the council's e-Safety lead officer, responsible for ensuring that this policy is disseminated, implemented and reviewed.

The e-Safety lead officer is responsible for:

- Ensuring that appropriate Acceptable Use of ICT policies are in place and included in the suite of policies that all staff, volunteers and council Members sign to confirm their compliance
- Ensuring that procedures are in place for reporting an e-safety incident, e.g. clear lines of reporting incidents of misuse of ICT by users and safeguarding incidents when a user is at risk or has come to actual harm through the use of ICT.

## **Procedures**

All staff and volunteers are responsible for reporting any incidents of misuse of ICT by users that they become aware of to their line manager or Head of Service.

All council Members are responsible for reporting any incidents of misuse of ICT that they become aware of to the council's Monitoring Officer.

All staff and volunteers are responsible for reporting any safeguarding incidents when a user is at risk or has come to actual harm through the use of ICT through the council's agreed Safeguarding Procedures.

## **Infrastructure & Technology**

The council will:

- Identify all routes to access the Internet in council run buildings and carry out risk assessments with regards to e-Safety;
- consider the use of additional software and/or settings for technologies to limit the e-safety risk;
- use up to date security software / solutions for technologies;
- where Internet access is available, ensure that all web content filtering products or services used, as a minimum:
  - subscribe to the Internet Watch Foundation Child Abuse Images and Content (CAIC) URL List;
  - block 100% of illegal material identified by the Internet Watch Foundation (IWF);
  - are capable of blocking 90% of inappropriate content in each of the following categories:
    - Pornographic, adult, tasteless or offensive material;

- Violence (including weapons and bombs, radicalisation);
- Racist, extremist and hate material;
- Illegal drug taking and promotion;
- Criminal skills and software piracy.

### **Training**

Where Council staff, volunteers and members have contact with children and young people the Council aims to raise awareness of e-safety through induction and training programmes.

All staff, volunteers and Council Members are made aware of the Council's policies and procedures governing Safeguarding, including this Policy on e-safety.

The Council also aims to promote awareness of e-safety and to encourage staff and partner organisations to attend training covering issues of e-safety.

### **Policy review**

This policy will be reviewed annually or in response to new technologies or e-safety incidents if sooner.

## **Appendix K: Private Fostering**

There is a duty on parents and private foster carers who enter into a private fostering arrangement to notify Children's Services of this.

Private Fostering is when a child under the age of 16 (or under 18 if the child is disabled) is cared for by someone who is not their parent or a 'close relative' through a private arrangement made between a parent and a carer for 28 days or more.

A 'close relative' can include step-parents, grandparents, brothers, sisters, uncles or aunts (whether of full blood, half-bloods or by marriage).

If any private fostering arrangements come to our attention the Council will check with SPOA to ensure they have been made aware of the situation.

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## Appendix L – Domestic Abuse

### Definition

Domestic abuse can encompass, but is not limited to, the following types of abuse:

- Psychological;
- Physical;
- Sexual;
- Financial;
- Emotional.

Whilst women are more likely to experience the most serious forms of domestic violence and abuse, it is important to acknowledge that there are female perpetrators and male victims and that domestic violence and abuse also occurs within same sex relationships.

The definition of 'harm' in Section 31A of the Children Act 1989 (introduced by the Adoption and Children Act 2002) recognises that a child may suffer harm through witnessing domestic violence and abuse. Research evidence also indicates a strong link between domestic violence and abuse and all types of abuse and neglect.

Officers dealing with cases where domestic abuse has been reported, should ensure their response safeguards both the child and the non-abusing parent. Local arrangements set out how this assessment is undertaken including use of the [DASH Risk Assessment Tool](#) and referral to the Multi-Agency Risk Assessment Conference (MARAC) process. The MARAC is a process involving the participation of all the key statutory and voluntary agencies who might be involved in supporting victims of domestic violence and abuse. The objective is to share information and establish a simple multi-agency action plan to support the victim and make links with other public protection procedures, particularly safeguarding children, vulnerable adults and the management of offenders.

Any staff member who becomes aware of domestic violence and abuse should safeguard the safety of the victim and:

- ascertain whether there are any children living in the household or if the victim is pregnant and, if so, refer the case to Children's Services
- make a preliminary determination of the degree of exposure of the children to the incidents of violence and its consequent impact;
- where possible provide the victim with information on local support services and refuge details, taking into account any ethnic or cultural issues (available from local domestic violence forums).

Staff need also to be aware of **The Domestic Violence Disclosure Scheme** (DVDS) (also known as '**Clare's Law**'). This gives members of the public a formal mechanism to make enquires about an individual who they are in a relationship with, or who is in a relationship with someone they know, where there is a concern that

the individual may be violent towards their partner. This scheme adds a further dimension to the information sharing about children where there are concerns that domestic violence and abuse is impacting on the care and welfare of the children in the family.

Members of the public can make an application for a disclosure, known as the 'right to ask'. Anybody can make an enquiry, but information will only be given to someone at risk or a person in a position to safeguard the victim. The scheme is for anyone in an intimate relationship regardless of gender. Partner agencies, such as local authorities, can also request disclosure is made of an offender's past history where it is believed someone is at risk of harm. This is known as 'right to know'.

If a potentially violent individual is identified as having convictions for violent offences, or information is held about their behaviour which reasonably leads the police and other agencies to believe they pose a risk of harm to their partner, the police will consider disclosing the information. A disclosure can be made if it is legal, proportionate and necessary to do so.

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# Agenda Item 8

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>24 October 2018</b>
<b>Title:</b>	<b>Revised Statement of Community Involvement</b>
<b>Report of:</b>	<b>Director of Regeneration and Planning</b>
<b>Cabinet member:</b>	<b>Councillor Jonathan Dow (Cabinet member for Place Services)</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To highlight changes to the Eastbourne Statement of Community Involvement (SCI) required as a result of the Neighbourhood Planning Act 2017, and for members to authorise the publication of a revised Statement of Community Involvement for public consultation with the local community and othe stakeholders for an 8 week period.</b>
<b>Decision type:</b>	<b>Key decision</b>
<b>Officer recommendation(s):</b>	<b>1. To approve the revised Statement of Community Involvement (SCI) as set out in Appendix 1, for publication for an 8 week consultation period to receive representations and comments. 2. To delegate authority to the Director of Regeneration and Planning in consultation with the Lead Cabinet Member to make minor or technical amendments arising from the consultation and to seek its adoption by Full Council</b>
<b>Reasons for recommendations:</b>	<b>The Council's previous SCI is considered to be out of date as a result in changes in legislation since it was adopted on 19 July 2017 and a new SCI is being prepared to guide public consultation in the preparation of the new Local Plan for the town.  To ensure the new SCI is progressed towards adoption in a timely manner thereby supporting the implementation and delivery of the new Local Plan.</b>

**Contact Officer(s):**      **Name: Gerda Zijm**  
**Post title: Planning Policy Officer**  
**E-mail: Gerda.Zijm@lewes-eastbourne.gov.uk**  
**Telephone number: (01273) 085870**

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## **1.0 Introduction**

- 1.1 A Statement of Community Involvement (SCI) sets out the Council's approach to consulting the local community and other stakeholders on planning matters within the local planning authority boundary.
- 1.2 The Council's existing SCI was adopted on 19 July 2017 :a revision is required to take into account the introduction of the Neighbourhood Planning Act 2017.The Neighbourhood Planning Act 2017 states the SCI must set out the Council's policies for advising and assisting with neighbourhood planning . In addition the SCI must include policies for involving interested parties in the preliminary stage of plan making ( save where the Council has complied with the initial preparation requirements before 31 July 2018).
- 1.3 Before the revised SCI can be adopted, it should be published for consultation with the local community and other stakeholders. It is proposed that public consultation on the draft revised SCI should take place for an 8 week period between 26 October and 21 December 2018, in line with the principles set out in the existing SCI. The draft revised SCI is provided at Appendix 1.

## **2.0 Background**

- 2.1 The Planning & Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement (SCI), which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. It is a legal requirement that any consultation on Local Plans is undertaken in accordance with the adopted SCI.
- 2.2 The Localism Act 2011 introduced the concept of 'neighbourhood planning', which gives local communities the ability to prepare their own neighbourhood plans to shape development within their neighbourhood and devised their own planning policies. Once adopted, these neighbourhood plans have the same status as the Council's Local Plan. Neighbourhood planning is not a legal requirement but a right which communities can choose to use.
- 2.3 Within urban boroughs such as Eastbourne, neighbourhood planning can only be undertaken by a neighbourhood forum. The neighbourhood forum and the

designated area that they would like to plan for must be first approved by Eastbourne Borough Council. Currently, there are no designated neighbourhood areas within Eastbourne.

- 2.4 The Neighbourhood Planning Act 2017 amends the Planning & Compulsory Purchase Act 2004 to require that a Council's Statement of Community Involvement must set out the local planning authority's policies for giving advice or assistance on proposals for making of neighbourhood development orders and on proposals for modification of neighbourhood development plans. This applies regardless of whether or not an area within the local authority's area has been designated as a neighbourhood area. The proposed revisions to the SCI mainly relate to this legislative requirement.

### **3.0 Proposed revisions to the SCI**

- 3.1 The proposed revisions to the SCI principally relate to the Council's approach and procedures in relation to assisting the community with Neighbourhood Planning. The changes are focused on strengthening the procedures for supporting Neighbourhood Planning in Eastbourne.
- 3.2 The revisions to the SCI with regard to Neighbourhood Planning are limited to three areas: the responsibilities of the Council; assistance and advice from the Council; and consultation methods in neighbourhood planning.

#### The responsibilities of the Council

- 3.3 The Localism Act 2011, Neighbourhood Planning Act 2017 and other relevant legislation set out the Council's responsibilities. All the Council's responsibilities in relation to the designation of a neighbourhood area/forum, arranging for covering costs, determining and advising as to whether all basic conditions are met and providing information are set out in accordance with this legal requirement, including the responsibility to giving advice and assistance to groups engaged in or seeking to engage in Neighbourhood Planning.

#### Assistance and advice of the Council

- 3.4 The SCI sets out the possible methods that the Council could use to support neighbourhood planning. This includes:
- on-going advice with a focus on the conformity of the Neighbourhood Plan/Order with the existing national and local planning framework,
  - assistance in (timetabling, consultation events, site selection and relevant legislation,
  - providing examples,
  - practical assistance

## Consultation methods in Neighbourhood Planning

- 3.5 Neighbourhood forums will decide how they want to involve their communities in the preparation of their neighbourhood plans. The SCI is a Council document and cannot prescribe the consultation methods that a neighbourhood forum should use. However, it does suggest a wide range of consultation methods that could be used, and these have been devised as a result of surveys and consultation with the objective of improving participation.

### Other amendments

- 3.6 In addition to the inclusion of Neighbourhood Planning related information, some minor amendments have been proposed:
- The reference to data protection legislation has been updated, required by the adoption of the General Data Protection Regulation, brought into force in 2018.
  - The reference to the NPPF has been updated as a revised NPPF was published in July 2018.
  - The reference to the Neighbourhood Planning Act 2017 is included, the inclusion of the Council's policy on advice and assistance in neighbourhood planning made this necessary.
  - The reference to neighbourhood planning in the Localism Act 2011 was included for the same reason.
  - The insertion of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 states a review must be completed every five years starting from the date of adoption of the SCI. As such, the 'Monitoring and Review' section of the document has been amended to reflect.

## **4.0 Consultation**

- 4.1 It is proposed that public consultation on the revised SCI should take place for an 8 week period (in line with the proposals contained within the SCI) between 26 October and 21 December 2018.
- 4.2 Consultation on the draft revised SCI will follow the principles set out in the draft document. In addition to the basic standards, it is considered that the following additional methods are appropriate for consultation on the draft revised SCI:
- Production of leaflets/posters to advertise the consultation
  - The provision of summary documentation
  - Engaging community organisations/groups
- 4.3 Following the conclusion of the consultation, representations will be fully considered and recommendations for any further amendments considered

necessary will be presented to Cabinet in February 2019. Once these have been approved, the SCI should go forward to Full Council for formal adoption. It will then be used to direct public consultation on the new Eastbourne Local Plan, which is anticipated to take place in summer 2019.

- 4.4 Due to the amended wording in the section on Monitoring and Review, the SCI will be reviewed every 5 years. This commits the Council to reviewing the issues and themes within the SCI on a regular basis, as required by legislation.

## **5.0 Corporate plan and council policies**

- 5.1 EBC Corporate Plan firmly supports the importance of community involvement. Working together with other authorities, organisations and the residents is viewed as a fundamental necessity for achieving the goals.

- 5.2 Although neighbourhood planning in Eastbourne is yet to be taken up by the community, the Council should be proactive in providing information to communities about neighbourhood planning. By amending the SCI to update the Council's commitment to support the community to get involved with planning, it is taking another step towards making neighbourhood planning more accessible to the community.

## **6.0 Financial appraisal**

- 6.1 There are not considered to be any financial implications for the General Fund base budget and Finance have no comments to make on the proposal. The cost of the consultation and publication of the SCI and the requirements of the SCI for future consultation will be met from within the service budget. Financial resources will be taken into consideration when determining the specific approach to consultation on a planning policy document.

## **7.0 Legal implications**

- 7.1 Section 18 of the Planning and Compulsory Purchase Act 2004 provides that a Local Planning Authority must prepare a Statement of Community Involvement. The document is also being prepared in order to secure compliance with Regulation 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and with regard to the requirements of the National Planning Policy Framework.

- 7.2 The Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018 brings into force changes required to be made to SCIs prescribed by the

Neighbourhood Planning Act 2017 (namely Sections 6 and 13 of the Act, which amend Section 18 of the Planning and Compulsory Purchase Act 2004).

- 7.3 Regulation 12 of the Town & Country Planning (Local Planning) (England) Regulations 2012 requires that before the SCI is adopted, a statement setting out details of those consulted when preparing the SCI, 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 SCI.

Legal Implications Provided 05.09.2018 007622-EBC-HM

## **8.0 Risk management implications**

- 8.1 The production of the new Eastbourne Local Plan is required to be produced in conformity with an adopted SCI. The requirements of the Neighbourhood Planning Act 2017 as they relate to Statements of Community Involvement came into force on 31<sup>st</sup> July 2018 , which means that the current SCI is not up to date. Any delays in the adoption of the revised SCI could impact on the timetable for the production of the new Eastbourne Local Plan..
- 8.2 To mitigate the risk, members of the Local Plan Steering Group will be kept up to date with consultation representations and the proposed response to those representations before the revised SCI goes to Cabinet and Full Council in February 2019.

## **9.0 Equality analysis**

- 9.1 The SCI pays much attention to facilitating equal access to participation in local planning decisions. Using information gathered from surveys and public consultation, the SCI presents a wide range of methods that can be used to engage the community, including groups with protected characteristics.
- 9.2 The Equality and Fairness analysis states that the amendments made to the SCI are focused on strengthening the procedures for Neighbourhood Planning in Eastbourne. They are not expected to have any negative direct impacts on groups with protected characteristics. It is not considered that the revisions will have an impact on any groups with protected characteristics; however the revisions will be subject to public consultation following approval from Cabinet to consult.
- 9.3 To increase the awareness of groups with possible limited access or groups with protected characteristics, the Council will be more proactive in the first stages of neighbourhood planning as well as in all consultations. Following the completion of a public consultation, a Statement of Consultation will be produced and appropriate adjustments will be made to the draft document, where necessary.



## Appendices

- Appendix 1 - The draft revised Statement of Community Involvement

## Background papers

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

- Eastbourne Statement of Community Involvement (2017) EBC SCI2017  
<https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/?assetdet6489524d-f1f5-4d4c-8362-fee79affbb2a=262416>
- National Planning Policy Framework (MHCLG, 2018)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733637/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733637/National_Planning_Policy_Framework_web_accessible_version.pdf)
- Town & Country Planning (Local Planning) (England) Regulation 2012  
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>
- Neighbourhood Planning Act (2017)  
<http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>
- Localism Act (2011)  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- The Equality and Fairness Analysis for SCI (2018)
- <https://www.gov.uk/guidance/neighbourhood-planning--2>

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

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## 1.0 Introduction

- 1.1 Every day, decisions are made about our surroundings: what homes, roads, offices, and shops are built and where, and what public spaces will be created and protected. These decisions affect us all, and the Town and Country Planning system seeks to ensure that the local community and other stakeholders are involved in them.
- 1.2 It is important that local people understand the planning process and are given the opportunity to get involved to contribute to planning decisions. In order to achieve this, Eastbourne Borough Council has produced this Statement of Community Involvement (SCI) to set out the standards and approaches that the Council will take to involve stakeholders and the community in the consulting on planning matters.

### What is a Statement of Community Involvement?

- 1.3 Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to produce a Statement of Community Involvement (SCI), which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications.
- 1.4 Eastbourne Borough Council is the Local Planning Authority for the Eastbourne Borough area, excluding the area within the South Downs National Park. Within this area, the Local Planning Authority is the South Downs National Park Authority.
- 1.5 Eastbourne Borough Council's SCI sets standards and methods that will be followed for engaging residents, local groups, stakeholders and statutory consultees in:
- The preparation of the plans (known as Local Development Documents) and policies that set out what the town requires and how it will change over a 15 to 20 year period (**Plan making**); and
  - The determination of planning applications for new development (**Development Management**).

In the case of Neighbourhood Planning the SCI will set out the policy of the Council to advise and assist to Neighbourhood Planning

- 
- 1.6 The Council's first SCI was adopted in 2006, with a technical amendment made in 2009. This SCI has been used to direct consultation on the production of planning policy documents such as the Core Strategy, the Town Centre Local Plan and the Employment Land Local Plan.
  - 1.7 The Council has reviewed and amended the previous SCI to take into account legislative changes since 2009 and to reflect on previous experience of consultation in order to make the consultation process more accessible, efficient and effective. This SCI was subject to public consultation between 24<sup>th</sup> March and 19<sup>th</sup> May 2017. In 2017 new legislation on Neighbourhood Planning made it necessary to revise the recently adopted SCI (July 2017) to accommodate some specific legislative requirements.
  - 1.8 In the revised version of the SCI, new information including the Council's policy on assistance and advice it will provide to groups engaged in or seeking to engage in Neighbourhood Planning is included. However, community engagement in Neighbourhood Planning is the responsibility of the Neighbourhood Forum, and apart from including the requirements set out in legislation, this SCI doesn't prescribe the way a Neighbourhood Forum will engage with the community.

### Why get involved?

- 1.9 Most people have limited contact with the planning system. They may need to make a planning application for an extension to their home, or possibly their neighbour makes a planning application and the Council contacts them for their views.
- 1.10 However many people are interested in their town's future. They want their children to have a decent home and job and they value Eastbourne's environment. They have clear ideas as to the kind of place they would like Eastbourne to be but probably have not realised the important role of planning in helping to achieve these ideas.
- 1.11 The Council values these ideas and wants to hear from the local community both when it is considering planning applications and when it is preparing planning policies.

## Legislation and National Policy

- 1.12 The key pieces of legislation and national policy that are relevant to consultation on planning matters and the preparation of this SCI are outlined below.

### *National Planning Policy Framework*

- 1.13 The National Planning Policy Framework 2018 (NPPF) sets out guidance for local planning authorities both in drawing up plans and making decisions about planning applications. Paragraph 15 and 16 of the NPPF set out that planning should 'be genuinely plan-led (...) and a platform for local people to shape their surroundings. (15) Plans should: (...) c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.
- 1.14 In addition, the National Planning Practice Guidance (NPPG) adds further context to the NPPF and provides additional advice on a range of matters including on local plans, determining planning applications, and consultation and pre-decision matters. Regard must be had to national policies and advice contained in the NPPF and NPPG in plan making, and these are also 'material considerations' in the determination of planning applications.

### *Localism Act 2011*

- 1.15 Section 110 of the Localism Act 2011 introduced a "Duty to Co-operate" for local planning authorities and other public bodies to work collaboratively on strategic, cross boundary issues. It requires Local Planning Authorities and other prescribed bodies to engage in the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic matters, defined as matters affecting more than one planning area.
- 1.16 The Localism Act also contains a wide range of measures to devolve more powers to councils and neighbourhoods and give local communities greater control over local decisions like housing and planning. These new provisions will allow for planning permission to be granted through neighbourhood development orders – including a category of such orders to be known as "Community Right to Build Orders". It amends the Planning and Compulsory Purchase Act 2004 to make provision on a new category of development plans: neighbourhood development plans. These plans and orders will be

made by local planning authorities on the initiative of parish/town councils or neighbourhood forums.

### *Neighbourhood Planning Act 2017*

- 1.17 The Neighbourhood Planning Act 2017 is designed to encourage communities engaged in neighbourhood planning to complete the process and to assist others to draw up their own plans or orders. The Act strengthens neighbourhood planning by ensuring that planning decision-makers take account of very advanced neighbourhood plans; requiring parish councils and designated neighbourhood forums to be automatically notified of future planning applications in their area and, by giving neighbourhood plans full legal effect at an earlier stage. It introduces a proportionate process for modifying neighbourhood development orders and plans and facilitates the modification of neighbourhood areas, plans and orders where one has already been made. The Act also makes it the duty of local planning authorities to support neighbourhood planning groups and increases the transparency of the neighbourhood planning examination process.
- 1.18 The Act also amends existing legislation with regard to local development documents, planning conditions (especially pre-commencement conditions), compulsory purchase and other specified planning matters.


### *Equalities Act 2010*

- 1.19 Under the Equalities Act 2010, local authorities must have regard to the Public Sector Equalities Duty in respect of engaging with people with 'protective characteristics': age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. The Equalities Act requires that due regard should be given to:
- eliminate unlawful discrimination
  - advance equality of opportunity between people who share a protected characteristic and those who don't
  - foster or encourage good relations between people who share a protected characteristic and those who don't.

### *Data Protection Act 1998 and Freedom of Information Act 2000*

- 1.20 Representations submitted on planning consultations cannot be treated in confidence under the Freedom of Information Act 2000. This means that copies of representations and the name of the person submitting the





representation will be made publicly available, and by submitting representations, consultees accept responsibility for their comments. However, under the Data Protection legislation, other personal information such as telephone numbers, email/private addresses and signatures will not be made publicly available.

## 2.0 Overview of Local Authority Planning

- 2.1 The Planning System manages the use and development of land and buildings with the aim of achieving 'sustainable development'.
- 2.2 The Planning System has two main parts to it:
- **Plan making** – setting out a plan and policies for how an area will develop over time as a guide to future development.
  - **Development Management** – when proposals for development is assessed and granted or refused planning permission.
- 2.3 The planning system is a 'plan-led system', which means that applications for planning permission should be determined according to what the plan and policies for the area says about it, unless there are material considerations that would go against this. Therefore it is important that the local community get involved in the plan making stage as well as commenting on specific planning applications.
- 2.4 Planning officers prepare the local policy and assess applications, and provide advice to elected Councillors, who are responsible for approving planning policy documents and plans, and making decisions on whether planning permission should be granted.

### Plan-making

- 2.5 Plan-making is setting the strategy for the future of the area over a long period, typically 15/20 years, in the form of plans and policies. These plans and policies are contained within Local Development Documents, which is collective term used to describe Local Plans and Supplementary Planning Documents.
- 2.6 Plan-making can be undertaken by local communities through Neighbourhood Planning. Community-led plan-making is discussed in more detail in Section 6.
- 2.7 The legal requirements for the production of Local Development Documents are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning (General) Regulations

2012 (as amended), which will subsequently be referred to as 'the Local Planning Regulations'.

- 2.8 The Council sets out its timetable for plan-making in the Local Development Scheme (LDS)<sup>1</sup>. The LDS specifies the Local Development Documents that are to be produced; the subject matter and geographical area to which each document relates; and the timetable for the preparation and revision of these documents.

## Local Plans

- 2.9 The Local Plans are formal plans that set out the strategic priorities for future development including the requirements for housing, the economy, community facilities and infrastructure, as well as a basis for safeguarding the environment, adapting to climate change and securing good design.
- 2.10 The Local Plan sets out what opportunities there are for development in the area, and what will and will not be permitted and where. Therefore Local Plans are critical in determining what will be developed, what will be protected and what will not be given permission to be built.
- 2.11 In preparing Local Plans, Local planning authorities will firstly assess the future needs and opportunities in the area. Options for addressing these issues will be presented, and a preferred approach will be identified. This process involves the gathering of evidence, carrying out of a Sustainability Appraisal to ensure that development is sustainable, and effective engagement and consultation with the local community and other stakeholders.

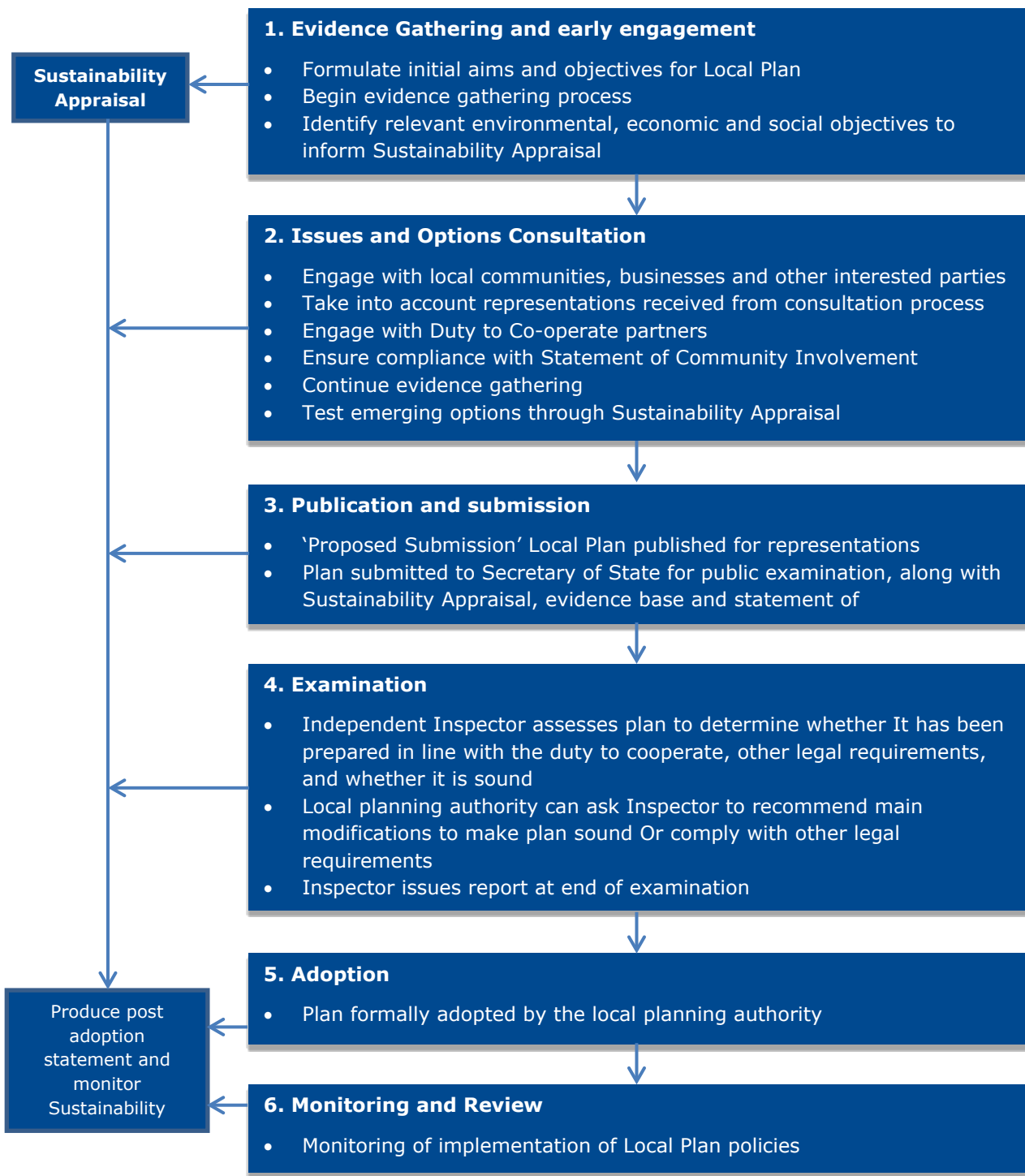
### *Key Stages of Production of a Local Plan*

- 2.12 The process of preparing a Local Plan involves several stages, which are identified in Figure 1.

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<sup>1</sup> [www.eastbourne.gov.uk/lds](http://www.eastbourne.gov.uk/lds)

**Figure 1 - Stages in the preparation of a Local Plan**



*Adapted from Planning Practice Guidance, Paragraph 005 Reference ID: 12-005-20140306*

- 2.13 Further details of the key stages in Local Plan preparation are identified below, along with the appropriate sections from the Local Planning Regulations where relevant:

### **1. Evidence Gathering and early engagement** (*Regulation 18*)

The first stage in Local Plan preparation is to establish a clear understanding of what the Local Plan should cover to address the critical issues in the area. This is achieved by preparing a robust and relevant evidence base, which will also be used to develop policies and proposals at later stages in plan preparation. Social, economic and environmental data will be collected and the scope of the Sustainability Appraisal established.

There may be informal engagement with stakeholders at this stage to consider specific issues arising from the evidence gathering process. This will normally involve informal meetings to discuss issues with relevant consultees and stakeholders, but may also involve wider public engagement. Statutory bodies will be consulted on the scope of the Sustainability Appraisal.

### **2. Issues and Options Consultation** (*Regulation 18*)

The issues and options arising from the evidence gathering and early engagement will be subject to public consultation, and comments will be invited as to what the Local Plan should contain.

Once the Issues and Option consultation has concluded, all comments received will be reviewed and considered alongside the evidence collected. All emerging options will be tested through the Sustainability Appraisal, and all of this information will be used to draft the Local Plan.

### **1. Publication and submission** (*Regulation 19, Regulation 20 and Regulation 22*)

The Local Plan, at this stage known as the 'Proposed Submission' version, will be published alongside the Sustainability Appraisal to allow representations to be made on the plan before it is submitted to Secretary of State for public examination. Representations made at this stage should relate to issues of 'soundness'.

Following this representation period, the Council will submit the Proposed Submission version of the Local Plan, together with all other relevant reports,

the representations received and a Statement of Representations, to the Secretary of State for public examination.

## **2. Examination** (*Regulation 23 and Regulation 24*)

An independent Inspector will be appointed by the Secretary of State, who will conduct an Examination into the 'soundness' of the Local Plan. This is likely to include public hearing sessions. The Inspector will consider all of the information submitted alongside the Local Plan, including the evidence base and any representations submitted on the 'Proposed Submission' version. Anyone who submitted representations on the 'Proposed Submission' version will be invited to participate in the Examination, either through written representations or by appearing at public hearing session (it is important to note that both methods carry equal weight).

During the Examination, the Inspector may propose changes to address issues of soundness or legal compliance. These are known as 'Main Modifications'. Following the conclusion of the hearing sessions, the Main Modifications will be published for consultation.

## **3. Adoption** (*Regulation 25 and Regulation 26*)

Following the hearing sessions and the conclusion of the Main Modification consultation, the Inspector will issue a report on the examination, including conclusions as to whether the Local Plan is sound and legally compliant.

If the Inspectors Report considers the Local Plan to be sound and legally compliant, the Council can decide if they wish to adopt the Local Plan, including any modifications that the Inspector decides are necessary.

If agreed, the Local Plan should be adopted by Full Council. Following this there is a six week period for legal challenges to the adoption of the Plan to be submitted.

## **4. Monitoring and Review**

Once the Local Plan has been adopted, it will be monitored through the Authority Monitoring Report (AMR) which will be produced on an annual basis. This will inform when the Local Plan needs to be reviewed.

### *Sustainability Appraisal*

- 2.14 Sustainability Appraisal is a process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the social, economic and environmental impacts that would result from the implementation of the policies contained within Local Plans, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have.
- 2.15 The carrying out of a Sustainability Appraisal on Local Plans is a requirement of Section 19 of the Planning and Compulsory Purchase Act 2004. Sustainability Appraisal incorporates the requirement to prepare a 'Strategic Environmental Assessment' from the Environmental Assessment of Plans and Programmes Regulations 2004.

### **Supplementary Planning Documents**

- 2.16 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. The purpose of a SPD is to help applicants make successful applications. Once adopted, SPDs become material planning considerations in the determination of planning applications.
- 2.17 SPDs are not required to go through the Sustainability Appraisal process; however in exceptional circumstances a Strategic Environmental Assessment may be required if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.

### *Key Stages of Production of a SPD*

- 2.18 There are fewer stages in the preparation of a SPD compared to a Local Plan, meaning the SPDs can be produced in a shorter timeframe. The process of preparing a SPD involves several stages, which are identified in Figure 2 below.

**Figure 2 - Stages in the preparation of a Supplementary Planning Document**



2.19 Further details of the key stages in SPD preparation are identified below, along with the appropriate sections from the Local Planning Regulations where relevant:

**1. Evidence Gathering and Public Participation** (*Regulation 12*)

The first stage in SPD preparation is to assess the existing policy to identify what additional detail is required to assist in its implementation. If there is need for evidence in addition to that which supported the development of the policy, this will be gathered. Early engagement should take place with stakeholders and statutory bodies to identify early issues and how they can be addressed.

**2. Representations** (*Regulation 13*)

The SPD will be drafted and published for public consultation with the local community and other stakeholders. Once the consultation has concluded, all comments received will be reviewed and considered, and where the recommendations are considered beneficial, the Supplementary Planning Document will be amended accordingly.



### 3. Adoption (*Regulation 14*)

Once the consultation responses have been considered, the Council can adopt the SPD as there is no requirement for an independent examination of a SPD.

Once adopted by Full Council, there is a 12 week period for legal challenges to the adoption of the SPD to be submitted.

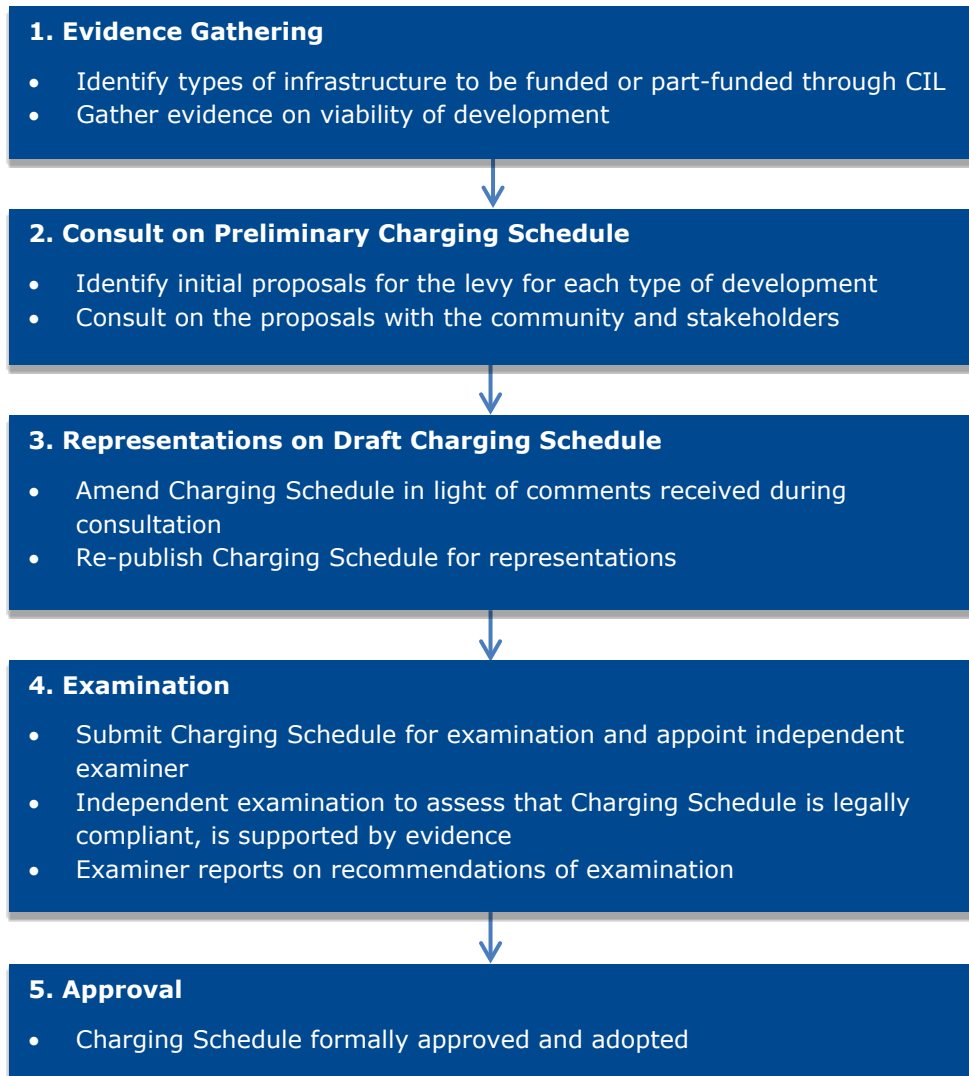
## Community Infrastructure Levy

- 2.20 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (as amended), which will subsequently be referred to as 'the CIL Regulations'.
- 2.21 Eastbourne Borough Council adopted CIL on 1 April 2015. The charging rates are set out in the CIL Charging Schedule and are expressed as £ (pounds) per square metre.
- 2.22 Charging schedules are not formally part of the Local Plan, but charging schedules should be consistent with, and support the implementation of, up-to-date Local Plans. Charging Schedules are not required to undergo Sustainability Appraisal.

### *Key Stages of Production of a CIL Charging Schedule*

- 2.23 The process for preparing a CIL Charging Schedule is not too dissimilar to that of a Local Plan. The process of preparing a CIL Charging Schedule involves several stages, which are identified in Figure 3.

**Figure 3 - Stages in the preparation of a CIL Charging Schedule**



2.24 Further details of the key stages in CIL Charging Schedule preparation are identified below, along with the appropriate sections from the CIL Regulations where relevant:

**1. Evidence gathering**

The first stage in the preparation of a Charging Schedule is to identify the types of infrastructure that should to be funded wholly or partly through CIL, drawn from the Infrastructure Delivery Plan produced to support the Local Plan.

Evidence should then be gathered to demonstrate the potential effects that any levy might have on the economic viability of development in the area, which is used to identify appropriate rates of different types of development.

## **2. Consult on Preliminary Charging Schedule** (*Regulation 15*)

A preliminary draft charging schedule, which sets out the charging authority's initial proposals for the levy, will be published for public consultation with the local community and other stakeholders.

Once the consultation has concluded, all comments received will be reviewed and considered, and taken into account when firming up its proposals in the form of the draft charging schedule.

## **3. Representations on Draft Charging Schedule** (*Regulation 16, Regulation 17 and Regulation 19*)

A Draft Charging Schedule is prepared in light of comments received on the preliminary draft and other updated evidence where applicable. It is published for further public consultation before going forward for a formal independent examination. During the consultation period, any person may comment on the draft charging schedule, and may ask to be heard by the examiner if they wish

Alongside the draft charging schedule, appropriate available evidence on infrastructure costs, other funding sources and economic viability must also be published.

## **4. Examination** (*Regulation 20 and Regulation 21*)

Once submitted, the charging schedule will be examined in public by an independent person appointed by the charging authority. Any person asking to be heard before the examiner at the examination must be heard in public. The examination could take the form of a public hearing, or if no-one has requested the right to be heard, through written representations.

## 5. Approval (Regulation 23 and Regulation 25)

Following Examination, the examiner will report their recommendations and may recommend that the draft charging schedule should be approved, rejected, or approved with specified modifications.

The charging schedule, incorporating any modifications specified by the examiner, must be formally approved by Full Council. The resolution should include an appropriate commencement date for the Charging Schedule.

### Development Management

- 2.25 Development Management is the process of managing the development of land and buildings through the granting of planning permission. Eastbourne Borough Council is responsible for deciding whether planning permission should be granted for a proposed development when a planning application is submitted.
- 2.26 Planning permission is generally required to carry out any form of 'development'. Development means constructing new buildings or significantly changing how land or buildings are being used. However, certain types of development do not require planning permission – this is called Permitted Development. This is because the effect of such developments on neighbours or the surrounding environment is likely to be small. Also, certain areas get additional special protection against particular types of development, particularly where it is within a Conservation Area or involves a Listed Building.
- 2.27 There are a number of different types of application that can be submitted, and these will be classed as either 'major' or 'minor'. Different applications have different timeframes for determination, for example the determination for a 'major' application should be within 13 weeks, whilst a 'minor' application should be determined within 8 weeks. By way of an agreement between the Council and the applicant/agent, an 'Extension of Time' can set a determination date outside of these parameters.
- 2.28 Whether planning permission is granted will depend on whether the application is in line with the policies and proposals within the Development

Plan, or if there are other strong planning reasons or 'material considerations'<sup>2</sup> that would influence a decision.

2.29 Decisions on whether planning permission should be granted will be taken via one of two mechanisms:

- Determination by elected Councillors on the Planning Committee
- Determination by the Senior Specialist Advisor in consultation with the Chair of Planning Committee through delegated powers

2.30 The criteria used to decide which applications should be determined by Planning Committee are covered at paragraph 47 of the Council's Scheme of Delegation<sup>3</sup>. The dates for Planning Committee can be found on the Council's website<sup>4</sup>.

2.31 Where an application is refused, either by Planning Committee or through delegated powers, the applicant has the right to appeal to the Planning Inspectorate, or to negotiate an amended scheme to overcome the areas of concern.

2.32 Eastbourne Borough Council makes decisions on around 800 applications per year, with approximately 90% being determined using delegated authority.

*Process for determining planning applications*

2.33 A summary of the process for the determination of planning applications is described in Figure 4.

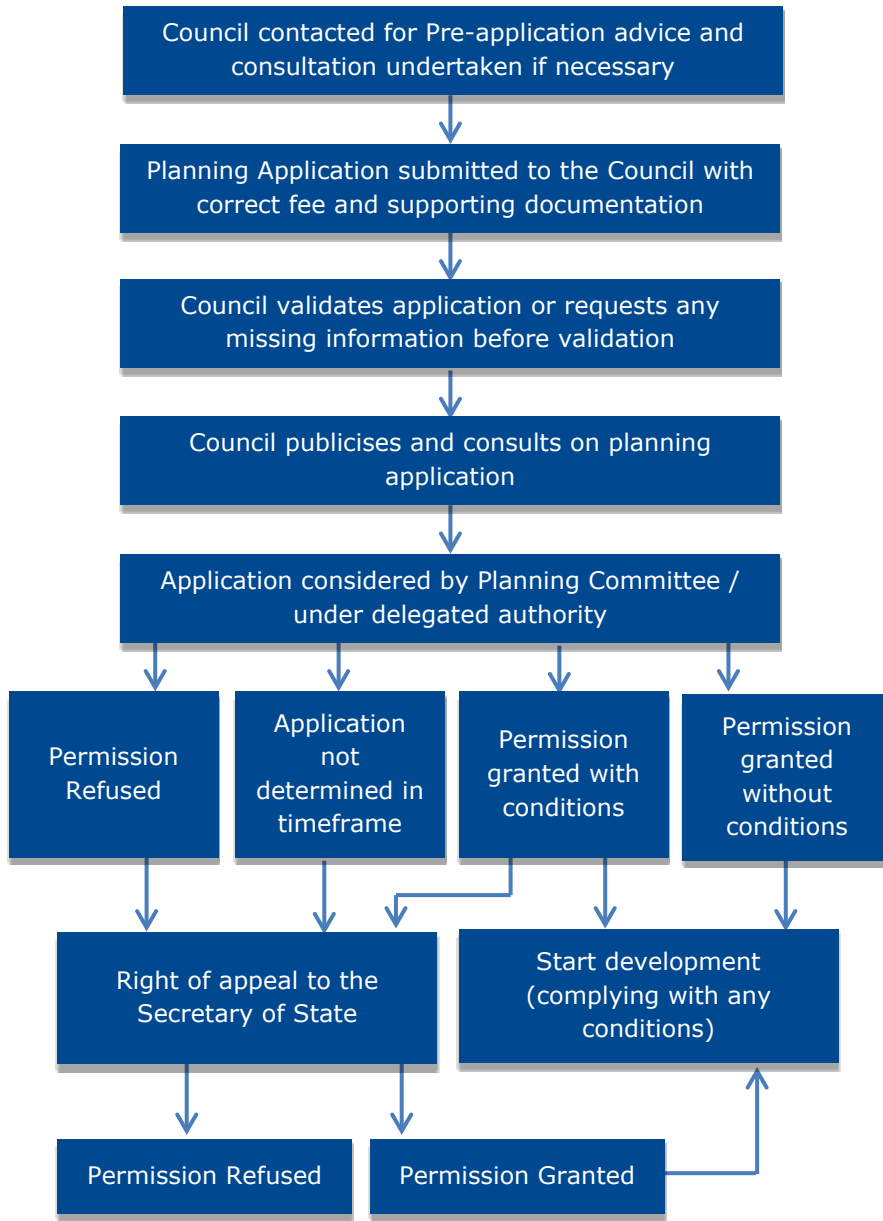
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<sup>2</sup> <http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf>

<sup>3</sup> <http://www.lewes-eastbourne.gov.uk/about-the-council/the-constitution/>

<sup>4</sup> <http://democracy.eastbourne.gov.uk/ieListMeetings.aspx?CIId=144&Year=0>

**Figure 4 - Stages in the processing of a planning application**



*Adapted from the Planning Portal website (Applications – the Decision-making process)*

## 3.0 Background to Eastbourne

### Eastbourne and its residents

- 3.1 Eastbourne is a coastal borough located within the county of East Sussex in the South East of England. It is bordered by the district of Wealden and the English Channel.
- 3.2 Eastbourne Borough Council is responsible for planning within the Eastbourne Local Planning Authority area. This includes the Eastbourne Borough boundary with the exception of the area within the South Downs National Park, which is in the planning jurisdiction of the South Downs National Park Authority. However it is recognised that Eastbourne's area of influence extends further than the Borough boundary into Willingdon and Polegate, and Eastbourne Borough Council does work with Wealden District Council and the South Downs National Park Authority on cross-boundary strategic planning matters in accordance with the 'Duty to Co-operate'.
- 3.2 Eastbourne has a population of 102,465 (ONS Mid-2015 Population Estimates), an increase of 7.3% over the preceding 10 years. This rate of growth is broadly in line with that of East Sussex as a whole.
- 3.3 Eastbourne has a substantially older age profile than the region and nationally, although it is broadly in line with the county profile. 24.2% of Eastbourne's population is aged over 65, and there is a particularly high percentage of people aged over 85 in comparison to East Sussex, the South East region and nationally.
- 3.4 At the 2011 Census, Eastbourne has 45,102 households. 36.2% of these were single person households, a higher proportion than across the county, the region and nationally. Average household size across Eastbourne is projected to fall over the next 10 years from 2.14 to 2.02 people per household.
- 3.5 Eastbourne's population change since 2001/02 has mainly been driven by net migration. Internal migration (the exchange of people between Eastbourne and other parts of the UK) has had the most significant impact on population growth, although the levels of net migration have decreased since 2008.
- 3.6 Since 2001, internal in-migration has averaged 6,140 per year, with internal out-migration averaging 5,247 per year, resulting in an average annual population net increase of 893 people per year due to internal migration.

Eastbourne has net increases of population from Lewes, Brighton & Hove and Croydon, and a net decrease in population to Wealden.

- 3.7 The age profile of migration reveals that Eastbourne has experienced a net inflow in all age-groups with the exception of 20–24 year-olds.
- 3.8 International migration has had a less significant impact upon Eastbourne's population growth.
- 3.9 Natural change has resulted in a population decline (i.e. more deaths than births), which is a reflection of the older age profile to Eastbourne's population.
- 3.10 According to the Census 2011, 68% of Eastbourne's workforce is economically active, with 4.1% of the workforce being unemployed. The most common industries of work are 'Human health and social work activities' and 'Wholesale and retail trade'. Average weekly earnings in 2016 were £392 compared to a regional average of £460.
- 3.11 There is a broadly similar number of jobs in Eastbourne and the resident workforce. At the 2011 Census, there were 44,449 workers aged 16–74 living within Eastbourne and 43,888 workers aged 16–74 working within Eastbourne.
- 3.12 Of Eastbourne working age residents, approximately 71% work within the Borough. The most popular workplace destination for out-commuters is Wealden (9.5%), whilst 10% travel out of East Sussex for work. In terms of in-commuting, the most popular origin is also Wealden (14.9%).
- 3.13 6.1% of Eastbourne's population described themselves as having bad or very bad health at the 2011 census, compared to 4.4% across the South East region. There are over 20,000 people with a limiting long-term illness, and 10.6% of Eastbourne's population provides unpaid care for others. The rate of teenage pregnancy is 22.2 per 1,000 females aged 15-17, and the mortality rate of circulatory diseases for persons aged 0-74 is higher than the average for East Sussex.

#### *Geo-demographic classification*

- 3.13 A profile of the types of people who live in Eastbourne, including expected behaviours and beliefs, is provided by the Experian 'Mosaic' geo-demographic population classification tool. 'Mosaic' divides Eastbourne's population into 15



groups which are defined by individual characteristics gathered from a range of data sources including the Census, consumer behaviour and lifestyle factors.

3.14 Its shows that the most common types of household in Eastbourne are within the following group classifications:

- **Rental Hubs:** Educated young people privately renting in urban neighbourhoods (15.40%)
- **Vintage Value:** Elderly people reliant on support to meet financial or practical needs (14.21%)
- **Senior Security:** Elderly people with assets who are enjoying a comfortable retirement (12.68%)

3.15 Figure 5 provides a breakdown of Eastbourne's households by 'Mosaic Group'.

3.16 This classification tools indicates the behaviours of people within each group. This allows an analysis of how people of Eastbourne are most likely to behave in relation to consultation.

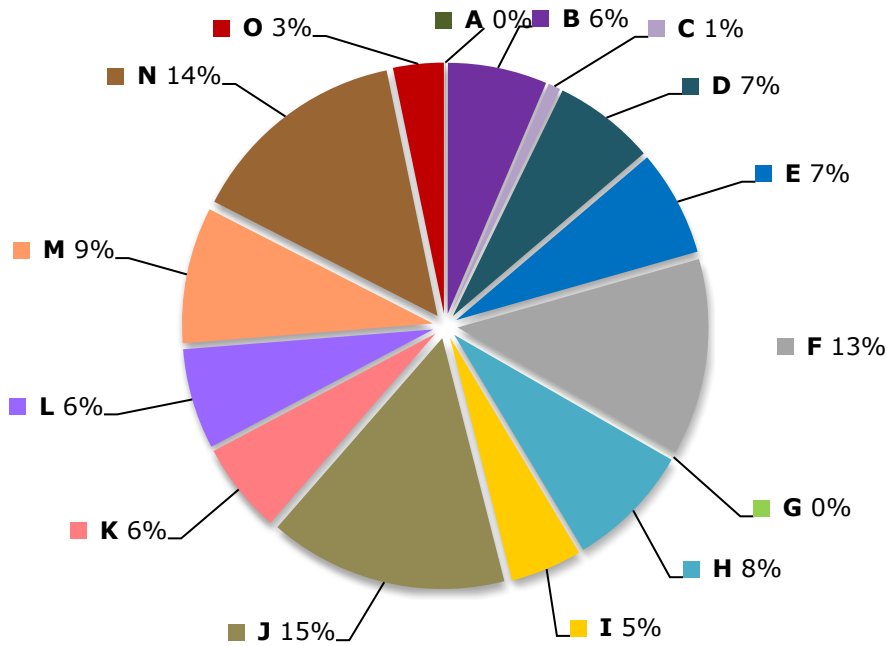
3.17 One of the behaviours analysed is the preference for contacting organisations. It is considered that this could be relevant for how residents would like to respond to consultation.

3.18 The data identifies that residents of Eastbourne are most likely to prefer using email to contact organisations, and slightly more likely to prefer using the phone. Residents are also significantly less likely to prefer contacting organisations via the internet.

3.19 Another behaviour identified by Mosaic is the preference for being notified of offers and promotions. This is relevant for how residents could prefer to be notified on consultation.

3.20 The data identified that residents of Eastbourne are most likely to prefer not being contacted about offers and promotions. However, there is also a small preference for email.

**Figure 5 – Households in Eastbourne by 'Mosaic Group'**



- A** – Country Living – *Well-off owners in rural locations enjoying the benefits of country life (0.0%)*
- B** – Prestige Positions – *Established families in large detached homes living upmarket lifestyles (6.4%)*
- C** – City Prosperity – *High status city dwellers living in central locations and pursuing careers (0.8%)*
- D** – Domestic Success – *Thriving families who are busy bringing up children and following careers (6.6%)*
- E** – Suburban Stability – *Mature suburban owners living settled lives in mid-range housing (6.8%)*
- F** – Senior Security – *Elderly people with assets who are enjoying a comfortable retirement (12.7%)*
- G** – Rural Reality – *Householders living in inexpensive homes in village communities (0.0%)*
- H** – Aspiring Homemakers – *Younger households settling down in housing priced within their means (8.1%)*
- I** – Urban Cohesion – *Residents of settled urban communities with a strong sense of identity (4.6%)*
- J** – Rental Hubs – *Educated young people privately renting in urban neighbourhoods (15.6%)*
- K** – Modest Traditions – *Mature homeowners of value homes enjoying stable lifestyles (5.8%)*
- L** – Transient Renters – *Single people privately renting low cost homes for the short term (6.5%)*
- M** – Family Basics – *Families with limited resources who have to budget to make ends meet (8.8%)*
- N** – Vintage Value – *Elderly people reliant on support to meet financial or practical needs (14.2%)*
- O** – Municipal Challenge – *Urban renters of social housing facing an array of challenges (3.3%)*

## Residents Consultation Survey 2015

- 3.21 In 2015, Eastbourne Borough Council commissioned a Resident Consultation survey to help inform the priorities for the Corporate Plan for 2015-2020. As part of this, residents were asked to evaluate how well informed they feel about local public services and decision making, which is relevant to public engagement in planning.
- 3.22 71% of residents completing the survey agreed that they can influence decisions affecting their local area. However, when this broken down by age group, it is clear that younger residents are also less likely to feel they can influence local decision making.
- 3.23 91% of respondents would generally like to be more involved in decisions affecting their area, although for 60% only on the basis that the issue is one that concerns them. 31% said outright that they would like to be more involved in all decisions affecting their local area. Just 9% would not be prepared to be more involved, regardless of the issue.
- 3.24 By age, those aged 65+ are least likely to express an interest in becoming more involved, although even amongst this group 85% said they might wish to be more involved, either outright or on particular issues.

## Community Survey on Participation in Planning Consultation 2016

- 3.25 In November 2016, Eastbourne Borough Council published a community survey to ask the local community about their previous experiences of participating in planning consultation, and their interest and expectations of participating in future consultations.
- 3.26 Based on the times that responses were submitted, it is believed that the majority of responses came as a result of a direct email that went out to subscribers. This highlights the importance of encouraging people to sign-up for email notifications as an efficient and effective method of disseminating information to the community.
- 3.27 The majority of the survey responses came from people over the age of 50, with 40% of the responses specifically coming from people aged between 51 and 70 years old. Just 8% of responses came from people aged under 40. The age profile of the respondents suggests that the results of the survey are not

representative of the wider community. However the responses do identify important issues that should be considered in future planning consultation.

- 3.28 According to the Residents Consultation Survey 2015, those aged 65+ are least likely to express an interest in becoming more involved in local decision making, yet this age group was the most represented in the responses to the community survey. This suggests that other methods of publicising consultation may need to be considered in order to promote consultation to make people across the whole community aware.
- 3.29 There was particularly high representation from the Town Centre, Upperton Meads and Sovereign Harbour neighbourhoods. However areas such as Hampden Park, Langney and Shinewater & North Langney had low response rates when compared to their populations.
- 3.30 Just over half of respondents have not been aware of Local Plan consultations being undertaken in the past. Of those that were aware, 51% did not participate in the consultation despite being aware of it. The most commonly cited reason for not participating was that they did not feel that their comments would make any difference.
- 3.31 Despite this, 90% of people responding to the survey would be interested in participating in Local Plan consultations in the future, with the majority preferring to be notified of consultations by email.
- 3.32 One of the main reasons identified for not engaging in consultations is that there is a perception that comments submitted will not make a difference. This is further drawn out by comments made by respondents, many of whom commented that their views were 'overruled' or ignored. Therefore, it is also important that improved feedback processes are considered so that people can identify their comment and an appropriate response to their comment, and that they can identify what happens as a result.
- 3.33 In terms of responding to consultation, the most preferred methods were completing an electronic form to be returned by email, and responding directly via a website. Interestingly, this facility is already available through the on-line Consultation Portal, and is rarely used. This suggests that consultees are not aware of this facility and additional steps should be taken to promote it as the main way of accessing consultations.
- 3.34 It is also important that the community are provided with simple and clear information about the background to the consultation. This can be used to better inform local communities about planning issues and help people to

understand what they are being consulted on and therefore make for a more efficient and effective consultation.

- 3.35 A number of comments suggested that information on the consultation should be made easier to understand, and should be in formats that will help engage people, including animation through pictures and maps.
- 3.36 Whilst the majority of people responding were keen to visit an exhibition, there is no particular time that would be most suitable. Therefore future exhibitions should be held at various points across town with a number of events in the town centre at different times. Comments also suggested making better use of existing community groups such as neighbourhood panels.
- 3.37 A number of people also commented that they have not been aware of planning applications and decisions on development taking place near them until building starts, and would like to be better informed about this.

## 4.0 Community Involvement in Plan Making

- 4.1 Eastbourne Borough Council has adopted a number of Local Plans and Supplementary Planning Documents following extensive community and stakeholder consultation. The public consultation activities undertaken during the preparation of these documents has been effective in engaging a wide variety of individuals and organisations and has had a positive impact on the creation of these plans.
- 4.2 The Council is embarking on the next round of plan making to replace existing planning policies and ensure that the Local Plan is up to date. The programme for preparing Local Plans, Supplementary Planning Documents and CIL Charging Schedule is contained in the Local Development Scheme, which is available on the Council's website<sup>5</sup>. The stages in the production of these planning policy documents are summarised in Section 2 of this document.
- 4.3 The Council wants to ensure that the next round of plan making involves extensive consultation and provides opportunities for the local community and other stakeholders to put their views across. The Council's approach to consultation in plan making has been influenced by past experience, best practice and the results of recent surveys. This approach will be used in the preparation of all Local Plans, including revisions to plans and preparation of joint plans.
- 4.4 The main issues that should be addressed through the proposed approach to consultation on plan making are:
- Promoting consultation across all sectors of the community, particularly amongst age groups and neighbourhoods that do not usually participate, with additional effort to engage 'hard to reach' groups.
  - Creating new approaches to the use of email as data suggests that people prefer to be contacted and respond via this method.
  - Being clearer about how plan making will affect local residents as they mainly want to be involved in local decision making when the issue is one that concerns them.

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<sup>5</sup> <http://www.lewes-eastbourne.gov.uk/lds>

- The provision of feedback on consultation and showing how comments have been taken on-board.
- Using consultation and engagement as a means to inform residents about planning issues as well as to seek their views.
- Ensuring that consultation material is easily understandable and accessible.

### What will we consult on?

4.5 In the preparation of the Local Plan, engagement and formal consultation will be undertaken at the following stages:

- **Evidence gathering and early engagement** – In the initial stages of the production of the Local Plan, there will be engagement with stakeholders to identify locally relevant visions and objectives for the area and identify what the Local Plan must cover to address the critical issues in the area. This stage is likely to be informal consultation, with the Council approaching organisations and consultation bodies for their input. There may be elements of public consultation with communities within this stage.
- **Issues and Options** – Evidence collected during the initial stages in plan preparation will be presented for a formal consultation period. This will include an identification of the issues that need to be addressed, and initial options for doing this. Local communities and other stakeholders will be able to comment on whether there are any other issues that need to be considered, and which of the options they would prefer to see brought forward as the basis for the Local Plan. This is the stage that the majority of people will be able to have their say of how they would like the town to develop.
- **Proposed Submission** – Once the Local Plan has been drafted using the information collected at the Issues and Options Stage, a Proposed Submission version will be published for formal consultation. At this stage, the Council is only able to accept representations on the 'soundness'<sup>6</sup> of the policies and proposals in the Plan. Consultees submitting representations at this stage will be given the opportunity to raise their objections at Public Examination.

<sup>6</sup> National Planning Policy Framework 2018, para 35.

- **Main Modifications** – During the Examination of a Local Plan, the Planning Inspector may require modifications to be made to the Local Plan in order for it to be considered 'sound'. These modifications should be subject to a formal period of consultation to allow the Inspector to consider any representations on the modifications.

4.6 In the preparation of Supplementary Planning Documents, engagement and formal consultation will be undertaken at the following stages:

- **Evidence gathering and public participation** – In the initial stages of the preparation of a SPD, there will be public engagement to identify issues relating to the interpretation of policy through the SPD. This stage is likely to be informal consultation, with the Council approaching organisations and consultation bodies for their input.
- **Representations on Draft SPD** – Once the SPD has been drafted, it will be published for formal consultation with the local community and other stakeholders. Consultees can raise any issues or changes that they think the Council should consider, and the Council will provide a response to these representations before the SPD is adopted.

4.7 In the preparation of the CIL Charging Schedule, engagement and formal consultation will be undertaken at the following stages:

- **Preliminary Charging Schedule** – The Preliminary Charging Schedule will identify initial proposals for the levy for each type of development and provide the opportunity for the local community and other stakeholders to comment
- **Draft Charging Schedule** – The Draft Charging Schedule will be published following revision and amendments resulting from comments made of the Preliminary Charging Schedule.

4.8 It is recognised that residents who want to get involved in consultation might not be familiar with the planning system and the issues that should be taken into consideration in plan making. Consultation, particularly at the Issues and Options stage, presents an opportunity to inform and update residents as well as seek their views. Therefore it is proposed that where possible consultation material should include sufficient information to provide a background on the consultation and the framework within which decisions on plan making issues should be made.



- 4.9 The nature of plan making to address issues over a long period of time means that it is not always obvious for local people to understand how they might be affected, and where this is the case they may not get involved in the consultation. Survey responses suggest that people do want to get involved when an issue that affects them, so consultation should attempt to identify what might change in their area. Where possible, it is proposed that a neighbourhood approach to consultation material be taken to help identify how plan making may result in changes to a local area.

### Who will we consult?

- 4.10 Eastbourne Borough Council would like to engage anyone who may have a role or interest in the development of the town in the plan-making process, including residents, businesses, community groups, landowners, developers, public sector organisations and national agencies.
- 4.11 The 'Local Planning' Regulations 2012 set out the minimum legal requirements for consultation and public participation in relation to Local Development Documents. These are known as 'specific consultation bodies', and must be consulted at formal consultation stages in the production of a plan.
- 4.12 In addition to this, the Local Planning Regulations 2012 also require the Council to consult with 'general consultation bodies'. These include organisations and bodies that have an interest in the Borough, to ensure that a wide range of stakeholders have the opportunity to get involved.
- 4.13 The Council is committed to ensuring that local residents get an opportunity to have their say, and local people are encouraged to take part in consultations and input into the production of planning policy documents. The Council maintains a database of people and organisations who want to be kept informed or have previously responded to consultation. This database is used to inform consultees about consultation.
- 4.14 If you would like to be added to the consultation database, you can register yourself at <http://planningpolicyconsult.lewes-eastbourne.gov.uk> or contact the Regeneration and Planning Policy team. In addition, consultees are encouraged to inform us of changes of details, or if they no longer want to be on the consultation database.

4.15 In addition, the Council sends out email newsletters to everyone who has signed up for Planning Policy notifications via the Council's website. These newsletters will inform recipients about when consultation on Local Development Documents will take place. Residents can subscribe to notifications by clicking on the 'Keep me posted' icon on the Council's website.



4.16 It has been identified through surveys that younger people are less likely to respond to consultation, and that certain areas of town are less likely to respond. Additional measures will be taken to engage with these and other 'hard to reach' groups to ensure that all sections of the community are engaged and consulted.

### How will we consult?

#### *Basic Consultation Standards*

4.17 The Local Planning Regulations 2012 sets out some minimum requirements for consultation, however there is considerable flexibility open to the Council in how consultees are engaged in plan-making, provided they comply with the legislative requirements and are consistent with commitments in the Statement of Community Involvement.

4.18 Through this SCI, the basic consultation standards that Eastbourne Borough Council will apply as a minimum in all consultation on planning policy documents are set out below:

- **Consultation Portal** – All consultations on planning policy issues will be hosted on the Council's on-line Consultation Portal. Each consultation on the Consultation Portal will include the opportunity to read and comment on the document in question. The Consultation Portal will also contain other documentation relevant to the consultation. People can respond to consultation via the on-line consultation portal in the following ways:
  - Submit comments directly using the website
  - Download a representation form and submit comments by uploading the completed form to the website
  - Download a representation form and submit comments by returning the completed form by email
  - Download a representation form and submit comments by returning the completed form by post

The Consultation Portal can be accessed via  
<http://planningpolicyconsult.lewes-eastbourne.gov.uk/consult.ti>

**Residents and other stakeholders are encouraged to use the on-line Consultation Portal to view consultation material and submit comments and representations.**

- **Direct notifications to organisations and individuals** – All organisations and individuals on the consultation database will receive direct notification of the publication of a planning policy document for consultation. This will either be by email or by post, depending on the consultees stated preference. If no preference is stated, the default method will be by email.



**Residents are encouraged to sign up to the Planning Policy Consultation Database and email notifications to ensure that they are kept up to date with progress in plan making.**

- **Deposit** – Planning policy documents published for consultation will be made available in paper copy for consultees to view at Eastbourne Borough Council's Customer Contact Centre, 1 Grove Road, Eastbourne, BN21 4TW.
- **Local Media** – A public notice will be placed in a local newspaper to advertise formal periods of consultation. These will include details of the consultation, including where to view the consultation and the deadline for submission of representations. Press releases will also be issued to publicise the consultation more widely.
- **Local Councillors** – Local Councillors know their local areas and have many contacts within their communities. Local Councillors will help to promote consultation within their wards and encourage all residents to get



involved. This is especially important in areas where engagement in consultation has previously been at low levels, such as Hampden Park and Langney.

- **Website** - The consultation will be advertised on the Eastbourne Borough Council website, particularly under the 'Consultations' heading.

4.19 In addition, an email newsletter will be sent out on a quarterly basis to everyone on the consultation database and to anyone who has subscribed to email notifications on Planning Policy topics via 'Keep me posted' on the Council's website. This will provide updates on preparation of Local Development Documents and when consultation is expected to be undertaken.

#### *Additional consultation methods*

4.20 In most instances, other consultation methods in addition to the basic standards will be employed. The use of additional consultation methods will be determined on a case by case basis depending on the type of planning policy document that is being consulted on. The additional consultation methods that may be employed include:

- **Social media** – Social media may be used to promote consultation through updates on the Council's Facebook<sup>7</sup> and Twitter<sup>8</sup> pages. However it should be noted that social media posts will only be used to promote consultation and comments made on these posts will not be taken as formal representations on consultations and will not be considered to be 'duly made'. The social media posts will include links to opportunities for comments to be submitted officially.
- **Public exhibitions** – Evidence from the Community Survey on Planning Consultation (2016) suggested that the people responding to consultation would be interested in attending public exhibitions on consultation. Where exhibitions are put on, these will initially be located within



<sup>7</sup> <https://www.facebook.com/EastbourneC/>

<sup>8</sup> <https://twitter.com/eastbournebc>

Eastbourne Town Centre, usually the Town Hall as a central and accessible location, and will be available across a range of times to enable attendance by a wide range of people. This approach has been informed by the results of the survey. However, where there is a request from a local community group such as a Neighbourhood Panel or Residents Association, a public exhibition may be put on at a specific time within a local neighbourhood outside of the Town Centre.

- **Discussion Forum** – Where it is appropriate for the stage of consultation, a discussion forum could be made available through the on-line Consultation Portal to allow the community to debate and discuss issues and proposals related to the consultation and to ask questions of the Council. However it is recognised that this consultation method will only be appropriate for certain types of consultation.
- **Younger People** – Students at Brighton University, Sussex Downs College, and those in Years 10 and 11 of local Secondary Schools will be engaged in consultation through invitations to existing groups that have already been set up. This consultation is likely to take the form of meetings, presentations and forums to allow feedback and discussion.
- **Presentations and forums** – Presentations and forums may be arranged to enable discussion with appropriate groups, organisations or stakeholders, or to target particular sectors of the community who may be interested in certain topics or may be under-represented. Examples of such groups may be the Eastbourne Disability Involvement Group or the Eastbourne Cultural Communities Network.
- **Leaflets and posters** – Leaflets and posters may be produced and distributed to promote consultation events or to summarise information on consultations. These could be delivered to community venues or places of interest within the neighbourhood, e.g. doctors' surgeries, libraries, community centres.
- **Surveys and questionnaires** – Surveys and questionnaires may be used to gather information and canvass views on key issues, options and proposals. These surveys and questionnaires will be hosted on-line via the



Consultation Portal; however paper copies of the forms will also be made available.

- **Summary Documentation** – Non-technical summaries of consultation documents will be produced in order to provide a more accessible way to access and understand the consultation. These documents will be sense checked for 'Plain English'. Depending on the scale of the consultation, different versions of consultation documents that clearly set out the expected amount of time that it would take to read, based on:
  - the full plan (1 hour read)
  - a shorter version of the plan (10 min read)
  - key questions from the plan (5 mins to answer)



- **On-line Videos/Presentations** – Videos and presentations may be published on-line as an easy visual way of presenting the consultation material. It is envisaged that they would present the background to the consultation, and highlight opportunities for people to comment using other methods identified. Where relevant, British Sign Language (BSL) will be incorporated in any online consultation videos that are produced.
- **Community Organisations/Groups** – It is recognised that there are some well represented and supported community organisations and groups in Eastbourne such as Neighbourhood Panels and Community/Residents Associations. They could be used to get members of communities involved and may be asked to help promote consultation within their local area through the use of email notifications, newsletters and social media posts. These community organisations and groups can also request exhibitions and meetings to discuss consultation in more detail.
- **Eastbourne Review** – Where possible, the Council will use the Eastbourne Review to inform residents about and summarise the consultation. The Eastbourne Review is a free newspaper produced by the Council and delivered to every home in the Borough usually around twice a year.



## When will we consult?

- 4.21 The Local Planning Regulations 2012 describe the statutory consultation period for a Local Plan to be 6 weeks. The Regulations also require that the formal consultation period on a Supplementary Planning Document should be not less than 4 weeks.
- 4.22 In terms of the CIL Charging Schedule, there are no regulations governing the length of consultation on a Preliminary Charging Schedule; however regulations do require at least 4 weeks consultation on a Draft Charging Schedule.
- 4.23 Eastbourne Borough Council is committed to full and proper consultation on planning policy issues and has signed up to the East Sussex 'Compact' Agreement<sup>9</sup>, which sets out best practice on consultation with the voluntary and community sector in East Sussex. One of the principles of the Compact is allow sufficient time for voluntary/community organisations to involve their service users, beneficiaries, members, volunteers and trustees in preparing responses.
- 4.24 Consultations should last for a proportionate amount of time: consulting for too long will unnecessarily delay policy development, whilst consulting too quickly will not give enough time for consideration and will reduce the quality of responses. Taking this into account, this SCI proposes that formal consultation periods on planning policy documents will be determined by the type and stage of plan being consulted on. These are described in Table 1.

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<sup>9</sup> <http://www.essp.org.uk/What-we-do/Pride-of-Place/Community/East-Sussex-Compact.aspx>

**Table 1 - Consultation Periods**

Type of Document	Stage in Preparation	Consultation Period
<b>Local Plan</b>	Issues and Options Stage	Minimum of <b>8</b> weeks
	Proposed Submission version	Minimum of <b>6</b> weeks
	Main Modifications following Examination	Minimum of <b>6</b> weeks
<b>Supplementary Planning Documents</b>	Representation Stage	Minimum of <b>8</b> weeks
<b>CIL Charging Schedule</b>	Preliminary Charging Schedule	Minimum of <b>6</b> weeks
	Draft Charging Schedule	Minimum of <b>6</b> weeks

- 4.25 The publication of a quarterly newsletter containing updates on progress and expected dates of consultation will mean that consultation periods can be announced ahead of time, allowing voluntary and community organisations to plan their response in advance.
- 4.26 Where possible, consultation over holiday periods will be avoided. If this is unavoidable, the consultation period will be extended to compensate for this.
- 4.27 In the event that a consultee requests additional time to submit a representation, this will only be accepted with the agreement of the Lead Member for Planning.
- 4.28 The tables below outline the possible consultation methods that may be used during each consultation stage in the preparation of Local Plans (Table 2), Supplementary Planning Documents (Table 3) and CIL Charging Schedules (Table 4).



Table 2 - Consultation on Local Plans

Stage	Consultation Period	Potential Additional Consultation Methods
<b>Evidence Gathering and early engagement</b>	On-going engagement (no formal period)	Surveys/questionnaires Presentations/Forums Community Orgs/Groups
<b>Issues and Option Consultation</b>	Min. 8 weeks	Social Media Public Exhibitions Presentations/Forums Leaflets/Posters Summary Documentation On-line Videos/Presentations Community Orgs/Groups Eastbourne Review
<b>Proposed Submission</b>	Min. 6 weeks	Social Media Public Exhibitions Presentations/Forums Leaflets/Posters Summary Documentation On-line Videos/Presentations Community Orgs/Group
<b>Main Modifications</b>	Min. 6 weeks	Social Media Summary Documentation On-line Videos/Presentations

**Table 3 - Consultation on Supplementary Planning Documents**


Stage	Consultation Period	Potential Additional Consultation Methods
<b>Evidence Gathering and Public Participation</b>	On-going engagement (no formal period)	Surveys/questionnaires Presentations/Forums Community Orgs/Groups
<b>Representations</b>	Min. 8 weeks	Social Media Public Exhibitions Presentations/Forums Leaflets/Posters Summary Documentation On-line Videos/Presentations Community Orgs/Groups Eastbourne Review

**Table 4 - Consultation on CIL Charging Schedules**

Stage	Consultation Period	Potential Additional Consultation Methods
<b>Consult on Preliminary Charging Schedule</b>	Min. 6 weeks	Social Media Presentations/Forums Summary Documentation On-line Videos/Presentations Community Orgs/Groups
<b>Representations on Draft Charging Schedule</b>	Min. 6 weeks	Social Media Presentations/Forums Summary Documentation On-line Videos/Presentations Community Orgs/Groups

## What will we do with consultation responses?

- 4.29 Representations made during formal consultation periods will be recorded through the on-line Consultation Portal and published. Please note that the Council is not able to acknowledge receipt of comments, other than through automated responses to emails or comments submitted through the on-line Consultation Portal. Individual responses to representations submitted are unlikely to be provided.
- 4.30 In accordance with the Data Protection legislation and Freedom of Information Act 2000, representations cannot be treated in confidence and by submitting a representation, the consultee accepts responsibility for their comments. Copies of all representations will be made publicly available, including the name of the person submitting the representation, however personal information such as telephone numbers, emails or private addresses will not be published.
- 4.31 All 'duly-made' responses will be carefully considered and used alongside other evidence, government legislation and national planning policy to inform the preparation or amendments to the relevant planning policy document being consulted upon. To be 'duly made', representations should:
- Be received before the deadline of the consultation period;
  - Relate to the document, its content, or its preparation;
  - Not be anonymous; and
  - Not be offensive, libellous or otherwise breach the law.
- 4.32 Confidential or anonymous comments, including those submitted using avatars or web-names, cannot be accepted. In addition, any comments that are offensive, obscene, racist or illegal in any way will be rejected.
- 4.33 It should be noted that representations submitted at the 'Proposed Submission' stage in Local Plan preparation can only be taken into account where they address issues of soundness or legal compliance.
- 4.34 Following consultation, all representations received will be documented within a Statement of Consultation and Representations, which will identify what consultation has been undertaken, the main issues that have been raised, and how these issues have been addressed.
- 4.35 Feedback on the consultation, including responses to the representations received and how they will be addressed in the next stage of plan making,



will be published on the website and promoted via the quarterly email newsletter.

- 4.36 It is important for local residents and other stakeholders to understand that comments submitted as part of consultation will be fully considered and are part of the evidence informing plan making, but they are not necessarily the only or determining factor. National policy or other evidence may provide good reasons why consultation comments cannot be implemented.

## 5.0 Community Involvement in Development Management

- 5.1 Eastbourne Borough Council is committed to informing and engaging with the community on planning applications. It is important that a balance is struck between providing the community with a genuine opportunity to comment and determining applications within the statutory determination period.
- 5.2 Opportunities exist for the community and or stakeholders to be informed and consulted on development proposals at each of the following stages:
- Pre-application consultation
  - Planning applications
  - Planning appeals.
- 5.3 Community involvement in Development Management not only involves the local community, but also statutory and non-statutory consultees, depending on the nature and location of the proposals.

### *Statutory Consultees*

- 5.4 Planning law prescribes circumstances where consultation must be undertaken with statutory bodies on a planning application. These organisations are under a duty to respond to consultations within 21 days (article 22 of the Development Management Procedure Order), or such longer period as may be specified in other legislation, and must provide a substantive response to the application.
- 5.5 A list of statutory consultees on applications for planning permission is available via the National Planning Practice Guidance<sup>10</sup> (Table 2, Paragraph: 030 Reference ID: 15-030-20140612).

### *Non-Statutory Consultees*

- 5.6 Where there are planning reasons, other non-statutory consultees who may have an interest in a proposed development may be consulted on planning applications, even though they are not designated in law. Non-statutory consultees should respond within 21 days of being notified of the application.

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<sup>10</sup> <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>

- 5.7 A list of the organisations identified in national policy and guidance who may have an interest in development and may be consulted as non-statutory consultees are identified in the National Planning Practice Guidance<sup>11</sup> (Table 3, Paragraph: 031 Reference ID: 15-031-20140306).

### Pre-application stage

- 5.8 Prior to submission of an application for development, the Council encourages the applicant to engage with the local community, statutory consultees and service providers on their proposal. For very large-scale development, pre-application consultation is a requirement under the Localism Act 2011.
- 5.9 Effective pre-application consultation provides an opportunity for applicants and developers to find out the views of local residents about their development proposals, and allows the local community to make suggestions which can then be taken into account by the developer in finalising their planning application. This process can help to reduce local opposition, help resolve early design and development problems and ensure that high quality planning applications are received.
- 5.10 The Council expects applicants to carry out their own pre-application consultation. The level of community consultation at the pre-application stage should be appropriate/proportionate to the scale of the application.. Potential methods of pre-application on proposals for major development could include public meetings and exhibitions, workshops, websites, leaflets and other media. On significant applications that are likely to be controversial the Council may choose to inform the Ward Councillors and also the Councillors of planning committee of the proposal
- 5.11 It would be expected that this consultation will be documented in a 'Statement of Community Involvement' for the proposal, which should describe in detail the pre-application consultation that has been undertaken by the applicant and how the comments have been addressed in progressing the proposal. This document should be submitted with the application.

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<sup>11</sup> <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#table-3-Non-statutory-consultees>

## Planning application stage

- 5.12 It is important that all relevant planning issues associated with a proposed development are identified and considered in the determination of a planning application. The Council is required to undertake a formal period of consultation, so therefore publicises applications that are submitted and invites comments from the local community and other consultees and stakeholders. Anyone can respond to a planning consultation.
- 5.13 Consultees may be able to offer particular insights or detailed information which is relevant to the consideration of the application, and comments made that are addressing 'material considerations' will be taken into account in the determination of the application.
- 5.14 There are significant amounts of information relating to planning applications on the Council's website and residents are encouraged to find out information on proposals using this method where possible.
- 5.15 It is important that residents and other stakeholders understand that whilst comments addressing 'material considerations' will be taken into account in determining the application, they are not necessarily the only or determining factor. Local or national policy, or other material considerations, may lead to a decision that is contrary to views expressed during consultation.
- 5.16 Article 15 of the Town & Country Planning (Development Management Procedures) (England) Order 2010 sets out the minimum requirements for publicising and consulting on planning applications. The requirements vary according to the type of development proposed, and are set out in National Planning Practice Guidance<sup>12</sup> (Table 1, Paragraph: 029 Reference ID: 15-029-20140306).
- 5.17 The methods that the Council uses to publicise application and consult the community, which exceed these minimum requirements, are as follows:
- **Neighbour Notification Letters**  
The Council will notify any neighbours immediately adjoining a development proposal by letter or email. The letter provides details of the planning application, where to view plans, how to make comments and by

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<sup>12</sup> <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#statutory-publicity-requirements>

what date. Any consultation wider than this will be on a case by case basis and at the discretion of the case officer.

- **Site Notice**

Site notices are displayed on or near to the application site. Site notices provide details of the planning application, where to view plans, how to make comments and by what date.

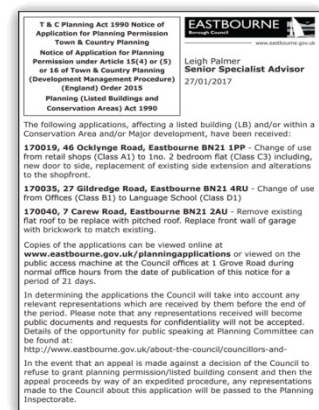


- **Publication on the Council's website**

Weekly lists of applications received and decisions made are available on the Council's website. All planning applications that have been or are being processed, including appeals, are also available to view on the Council's website.

- **Public Notice**

A Public Notice is placed in a local newspaper for certain types of planning applications. For example, major or significant development proposals, departures from local policy or where there is a statutory requirement such as for Listed Building Consent.



5.18 The deadline for submitting comments on a planning application will be set out in the publicity accompanying the planning application. This will be not less than 21 days. The Council is under no obligation to consider comments submitted after the deadline.

*Re-consultation following amendments to an application*

5.19 Where an application is amended after it has been submitted, further consultation may be undertaken if the proposed changes are significant. Any representations received subject to any round of consultation will be taken into account in evaluating the merits of the application. Any representation received outside of the consultation period may not be fully considered. The timeframe for responses to re-consultation will be decided on a case-by-case basis.



- 5.20 If a new planning application is required, this will be subject to new public consultation.

#### *Planning Committee*

- 5.21 Where an application is due to be determined by planning committee, members of the public can request to address the committee. This request should only be an amplification of their representations received during the consultation period and should not raise new/unrelated issues.
- 5.22 Anyone wishing to address the committee on a planning application will need to register their interest, outlining the points they wish to raise, by the end of the consultation period. Should the application be referred to planning committee, **normally** only one objector is allowed to address the Committee on a 'first come, first served basis' or a spokesperson can be nominated, although the Committee (at the discretion of The Chair) may allow more than one objector to speak in certain circumstances. A time limit of 3 minutes shall apply to each speaker.
- 5.23 Details of meeting dates and times are publicised on the Council's website, and also outside the Town Hall and at the Central Library. Meetings of the Planning Committee take place in the Town Hall, Grove Road, Eastbourne at 6.00pm. Agendas are published a week before the meeting.

#### Appeals

- 5.24 When a planning application is refused, the applicant may lodge an appeal against the decision with the Planning Inspectorate. An appeal may also be submitted when the applicant considers any conditions of approval to be unacceptable, or in the event that an application is not determined by the relevant deadline.
- 5.25 Only the applicant can appeal against a planning decision. There is no 'third party'<sup>13</sup> right of appeal for other people who disagree with the Council's decision. However, anyone can challenge a planning decision in the courts if they have evidence that the decision was not made following the proper procedures. Legal challenges cannot take into account whether the decision

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<sup>13</sup> The 'first party' in planning is the applicant for planning permission and the 'second party' is the local authority. 'Third parties' are anyone else with a view on a planning application, whether they have a direct interest (e.g. as owner of the land on which the application is submitted) or a personal interest (e.g. as a neighbour) or a wider interest (e.g. as a parish council or interest group).

was right or not in planning terms, only whether regulations and conventions about making decisions were properly followed.

- 5.26 All those who were notified of the original application or submitted comments will be informed if an appeal is made. There is then an opportunity for additional comments to be submitted directly to the Planning Inspectorate, who will determine the appeal, either through written representations, an informal hearing or a public inquiry, depending on the nature and scale of the application. Where it is decided that the appeal should be determined by informal hearing or public inquiry, interested parties are also given the opportunity to appear before the Inspector at the hearing or inquiry.
- 5.27 The Inspector will consider the evidence and decide whether the Council's decision was correct. The Inspector's decision is binding on the Council, although it can be challenged by anyone on a point of law in the High Court.

#### Planning performance agreements

- 5.28 A planning performance agreement (PPA) is a project management tool which the Council may enter into with applicants to agree timescales, actions and resources for handling particular applications, in order to determine an application in advance of the determination target. The Council may make an additional charge for the administrative work associated with this.
- 5.29 PPAs can assist in identifying an approach to community engagement, including the identification of the communities to involve, the process of engagement and the best approach to incorporating their views. Any consultation on an application with a PPA should be consistent with this Statement of Community Involvement.

#### Customer Satisfaction Survey

- 5.30 Since June 2015, Eastbourne Borough Council has been undertaking regular Customer Satisfaction Surveys on the Development Management service. This survey is sent to applicants and agents following the decision on a planning application, and also to those who made representations. The survey requests views on how well the application was dealt with. The results of this survey are used to identify improvements to the service.

## 6.0 Neighbourhood Planning

### Introduction to Neighbourhood Planning

- 6.1 The Localism Act 2011 introduced new rights and powers for communities to enable them to get more involved in planning for their areas through the production of Neighbourhood Plans or Orders, or Community Right to Build Orders:
- A **Neighbourhood Plan** is a planning document which establishes general policies for development and use of land in a neighbourhood, including the location of new homes and offices, and what they should look like.
  - A **Neighbourhood Development Order** means that Town and Parish Councils can grant permission for certain types of development without the need for people to apply to Eastbourne Borough Council. These could include, for example, all house extensions in a defined area, changes of use, or development on a particular site. Certain types of development are excluded, such as minerals and waste developments, certain public and private environmental projects, and nationally significant infrastructure.
  - A **Community Right to Build Order** enables small scale development in neighbourhoods, such as housing or community facilities, but can be prepared by any local community organisation rather than just Town and Parish Councils. As above, certain types of development are excluded.
- 6.2 Neighbourhood planning is undertaken by a 'qualifying body' within a 'parished' area, or by a Neighbourhood Forum in 'non-parished' areas. Once a Plan or Order has been agreed by a local referendum, it attains the same legal status as the Local Plan, and becomes part of it.
- 6.3 Neighbourhood planning should be used positively to plan for future development and support growth, reflect and build on the strategic needs set out in the Local Plan, and be in conformity with the National Planning Policy Framework.
- 6.4 A Neighbourhood Plan or Order is not a process that can be used to prevent development or promote a lower level of development than is set out in a Local Plan.

- 6.5 Due to the provisions of the Neighbourhood Planning Act 2017, Neighbourhood Plans which have already been 'made' and are part of the development plan can be modified; these modifications will be driven by the Neighbourhood Forum of the relevant area. There are different levels of modification that can occur, these range from correcting minor errors to making significant alterations (e.g. correcting incorrect references, adding new policies or including new site allocations). To make really significant changes an examination and referendum may be required. For smaller changes, an examination may still be required, but the correction of errors will not likely require such measures.

### Neighbourhood Plans and Neighbourhood Development Orders

- 6.6 The process of preparing a Neighbourhood Plan involves several stages, which are identified in Figure 7. The process for preparing a Neighbourhood Development Order or a Community Right to Build are similar, this is presented in Figure 8. Technically, a Community Right to Build Order is a type of Neighbourhood Development Order. Detailed information and guidance on Neighbourhood Planning and the required processes can be found in the Neighbourhood Planning section of the national Planning Practice Guidance<sup>14</sup>.

#### *Key Stages of Production of a Neighbourhood Plan or Order*

1. **Designation of a neighbourhood area** (*Regulations 6 - 7*) - the neighbourhood area that the Plan or Order will cover will be the area that the Neighbourhood Forum decided on during its application for designation (*Regulations 8 - 10*)..
2. **Production of the Neighbourhood Plan or Order** – the group will prepare the plan or order, and can ask for advice and support of other organisations including Eastbourne Borough Council. The group should agree a timeline and budget, review existing plans and policies, and engage with local people, businesses, and other stakeholders within their area.
3. **Pre-submission consultation and publicity** (*Regulation 14*) – before a neighbourhood plan is submitted it should be publicised in a manner that

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<sup>14</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2>

is likely to bring it to the attention of people who live and/or work in the neighbourhood and provide the opportunity for the local community and other stakeholders, including the statutory consultation bodies that are identified in the Neighbourhood Planning (General) Regulations 2012 (as amended).

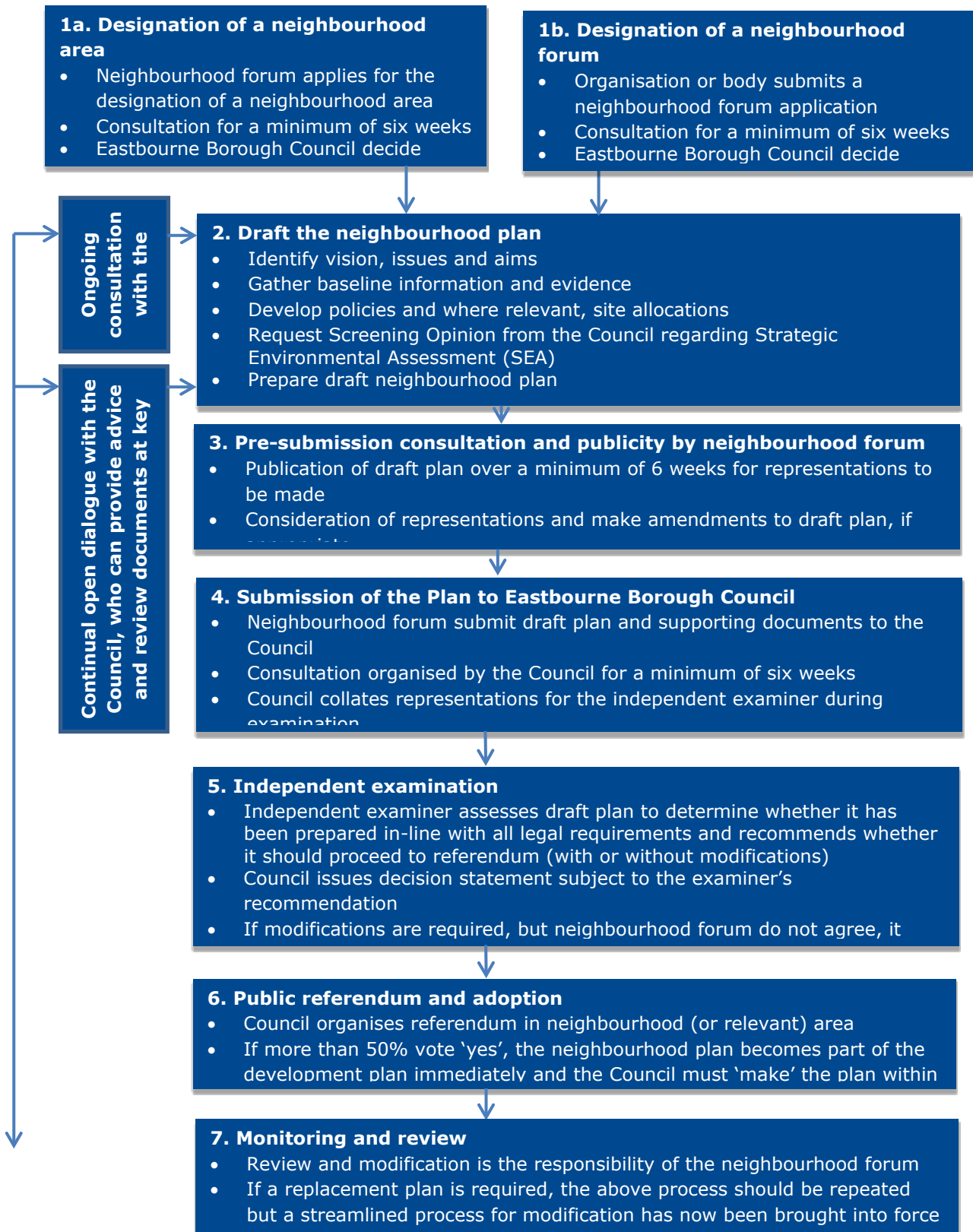
4. **Submission of the Plan or Order to Eastbourne Borough Council** (*Regulation 15*) – once a draft plan or order has been subject to consultation, it can be submitted to Eastbourne Borough Council. The Council will check that the submitted plan to ensure that it is consistent with the Neighbourhood Planning (General) Regulations 2012 (as amended) and will publicise the draft plan for a minimum of six weeks for representations to be made (*Regulation 16*). It will then arrange for examination.
5. **Independent examination** (*Regulation 17*) - Once the Neighbourhood Plan or Order has been submitted it will be subjected to an independent examination. This will make sure that the proper legal process has been followed and that the plan meets the basic conditions, including general conformity with the Borough Council’s Local Plan.
6. **Public referendum and adoption** (*Regulation 20*)- The examiner may suggest modifications to make sure the legal requirements are met. When this has been done, a public referendum is held in the Neighbourhood Area covered by the Plan or Order. If more than 50% of those voting in the referendum vote ‘yes’ then the Plan or Order will be adopted by the Council as part of its Local Plan.

### Community Right to Build Orders

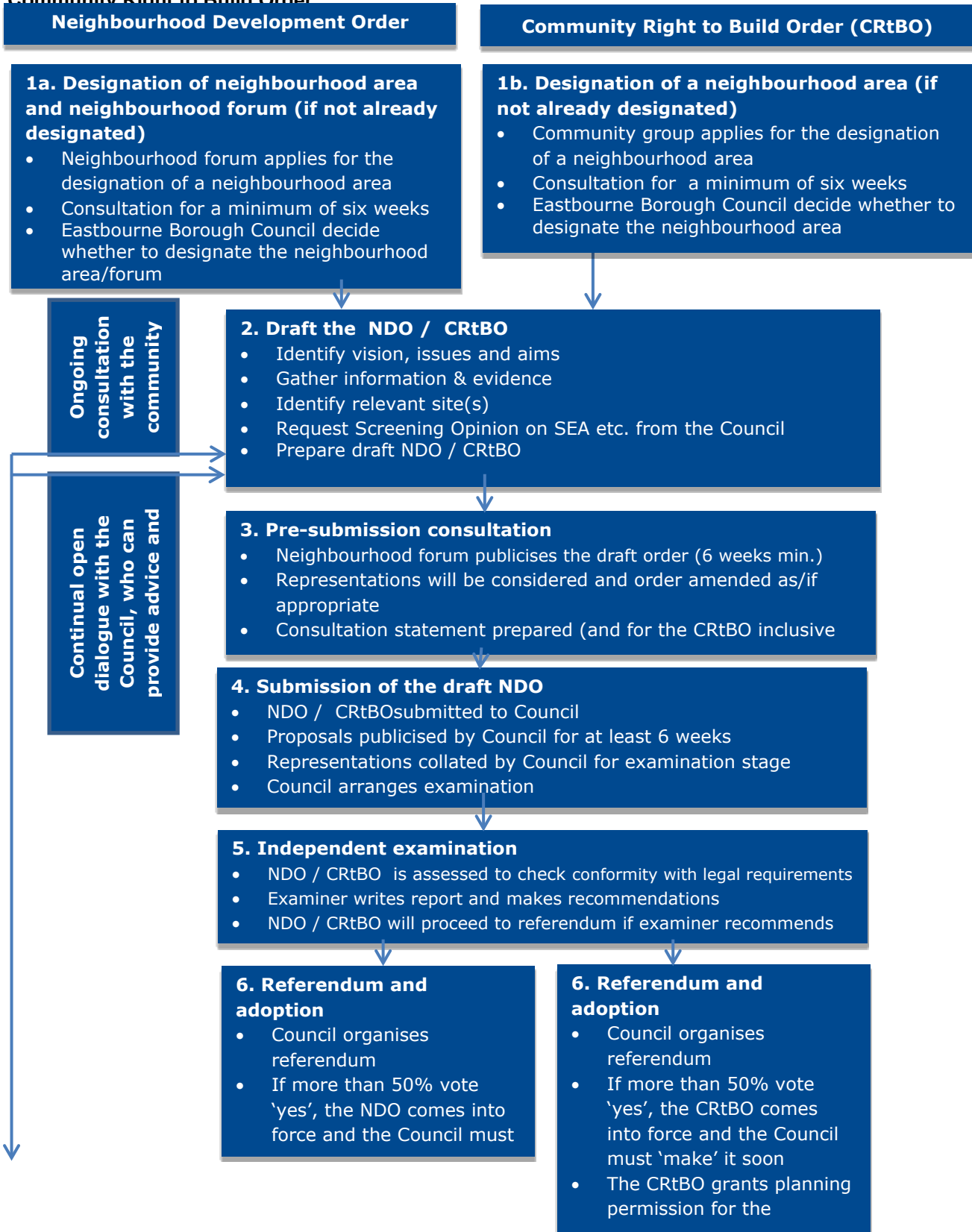
- 6.7 A Community Right to Build Order is a type of Neighbourhood Development Order which enables small scale developments such as community facilities or housing for local needs. It can be used to grant outline or full planning permission for specific development which complies with the order.
- 6.8 A Community Right to Build Order may be prepared by local community organisations in addition to parish and town councils, but only where they meet certain legal requirements. The prescribed conditions for community right to build organisations are set out in in Section 13 of the Neighbourhood Planning Regulations 2012.

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- 6.9 The steps to producing a Community Right to Build Order are very similar to those for a Neighbourhood Plan or Order.
- 6.10 However, when producing a Community Right to Build Order, additional information is needed to accompany the submission of the Order to the Borough Council. This includes: a map of the area the proposal relates to, a statement explaining how the proposed Order meets planning regulations, and a statement of those consulted and a summary of the main issues raised.
- 6.11 In addition to being in conformity with the National Planning Policy Framework and the Local Plan, the organisation must also show that the Order:
- Would not breach or is not incompatible with EU Regulations
  - Is consistent with human rights law
  - Has special regard to the desirability of preserving any listed building or its setting and to enhancing the character or appearance of a conservation area, including an archaeology statement if appropriate
  - The extent of the area for the referendum.

**Figure 7- Stages in the preparation of a Neighbourhood Plan**



**Figure 8 - Stages in the preparation of a Neighbourhood Development Order and Community Right to Build Order**





- 6.12 Detailed information and guidance on Neighbourhood Planning and the required processes can be found in the Neighbourhood planning section of the national Planning Practice Guidance<sup>15</sup>.

### Who can prepare a Neighbourhood Plan or Order?

- 6.13 As Eastbourne Borough is not a 'parished' area, (i.e. it does not have Town or Parish Councils), Neighbourhood Plans or Orders can only be prepared by a Neighbourhood Forum.
- 6.14 A group or organisation can apply to the Borough Council to be designated as a Neighbourhood Forum. A proposed forum group will need a minimum of 21 people who live in the neighbourhood area, or work there, and/or who are elected members for any ward of Eastbourne Borough Council. Only one body can be designated for a chosen area.
- 6.15 An application to the Council to form a Neighbourhood Forum must include the following<sup>16</sup>:
- The name of the proposed neighbourhood forum
  - A copy of the written constitution of the proposed neighbourhood forum
  - The name of the neighbourhood area to which the application relates and a map which identifies the area
  - The contact details of at least one member of the proposed neighbourhood forum (to be made public)
  - A statement which explains how the proposed neighbourhood forum meets the conditions contained in Section 61F(5) of the Localism Act 2011
- 6.16 Once an application for designating a Neighbourhood Forum has been received, Eastbourne Borough Council will publicise the application and invite comments from the public on the designation. Eastbourne Borough Council will take any comments into account in deciding whether or not to agree the application and designate the forum.

<sup>15</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2>

<sup>16</sup> For further information about submitting an application for a Neighbourhood Forum, please contact the Council's Planning Policy team.

## Advice and assistance to Neighbourhood Planning

6.17 Eastbourne Borough Council must give advice or assistance to Neighbourhood Forums (or other relevant qualifying bodies) in all appropriate circumstances for the purpose of, or in connection with facilitating the making of proposals for Neighbourhood Plans and Neighbourhood Development Orders (including their modification). The Council is committed to supporting communities to pursue neighbourhood planning. The Localism Act 2011, Neighbourhood Planning Act 2017 and other relevant legislation sets out the Council's responsibilities as:

### **COUNCIL'S RESPONSIBILITIES**

- Designating the area for a Neighbourhood Plan/Order
- Designating Neighbourhood Forums
- Advising and/or assisting communities in the preparation of a Neighbourhood Plan/Order
- Formally considering Neighbourhood Plan/Order proposals when submitted
- Arranging for and covering the costs of the independent examination of the Plan/Order
- Determining whether the Neighbourhood Plan meets the Basic Conditions and other legal requirements following recommendations made by the independent examiner
- Arranging and covering the costs of the relevant referendum/s for Neighbourhood Plans/Orders
- If successful at referendum, bringing the plan legally into force (unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights, within the meaning of the Human Rights Act 1998)
- Providing advice on and duly considering proposals to modify 'made' Neighbourhood Plans/Orders and facilitating all of the required processes to enable this.

6.18 The Council is also responsible for the relevant publicity of each of the above stages in the development of the Neighbourhood Plan/Order, which is set out in legislation (including the Neighbourhood Planning (General) Regulations 2012 (as amended)). However, it is not required to give financial assistance

to the community to facilitate the making of Neighbourhood Plan/Order proposals.

- 6.19 All Neighbourhood Forums (or other qualifying bodies) and the Plans/Orders they seek to make will be different. The level of assistance given by Eastbourne Borough Council and the times at which it is required by those preparing the Plans/Orders will vary depending on their needs and wants. The Council will adopt a flexible approach to best suit the Neighbourhood Forum and will adhere to the timescales legally required by it. Assistance and advice will be given over the phone, by email or at meetings. Some of the methods of support will be as follows:

#### **METHODS OF SUPPORT**

- Giving initial advice regarding the suitability of completing a plan or order and its potential scope
- On-going advice and support throughout the process including detailed technical input into each key stage. This support will be provided both on an informal basis, but also on a formal basis when responding to specific consultations. The focus will be on the conformity of the Neighbourhood Plan/Order with the existing national and local planning framework but guidance will also be provided to ensure that allocations and policies are fit for purpose and deliverable
- Providing guidance on key issues such as: timetabling, the role of the qualifying body, community engagement and undertaking consultation events, site selection and relevant legislation including SEA
- Practical assistance such as mapping, where appropriate
- Providing examples of best practice from plans or case-law
- Providing relevant contact information for consultation bodies and advice on undertaking consultation, publicity and engagement
- Giving guidance and interpretation of the relevant legislative requirements
- Ensuring the suitable involvement of local councillors and other interested parties to enable timely decision making at key stages
- Advising in relation to the monitoring and review of adopted Plans/Orders

## What will be consulted on?

6.20 In the preparation of the planning policy documents, engagement and formal consultation will be undertaken by the Council or by the Neighbourhood Forum at the following stages:

### **Council: Neighbourhood Area and Neighbourhood Forum Designation**

– In the initial stages of the production of a Neighbourhood Plan or Order, an application will need to be submitted to the Council by the community organisation intending to become a Neighbourhood Forum. In addition, an application to designate the Neighbourhood Forum itself must be submitted to the Council. A Neighbourhood Plan/Order cannot proceed without these two designations. Details regarding the proposed boundaries of the area and the reasoning for choosing this area should be submitted with the Area application and details regarding the community group wishing to establish a Forum should provide relevant details in their Forum application. The Council will open formal public consultations (usually publicised on its website) for a minimum of six weeks and consider the application(s) and determine whether to designate them.

### **Neighbourhood Forum: Evidence gathering and initial public consultation**

– In the initial stages of the preparation of a Neighbourhood Plan/Order, there will be public engagement to identify how the community want the Neighbourhood Plan to shape development in their area. From the early stages, this will be an on-going informal consultation with the community and relevant bodies. This is the responsibility of the Neighbourhood Forum. Once a complete draft plan and supporting documents are ready to be released to the public, the Neighbourhood Forum will formally consult the public and relevant consultation bodies<sup>17</sup> for a minimum of six weeks.

**Council: Proposed submission** – Once the draft Neighbourhood Plan/Order has been amended to respond to representations (and/or explained in a Consultation Statement), a submission version will be submitted to the Council, for it to carry out a formal consultation of at least six weeks and arrange an examination to follow. Representations made in this consultation

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<sup>17</sup> Detailed in [Schedule 1 of the Neighbourhood Planning \(General\) Regulations 2012](#) and its amendments ([2013 No. 235](#) and [2015 No. 377](#))

will be made available to the independent examiner when he/she is appointed.

### **Examination, referendum and ‘making’ the Neighbourhood**

**Plan/Order** – Once the examination has finished, the independent examiner will write a report and make recommendations, which may include making modifications to the Neighbourhood Plan/Order as a result of representations made. The Council decide whether to adopt the Neighbourhood Plan/Order (subject to success at referendum) and issues a Decision Statement. It then has to set a referendum date within 56 days. The referendum allows residents in the Neighbourhood Area (as a minimum) to vote as to whether the Neighbourhood Plan is used to determine planning applications in the Area. If over 50% of those who voted in the referendum vote for it, the Neighbourhood Plan/Order becomes part of the development plan for the Council’s area and its policies will be used to determine relevant planning applications. The Neighbourhood Plan/Order is then ‘made’ by the Council to bring it legally into force within eight weeks of the referendum and another Decision Statement is issued.

## How will we consult on Neighbourhood Planning?

6.21 The table below outlines the possible consultation methods that may be used during each consultation stage in the preparation of Neighbourhood Planning. However, community engagement in Neighbourhood Planning is the responsibility of the Neighbourhood Forum, and apart from including the requirements set out in legislation, this SCI doesn’t prescribe the way a Neighbourhood Forum will engage with the community. The Council will realise the consultations on the website, as required by legislation.

Table 5– Consultation on Neighbourhood Plans and Orders and Community Right to Build Orders

Stage	Consultation Period	Possible Consultation Methods
<b>Designation of area/forum</b>	Min. 6 weeks	Council website

**Evidence Gathering and early engagement by forum**

On-going engagement (no formal period)

- Forum/community website
- Surveys/questionnaires
- Community events
- Social Media
- Public Exhibitions
- Presentations
- Leaflets/Posters
- Summary Documentation

**Pre-submission consultation by neighbourhood forum**

Min. 6 weeks

- Forum/community website
- Surveys/questionnaires
- Public Exhibitions
- Social Media
- Presentations
- Leaflets/Posters

**Submission consultation by council**

Min. 6 weeks

- Council website

**Publicising referendum**

- Council website
- Posters/Notifications
- Polling cards/voting information

6.22 In Neighbourhood Planning representations made during key consultations will be passed to the Independent Examiner and/or otherwise addressed in a relevant Decision Statement.

## 7.0 Monitoring and Review

- 7.1 The SCI will be reviewed every 5 years. It will then be decided to undertake a revision of the SCI. This can be the case when it is considered that the SCI becomes out of date or if there is a significant level of dissatisfaction from the local community and stakeholders about how they are being involved in the preparation of Local Plans.
- 7.2 It is considered that the SCI is sufficiently flexible to allow for appropriate changes in the approach to community involvement as a result of changes in national policy, or to make improvements to the process as a result of new or different approaches to consultation.

## Appendices

### Appendix 1: Glossary

Term	Definition
<b>Adoption</b>	The final confirmation of a Development Plan / Local Plan or Supplementary Planning Document status by a Local Planning Authority.
<b>Authority Monitoring Report (AMR)</b>	Local Planning Authorities are required to prepare and publish an Authority Monitoring Report containing information on the implementation of the Local Development Scheme (LDS) and the extent to which the policies set out in the Local Plan documents are being achieved. Also known as <i>Annual Monitoring Report</i> or <i>Local Monitoring Report</i> .
<b>Charging Schedule</b>	The types of development that are liable to pay the Community Infrastructure Levy (CIL) and the amount that is required to be paid (expressed as pounds (£) per square metre is set out in a local authority's Charging Schedule.
<b>CIL Regulations</b>	See Community Infrastructure Levy Regulations 2010.
<b>Community Infrastructure Levy (CIL)</b>	The Community Infrastructure Levy is a charge which local authorities in England and Wales are empowered, but not required, to charge on types of new development in their area. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.
<b>Community Infrastructure Levy Regulations 2010</b>	Regulations that govern the Community Infrastructure Levy and the process of preparing the Charging Schedule.
<b>Community Right to Build</b>	A Community Right to Build Order is a specific type of Neighbourhood Development Order that can be prepared by any local community organisation rather than just a parish council or neighbourhood forum.
<b>Community Strategy</b>	A strategy developed by the local community, focusing on what is important to people who live, work and visit the town and to make positive changes.



Term	Definition
<b>Conservation Area</b>	An area of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance.
<b>Core Strategy</b>	The main planning policy document for Eastbourne that sets out the long term strategic planning vision between 2006 and 2027.
<b>Corporate Plan</b>	Sets out the major place-shaping initiatives crucial to the future success of Eastbourne. Examples of these initiatives are the Town Centre Regeneration and the development of a Business Park at Sovereign Harbour.
<b>Development Plan</b>	The set of documents that provide the Local Planning Authority's policies and proposals for the development and use of land and buildings in the authority's area. This includes adopted Local Plans, any Neighbourhood Plans and the Waste & Minerals Local Plan.
<b>Development Plan Document</b>	Statutory documents which are subject to specified consultation periods and are subject to independent examination. Also known as Local Plans.
<b>Eastbourne Strategic Partnership (ESP)</b>	A non-statutory body made up of a wide range of representatives from the public, private and voluntary sector. The ESP is responsible for producing, monitoring and reviewing the Eastbourne Community Strategy, reducing duplication in the provision of services and developing joint projects.
<b>Evidence Base</b>	The information and data gathered by local authorities to justify the "soundness" of the policy approach set out in the Local Plan, including physical, economic, and social characteristics of an area.
<b>Examination / Examination in Public</b>	The process by which a Planning Inspector may publicly examine a Local Plan for legal compliance and 'soundness' before issuing a binding report.
<b>Infrastructure Delivery Plan (IDP)</b>	Detailed assessment of the infrastructure required to deliver the spatial development strategy and how this will be delivered.
<b>Inspectors Report</b>	A report issued by a Planning Inspector regarding the planning issues debated at an Independent Examination of

Term	Definition
	a Development Plan or a Planning Inquiry.
<b>Local Development Document (LDD)</b>	A generic term for documents prepared by Local Planning Authorities for the use and development of land or containing environmental, social and economic objectives relevant to the development and use of land which are intended to guide the determination of applications for planning permission.
<b>Local Development Scheme (LDS)</b>	The LDS sets out the programme for the preparation of the Local Development Documents. All plan making authorities must maintain an up to date LDS.
<b>Local Plan (LP)</b>	The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community
<b>Local Planning Regulations</b>	See Town & Country Planning (Local Planning) (England) Regulations 2012
<b>National Planning Policy Framework (NPPF)</b>	The NPPF sets out the Government’s planning policies and how these are expected to be applied. It was published on 27 March 2012.
<b>National Planning Practice Guidance (NPPG)</b>	A web-based resource which brings together planning guidance on various topics linked to the NPPF into one place. It was launched in March 2014.
<b>Neighbourhood Plan</b>	A Neighbourhood Plan is a plan prepared by a Parish Council or Neighbourhood Forum, that once adopted becomes part of the Local Plan and the policies contained within them are then used in the determination of planning applications.
<b>Neighbourhood Development Order</b>	A Neighbourhood Development Order is an order prepared by a Parish Council or Neighbourhood Forum that automatically grants planning permission for a particular type of development in a particular area.
<b>Planning and Compulsory Purchase Act 2004</b>	The legislation that introduced a new development planning system, based on the preparation of Local Development Frameworks. The Act commenced 28th September 2004.
<b>Soundness</b>	In order to be sound, a Local Plan must be: <ul style="list-style-type: none"> <li>Positively prepared – the Plan should be prepared based</li> </ul>

Term	Definition
	<p>on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;</p> <ul style="list-style-type: none"> <li>• Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;</li> <li>• Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and</li> <li>• Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.</li> </ul>
<b>South Downs National Park (SDNP)</b>	England's newest National Park, covering the South Downs and Western Weald, situated in the counties of Hampshire, and West and East Sussex. Planning responsibility within this area falls to the South Downs National Park Authority.
<b>Statement of Community Involvement (SCI)</b>	Document explaining to stakeholders and the community how they can be involved in the preparation of Local Development Documents, and the steps that will be taken to facilitate their involvement.
<b>Strategic Environmental Assessment (SEA)</b>	The term used internationally to describe the environmental integration of policies, plans and programmes. The SEA Directive (2001/42/EC) requires a formal 'environmental assessment' of plans and programmes that are to be adopted by a public authority including those in spatial planning. This assessment is often combined with the Sustainability Appraisal.
<b>Supplementary Planning Document (SPD)</b>	These provide additional planning policy guidance to the policies and proposals in the Local Plan. They do not need to be subject to independent examination
<b>Sustainability Appraisal (SA)</b>	Assessment of the social, economic and environmental impacts of proposals in Local Development Documents.
<b>Town &amp; Country Planning (Local Planning) (England) Regulations 2012</b>	Regulations that govern the process for preparing Local Plans and Supplementary Planning Documents. Also known as 'Local Planning Regulations'.

## Appendix 2: Further advice and information sources

Further information and advice on planning matters is available from Eastbourne Borough Council. Please contact the Customer Contact Centre at:

Eastbourne Borough Council Offices, 1 Grove Road, Eastbourne, BN21 4TW  
(01323) 410000

[customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk)

[www.lewes-eastbourne.gov.uk](http://www.lewes-eastbourne.gov.uk)

Independent advice is available from the following sources:

### The Planning Portal

The Planning Portal is the Government's online 'one-stop-shop' for planning and building services. It provides information on the planning system, allows you to submit a planning application, find out about development in your area, appeal against a decision and research government policy.

Website: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

Email: [support@planningportal.gsi.gov.uk](mailto:support@planningportal.gsi.gov.uk)

### Department of Communities and Local Government (DCLG)

The DCLG provides general information on the planning system including the latest national planning policy, decisions on planning appeals, research and statistics and reform of the planning systems.

Website: [www.communities.gov.uk](http://www.communities.gov.uk)

Email: [contactus@communities.gsi.gov.uk](mailto:contactus@communities.gsi.gov.uk)

Postal Address: Fry Building, 2 Marsham Street, London SW1P 4DF

Telephone Number: 030 3444 0000

### Planning Aid England (PAE)

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees. It is provided by the Royal Town Planning Institute.

Website: [www.rtpi.org.uk/planningaid](http://www.rtpi.org.uk/planningaid)

Email: [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk)

Postal Address: The Royal Town Planning Institute, 41 Botolph Lane, London EC3R 8DL

Telephone: 020 7929 9494

### The Planning Inspectorate

The Planning Inspectorate processes planning appeals and holds examinations into statutory planning policy documents and the Community Infrastructure Levy (CIL).

Website: [www.planningportal.gov.uk/planning/planninginspectorate](http://www.planningportal.gov.uk/planning/planninginspectorate)

Email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Postal Address: The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

Telephone: 0303 444 5000

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# Agenda Item 9

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>24 October 2018</b>
<b>Title:</b>	<b>Joint Transformation Programme Update</b>
<b>Report of:</b>	<b>Assistant Director for Human Resources and Transformation</b>
<b>Cabinet Member:</b>	<b>Councillor Colin Swansborough, Cabinet member for core support and strategic services</b>
<b>Ward(s)</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To update Cabinet on the progress of the Joint Transformation Programme and to seek approval for the Phase 3 business case</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Officer recommendations:</b>	<b>Cabinet is recommended to:</b> <b>(1) Note the progress of the Joint Transformation Programme; and</b> <b>(2) Approve the business case for the Joint Transformation Programme Phase 3 which includes recommendations to approve:</b> <b>a. the total savings/income target of £400,000 for Phase 3;</b> <b>b. the approach for delivering the Phase 3 transformation and savings/income;</b> <b>c. the Phase 3 governance arrangements;</b> <b>d. the Phase 3 costs and allocate an additional £1.4m to the Programme (£700,000 from Eastbourne Borough Council); and</b> <b>e. the revised costs and benefits realisation ratio of 50:50 between Eastbourne Borough and Lewes District Councils.</b>
<b>Reason for recommendation(s):</b>	<b>To enable Cabinet members to consider the progress of the Joint Transformation Programme and to determine the next steps in the transformational journey.</b>
<b>Officer contact:</b>	<b>Lee Banner, Joint Transformation Programme Manager</b> <b>Tel: 07894 237929 email <a href="mailto:lee.banner@lewes-eastbourne.gov.uk">lee.banner@lewes-eastbourne.gov.uk</a></b>

## **1. Background**

- 1.1 In May 2016, the Cabinets of Lewes District and Eastbourne Borough Councils approved the Joint Transformation Programme ('the Programme') to deliver the

majority of council services via shared teams adopting new ways of working.

- 1.2 This is a major change programme and it represents a significant contributor to the Medium Term Financial Strategy savings targets. The Programme will deliver £3.2m of savings along with the cultural shift as set out in the business case.
- 1.3 This report outlines the progress made from March to October 2018 and sets out the proposals for the next period of activity, most significantly, the transformation to be delivered through the final part of the Programme, Phase 3.
- 1.4 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, three additional Corporate Management Team (CMT) members and the Joint Transformation Programme Manager. The last update to the Programme Board took place in October 2018.

## **2. Programme Activity March 2018 – October 2018**

### **2.1 Phase 2 Transitions**

Since the last report to Cabinet, the following service areas have successfully transitioned to new ways of working enabled by technology:

- Benefits;
- Revenues;
- Licensing; and
- Planning.

Throughout the transition process for each team, robust support measures are put in place to ensure any issues impacting performance are identified and resolved as quickly as possible and to ensure all opportunities for learning are exploited fully. The final transition – Homes First – will take place towards the end of the year and is currently the main focus of Phase 2 activity. This transition will benefit from the lessons learned from all preceding transitions.

### **2.2 Technology**

The efficiencies and service improvements set out in the business case are enabled by considerable changes in technology. In this reporting period, the following have been delivered:

- Civica Financials (fully integrated financial information management system across both councils) was launched on time to support new ways of working for the financial year 2018/19;
- Enhanced phonebook – the planned improvement to the joint phonebook was implemented in September delivering greater usability and functionality for councillors and staff;
- The process of migrating all councillors to the new networks completed over the summer and tablet devices and Outlook Web Access (OWA – enables access to council emails from any device connected to the internet) were



rolled out to provide flexible access to council emails;

- Channel shift (the process by which the council encourages customers to interact via digital channels) – progress has been made to increase customers' use of online channels (eg. for the year to April 2018, the number of customers completing online transactions via the new website increased from 7% to 20%) and this is expected to grow further (eg. a number of processes for businesses/landlords are now “online only”). As a new joint website for the councils, an intensive programme has been underway and will continue to identify and deliver opportunities for improvement (eg. an enhanced search function has been implemented which will make it easier and quicker for customers to find what they are looking for). A recent user testing exercise highlighted how customers find many tasks on the new website to be quick and easy to complete – this demonstrated a marked improvement on user testing results carried out before the site launched in November 2017; and
- Continued work to implement the key technologies and systems to support the joint teams in their new ways of working.

2.3 As reported to Cabinet in the last update, discussions continue with Civica (the council's strategic technology provider) to ensure the readiness of the technical elements of the Programme in alignment with the council's plan. The challenges, which are to be expected in a Programme of the scale and ambition of the Joint Transformation Programme, are being managed and monitored to ensure any impacts on service delivery and staff are minimised.

#### 2.4 Phase 3

Significant planning for Phase 3 of the Programme has been a key focus over recent months. Phase 3 will consider the future shape and ways of working for the following services:

- Audit;
- Corporate Property;
- Finance;
- HR;
- ICT; and
- Legal

2.5 The Joint Transformation Programme (JTP) Phases 1 and 2 delivered £2.8m of savings and efficiencies and the savings/income target for Phase 3 is £400,000.

2.6 The JTP Phase 3 business case is attached as Appendix 1 and sets out the following proposals:

- The context for this phase of the Programme;
- The approach for delivering the transformation and savings/income targets;
- The governance arrangements for effectively overseeing the activity;
- The implementation costs, including a request for an additional investment of £1.4m to facilitate the final stage of integration and development of modern and resilient services; and

- A revised costs and benefits realisation ratio between Eastbourne Borough and Lewes District Councils.

### **3. Next Steps**

- 3.1 Over the coming months, there will be a continued focus on making a success of the remaining Phase 2 activity transitions and embedding the technologies integral to the new ways of working in the joint teams.
- 3.2 Subject to Cabinet's approval of the Phase 3 business case, an engagement session with staff will take place to officially launch JTP Phase 3 and colleagues will work at pace to deliver the transformation required.

### **4. Consultation**

- 4.1 As set out in Appendix 1, discussions/formal consultation exercises with staff in the Phase 3 services and staff representation groups will take place.

The Joint Transformation Programme Staff Consultative Forum continues to meet regularly, engaging a range of staff representatives, including UNISON. The membership of the Forum has been revised to ensure appropriate staff representation from the services in scope for Phase 3.

### **5. Financial Implications**

The Programme is operating within the budget approved by Cabinet in May 2016 and in line with the Medium Term Financial Strategy assumptions. There are no significant variances to report.

If the business case is approved, an additional £1.4m of investment would be allocated to the final stage of JTP integration and transformation.

### **6. Legal Implications**

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

### **7. 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 and the Programme Assurance Panel.

### **8. Equality and Diversity**

The JTP Equality and Fairness Forum will continue to meet to review any new equality and fairness analyses for projects that are yet to commence. All previous analyses have been approved.

## **9. Conclusion**

The Programme remains on budget with overall Phase 2 milestones on track. Essential elements of the technology to underpin the transformation are being deployed successfully and there continues to be a need to prioritise and closely manage the remaining technologies to deliver full benefits realisation.

Phase 3 will conclude this programme of transformational activity and will enable the council to face current and future challenges and opportunities from a position of strength and with increased resilience.

### **Background Papers**

None



Lewes District Council



Working in partnership with Eastbourne Homes

Lewes District and Eastbourne Borough Councils

Joint Transformation Programme Phase 3  
Business Case

**STRONGER** together

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Author: Lee Banner, Joint Transformation Programme Manager  
[lee.banner@lewes-eastbourne.gov.uk](mailto:lee.banner@lewes-eastbourne.gov.uk) or 07894 237929

## 1. Background and Position Statement

1.1 In May 2016, the Cabinets of Lewes District and Eastbourne Borough Councils (LDC and EBC) approved the business case for the Joint Transformation Programme (JTP) to deliver the majority of the councils' services through joint teams adopting new ways of working enabled by technology.

1.2 The JTP is a major change programme for both councils and a significant contributor to the Medium Term Financial Strategy (MTFS) savings targets. Through the JTP, the councils are working to deliver £3.2m of savings and the cultural shift set out in the original business case.

1.3 The strategic objectives of the JTP are as follows:

- Protect services – protect services delivered to local residents and reduce costs for both councils;
- Deliver greater strategic presence – create two stronger organisations which can operate more strategically within the region while still retaining the sovereignty of each council;
- High-quality, modern services – meet communities and individual customers' expectations to receive high-quality, modern services focused on local needs and making best use of modern technology; and
- Resilient services – building resilience by combining skills and infrastructure across both councils.

1.4 The Cabinets approved the three phase delivery of the JTP with Phase 1 (which designed the leadership and joint strategy, planning, regeneration and democracy teams) commencing in September 2016 and Phase 2 (which designed the 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) commencing in April 2017. Delivery of the Phase 2 transformation is scheduled to be complete in December 2018.

1.5 JTP Phases 1 and 2 have delivered £2.8m of savings and efficiencies, leaving £400,000 of savings/income to be delivered in Phase 3.

**Recommendation: Cabinet is asked to approve the total savings/income target of £400,000 for JTP Phase 3.**

1.6 This business case sets out the proposed approach for JTP Phase 3 which will consider and determine the future shape and ways of working for the following services:

- Audit;
- Corporate Property;
- Finance;
- HR;
- ICT; and
- Legal.

The current (“as is”) structure charts for the above services are set out in Annex 1.

1.7 There are a small number of teams/activities undertaken by parts of teams (eg. tourism, waste administration, building control) that will not have been transformed in any of the JTP phases due to specific reasons (eg. technological incompatibilities, business readiness, etc). These teams/activities are known and a plan will be developed to ensure they are afforded the same transformational opportunities as the service areas in JTP Phases 1, 2 and 3.

## **2. The JTP Phase 3 Approach**

### Process

2.1 In considering the best approach to delivering the Phase 3 transformation, a number of factors were considered:

- The services in scope are starting from an advanced position in relation to integration – the majority of the Phase 3 services adopted a shared service model across the two councils prior to or early on in the JTP process and are at mature stages in their transformation. In a number of the Phase 3 services, transformation activity remains ongoing (eg. ICT has recently launched “Live Chat” as a way for councillors and staff to conveniently and quickly raise requests online and HR is currently exploring a step change in how it receives notifications of changes which will make best use of technology);
- The customer base for the Phase 3 services is, in the main, internal and requires appropriate ways to interact with the services;
- The level of savings/income generation required through Phase 3 (£400,000) is far smaller than in the previous phases; and
- Change on the scale experienced through JTP Phases 1 and 2 brings a degree of risk and disruption. The approach to managing the Phase 3 transformation needs to be proportionate to the challenge.

As such, it is recommended that the Phase 3 approach be different to that used in Phases 1 and 2. The proposed approach would deliver the required change and savings/income with minimal disruption to services and would ensure greater certainty of overall programme costs and a quicker payback period.

2.2 The Phase 3 transformation will be managed as a programme of separate but co-ordinated service review/restructuring exercises. Each service area will undertake a separate change journey moving towards a transformed service by April 2019. This joined up approach will facilitate a strong management of potential impacts to the organisations while ensuring that each service methodically and thoroughly examines and changes the way it provides services to:

- Enable further use of technology in the future;
- Embed the agreed design principles set out in paragraph 2.3 below into the new structures and ways of working;
- Deliver greater efficiencies; and
- Make the required level of savings/income.

2.3 While use of the Phases 1 and 2 approach is not the right solution for Phase 3, there are, however, elements within it that can be used to maximise the opportunities available and enable a consistent approach across all service areas. The following design principles (which build on the key objectives from the earlier JTP phases) will be used to guide the further transformation of the Phase 3 services:

- Focus on the customer experience;

- Redesign processes around the ideal customer journey;
- Tell customers what to expect and keep them up to date along the way;
- Digital by default, with, where appropriate, alternative access channels;
- Address issues at the first point of contact;
- Collect information once, and only if we actually need it;
- Move as much work as possible forward, to self-service or customer facing roles;
- Move work quickly and easily around the organisations by using workflows and automated process prompts;
- Automate controls within processes to ensure compliance;
- Measure performance as part of the process/workflow to drive improvements;
- Manage customer capability to enable customers to do more for themselves;
- Manage customer demand, where appropriate, to prevent and shape demand;
- Fair for all; and
- One team by default.

2.4 Subject to approval of this business case, discussions/consultations on the individual change processes for each of the services will progress. Discussions with Heads of Service for the Phase 3 services have already commenced and each service is currently determining the areas of search for the review/restructuring and how savings and/or additional income can be delivered.

2.5 It is proposed that the planning, consultation and delivery of Phase 3 transformation will be complete in 2018/19 – in line with the approaches adopted for Phases 1 and 2, where possible, part-year financial benefits will be delivered in-year (2018/19) and full-year financial benefits (£400,000) will be modelled for realisation in 2019/20.

2.6 Applying a key lesson from the earlier JTP phases, it is proposed that the Phase 3 services uncouple the activity to redesign and deliver a new structure and way of working from the development and deployment of any new systems/ technologies. This approach enables risks to be managed appropriately while supporting as successful a transformation as possible. It is not anticipated that any of the Phase 3 services will require any new IT systems in the short to medium-term, but further deployment of existing systems may be involved. This will be determined on a service by service basis and, if necessary, approvals of systems and funding will be taken through the usual decision making processes. Any decision to jointly migrate LDC and EBC to a system that was previously used by only one council would have resource and, potentially, commercial implications that would need to be managed accordingly.

**Recommendation: Cabinet is asked to approve the approach for delivering the Phase 3 transformation and savings/income.**

2.7 Running parallel to the activity to plan for Phase 3, work is taking place to determine how LDC and EBC will manage change in the future – how the councils

can build on their transformational achievements to date to continue to respond to current and future challenges/opportunities. The JTP, as a standalone change management programme, has achieved a great deal to move the councils towards the strategic objectives agreed at the beginning of the programme (and set out in paragraph 1.3 above) but this approach was not intended to continue indefinitely. Details of the new way of supporting change across the councils are being developed and will be confirmed shortly.

### Governance

2.8 The regular JTP updates to Cabinets, CMT, the JTP Assurance Panel, trade unions, the Joint Staff Consultative Forum and staff will continue in the same way as the arrangements established for earlier phases. As the main transformational activity of Phases 1 and 2 is coming to an end, it is proposed that the JTP Programme Board discusses how it can best add value in providing oversight and governance to the Phase 3 arrangements.

2.9 In order for the changes delivered through Phase 3 to be successful in meeting the current and future needs of the organisations, it is important that there is appropriate operational oversight. As such, a JTP Phase 3 Management Board will be established to oversee activity, take key decisions on the direction of travel and provide the essential programme and business input into the transformation. The Board membership will consist of:

- Assistant Director HR and Transformation;
- Joint Transformation Programme Manager;
- The Heads of Service or equivalent for the Phase 3 services;
- 3 x Business representatives – Heads of Service or equivalent (from services outside of JTP Phase 3); and
- Any other managers/lead officers, as required.

2.10 The well-established and successful JTP Delivery Board governance arrangements will be revised to focus on Programme activity that is taking place outside of Phase 3 (eg. the projects to deliver the digital mailroom and the One Desktop).

**Recommendation: Cabinet is asked to approve the Phase 3 governance arrangements.**

### Implementation Costs

2.11 To support the implementation of Phase 3 and the delivery of the final tranche of savings and efficiencies, an additional £1.4m of investment is required. The Phase 3 implementation costs would facilitate:

- The next stage of investment in core IT systems to enable operations across the councils;
- Improved IT integration, back-up facilities and resilience between the councils;
- Enhanced IT disaster recovery;
- The next phase of build and integration of joint business processes based on harmonised policies;



- Equipment to support the new and agile customer focused ways of working;
- Programme, project management and governance resource within the Programme Office;
- Employee support/outplacement (assumed to be an external cost); and
- Contingency.

2.12 As with the other JTP phases, the funding for redundancies is excluded from the Phase 3 costs as these would not be additional costs of integration; savings targets for the MTFS of both councils require staff savings irrespective of integration.

**Recommendation: Cabinet is asked to approve the Phase 3 costs and to allocate an additional £1.4m to the Programme (£700,000 from EBC).**

#### Programme Resources

2.13 In order to maintain momentum, it is important that the right resources are engaged to mobilise the next phase of the JTP. Appropriate transition management resource will be identified/recruited in line with the organisations' transformational requirements and the available budget.

#### Benefits

2.14 The final stage of integration for EBC and LDC through JTP Phase 3 represents a key step in the council's transformational journey. While different to Phases 1 and 2, Phase 3 will deliver considerable benefits that will position the councils to face the future from a place of strength and with increased resilience and capacity, including, amongst others:

- Reduced costs – delivering better value for money;
- More customer focused delivery – better aligning the Phase 3 services with the needs of the service delivery teams;
- Increased automation and self-service/reliance;
- Integrated and redefined roles;
- A step change in standardised and streamlined processes to make service delivery more efficient; and
- Reduction in administrative work undertaken by professionals enabling a focus on where the greatest value can be added.

2.15 In May 2016, the Cabinets agreed that costs and benefits of JTP should be shared across LDC and EBC on a 60:40 basis, respectively. This split was a fair and transparent way of acknowledging that both councils were entering into JTP at different stages in their transformational journey. EBC had already delivered £1.5m of savings through the Future Model Programme and LDC's savings targets through the New Service Delivery Model Programme (£1.2m) had been incorporated into the JTP savings targets. Essentially, as LDC would benefit from a higher share of the overall programme benefits, it would therefore, bear a higher share of the costs.

2.16 As the majority of the savings have now been delivered through the JTP (£2.8m) and in order to maintain fairness and balance between the councils, it is now appropriate to review the costs and benefits realisation ratio. As both councils have now had similar opportunities to transform, it is proposed that costs and benefits are

shared equally (50:50) for all future Programme activity, including the additional £1.4m of funding as set out in paragraph 2.11 (£700,000 from each council).

**Recommendation: Cabinet is asked to approve the revised cost and benefits realisation ratio of 50:50 between LDC and EBC.**

### Support for Staff

2.17 The approximately 140 members of staff working in the Phase 3 services will have access to the same support as that offered to those in Phases 1 and 2, including:

- The Change Management Policy sets out a framework which provides access to support, training (eg. application and interview preparation) and advice and ensures that all vacant job roles are considered as redeployment opportunities for those at risk of redundancy;
- In accordance with the JTP voluntary redundancy principles agreed at the beginning of the Programme, staff will be given the opportunity to ask for their potential redundancy figures and consider if they wish to apply for voluntary redundancy. It is worth noting, as with Phases 1 and 2, that not all applications for voluntary redundancy can be approved. In determining which employees are to be granted voluntary redundancy, the council will have regard for the following:
  - the need to maintain efficient and effective services;
  - the need to retain a balance of key experience and skills across the workforce to meet future needs; and
  - the financial implications of approving the voluntary redundancy.
- Management support – staff can speak to their line manager or invite their Head of Service and/or CMT representative to a team meeting;
- UNISON support – staff can meet with their UNISON representatives, where applicable, who can raise questions/issues on their behalf;
- HR support – staff can contact their HR Business Partner for further information; and
- Employee Assistance Programme (EAP) support – staff can access (through self-referral) confidential information, support and guidance on a range of work-life issues.

2.18 The same support will be offered to those staff in the teams for whom a transformational plan is yet to be determined (as referenced in paragraph 1.7 above).

### Risks and Mitigation

2.19 In addition to the benefits the JTP is delivering to LDC and EBC, it is important to recognise the potential risks. Setting out the risks associated with a transformation programme on this scale facilitates understanding of the risks, the potential impacts and the opportunities for mitigation. The following table sets out the key risks in relation to JTP Phase 3 and the action that needs to take place:

Risk	Description/ Implications	Responsible Officer	Mitigation
Staff and stakeholders	Staff and stakeholders may not	Joint Transformation	<ul style="list-style-type: none"> <li>• Identify and address concerns</li> </ul>

resisting change	understand/have an appetite to change and attempt to undermine the change. This would delay implementation of the change and realisation of the benefits.	Programme Manager	through the JTP Phase 3 Management Board. <ul style="list-style-type: none"> <li>• Provide clear leadership and communication of the benefits of the JTP.</li> <li>• Engage staff and stakeholders to maintain positive relationship.</li> </ul>
Reduction in performance of Phase 3 services	Performance levels of the services in scope could deteriorate across the implementation period.	Supporting Change Steering Group	<ul style="list-style-type: none"> <li>• Identify key performance indicators for monitoring through the JTP Phase 3 Management Board.</li> <li>• Ensure appropriate communications of the changes and points of contact.</li> <li>• Ensure appropriate training for staff taking on new ways of working.</li> </ul>
Failure to meet the business case	Increased costs or reduced savings in delivering the transformation could negatively impact on the overall business case objectives.	Joint Transformation Programme Manager	<ul style="list-style-type: none"> <li>• Build a realistic budget with appropriate contingency.</li> <li>• Clear accountability within the Programme team.</li> </ul>

2.20 Risks will be reviewed regularly and, if necessary, appropriate action taken to manage them effectively.

### Equality and Fairness

2.21 The JTP will continue to have due regard to equality and fairness issues through Phase 3 to ensure equality implications are fully considered in a timely way. The Equality and Fairness Forum for the JTP will operate in the same way it has operated for Phases 1 and 2 to ensure that all Phase 3 activity takes into consideration equality and fairness issues in line with the Public Sector Equality Duty.

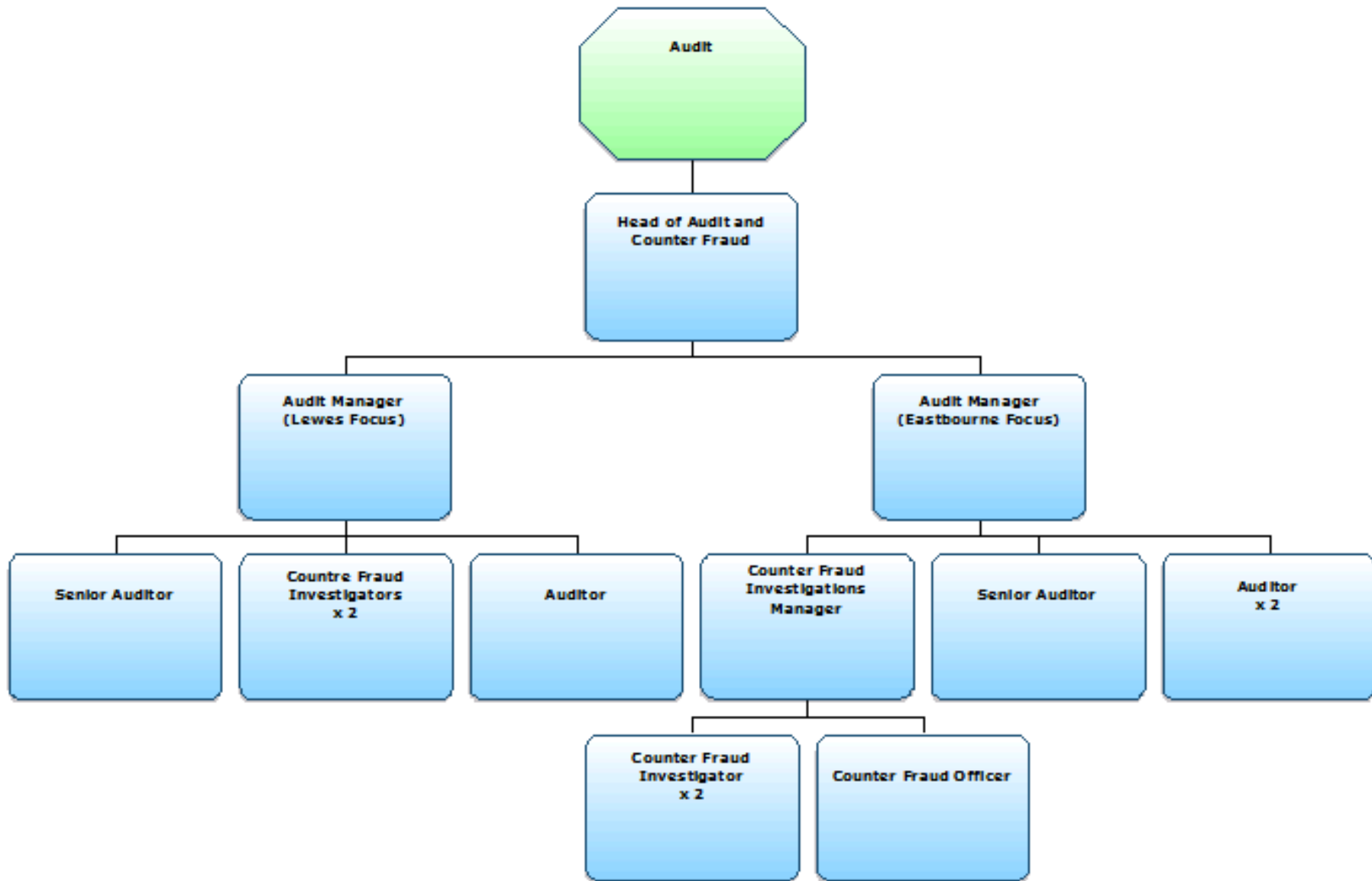
### Consultation

2.22 The staff and trade union engagement/consultation arrangements established in the earlier phases of JTP will continue. The JTP Consultative Staff Forum, which includes both staff and UNISON representatives, will continue to meet and

communicate virtually. The membership of the Forum will be expanded to include staff from the Phase 3 services.

2.23 All staff in scope of Phase 3 will be invited to a JTP Phase 3 launch event at which the overarching principles for the phase will be set out. Following this, discussions/consultation exercises will take place with each of the Phase 3 services once a draft review/restructuring proposal has been produced.

2.24 UNISON will be invited to the launch event and to take part in the discussions/consultation exercises.





Head of Commercial Business

Housing Delivery Lead

Head of Property and Facilities Services

Housing Economic Development Partnership - Development Project Manager

Housing Economic Development Partnership - Development Project Manager

Property Projects Co-ordinator

Senior Manager Maintenance and Facilities

Senior Manager Asset Development

Senior Manager Corporate Landlord

Development Assistant

New Initiative Development Officer

Facilities Manager East

Building Surveyor

Facilities Manager West

Estates Development Manager

Assistant Estates Surveyor

Procurement Manager

Procurement Officer

Facilities Officer East

Assistant Building Surveyor

Facilities Officer West

Support Assistant

Data Manager

Facilities Attendant

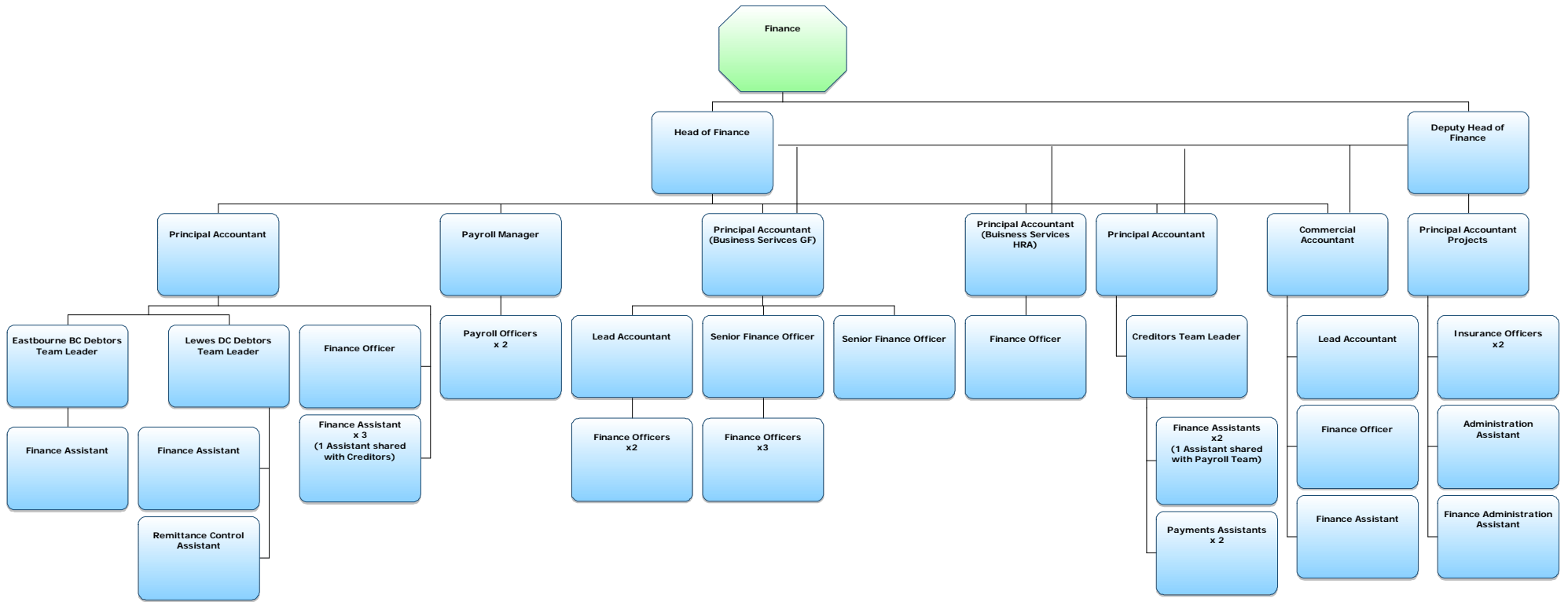
Facilities Attendant

Data Support Assistant

Service Desk Assistant

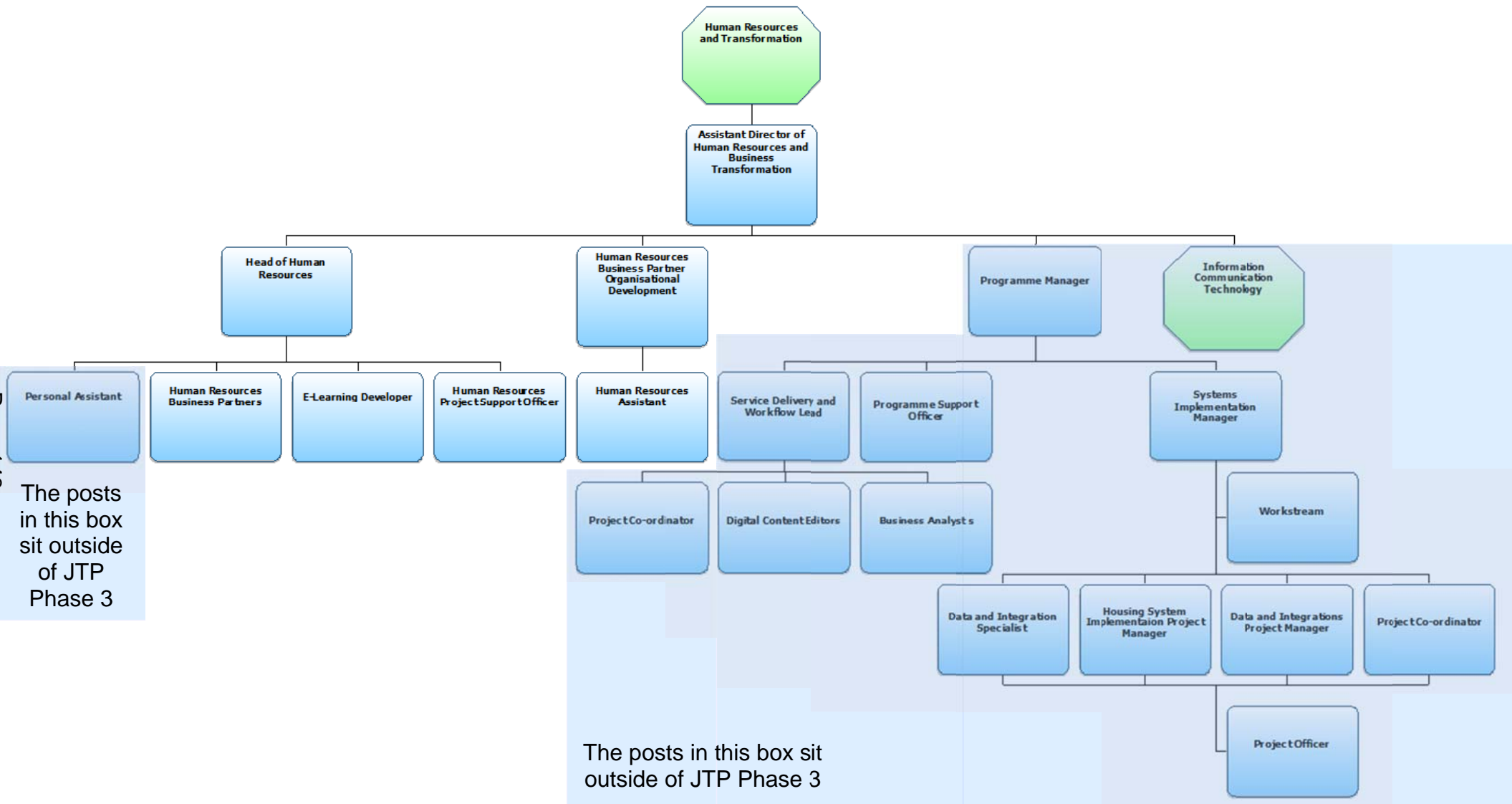
Facilities Attendant (Courier)

Facilities Assistant

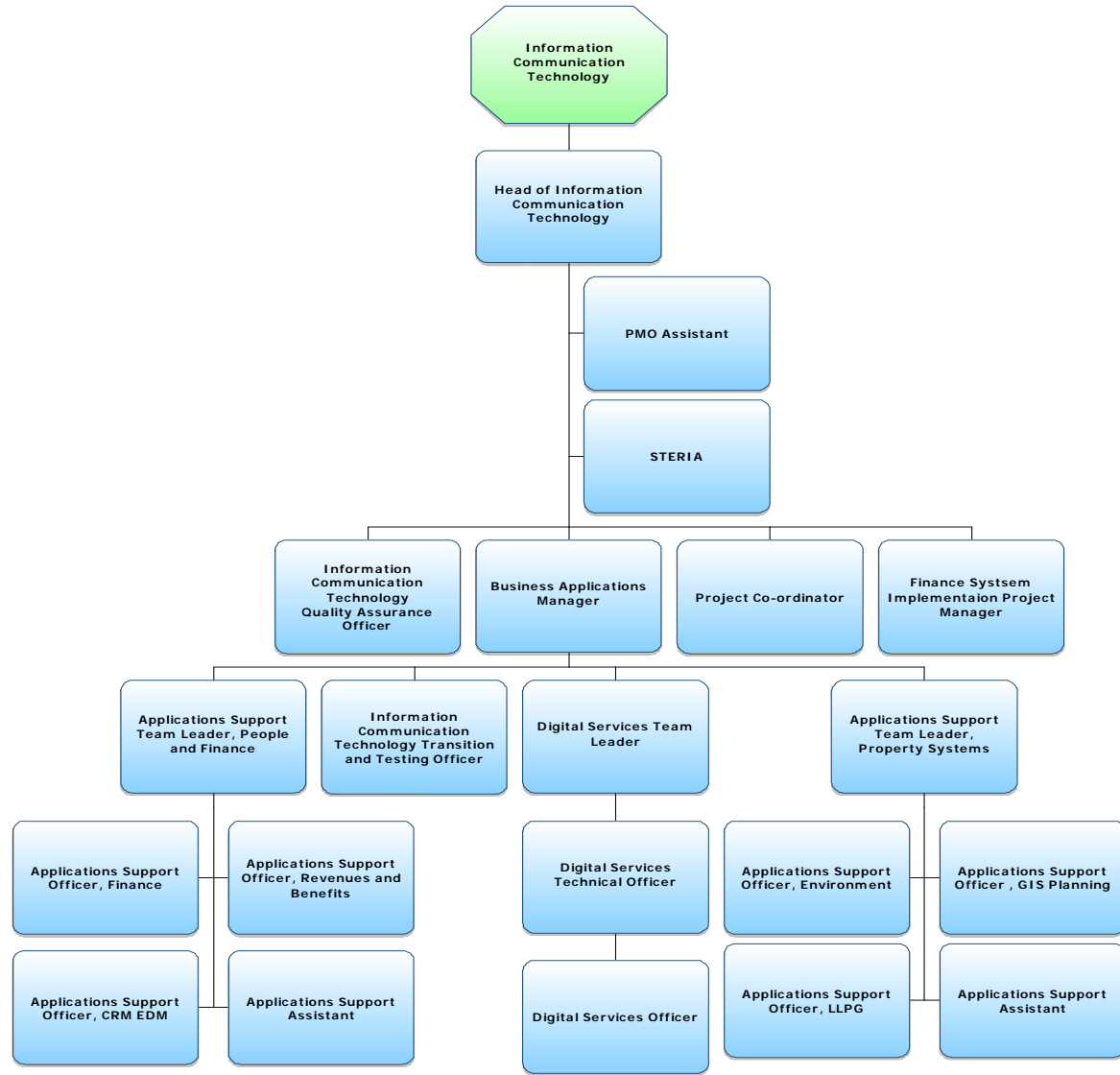


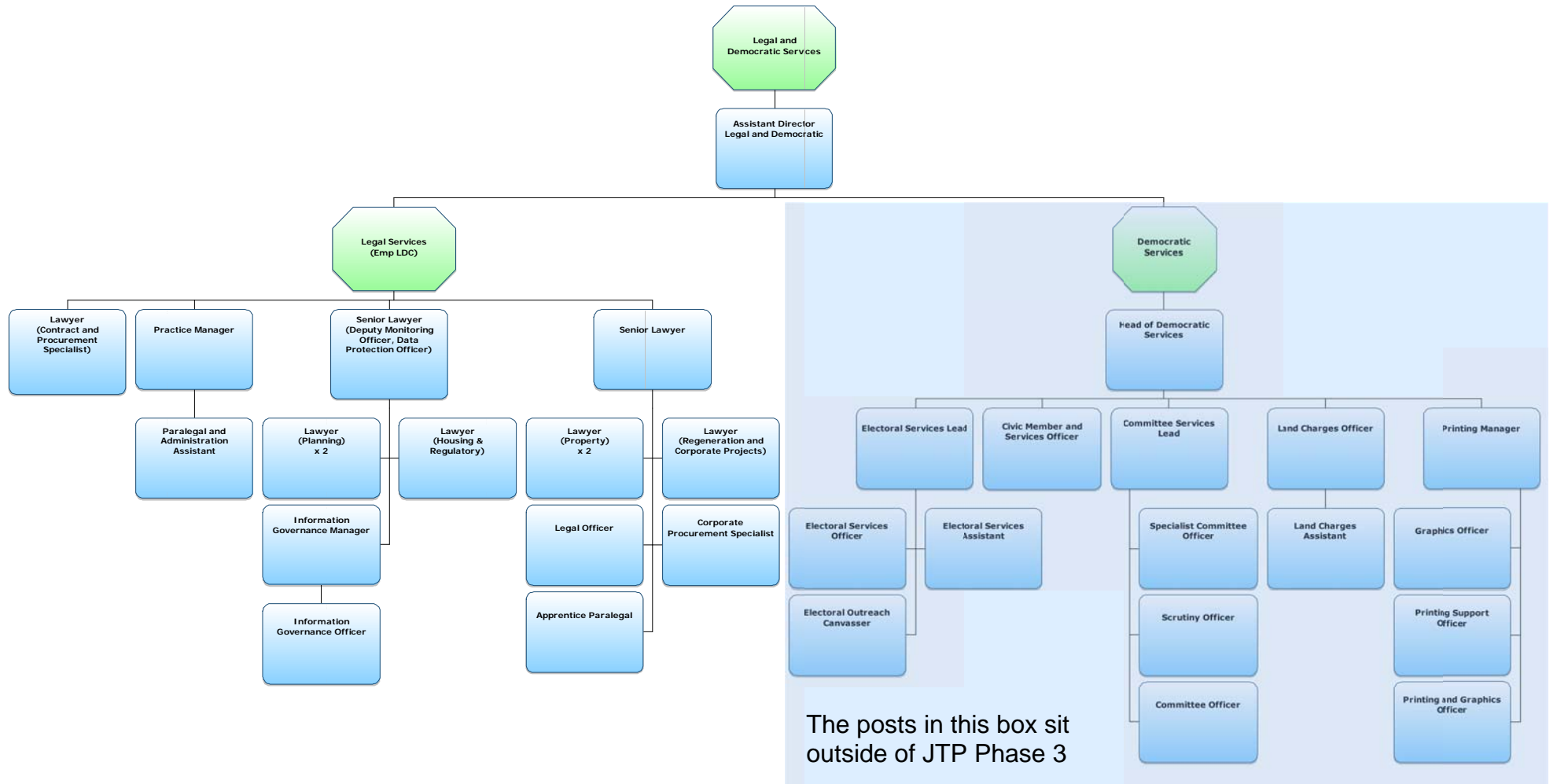
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The posts in this box sit outside of JTP Phase 3











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