

**Cabinet**  
**22 March 2021**



Working in partnership with **Eastbourne Homes**

Time: 6.00 pm

**PLEASE NOTE: This will be a 'virtual meeting' held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.**

**Members of the press and public can view or listen to proceedings by clicking on the link provided on the agenda page on the Council's website.**

**Instructions for members of the Committee and Officers to join the meeting have been circulated separately.**

**Membership:**

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

**Quorum: 3**

*Published: Friday, 12 March 2021*

## **Agenda**

- 1. Minutes of the meeting held on 10 February 2021 (Pages 5 - 12)**
- 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. New housing development update (Pages 13 - 20)**

Report of Deputy Chief Executive and Director of Regeneration and Planning  
Lead Cabinet member: Councillor Alan Shuttleworth

(This report contains an exempt appendix. Any discussion of this must take place at item 9 following exclusion of the public.)

## **8. Exclusion of the public**

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

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

## **9. New housing development update - Exempt Appendix 1 (Pages 21 - 22)**

Report of Deputy Chief Executive and Director of Regeneration and Planning  
Lead Cabinet member: Councillor Alan Shuttleworth

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

# **Information for the public**

**Accessibility:** 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.

**Public Participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to submit a speech on a matter which is listed on the agenda if applicable. Where speeches are normally allowed at a Committee, live public speaking has temporarily been suspended for remote meetings. However, it remains possible to submit speeches which will be read out to the Committee by an Officer.

# 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).

**Other participation:** Please contact Democratic Services for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

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Working in partnership with **Eastbourne Homes**

## Cabinet

**Minutes of meeting held remotely on 10 February 2021 at 6.00 pm.**

### **Present:**

Councillor David Tutt (Chair).

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

### **Officers in attendance:**

Robert Cottrill (Chief Executive), Homira Javadi (Chief Finance Officer), Philip Evans (Director of Tourism & Enterprise), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Andrew Clarke (Deputy Chief Finance Officer (Financial Planning)), Oliver Dixon (Head of Legal Services), Jane Goodall (Strategy and Partnership Lead, Quality Environment), Nathan Haffenden (Head of Commercial Business Development), Jo Harper (Head of Business Planning and Performance), Oliver Jones (Strategy and Partnership Lead), Millie McDevitt (Performance and Programmes Lead), Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance)), Simon Russell (Head of Democratic Services) and Sean Towey (Head of Environment First).

### **Also in attendance:**

Councillor Robert Smart (Opposition Leader).

### **33 Minutes of the meeting held on 2 December 2020**

The minutes of the meeting held on 2 December 2020 were submitted and approved and the Chair was authorised to sign them as a correct record.

### **34 Apologies for absence**

None were reported.

### **35 Declaration of members' interests**

Councillors Tutt and Shuttleworth declared a personal and prejudicial interest in the sixth officer recommendation for agenda item 9 (General Fund Revenue Budget 2021/22 and Capital Programme) as members of the AHLLP Executive Committee. They withdrew from the meeting whilst this section of the item was discussed and determined. Councillor Holt chaired the meeting for the duration of this section.

Councillor Bannister declared a personal interest in agenda item 13

(Adaptations to the waste collection service) as she resided in the area that would continue to receive a weekly collection service. She remained on the meeting and voted on the item.

### **36 Recovery and Reset**

The Cabinet considered the report of the Chief Executive, updating them on progress of the Recovery and Reset Programme.

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

To note the progress made within the Recovery and Reset Programme

#### **Reason for decision:**

The Recovery and Reset Programme provides a structured and accountable approach for delivering the level of significant organisational change needed to respond to current and future challenges.

### **37 Corporate performance - quarter 3 - 2020/21**

The Cabinet considered the report of the Chief Finance Officer and Deputy Chief Executive/Director of Regeneration of Planning, updating members on the Council's performance against Corporate Plan priority actions, performance indicators and targets for the second quarter of the year 2020-21.

Performance highlights for the quarter included average days to process housing and council tax benefit claims, number of people registering for the Council's email service, waste collection, staff attendance and reducing the number of households in emergency accommodation. Thanks were conveyed to officers for their continued high performance.

Councillor Dow reported that work was ongoing to reduce the number of reported fly-tipping incidents.

Part B of the report detailed the Council's financial performance for the same quarter. Councillor Holt highlighted section 1.2 of the report, that detailed the additional costs and reduced income because of Covid-19.

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

(1) To note the achievements and progress against Corporate Plan priorities for 2020-21, as set out in part A of the report.

(2) To note the General Fund, HRA and Collection Fund financial performance for the quarter, as set out in part B of the report.

#### **Reason for decisions:**

To enable Cabinet members to consider specific aspects of the Council's

progress and performance.

### **38 General Fund Budget 2021/22 and Capital Programme**

The Cabinet considered the report of the Chief Finance Officer, regarding the updated General Fund budget and Medium Term Financial Strategy, together with updated Capital Programme position.

Councillor Holt presented the proposed budget and referred to section 2.1 of the report, that detailed the financial impact of Covid-19, including additional costs to the Council of £3.7 million and projected loss of £10 million. Thanks were conveyed to the Chief Finance Officer and the finance team for their work in preparing the reports during an extremely challenging period.

During August 2020, the Chief Finance Officer initiated a formal notification process with the Ministry of Housing, Communities and Local Government (MHCLG), asking for financial support or capitalisation directive.

On 2nd February 2021, Luke Hall, MP and Minister of State for Regional Growth and Local Government in a letter addressed to Cllr Tutt, Leader of the Council, approved a total capitalisation direction to fund revenue expenditure not exceeding £6.8m, for the financial year 2020/21 and up to £6m for 2021/22. Councillor Holt added that there were significant costs associated with MHCLG's capitalisation offer and wanted the Secretary of State to reconsider some of the conditions laid out to ensure best value for all. Thanks were conveyed to Caroline Ansell, MP for Eastbourne for her continued support on behalf of the Council.

The Scrutiny Committee at its meeting on 8 February 2021 recommended that the Cabinet accept the offer of support from MHCLG. Councillor Tutt confirmed that MHCLG had set a deadline of 9 February 2021 for a response to the offer. Councillor Tutt confirmed that he had accepted the offer, on behalf of the Council.

The budget proposed a rise in council tax of just under 10p a week, despite the pandemic leaving the council with a significant shortfall in funding. The proposed increase would ensure the council could continue to deliver essential services to residents and support businesses.

The Chief Executive gave an overview of the programme of activities as part of the Council's Recovery and Reset programme to revise service delivery and achieve the required savings.

Councillors Tutt and Shuttleworth declared a prejudicial interest in the sixth officer recommendation as members of the AHLLP Executive Committee. They withdrew from the meeting whilst this section of the item was discussed and determined. Councillor Holt chaired the meeting for the duration of this section.

**Recommended to Full Council (Budget and policy framework):**

- (1) The General Fund budget for 2020/21 (Revised) and 2021/22 (Original).
- (2) The Capital Programme and Financing for 2020/21 (Revised) and 2021/22 (Original).
- (3) An increase in the Council Tax for Eastbourne Borough Council of 2% resulting in a Band D charge of £256.74 for 2021/22.
- (4) The revised General Fund capital programme 2021/22 as set out at appendix 3 to the report.
- (5) To note the section 151 Officer's sign off as outlined in the report.

**Resolved (Key decision):**

(6) To delegate authority to the Chief Finance Officer in consultation with the Lead Member for Finance to:

- approve the making of all future loans to Aspiration Homes LLP and all drawdowns under both future and existing facilities.
- approve the loans as a Restricted Matter under the LLP Agreement with Lewes District Council.
- approve all documentation required to ensure compliance with the UK's new subsidy control regime and so that Right to Buy receipts are appropriated in accordance with all relevant requirements; and
- determine the terms of all agreements and associated documentation required to put into effect these delegations and to authorise the execution of all such documentation on behalf of the Council.

**Reason for decisions:**

The Cabinet must recommend to Full Council the setting of a revenue budget and associated council tax for the forthcoming financial year by law.

**39 Treasury Management and Prudential Indicators 2021/22, Capital Strategy & Investment Strategy**

The Cabinet considered the report of the Chief Finance Officer, seeking a recommendation to Full Council for the Council's Annual Treasury Management Strategy, Capital Strategy and Investment Strategy, together with the Treasury and Prudential Indicators for the next financial year.



**Recommended to Full Council (Budget and policy framework):**

- (1) To approve the Treasury Management Strategy and Annual Investment Strategy for 2021/22 as set out at appendix A to the report.
- (2) To approve the Minimum Revenue Provision Policy Statement 2021/22 as set out at paragraph 8 in the report.
- (3) To approve the Prudential and Treasury Indicators 2021/22 to 2023/24, as set out at paragraph 6 in the report.
- (4) To approve the Capital Strategy set out at appendix E to the report.

**Reason for decisions:**

It is a requirement of the budget setting process for the Council to review and approve the Prudential and Treasury indicators, Treasury Strategy, Capital Strategy and Investment Strategy.

**40 Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2021/22 and HRA Capital Programme 2020-24**

The Cabinet considered the report of the Chief Finance Officer, asking them to agree the detailed Housing Revenue Account (HRA) budget proposals, rent levels, service charges and heating costs for 2021/22, and the HRA Capital Programme 2020/24.

**Recommend to Full Council (Budget and policy framework)**

- (1) The HRA budget for 2021/22 and revised 2020/21 budget as set out at appendix 1 to the report.
- (2) That social and affordable rents (including Shared Ownership) are increased by 1.5% in line with government policy.
- (3) That service charges for general needs properties are increased by 1.5% (CPI +1%).
- (4) That the service charge for the Older Persons' Sheltered Accommodations increases by an average of 1.5%.
- (5) That the Support charges for Sheltered Housing Residents are set at £7.82 per unit, per week, an increase of 1.5%.
- (6) That heating costs are increased by 1.5% (CPI+1%) in line with estimated costs set at a level designed to recover the actual cost.
- (7) That water charges are increased by 1.5% (CPI+1%) designed to recover the estimated cost of metered consumption.

(8) Garage rents are increased by 2.1% (September RPI+1%).

(9) To give delegated authority to the Chief Executive, in consultation with the Cabinet Portfolio holders for Financial Services and Direct Assistance Services and the Chief Finance Officer to finalise Eastbourne Homes' Management Fee and Delivery Plan.

(10) The HRA Capital Programme as set out at appendix 2 to the report.

**Reason for decisions:**

The Cabinet has to recommend to Full Council the setting of the HRA revenue and capital budget and the level of social and affordable housing rents for the forthcoming year.

**41 Eastbourne & Lewes Community Safety Partnership - Annual report (Eastbourne)**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, considering the 2020/21 performance of the Eastbourne and Lewes Community Safety Partnership.

Priorities of the partnership had been adapted to tackle the Covid-19 impact on crime trends, such as the increase in anti-social behaviour and domestic abuse. Thanks were conveyed to Oliver Jones, Strategy and Partnership Lead (Housing and Communities), and the Partnership for their work in tackling acquisitive crimes, detailed in section 4 of the report.

The Cabinet commented on the additional strain put on the Council, because of Brighton and Hove City Council's policy of placing many homeless people into emergency accommodation in Eastbourne over the recent months. A notice of motion on the topic was scheduled to be submitted for the Full Council meeting on 24 February 2021, calling on a change to the policy.

**Resolved (Non-key decision):**

To note the achievements and activities of the Eastbourne and Lewes Community Safety Partnership in 2020/21.

**Reason for decision:**

For Cabinet to consider progress on delivery of the current Community Safety Plan.

**42 Adaptations to the waste collection service**

The Cabinet considered the report of the Director of Service Delivery, regarding proposed adaptations to the waste collection service. The adaptations were proposed to improve the town's recycling rate and to contribute to meeting the council's carbon reduction and financial objectives.

Eastbourne's current recycling rate was 35%, with the government recycling target for local authorities in 2020 set at 50%. Evidence had shown that in many towns where councils collected on an alternate weekly basis, residents recycled more of their household waste.

The council undertook an extensive consultation exercise, asking residents for their views about waste and recycling and that feedback had been invaluable in shaping the new plans for refuse and recycling.

The Scrutiny Committee at its meeting on 8 February 2021 recommended that the Council's communications, including changes to the Waste Service, be made publicly accessible and be provided in an 'easy read' format. The Cabinet confirmed that this had already been actioned.

Thanks, were conveyed to officers for their work in producing the report.

**Resolved (Key decision):**

(1) To approve an alternate weekly refuse and recycling collection service as standard across the borough.

(2) To agree to certain areas and dwellings remaining on a weekly refuse collection with operational flexibility to adjust rounds as required.

(3) To authorise the Director of Service Delivery, in consultation with the Portfolio Holder for Place Services and the Portfolio Holder for Climate Change, to develop and progress operational plans to ensure new service arrangements are in place for April 2021.

(4) To approve the business case as set out in section 6 and exempt appendix 4 of the report.

**Reason for decisions:**

Eastbourne Borough Council's ambitions for higher recycling rates and increased resource efficiency, alongside helping to meet challenging financial and carbon reduction objectives.

**43 Exclusion of the public**

**Resolved:**

That the public be excluded from the remainder of the remote 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.)

**44 Adaptations to the waste collection service - Exempt Appendix 4**

The Cabinet considered the exempt appendix in relation to agenda item 13 (Adaptations to the waste collection service).

**Resolved (Non-key decision):**

That the exempt appendix be noted.

**Reason for decisions:**

As detailed in minute 42.

Notes: (1) The appendix remained exempt. (2) Exempt information reasons 1 - Information relating to an individual.

The meeting ended at 7.15 pm

Councillor David Tutt (Chair)

# Agenda Item 7

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>22 March 2021</b>
<b>Title:</b>	<b>New housing development update</b>
<b>Report of:</b>	<b>Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning,</b>
<b>Cabinet member:</b>	<b>Councillor Alan Shuttleworth, Lead Cabinet Member for Direct Assistance Services</b>
<b>Ward(s):</b>	<b>Devonshire, Old Town, Langney, Ratton &amp; Upperton</b>
<b>Purpose of report:</b>	<b>Update on the progress of HRA new developments</b>
<b>Decision type:</b>	<b>Key Decision</b>
<b>Officer recommendation(s):</b>	<p><b>(1) To note the progress of the Housing Revenue Account (HRA) Capital Programme for housing delivery.</b></p> <p><b>(2) To authorise the development of the garage sites at Brede Close and Timberley Road, as well as the site at Fort Lane, for new homes and to allocate a budget within the capacity of the approved HRA Capital Programme, with reference to the delegations in recommendation 6.</b></p> <p><b>(3) To approve a waiver under paragraph 2.4.1(a) of the Contract Procedural Rules (CPR) to allow the direct negotiation with, and appointment of, a main contractor for the development at Brede Close, which has an estimated contract value below £4,733,252.</b></p> <p><b>(4) To authorise (a) the transfer for a nominal consideration of the garage site at Biddenden Close to the Eastbourne Community Land Trust (ECLT), and (b) where for any reason the transfer referred to in recommendation 4(a) above does not proceed, the development by Eastbourne Borough Council (EBC) of such property for new homes and to allocate a budget within the approved HRA Capital Programme.</b></p> <p><b>(5) To authorise commencement of the project to develop the site known as Cavalry Crescent up to the planning stage, subject to further Cabinet approval on the appointment of a contractor and the commencement of any works.</b></p>

- (6) To authorise the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Housing and Chief Finance Officer, to carry out all necessary actions to facilitate the proposals outlined at Recommendations 2), 3), 4) and 5) including feasibility, development and determining the terms of, and authorising the signature of, all necessary documentation and to sub-delegate those actions as required. Also to authorise the Director of Regeneration and Planning to take all necessary actions including determining the terms of, and authorising the signature of, all necessary documentation to let the homes to new tenants and dispose on shared ownership terms as required**
- (7) To approve an increase to the feasibility revenue budget of £250,000, approved in July 2018, up to a total amount of £350,000 to enable the development of a new housing delivery project pipeline as part of the HRA Capital Programme and to delegate authority to the Director of Regeneration and Planning to approve all expenditure, to be sub-delegated as required.**
- (8) To note that EBC proposes to procure a single provider framework for a contractor offering an off-site manufactured house building solution, through an advertised open competition. Further details to follow.**

**Reasons for recommendations:** To provide information and secure approvals in relation to ongoing key development projects.

**Contact Officer(s):** Name: Leighton Rowe  
 Post title: Specialist Project Manager  
 E-mail: leighton.rowe@lewes-eastbourne.gov.uk  
 Telephone number: 01323 415367

## **1 Introduction**

- 1.1 This paper provides an overview of progress made on the Housing Revenue Account (HRA) Capital Programme to develop new housing projects. The majority of the projects have already been presented and approved in past Cabinet reports, however, there are some schemes that are being presented for the first time.
- 1.2 The recommendations are mainly to note the overall progress of the programme, with some specific approvals required.

## 2 New Housing Development Programme

- 2.1 The approved HRA Capital Programme includes a budget for new housing, with the potential to deliver approximately 200 new homes. The developments will be on a mix of acquired sites and land that Eastbourne Borough Council (EBC) has owned historically.

Projects are graded on their progress (Stages 1-3 Feasibility and Planning, Stage 4 Technical Design, Stage 5 Construction)

<b>Scheme Name</b>	<b>Indicative Number of Residential Units</b>	<b>Project Stage</b>
Bedfordwell Road	100*	1-3
Brede Close	6	4
Cavalry Crescent	20*	1-3
Eastbourne Law Courts	40*	1-3
Southfields Road	19	4
Fort Lane	7	4
Timberley Road	4	4
Biddenden Close	5	4
<b>Total</b>	<b>201</b>	

*\*Subject to planning consent*

## 2.2 Small Sites

The garage sites at Brede Close, Timberley Road and Biddenden Close were identified as having potential for developing housing several years ago and planning permission was granted in September 2018.

Following the granting of planning permission, two of these sites were previously proposed to be sold and developed through Aspiration Homes LLP (AHLLP) and one site through Eastbourne Housing Investment Company Limited (EHICL). However, the nature of small sites meant that their viability was marginal and rising build costs soon made development unviable through a development vehicle. However, recent changes and efficiencies created by the wider HRA Capital Programme, have meant these sites can now be delivered within the capacity of the HRA, primarily by smaller, local firms or by modular off-site builders.

EBC is working with the Eastbourne Community Land Trust (ECLT) to develop the garage site at Biddenden Close. The site remains in the HRA Capital Programme and could be developed by EBC, should the ECLT be unable to take it forward.

The site at Fort Lane has planning permission for 7 homes and was included in an earlier Capital Programme, as highlighted in Cabinet Reports from March and September 2019.

In 2019, proposals for the development at Brede Close were progressed through the Clear Sustainable Futures (CSF) framework. This involved seeking tenders for the construction of 6 homes under an existing planning consent. It was not possible through this route to secure a contractor, who could develop the homes at a cost level that was financially viable to the Council. The Council has now identified a small local house building company that could construct the homes to a viable cost level. The estimated contract value is below the threshold that would require a competitive and advertised procurement process under the Public Contracts Regulations 2015. Given the value of the contract, the Council's Contract Procedure Rules ("CPR") would normally require an advertisement seeking four tenders. Given the challenges of delivering the site to date, a waiver of the CPR requirements are therefore sought on this occasion to allow a direct award without further competition as it is considered that the market has already been sufficiently tested.

### **2.3 Cavalry Crescent**

There are many homes in the Old Town area of the Borough that were built with non-traditional construction methods and contain sub-standard features. Building surveys have been carried out in the past which support a gradual approach to redevelop some properties with modern energy conservation features. We propose that a pilot scheme involving modern sustainable features be developed at the Cavalry Crescent location.

A site on the corner of Cavalry Crescent and North Road has been identified as having very good potential for developing up to 20 new homes, which would require the demolition of only Council 8 properties, many of which are already vacant. Initial designs and local consultation have been carried out and, following this report, the plans would be submitted for a planning decision in due course. Of the 8 properties, 5 are currently occupied, the residents of which have said they are prepared to be re-housed and who will receive home-loss payments. The project will be presented to Cabinet for approval before works commence on site.

### **2.4 Feasibility Budget**

As the scope and pipeline of the HRA Capital Programme continues to be developed, a range of projects are coming forward from both within the existing Council asset portfolio and via other external sources.

To continue to develop a consolidated capital project pipeline, a level of initial feasibility must be undertaken to determine viability and deliverability. The increased scope of the HRA Capital Programme, approved in February, would therefore benefit from an increase to the existing feasibility revenue budget.

Increasing the budget to £350,000 will help enable the pipeline to meet core corporate objectives. Delegating authority to the Director of Regeneration and Planning will also ensure the budget is effectively managed and monitored, together with a streamlined approvals process.



## **2.5 Off-site Manufacture Framework**

EBC and Lewes District Council (LDC) will be jointly advertising a procurement process for modular housing companies to apply to be appointed as the sole contractor for each Council under separate framework agreements. The framework agreement will allow the successfully tenderer the ability to be awarded contracts for appropriate development projects over a 4-year period. The companies who apply will, among other things, will be assessed on cost, sustainability of their processes and final product, as well as their ability to employ and train local people.

A further report will be brought to Cabinet for approval to confirm the details of the successful applicant to the framework and the basis under which contracts may be awarded. It is intended to allow the framework agreements to be used by other local authorities across Sussex, as well as each council's development companies and joint partnership.

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

- 3.1 The overall outcomes of the recommendations will be the delivery of the HRA Capital Programme to meet corporate objectives. The timeline for delivery is not yet confirmed, but completion is expected to be staggered over the next 3 years, with most projects delivered in 2022/23 and 2022/23.

The increase in the HRA feasibility budget will allow progress to continue on the outlined sites in their early stages. This budget will be re-assessed annually for its effectiveness and costs capitalised once standalone budgets have been approved.

- 3.2 The financial performance will be monitored through a series of financial reporting processes that will assess the Capital Programme as a whole, and each project. Reports will be presented to Cabinet at least once a year to provide an update on housing delivery progress, which will include any changes to the Capital Programme underpinned by the HRA Business Plan.

## **4 Consultation**

- 4.1 Consultation has been undertaken on the sites that have been through the planning process, either prior to submission or during the statutory consultation process. Additional consultation has also been carried out with Ward Councillors as individual projects have progressed, as well as the EHL Board of Directors and Residents Voice have recently received presentations on the programme.

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

- 5.1 The development of these sites meets the Council's objectives in the Corporate Plan, delivering more homes for the town and supporting the local economy through thriving communities.
- 5.2 Any affordable housing will be compliant with the Council's Affordable Housing requirements as set out in their planning policy documents. This proposal

increases the affordable homes above the policy requirements, which is a target for the Council to achieve where possible.

## **6 Next Steps**

- 6.1 The programme will continue to progress with planning submissions due shortly on the sites at Bedfordwell Road, the former Eastbourne Law Courts and Cavalry Crescent. Further work will continue over the next 12 months to tender for contractors for the remaining projects that already have planning approval.
- 6.2 The negotiations with the preferred contractor who has been selected to develop the site at Brede Close can be concluded and an agreement entered into for work to commence without further delay.

## **7 Financial implications**

- 7.1 The proposals outlined within this report are in accordance with the HRA Business Plan and Capital Programme for 2021/22 previously approved by the Council.
- 7.2 Increasing the HRA revenue budget to £350,000 will help enable the pipeline to meet core corporate objectives. At the end of each financial year, the revenue spending on approved projects may be capitalised into the approved project budget, releasing further, rolling capacity for feasibility spending.

## **8 Legal implications**

- 8.1 In relation to the affordable rent properties, the Council can rely on section 9 of the Housing Act 1985 (HA 1985) to undertake the development. This is a power to provide sub-market rented housing for its area i.e. to address a gap in the housing market and meet the needs of the local community. Right to Buy will apply to these properties.
- 8.2 In disposing of properties, Section 32 of the HA 1985 permits the Council to let on secure tenancies without the requirement for Secretary of State consent.
- 8.3 In relation to the shared ownership properties the Council can rely on section 9 of the Housing Act 1985 to undertake the development. Right to Buy will not be applicable to the shared ownership properties.
- 8.4 The sale of property held in the Council's HRA requires Secretary of State consent under Section 32 of the HA 1985. However, in the case of the grant of shared ownership leases, the Council may rely on the March 2013 General Consent (the 2013 General Consent) which permits the disposal of unoccupied dwellings to individuals for use as their only or principal home. The 2013 General Consent also sets out specific requirements in relation the level of discount and rights of alienation and pre-emption which the Council must observe with respect to shared ownership leases.

In relation to the potential disposal of a site to ECLT, consent A3.2 of the 2013 General Consent enables the Council to dispose of vacant land at any price determined by it.

The Council has taken full advice on any title issues associated with the developments and in respect of appropriate ways to address any issues revealed.

[9551-EBC-KS 23 February 2021]

## 9 Risk management implications

9.1 The key risks and mitigations are set out in the following table:

Ref	Risk	Mitigations
1	Costs for developing small garage sites may prove too high to be viable	By selecting small local firms to deliver sites, overheads can be kept to a minimum. Some sites can be delivered as part of a wider agreement by a modular house builder. Consideration is also being given to bids to Homes England for infrastructure funding.
2	It may take longer to find appropriate housing for households at Cavalry Crescent than is programmed	Homes First are working closely with Project Managers to ensure appropriate accommodation is identified.
3	Planning may be refused	Extensive pre-application discussions are taking place on all sites prior to submission.

## 10 Equality analysis

10.1 An equality impact assessment has been undertaken and has not identified any equality impacts.

## 11 Environmental impact analysis

11.1 The design of the proposals will undergo a full review of the sustainability features (both for the construction and usage of future residents) in accordance with Council corporate priorities and in consideration of the financial viability.

The programme outline above is being developed on brownfield sites and, where appropriate, full ecology and environmental impact surveys are being carried out.

## **12 Appendices**

- Appendix 1 – Housing Delivery Programme (Exempt)

## **13 Background papers**

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

- Cabinet Report: Housing Revenue Account (HRA) and Rent Setting 2021/22 and HRA Capital Programme 2020-24 - February 2021

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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