

# Cabinet Agenda

**Monday, 10 July 2017 at 6.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, East Sussex,  
TN34 3UY

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1.	Apologies for Absence	
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3.	Notification of any additional items	
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## Exclusion of the Public

To resolve that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that if members of the public were present there would be disclosure to them of "exempt" information as defined in the paragraphs of schedule 12A to the Local Government Act 1972 referred to in the relevant report.

### **Confidential Business**

12. Compulsory Purchase of Long Term Empty Homes  
(Andrew Palmer, Assistant Director Housing and Built Environment)  
(Cabinet Decision)

89 - 114

# Agenda Item 4 Public Document Pack

## CABINET

3 APRIL 2017

Present: Councillors Chowney (Chair), Forward, Cartwright, Fitzgerald, Beaney, Lee and Patmore

Apologies for absence were noted for Councillor Poole

Councillor Chowney announced that, following Councillor Davies resignation from Cabinet, Councillor Fitzgerald had been appointed as Lead Member for the Environment and Place portfolio. Councillor Beaney had been appointed to Cabinet as Chair of Charity Committee.

### 83. MINUTES OF THE MEETING HELD ON 6 MARCH 2017

**RESOLVED that the minutes of the meeting held on 6 March 2017 be approved and signed by the Chair as a correct record**

**RESOLVED the Chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute number 87 were agreed without being called for discussion.**

### EXCLUSION OF THE PUBLIC

Councillor Chowney proposed a motion for the exclusion of the public from the meeting, which was seconded by Councillor Lee and unanimously agreed as follows:

**RESOLVED that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that if members of the public were present there would be disclosure to them of “exempt” information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the relevant report.**

### Confidential Business

### 84. 12/13 YORK BUILDINGS

Cabinet considered the recommendations set out in minute numbers 84 and 88 together.

The Assistant Director, Financial Services and Revenues, presented a report which sought approval for capital funding to convert the upper floors of 12/13 York Buildings into six flats.

The property was a grade II listed building, occupying a prominent location in the town centre. The ground floor and basement of the building was leased as retail space, however, the upper floors had been vacant for many years and were in a semi derelict state.

## CABINET

3 APRIL 2017

The council had a longstanding commitment to bring empty properties back in to use and support the supply of good quality rented accommodation in the town.

The council had commissioned a feasibility study for potential uses for the upper floors of the building. The report recommended that the council undertake the works to convert the top three floors of the building into six flats and rent the units through a 3<sup>rd</sup> party. Initial discussions had taken place with a local charity, which may be willing to take on the lease of the completed flats.

Members noted that the estimated refurbishment costs were high due to the present condition of the property and the conservation requirements for listed buildings. However, the council had the opportunity to borrow the funds at a competitive rate due to low interest rates. Once borrowing costs had been deducted, it was anticipated that the scheme would achieve a surplus of £4,700 per annum.

Discussion took place regarding alternative models to bring the property back into use, including selling the upper floors of the building in their present condition.

Councillor Chowney proposed approval of the recommendations to the Assistant Director, Financial Services and Revenues report, which was seconded by Councillor Forward.

**RESOLVED (by 5 votes for to 2 against with 0 abstentions) that the upper floors of 12/13 York Buildings be converted to six flats at an estimated cost of £682,000**

The reason for this decision was:

With historically low interest rates there is a window of opportunity to convert the upper floors in this grade II listed building (which has high conversion costs), to create much needed new residential accommodation and generate additional income for the council.

**85. MINUTES OF THE MUSEUMS COMMITTEE MEETING HELD ON 13 MARCH 2017**

The minutes of the Museums Committee meeting held on 13 March 2017 were submitted.

**RESOLVED that the minutes of the Museums Committee meeting held on 13 March 2017 be received and agreed**

**86. MINUTES OF THE CHARITY COMMITTEE MEETING HELD ON 20 MARCH 2017**

The minutes of the Charity Committee meeting held on 20 March 2017 were submitted.

## CABINET

3 APRIL 2017

**RESOLVED** that the minutes of the Charity Committee meeting held on 20 March 2017 be received and agreed

### **87. UPDATE ON ENTERPRISE RESOURCE PLANNING (ERP) PROCUREMENT**

The Director of Corporate Services and Governance submitted a report which updated Cabinet on the Enterprise Resource Planning (ERP) procurement and requested delegated authority for additional capital spend to allow Hastings Borough Council to procure on behalf of both authorities and subsequently reclaim monies from Rother District Council.

**RESOLVED** that:

- 1. Delegated authority be given to the Director of Corporate Services and Governance in consultation with the Leader of the Council to complete the procurement process and appoint the successful supplier, and;**
- 2. To increase the capital programme to the amount set out in the report to cover the total cost, which will be split 50:50 between Hastings Borough Council and Rother District Council**

The reason for this decision was:

Following Cabinet's previous approval to proceed with procuring the ERP system from the successful supplier and to enter into joint arrangements with Rother District Council on 50:50 split of the cost it has been agreed that Hastings Borough Council will be the lead authority in procuring the system.

The total cost to both authorities will exceed the amount previously agreed in the capital programme. Under the council's financial rules, the Director of Corporate Services and Governance requires further delegated authority to spend the additional amount.

Contractual assurances in the form of a formal agreement are currently being drawn up with Rother District Council to ensure that their 50% contribution to the overall cost will be recovered.

### **88. 12/13 YORK BUILDINGS**

The Assistant Director, Financial Services and Revenues, presented a report which sought approval for capital funding to convert the upper floors of 12/13 York Buildings into six flats.

Councillor Chowney proposed approval of the recommendations to the Assistant Director, Financial Services and Revenues report, which was seconded by Councillor Forward.

**RESOLVED** (by 5 votes for to 2 against with 0 abstentions) that the upper floors of 12/13 York Buildings be converted to six flats for the estimated capital cost set out in the report

## **CABINET**

**3 APRIL 2017**

The reason for this decision was:

With historically low interest rates there is a window of opportunity to convert the upper floors in this grade II listed building (which has high conversion costs), to create much needed new residential accommodation and generate additional income for the council.

(The Chair declared the meeting closed at. 6.56 pm)

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## CABINET

15 MAY 2017

Present: Councillors Chowney (Chair), Forward, Fitzgerald, Poole, Beaney, Lee and Patmore

Apologies for absence were noted for Councillor Cartwright

### 89. REVIEW OF CONSULTATION AND IMPLEMENTATION PUBLIC SPACE PROTECTION ORDERS

The Assistant Director, Environment and Place, presented a report which summarised the consultation feedback on draft Public Space Protection Orders (PSPOs), relating to anti-social behaviour and dog controls. The report sought agreement for proposed changes to the draft PSPOs, as a result of the consultation feedback, and approval for the Chief Legal Officer to make the Orders in accordance with the regulations published by the Secretary of State.

At its meeting on 6 March 2017, Cabinet had approved the rationale for making 2 PSPOs. The report had recommended a 4 week public consultation on the draft PSPOs between 24 March 2017 and 21 April 2017. The consultation process had engaged with statutory agencies, representatives of the local business and voluntary sector, animal welfare groups and the general public.

Concerns had been raised during the consultation process that the dogs on lead requirements of the draft PSPO's were too restrictive. Consequently, the dogs on lead restriction for St Leonards Gardens and Linton Gardens would be in force between 9.00am and 5.00pm, rather than 8.00am to 6.00pm as originally proposed. The existing dogs on leads restrictions between groynes 1 and 3 on the beach at Rock-a-Nore had also been removed. The Assistant Director, Environment and Place, commented that a key aim of the new PSPO's was to encourage enjoyment of the town's parks and open spaces by the whole community.

Cabinet noted that the draft PSPO for anti-social had been broadly supported. Following comments made during the consultation period, the scope of this PSPO had been extended to address incidents of anti-social behaviour in the council's parks and gardens. The Police had also recommended simplifying the scope of some restrictions, to promote a clearer understanding amongst the public and assist with enforcement activities.

The Assistant Director, Environment and Place, added that it was possible to amend and adapt the PSPOs in future. Following Cabinet approval, it was proposed to make the PSPOs on 16 May 2017; however, the new restrictions would not come into effect until 12 June 2017 to allow for appropriate signage to be installed and further awareness raising through media releases and social media channels. The council would continue to take a proportionate effect to enforcement activities, to maintain and improve the local street scene and drive behavioural changes amongst the anti-social minority.

Councillor Fitzgerald proposed approval of the recommendations to the Assistant Director, Environment and Place's report, which was seconded by Councillor Beaney.

**CABINET**

**15 MAY 2017**

**RESOLVED (unanimously) that the proposed amendments to the draft Dog Control and Anti-Social Behaviour PSPOs to reflect the feedback received during the consultation, and authorise the Chief Legal Officer to make the Orders on 16 May to take effect on 12 June, in accordance with regulations published by the Secretary of State.**

**Authorise the Chief Legal Officer to correct any minor drafting errors that may be identified, and make minor amendments including deletions and insertions that may be necessary to ensure the PSPOs are accurate.**

The reason for this decision was:

PSPOs replace existing controls such as those relating to dog fouling, under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014. The existing provisions are superseded in October 2017.

They also enable local authorities and their partners such as the Police to address serious anti-social behaviour in public places.

The deterrent effect of PSPOs and enforcement where appropriate, will contribute to the council's vision for a safer cleaner town.

(The Chair declared the meeting closed at. 6.30 pm)



**Report to:** Cabinet

**Date of meeting:** 10 July 2017

**Report Title:** Healthy Hastings & Rother Reducing Health Inequalities Programme

**Report by:** Andrew Palmer  
Assistant Director – Housing & Built Environment

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## **Purpose:**

1. To update Members on the delivery of the Hastings Borough Council (HBC) led projects within the NHS Hastings & Rother Clinical Commissioning Group's (CCG) Healthy Hastings & Rother (HHR) programme in 2015/16 and 2016/17.
2. To seek approval for the enhanced programme of HBC led projects funded from the CCG's HHR programme in 2017/18, 2018/19 and 2019/20.

## **Recommendations:**

1. To note progress with the delivery of the HBC led projects within the CCG Healthy Hastings & Rother Programme.
2. To approve the enhanced programme of HBC led projects as described in the report, within the financial resources available as follows:  
2017/18 - £107,752  
2018/19 - £1,145,924  
2019/20 - £457,600
3. To authorise the Director of Operational Services to take the necessary steps to develop and deliver the projects in consultation with the Deputy Leader.

## **Introduction**

1. Over the past two years the NHS Hastings & Rother Clinical Commissioning Group (CCG) has allocated £1.802m from its Healthy Hastings & Rother Programme, for Hastings Borough Council (HBC), Rother District Council (RDC), the CCG and other partners to invest in projects, which will address health inequalities. Reducing health inequality is a priority of East Sussex Better Together, which is a joint programme between the local NHS, East Sussex County Council and partners to transform health and social care.
2. In July 2015 HBC Cabinet approved an initial programme of work with CCG funding of £0.602m. This was supplemented with further CCG funding of £1.2m in 2015/16 and the enhanced work programme received HBC Cabinet approval in August 2016. The programme builds upon priorities shared between HBC and the CCG and is supporting delivery of projects that reflect a number of key thematic areas:

- Preventing ill health
  - People Experiencing Ill Health
  - Health and Wellbeing Centres
  - Healthy Housing – People & Places
3. This report seeks approval for further enhancement to the programme with CCG funding of £1.711m allocated over this financial year and the two subsequent financial years until 31 March 2020. It also provides a brief update on progress with each project at the end of Quarter 4 (Q4) 2016/17 at Appendix 1. In addition, an overview of the funding allocations and actual / forecast expenditure is provided for the whole programme at Appendices 2 and 3.

### The Healthy Hastings and Rother Programme (HHR)

4. The HHR programme aims to reduce health inequalities by improving the health and wellbeing of people in Hastings and Rother's most disadvantaged communities. It is led by the CCG, and supported by a range of partners, including Hastings Borough Council, Rother District Council, East Sussex County Council (ESCC), East Sussex Healthcare NHS Trust (ESHT) and the voluntary and community sector. The HHR's objectives are to:
- i) Reduce variation in access to or quality of services.
  - ii) Empower individuals to improve health and wellbeing.
  - iii) Empower communities to improve health and wellbeing.
  - iv) Enhance support for the health needs of vulnerable population groups.
  - v) Improve the social determinants of health.
  - vi) Measure the impact of projects, the programme, evaluate and share the learning.
  - vii) Specify health inequalities outcomes and further develop specific HHR targets and success indicators.
  - viii) Enhance collaborative working with stakeholders in order to take action on health inequalities.
  - ix) Support the development of local leadership expertise and capacity to influence and ensure effective action to reduce health inequalities.
  - x) Ensure health inequalities considerations are systematically embedded in East Sussex Better Together's (ESBT) planning and investment decisions.

HHR is part of ESBT set up in 2014 to galvanise the transformation of health and social care services. ESBT has the shared ambition of developing a fully integrated health and social care system in East Sussex by 2018 to make the best use of the resources available to meet the health and care needs of local people. The CCG has agreed a recurrent annual budget of up to £5m for investment in initiatives to reduce health inequalities in Hastings and Rother through the HHR programme.

5. Since 2014 the HHR programme has supported delivery of more than 60 diverse projects, working closely with a mix of statutory, voluntary and community sector

partners and these have ranged from a welfare benefits and debt advice service to a community farm project that helps people with learning disabilities and autism improve their cooking skills. To date the programme has delivered projects that contribute to the following:

### **Investing in GP and Pharmacy Services**

- Launched a healthy living community pharmacy programme to improve access to health promotion, self-care advice and supporting people with long term conditions
- Improved referral pathways and/or signposting between GP practices and voluntary and community sector organisations

### **Increasing Support to Communities**

- 56 small grants with a value of £420k awarded to voluntary and community sector organisations to improve the health of local people and communities
- Improved heating and insulation for vulnerable people living in cold homes with grants and by supporting enforcement of housing standards
- Consulted and listened to people and communities to understand how to continue to improve outcomes for those with the poorest health

### **Improving Mental and physical health and wellbeing**

- Launched i-Rock, a 'one stop shop' for young people aged 14-25 years to provide support for emotional and mental wellbeing, education, employment and housing, assisting over 200 young people since June 2016
- Worked with ESCC Children's Services to deliver a Positive Parenting Programme which is proving to be transformational for parents and carers
- Supported the Welfare Benefits and Debt Advice project to help people access benefits they are entitled to and/or may have been unaware of. 5,900 people received advice during 2016/17 and 79% of people using the service reported an improvement in their mental wellbeing
- Worked with ESHT and ESCC to provide a Making Every Contact Count (MECC) project which has trained 500 staff and volunteers to use opportunities during routine interactions with people to have brief conversations on ways of making positive changes to their health and wellbeing

### **Cancer Awareness**

- Used information gathered from a survey of 2,000 local people and work with Cancer Research UK and GP practices to deliver a volunteer led project, which over the next two years will raise awareness about the signs and symptoms of cancer and encourage local people to take part in the national cancer screening programmes

6. In May 2017, the CCG published a leaflet (copy attached to this report) updating key priorities for investment over the next two years, as follows:

- Initiatives to help pregnant women give up smoking, increase breastfeeding rates in younger women, encourage people to exercise more, and reduce harm caused by alcohol and drug abuse
- Continue to support Health and Wellbeing Community Hubs and start a community co-investment programme with Amicus Horizon and other partners

- Improve support for the health needs of vulnerable people including projects that will benefit people with mental health issues, learning disabilities, those who are homeless, families at risk of domestic abuse and carers
- Scaling up the early detection and management of cardiovascular disease and diabetes
- Projects delivered with local partners, to address factors that contribute to poor health, including education and employment. Supporting the development of local leadership within communities to better enable action to reduce health inequalities
- Refining the programme's performance measures, monitoring its impact and sharing the learning

## HBC Led Projects 2015 – 2017 Update on Progress

7. The projects in the HBC led part of the HHR programme cover a wide range of issues including: improving and sustaining physical activity for inactive adults; promoting learning for unemployed adults with long term mental or physical health problems; improving awareness of domestic violence and abuse (DVA) for primary healthcare professionals and strengthening support for victims of DVA; consultation on developing options for health and wellbeing centres in existing community venues and implementation of recommendations arising from the consultation; the strengthening of housing and support services for rough sleepers and the street community; improved support for homeless people discharged from hospital; and strengthening the Winter Home Check Service with financial support for 'major' heating and insulation measures for eligible people and supporting enforcement of housing standards.
8. There are nine projects in this part of the programme and a summary of the projects and progress achieved on each one at the end of March 2017 is attached at Appendix 1. With the exception of consultation on health and wellbeing centres, which was completed in 2015/16, the majority of projects commenced delivery part way through 2016/17 and will continue activity into 2017/18.
9. The early indications are that there is high demand for services provided through the projects and on the whole good progress is being made. Using a traffic light system six projects are green – Let's Get Moving, Community Adult Learning, Implementation of Health and Wellbeing Community Hubs following consultation, Strengthening the Winter Home Check service, and Support for the Street Community and Rough Sleepers. Two projects are currently described as amber - Health IDVA and IRIS. This is because there were delays in starting both projects. Improvement action plans are now in place and these are having a positive impact on delivery. One project is described as red – Hospital Pathway Homeless Support. This is because development work is still underway in order to inform and scope the future shape of the project, before implementation can commence.
10. Details of the original funding allocated to the programme and the expenditure achieved against each project at the end of 2016-17 are set out at Appendix 2.

## HBC and CCG Proposed Programme - 2017/18-2019/20

11. The CCG has allocated a further £1.711m to support continuation of the HBC led programme between 2017/18 and 2019/20. This will enable projects to continue that meet current CCG and HBC priorities. Details of the funding allocations and forecast expenditure are provided for the programme and by project at Appendix 3.

12. Additional funding of £892,500 will support the six Health and Wellbeing Community Hubs for the next three years. The two domestic violence and abuse projects (IDVA and IRIS) will receive a further £190,000 to enable them to continue until March 2019. The Healthy Homes Places project will receive a further £200,000 to continue to strengthen the Winter Homes Check service until March 2019. The Community Adult Learning project will receive a further £55,800 to continue the service into 2018. The Hospital Pathway Homeless Support project will receive an additional £300,000 to enable the emerging service to continue to the end of March 2019.

### Policy Implications

13. If successful, projects within the programme will contribute to reducing health inequalities and impact positively on:
- Greater community cohesion and sustainability. Poor health outcomes are a significant cause of exclusion and impose significant problems at a personal and community level.
  - Crime and fear of crime, particularly on issues of domestic violence.
  - Local people's views, particularly through work around consultation and engagement on the delivery of health and wellbeing services in community centres
  - Anti-poverty, as health inequalities are widely recognised as both a development and outcome of wider economic exclusion

However, it is important to note that only longer term work will produce significant outcomes for local people.

### Financial and Organisational Implications

14. The work programme will need to be contained within the resources allocated by the CCG, currently £3,513,276, including the additional funding of £1,711,276 for 2017-2020. Project delivery will straddle the next three financial years.
15. HBC does not have the staff resources or the capacity to absorb project management and other costs associated with delivering the programme. These costs will need to be contained within the programme budget. The agreed HBC project management costs will be charged to individual projects. In addition, the programme budget includes an allocation of approximately £135,000 over the five year period as a contribution towards HBC management and central support costs associated with developing and delivering this programme.

### Wards Affected

All

### Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	x
Crime and Fear of Crime (Section 17)	x
Risk Management	
Environmental Issues	
Economic/Financial Implications	
Human Rights Act	
Organisational Consequences	
Local People's Views	x
Anti-Poverty	x

## Additional Information

Hastings & Rother CCG Leaflet – Healthy Hastings & Rother: Working together to improve health inequalities - Spring 2017

## Appendices

1. Healthy Hastings & Rother Programme - HBC Led Projects 2015-2017: Progress
2. Hastings BC Led Projects 2015-17 – Spend at 31 March 2017
3. Hastings BC Led Projects 2017-2020 – Additional Allocations and Forecast Expenditure

## Background Papers

Report to Cabinet – Reducing Health Inequalities – 6 July 2015

Report to Cabinet – Healthy Hastings and Rother Programme – 8 August 2016

## Officer to Contact

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## Appendix 1

### Healthy Hastings & Rother Programme 2015-2017 Projects Led by HBC

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
Preventing Ill Health	<p><b>Let's Get Moving</b></p> <p>Let's Get Moving (LGM) is a physical activity pathway delivered within GP practices. Active Hastings is leading this 3-year project with support from UK Active, the commissioned training provider. Training for GP practices with the aim of increasing referrals into fitness programmes; and priority is given to those patients who are overweight and inactive. The aim is to signpost them into community based physical activity opportunities. Delivery of advice, support and referral into physical activity programmes is available from Active Hastings, Freedom Leisure and their associated partners.</p> <p>The project also provides a financial contribution of £5k to the Opening Doors to Sport 3 year programme, launched in January 2016, which is targeted at engaging priority groups in sport. The aim of the programme is to increase opportunities for sport in non-traditional settings, such as community centres, parks and open spaces, in key areas of the town where access to traditional sports facilities is limited.</p>	<p>To date 17 GP Practices in Hastings &amp; Rother have signed up to deliver Let's Get Moving, including 7 within the HBC area. UK Active provided training on Let's Get Moving for these GP practices during summer 2016 via 13 courses. The project has been promoted widely through local stakeholder meetings and local communication channels are proactively supporting the opportunities for referrals to be generated. Optimum numbers of referrals are being negotiated with practices over the 3-year project period.</p> <p>In order to ensure that Practice staff have up to date information on physical activity opportunities available to patients, the CCG has worked with the Active Hastings team to promote its quarterly programme within Practices. The programme includes activities provided by the Active Hastings team and many of its partner organisations.</p> <p>Since its launch in January 2016, Opening Doors to Sport has engaged with 961 people (almost 50% of the overall 3 year target) and has had a throughput of over 5,400 visits to activity sessions. 46% of participants stated at registration that they were not reaching the recommended guideline of 150 active minutes per week and 21% had not achieved 30 minutes of activity in the preceding month.</p> <p>In year 1, funding was targeted at Central St Leonards. This has now ended, leaving 8 new weekly sessions that are self-sustaining and run by external instructors. Additionally, a monthly fitness rave has been set up following a successful summer promotion on Hastings Pier in August attended by 170 people. Monthly sessions in Concordia Hall and the Broomgrove Centre continue to be well</p>	HBC – Active Hastings	Green

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status																		
		<p>attended. The project has successfully raised the profile of new and existing activities in Central St Leonards through marketing existing activities alongside project sessions. Also it has successfully engaged with some hard to reach groups, e.g. a weekly football session with 40 men from the Hastings Mosque, which during the winter, with project support, has been run at Hornty Park on the all-weather pitch.</p> <p>The remaining funding allocation in the project is being used to provide match funding towards other partnership bids, which will be made in Q2 17/18, targeted at getting people active in Hastings and Rother.</p>																				
People Experiencing Health Inequalities	<p><b>Community Adult Learning</b></p> <p>Sussex Coast College Hastings is leading a project in partnership with the CCG and HBC, to provide bespoke and targeted adult community learning for vulnerable people in Hastings and St Leonards. The theme of the project is to address residents' mental health and wellbeing through alternative and targeted education, which is being supported by learning champions. The project is focused on the top 1%, 10% and 20% deprived wards in Hastings and St Leonards. Beneficiaries will include lone parents, people with poor physical and / or mental health, care leavers, the long term unemployed and the Black, Asian and minority ethnic community. The 2yr project aims to support 200 learners (in five tranches of 40 people). Delivery is being achieved via community partners, which include EFT (Education Futures Trust), FSN (Fellowship of St Nicholas), Horizons CIG and HFS (Hastings Furniture Service).</p>	<p>20 courses of 10 weeks each are being delivered, for example, on Family Learning (English and Maths), Arts, Craft, Furniture Restoration, Cooking &amp; Healthy lifestyle, ICT and digital inclusion, Health &amp; Wellbeing, Confidence Building, Personal Development, Employability, Parenting and English for Speakers of Other Languages (ESOL).</p> <p>These commenced in April 2016 and run during normal term time. Community partners have now completed delivery of two tranches (out of five). Currently 81 residents have engaged with the programme, which is one above the 80 resident target at this point. Recruitment to the courses is as follows:</p> <table border="1" data-bbox="909 986 1736 1212"> <thead> <tr> <th><u>Partner</u></th> <th><u>Course</u></th> <th><u>Learner Starts</u></th> </tr> </thead> <tbody> <tr> <td>EFT</td> <td>Without walls</td> <td>34</td> </tr> <tr> <td>FSN</td> <td>Build a Happier You</td> <td>37</td> </tr> <tr> <td>Horizons</td> <td>ESOL Health &amp; Wellbeing</td> <td>37</td> </tr> <tr> <td>HFS</td> <td>Furniture Restoration</td> <td>11</td> </tr> <tr> <td>Overall</td> <td></td> <td>119</td> </tr> </tbody> </table> <p>69% (56) of learners, from the first two tranches, have successfully completed their courses.</p> <p>52% (42) of residents engaged with come from the top 20% deprived wards. Residents from wards within the top 1% are proving to be the most difficult to engage, representing 5% of</p>	<u>Partner</u>	<u>Course</u>	<u>Learner Starts</u>	EFT	Without walls	34	FSN	Build a Happier You	37	Horizons	ESOL Health & Wellbeing	37	HFS	Furniture Restoration	11	Overall		119	Sussex Coast College Hastings	Green
<u>Partner</u>	<u>Course</u>	<u>Learner Starts</u>																				
EFT	Without walls	34																				
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Overall		119																				



Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
		<p>learners at this stage.</p> <p>The impact of courses on residents' mental health and wellbeing is monitored using the Warwick-Edinburgh Mental Wellbeing scale<sup>1</sup>. Snapshots are taken at the course start and course end to monitor the impact the learning and learning champion's support are having on the learner's mental health and well-being. The early results from Tranche 1 and 2 are clearly demonstrating a positive impact.</p> <p>Progress to date suggests that participant numbers are likely to exceed the overall target of 200. Courses are due to finish with a celebratory event in January 2018. However, discussions are taking place with the CCG to extend this project by a further cohort running from January to April 2018 (circa £12k).</p> <p>For both Tranches a majority of residents were engaged either by the partners, word of mouth and/or other sources. Early indications show that referrals are predominantly coming from the local NHS but not from GPs. This is something the partnership will address for further tranches via marketing and continued face to face contact with GP practices.</p>		
	<p><b>Health Independent Domestic Violence Adviser (HIDVA)</b></p> <p>A one year pilot project that will embed an Independent Domestic Violence Advisor (IDVA) at ESHT's Conquest Hospital, in the A&amp;E department and (where appropriate) other delivery options, for example, the Maternity Unit. The service will promote earlier identification of domestic violence and abuse (DVA) and seek to link all clients assessed as medium or high risk with IDVA services in Hastings for further support and advice. The project will also deliver training for A&amp;E and other hospital staff at short awareness raising sessions to help promote</p>	<p>The project began in September 2016. However, there were unexpected delays with co-locating the IDVA in ESHT because of challenges in securing an honorary contract. This delay meant that the front line worker was unable to be co-located until 07/11/16. There was therefore a delay in direct case work. Since January 2017 the IDVA has been co-located at A&amp;E, which has improved client engagement.</p> <p>Bespoke resources for the hospital, including ward resources and publicity material, are available including 'The Portal' posters, business cards, amber cards and disguised materials (tissue format).</p> <p>A programme for engagement with professionals / wards, focused on Acute Assessment Unit, A&amp;E and Maternity, is also in place. The IDVA is now delivering monthly Level 3 Safeguarding training</p>	Change, Grow, Live - CGL (formerly CRI)	Amber

<sup>1</sup> <http://www.healthscotland.com/scotlands-health/population/Measuring-positive-mental-health.aspx>

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
	<p>their capacity to talk about DVA with their patients.</p>	<p>sessions in order to embed the service offer.</p> <p>An improvement Action Plan has been agreed, with revised targets to reflect the delayed start to the project. This is having a positive impact, with 4 referrals in Q3 and 18 in Q4 2016/17.</p> <p>It is of note that recommendations relating to IDVA provision have been made in Domestic Homicide Reviews being concluded in East Sussex into the deaths of Adult E and F. These reports, including the recommendations and findings underpinning them relating to IDVA provision, have been signed off by the Safer Communities Board. They will be shared with CCGs in East Sussex for further consideration.</p>		
	<p><b>Identification and Referral to Improve Safety (IRIS)</b></p> <p>A one year pilot IRIS scheme to help address the high level of DVA in Hastings &amp; St Leonards. The project will draw on good practice developed by the national IRIS programme. Through the appointment of an advocate-educator, IRIS provides an opportunity to develop existing partnership work between primary care and specialist DVA services by providing all 19 GP practices in Hastings with a practice based training, support and referral programme for staff.</p> <p>IRIS promotes the capacity of primary care clinicians and their patients to talk about DVA, enabling general practice to play an essential role in preventing and responding to DVA by intervening early, providing treatment and information, and referring victims on to specialist services. This will help make patients safer and enable more families to stay safely in their own homes.</p>	<p>The IRIS project began in September 2016. A comprehensive briefing pack has been developed which has enabled a consistent approach and launch of the project via the CCG. Benefits achieved include easier access to GP Practices and higher level of engagement between Practice Managers and Adult Safeguarding Leads and the IRIS AE and Clinical Lead.</p> <p>A range of engagement events have been completed. In Q3 and Q4 16/17, staff in 8 GP practices have been trained which has resulted in 11 referrals.</p>	<p>Change, Grow, Live - CGL (formerly CRI)</p>	<p>Amber</p>

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
Community Health & Wellbeing Centres	<p><b>Engagement &amp; Consultation</b></p> <p>In December 2015 '2020 Delivery' were appointed to deliver the community engagement and consultation project to produce options for the development of Health and Wellbeing Centres in Hastings, St Leonards and Bexhill (Bexhill Central and Sidley).</p>	<p>The final report was produced in April 2016 and in May 2016 the CCG approved the four recommended initiatives from the report. All four initiatives focus on delivering health and wellbeing services in existing centres in the most deprived wards of the towns, as follows:</p> <ol style="list-style-type: none"> <li>1. Sustainability partnerships within existing community centres</li> <li>2. Expanded system of social prescribing</li> <li>3. Prevention services in existing community centres</li> <li>4. Integrating voluntary and community services into planned expansions of GP practices</li> </ol> <p>The CCG and HBC have provided feedback to stakeholders including communities and individuals engaged in the consultation process. All four initiatives have varying implementation timescales and were progressed in 2016/17 by the multi-agency project management group.</p>	HBC - Regeneration	Green
	<p><b>Invest to implement outcomes of consultation on Health and Wellbeing Centres</b></p> <p>This project delivers Initiative 1 identified in the report on consultation and engagement. It supports development and maintenance of Health and Wellbeing Community Hubs in the six most deprived locations of Hastings and Bexhill, based on existing community facilities. Grant funding over a three year period will support the costs of infrastructure and systems development; leadership, staff and volunteer training; improvement of management, financial control and income generation capacity; small items of equipment or small scale refurbishment or modification; and to fund professional community centre</p>	<p>The project management group overseeing this work stream includes representatives from the CCG, HBC, RDC, ESCC, HVA and RVA. A business case for the implementation of this Initiative received CCG approval for investment of £1,292,500 over a three year period - 2017/18 to 2019/20 to establish six health and wellbeing hubs in the ten most deprived wards of Hastings, St Leonards, Bexhill and Sidley.</p> <p>The supporting 'Health and Wellbeing Community Hubs Grant Fund', which is specifically for local voluntary and community sector organisations, was successfully launched on 9th January 2017. It aims to:</p> <ul style="list-style-type: none"> <li>• Establish health and wellbeing community hubs in the six communities of: <ul style="list-style-type: none"> <li>- North West St Leonards, which includes Hollington and Wishing Tree wards</li> <li>- Central St Leonards, which includes Central St Leonards and</li> </ul> </li> </ul>	HBC - Regeneration	Green

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
	<p>development workers.</p> <p>The investment is specifically not for the direct delivery of health and wellbeing services, but to develop and make sustainable beyond the three year funding period Hubs and organisations able to play a full role as health and care provision evolves. Funding will be channelled through two projects: 1) That will provide grants to well established, stable community groups/centres which put forward compelling plans to use the funds to secure and build on their existing strengths and partnerships. 2) That will support work to identify local organisations and centres, which are at present less well established but have the potential and motivation to develop a significant health and wellbeing role.</p>	<p>Gensing wards</p> <ul style="list-style-type: none"> <li>- Hastings Town Centre, which includes Castle ward</li> <li>- North East Hastings, which includes Ore, Baird and Tressell wards</li> <li>- North East Bexhill, which includes Sidley ward</li> <li>- Central Bexhill, which includes Central Bexhill ward</li> </ul> <ul style="list-style-type: none"> <li>• Secure and sustain the capacity and capabilities of existing community hubs and organisations to deliver health and wellbeing services.</li> <li>• Enable individuals and communities to gain more control over their health and wellbeing.</li> </ul> <p>It is anticipated that applications will be submitted by voluntary and community sector organisations for grants of up to £150,000 across the three-year fund period. The application process is in two stages and awards will be made so that projects can commence from July 2017 onwards. The Fund will support the costs of:</p> <ul style="list-style-type: none"> <li>• Infrastructure and systems management – for example enhancing the effectiveness of policies, processes, data and information collection and information technology.</li> <li>• Leadership development - for example developing high quality leadership and governance to improve the quality of services.</li> <li>• Staff and volunteer training – for example embedding effective practices to recruit and support staff and volunteers.</li> <li>• Financial planning and income generation – for example identifying and accessing a variety of sources and types of income.</li> <li>• Small items of equipment and / or small scale refurbishment with a value up to 10% of the total grant.</li> <li>• Actively contributing to a network of community hubs that will design and develop health and wellbeing services.</li> </ul>		

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
		<ul style="list-style-type: none"> <li>• Collaborative working and innovation.</li> </ul> <p>Details of the application and decision making processes are as follows. The application process is in two stages.</p> <p>Stage 1 - Submission of an Expression of Interest (EOI), which checks eligibility and captures a project's information, so that an initial assessment can be made.</p> <p>Stage 2 - Submission of a Full Application which details who will contribute to the project's development, how the project will be promoted, implementation and its financial requirements.</p> <p>Stages 1 and 2 will be assessed by a panel, which includes representatives from the CCG, Hastings Borough Council, Rother District Council, East Sussex County Council and the local voluntary and community sector.</p> <p>The panel will assess each application to ensure eligibility for funding and will make recommendations to the CCG for approval.</p> <p>All applications will be assessed using a scoring system that reflects how well the application demonstrates its ability to achieve the outcomes of the Fund.</p> <p>Expressions of Interest were invited during January 2017. This was followed by development of outline bids for submission during April 2017 to be followed by workshop support for submission of full applications. A final decision on successful bids for successful bids is planned in July 2017.</p>		
Housing – People and Places	<p><b>Housing &amp; Wellbeing Hub (Street Homeless &amp; Rough Sleeper support)</b></p> <p>This 12 month pilot project strengthens support provided to the rough sleeping and street community through a weekly multi-agency 'hub' approach hosted by Seaview Projects in St Leonards. By adopting a more integrated approach, national evidence suggests that better health</p>	<p>This new service was launched in June 2016. A project board of key partners oversees the Hub and meets regularly to review progress on a quarterly basis.</p> <p>During the first three quarters a total of 93 people have been triaged at the Hub. This has resulted in 249 referrals for a variety of support provided via the Hub or by other agencies. As well as serving as an access point for housing and related services, the Hub has been gathering data relating to the way in which the target group typically engage with primary and secondary health services. Hub attendees</p>	HBC - Housing Needs & Policy	Green

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
	<p>outcomes and cost savings are achievable.</p> <p>The service is being strengthened with a new post of Navigator who will help people to 'navigate' local support and healthcare services; a dedicated mental health professional (1 morning a week); an activities programme to help individuals change routine; and a housing officer who is a case holder for local rough sleepers and the single point of contact for other agencies. The project provides training for GPs on the support networks and pathways available for homeless people and will also explore whether the Housing First model is viable in Hastings.</p>	<p>have been asked whether they are registered with a GP and whether they have visited A&amp;E within the last 6 months. Of the 68 service users registered with a GP 6 have visited A&amp;E in the last six months (9%). By contrast of the 24 service users <u>not</u> registered with a GP, 17 (71%) had visited A&amp;E in the last six months.</p> <p>The daily activities sessions continue to prove popular. 225 individuals have benefitted from the variety of activities available. The offer of breakfast one morning a week has contributed to the higher than anticipated engagement of people in daily activities. In addition to breakfast, the following activities have proved popular: bingo, pool, computer use, quiz, fishing, board games and art.</p> <p>At present, the Navigator post is working with a complex caseload of six people, developing initial action plans and longer-term support plans. Also, they have trained 40 East Sussex based trainees and GPs and have made contact with 6 GP practices and are exploring further staff training opportunities.</p> <p>The project is performing well and generally meeting or exceeding outcome targets. At the end of Q3, for example, housing solutions were achieved for 47 rough sleepers against a 12 month target of 30; and 46 people were assisted to access health care service interventions as part of a holistic action plan against the full year target of 40. Early results from a review of service user perceptions relating to their housing, health and well-being suggest a trend of improvement in all areas.</p> <p>Monitoring has identified that the Hub is supporting a lower than expected number of young people (18-25 years). The specialist rough sleeper housing officer has been operating a weekly outreach service at XTrax during Q4. The intention has been to understand whether the lower level of attendees to the Hub among under 25s can be explained by their attending XTrax in preference to Seaview. It has been established that while there were a significant number of insecurely housed young people accessing XTrax during Q4 there were no rough sleepers identified. The rough sleeper coordinator continues to work closely with XTrax staff, and remains a direct point of referral for young people experiencing rough</p>		

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
		<p>sleeping and needing to access the Hub service network.</p> <p>In addition, a number of recent cases involving women have highlighted the lack of specialist domestic violence knowledge within the network of Hub services. The IDVA service has, therefore, agreed to provide a rapid response to Hub enquiries when needed.</p> <p>Development of the Hub model in Hastings has helped secure National Government funding for additional homelessness and rough sleeping prevention measures between 2017 and March 2019.</p>		
	<p><b>Healthy Homes –Homelessness Support (Hospital Pathway)</b></p> <p>An 18 month pilot project to support people who are homeless or otherwise unsuitably housed when discharged from hospital. The objective is to improve housing outcomes after discharge, as a result reducing delays in discharging patients and reducing hospital readmission rates. Building on best practice elsewhere a multi-disciplinary health and housing team is envisaged to provide hospital and community based support.,.</p>	<p>In 2016/17, the project has been intensively scoped with relevant strategic and operational statutory and voluntary and community sector partners using the national evidence base and local best practice.</p> <p>For example, the Hastings LSP and the Safer Hastings and Rother Partnership has considered relevant issues, including the impact of harms caused by alcohol and / or drugs, with the aim of developing a co-ordinated support and enforcement response to the current rise in rough sleeping and street related activities.</p> <p>In March 2017, a successful HBC led workshop was held for local service providers that has resulted in establishing the Hastings Street Community Partnership. It has commenced promoting and supporting local organisations to collaborate and work together closely, in order to design and deliver services that are co-ordinated, effective and which enhance their collective impact.</p> <p>A needs assessment has been completed, consisting of a structured review of patient data about homeless people, to understand the numbers and types of homeless patients being admitted to the Conquest Hospital. Alongside this local authority, NHS and voluntary sector community based services have been mapped.</p> <p>The final scope of project will be agreed in July 2017 by multi</p>	HBC Housing Needs & Policy	Red

Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
	<p><b>Healthy Homes – Places</b></p> <p>This programme is an 18 month pilot targeted at poor condition properties in the private sector (owner-occupiers and private tenants) where fuel poverty is an issue due to unsatisfactory heating, poor thermal insulation and generally poor energy efficiency.</p> <p>The pilot comprises two key initiatives:</p> <ol style="list-style-type: none"> <li>1. Major Measures - Providing financial support to help reduce fuel poverty in owner-occupied and private rented homes</li> <li>2. Poor Conditions in Private Rented Homes - Supporting the enforcement of housing standards in private rented homes</li> </ol> <p>The aim of the programme is to focus on the most disadvantaged wards in Hastings and Rother with the highest percentage of fuel poor households, in order to achieve the biggest impact on reducing health inequalities. The programme will complement delivery of the ESCC Winter Home Check Service by providing top up funding for vulnerable residents in the 6 most disadvantaged wards in Hastings and Rother with major heating and insulation measures.</p> <p>The programme will also target</p>	<p>agency partners with a business case to be reviewed for approval by CCG in September 2017. Implementation will commence in Q3 2017/18.</p> <p>The Major Measures initiative commenced in mid-November 2016 with a total budget of £481k and will be delivered until 31<sup>st</sup> March 2018. The project target is to assist 148 households over this period. Properties in the following six wards – Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Bexhill Central – meeting the eligibility criteria, have priority for major measures.</p> <p>Progress from Nov 2016 – March 2017 shows:</p> <ul style="list-style-type: none"> <li>• 51 homes assisted with a major measure installation</li> <li>• Castle Ward has had the highest number of major measure installations at 11 homes</li> <li>• Central St Leonards Ward has benefitted from investment of approximately £31,000, the most to date for any single ward</li> <li>• Investment by tenure – Private landlords have received 47% and owner-occupiers have received 53%</li> <li>• Major measure installations by type: Central Heating Boiler– 78% Full Central Heating System – 10% Loft Insulation – 8% Storage Heaters – 4%</li> </ul> <p>Despite the initiative starting later than planned, at the end of March 2017, £157k was spent on completed installations against a target of £145k for 2016/17.</p> <p>The Improving Private Rented Homes initiative commenced in November 2016 and will continue until 31<sup>st</sup> March 2018. Currently, it is prioritised in Central St Leonards ward where conditions in private rented homes are poorest. At the end of March 2017 inspections had been carried out of 56 homes and 8 properties had been improved through enforcement action. Approximately £22,000 was invested in this initiative in 2016/17.</p> <p>During Q4 the status of the project in Rother was agreed. Following</p>	<p>HBC - Housing Renewal</p>	<p>Green</p>



Thematic Area	Project Description	Summary of Progress at 31 March 2017	Delivery Lead	Status
	concentrations of poor condition private rented homes in these areas, where tenants are fuel poor, with proactive inspections and follow up action to secure improvements, including enforcement of housing standards, where necessary.	the preliminary results of the Rother Private Sector House Condition Survey, which shows property standards decreasing in Bexhill, it has been decided to focus from April 2017 the project at Bexhill Central Ward.		
Programme Support	<p><b>Programme Management &amp; Project Development</b></p> <p>HBC central support and other costs associated with management, development, performance reporting and support for the programme.</p>	A consistent approach to project development and delivery and programme management is being achieved, with support for development of business cases for specific projects, where necessary, and performance management. There is considerable input from HBC management and central support services such as Legal and Finance to ensure effective delivery of the programme.	HBC	Green

**Appendix 2**

**Healthy Hastings & Rother Programme  
Hastings Borough Council Led Projects – 2015-2017  
Spend @ 31 March 2017**

	A	B	C	D	
<b>Project</b>	<b>CCG s.256 Allocation 2015 - 2016</b>	<b>2015-16 Spend</b>	<b>2016-17 Spend</b>	<b>Total Spend 2015-2017 (B + C)</b>	<b>Carry Forward to 2017-18 (A - D)</b>
Community Adult Learning	£57,600		£57,600	£57,600	£0
Health & Wellbeing Centres - Consultation	£147,000	£91,231	£55,769	£147,000	£0
Health & Wellbeing Centres - Implementation	£400,000				£400,000
Let's Get Moving	£73,400	£5,000	£28,822	£33,822	£39,578
IDVA Domestic Violence	£49,803		£29,052	£29,052	£20,751
IRIS Domestic Violence	£69,994		£41,001	£41,001	£28,993
Street Community - Health & Wellbeing Hub	£162,747	£4,096	£84,830	£88,926	£26,074
Homelessness Support (Hospital Pathway)	£152,253				£152,253
Healthy Homes - Places (Fuel Poverty)	£627,000		£194,004	£194,004	£432,996
HBC Programme Management	£62,203	£6,263	£44,737	£51,000	£11,203
<b>Totals</b>	<b>£1,802,000</b>	£106,590	£535,815	<b>£642,405</b>	<b>£1,159,595</b>

**Appendix 3**

**Healthy Hastings & Rother Programme  
Hastings Borough Council Led Projects - 2017-2020  
Additional CCG Allocations and Forecast Expenditure**

	A	B	C	D	E	F	
<b>Project</b>	<b>Spend @ 31 March 2017</b>	<b>Carry Forward to 2017-18</b>	<b>Additional Allocation 2017-18</b>	<b>Additional Allocation 2018-19</b>	<b>Additional Allocation 2019-20</b>	<b>Total Additional Allocation (C+D+E)</b>	<b>Total Project Value (A+B+F)</b>
Community Adult Learning	£57,600	£0	£13,950	£41,850	£0	£55,800	£113,400
Health & Wellbeing Centres - Consultation	£147,000	£0	£0	£0	£0	£0	£147,000
Health & Wellbeing Centres - Implementation	£0	£400,000	£12,500	£440,000	£440,000	£892,500	£1,292,500
Let's Get Moving	£33,822	£39,578	£0	£0	£0	£0	£73,400
IDVA Domestic Violence	£29,052	£20,751	£29,052	£50,000	£0	£79,052	£128,855
IRIS Domestic Violence	£41,001	£28,993	£41,001	£70,000	£0	£111,001	£180,995
Street Community - Health & Wellbeing Hub	£88,926	£73,821	£0	£0	£0	£0	£162,747
Homelessness Support (Hospital Pathway)	£0	£152,253	£0	£300,000	£0	£300,000	£452,253
Healthy Homes - Places (Fuel Poverty)	£194,004	£432,996	£0	£200,000	£0	£200,000	£827,000
HBC Programme Management	£51,000	£11,203	£11,249	£44,074	£17,600	£72,923	£135,126
<b>Totals</b>	<b>£642,405</b>	<b>£1,159,595</b>	<b>£107,752</b>	<b>£1,145,924</b>	<b>£457,600</b>	<b>£1,711,276</b>	<b>£3,513,276</b>

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# Agenda Item 6



**Report to:** Cabinet

**Date of Meeting:** 10th July 2017

**Report Title:** Compulsory Purchase of Long Term Empty Properties (Part 1 Report)

**Report By:** Andrew Palmer, Assistant Director, Housing and Built Environment

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## Purpose of Report

The purpose of this report is for Cabinet is to consider the compulsory purchase action on twelve privately owned empty homes as part of the Empty Homes Strategy Enforcement Programme. A report included in Part 2 of the Cabinet Agenda entitled 'Compulsory Purchase of Long Term Empty Properties' (Part 2 Report) sets out the statement of reasons for acquiring the properties and makes recommendations concerning compulsory purchase.

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## Recommendation

- 1. That Cabinet approves the detailed recommendations set out in the Part 2 report and approves the making of compulsory purchase orders in respect of the twelve long term empty homes.**

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## Reasons for Recommendations

The Council's empty homes strategy sets out a number of enforcement powers available to the Council, including the compulsory purchase of long term empty homes. In addition to taking action to bring empty homes back into use, it is hoped that taking this action will demonstrate to the owners of empty homes that it is unacceptable to leave property empty for an unreasonable period of time. This action will demonstrate to owners of these empty homes that the council will take the necessary action to bring these homes back into use for the benefit of the community.

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## Introduction

1. The empty homes Compulsory Purchase Order (**CPO**) Programme is a significant component of our enforcement model for bringing long term empty homes back into use. It is being used to help deliver the Council's Empty Homes Strategy and to return homes to use, where other approaches have been exhausted. A resolution from Cabinet is necessary to allow the CPO process to progress to a formal stage. The Empty Homes Strategy enables the following:
  - Support for the Council's Vision to make Hastings a place with a decent home for all.
  - An increase in the availability of good quality accommodation for purchase or rent through refurbishment.
  - Assistance with area and Town Centre regeneration objectives.
  - Achievement of empty homes strategy targets for bringing empty homes back into use.
  - An improvement in look and feel of the built environment by reducing eyesores.
  - A reduction in anti-social behaviour associated with empty homes, including rubbish dumping, vandalism, arson, drug taking and other nuisances.
  - An increase in the number of private sector homes brought up to the decent homes standard.
  - An improvement in community sustainability and cohesion.
  - Reduced pressure on a number of Council services, for example Public Realm & Community Safety.
  - Increased private investment in Hastings housing stock through the refurbishment of empty homes.
  - An enhancement of the Council's reputation within our community.
  - A demonstration to owners of empty homes that it is unacceptable to leave homes empty for unreasonable amounts of time.

## Background information

2. The Department for Communities and Local Government (DCLG) is the department responsible for shaping housing policy in England and it is up to individual District and Borough Councils to formulate and implement their own policies to deal with empty homes.
3. DCLG Policy Statement: "It is important to maximise use of the existing housing stock so that we can minimise the number of new homes that need to be built each year, particularly in areas of the country where housing demand is high, such as the south east of England."

4. The Council employs a dedicated Empty Homes Officer with the objective of bringing empty homes back into use. Considerable success has been achieved through the use of empty homes grants, informal negotiation, advice, persuasion and enforcement powers. There is now greater emphasis on the use of CPO enforcement powers to achieve the Council's aims. CPO powers are a clear and demonstrable enforcement tool available to the Council to help ensure empty homes are returned to use.
5. The CPO procedure is only considered where it is clear that:
  - No (further) progress can be made by negotiation with the owner/controlling party;
  - There is no real imminent prospect of the situation being resolved other than by the intervention of the Council;
  - All other realistic options have been reviewed and CPO is judged to be the best way forward;
  - The course of action proposed will deliver changes that will benefit the owners and occupiers of homes in the surrounding area;
  - The course of action will support the strategies and policies of the Council by enabling the Council's objectives to be achieved, specifically the reduction in the number of long-term empty homes. Since 2011, the number of homes empty for over 2 years or more has fallen from over four hundred to two hundred.
6. The Council's strategies and policy on enforcement and Empty Homes are set out in the following
  - The Housing Strategy
  - The Housing Renewal Financial Assistance Policy
  - The Housing Renewal Enforcement Policy
  - The Empty Homes Strategy
7. In 2005 (updated in 2007) Cabinet agreed the Council's CPO policy, which provides an overview of the Compulsory Purchase process and lists some of the principal issues requiring consideration when assessing the appropriateness of pursuing a CPO. A flow chart showing the stages and time frames associated with a CPO is set out at Appendix 1.

### **The Implications of using CPO Powers**

8. Twelve long term empty homes have been identified for Compulsory Purchase in Part 2 of this report, titled 'Compulsory Purchase of Long Term Empty Properties'. It contains exempt information, sets out the details of the properties and the Statement of Reasons for resolving to use Compulsory Purchase powers for each of the proposed empty homes.
9. The Council's Empty Homes Officer contacted the owners of each home in an attempt to bring them back into use. These efforts have failed and it is therefore necessary to pursue the CPO action detailed in this report.

10. The employment of the Council's Compulsory Purchase powers for the properties identified in the Part 2 report is considered proportionate and in the public interest.

### **Financial and Legal Implications**

11. The costs of a CPO can vary depending on the circumstances of the case. There will be recoverable and non-recoverable costs.

12. The Council would have to fund the cost of market value compensation to the owner. This would be based on a fixed independent valuation, which would be challengeable at the Lands Tribunal. This expenditure would be partly or fully recoverable on the sale of the property and the sale value would be subject to positive or negative market fluctuations.

13. There are a range of unrecoverable costs:

- Legal costs
- Advertising costs
- Land registry fees and Stamp Duty Land Tax (where applicable)
- Public inquiry costs (if needed)
- Objector's costs (if the CPO is not confirmed by the Secretary of State)
- Surveyor's costs of ex-owner for negotiating the compensation
- Basic loss payment (7.5% of the value of the interest to a maximum £75,000, whichever is lower). This can be avoided if the person has not complied with certain statutory notices, e.g. grotbuster action (section 215). If this is payable then the valuations of the properties we are considering would need to be carefully considered.

14. In the worst case scenario the unrecoverable costs detailed above could be between £20,000 to £30,000 per property. A Basic Loss Payment may also be payable, for example an empty home valued at £200,000 could attract a further Basic Loss Payment of £15,000, which would be a further unrecoverable cost. Based on the above in a worst case scenario the potential total cost of undertaking CPO action on these twelve properties would be between £240,000 and £360,000.

15. In 2011 a budget of £250,000 was made available to deal with Compulsory Purchase action. This sum was included in the capital programme. There is currently £179,942 remaining in the budget. To date 75 properties have been returned to use through the Council resolving to pursue CPOs. Expenditure to date totals approximately £70,000. This equates to less than £1000 per property. Whilst it is feasible therefore that the cost of securing a further 12 properties could exceed the total budget available, based upon our previous experience of CPO work (we have only needed to take possession in five cases since 2011) we are most unlikely to incur such costs in respect of the further 12 properties under consideration. The budget is therefore considered more than sufficient to cover all costs. Nevertheless the council will continue to adopt a phased



approach to pursuing orders which minimises any chance of financial exposure to the council.

16. The potential maximum budget needed to be available for unrecoverable costs associated with the CPO of the 12 properties is in excess of the £179,942 remaining in the budget, if the unrecoverable expense is £20,000 to £30,000 per property. However this is the worst case scenario. It is unlikely the full £240,000 or £360,000 will be needed. Based on previous experience of CPO work we are unlikely to incur these costs for the 12 properties. Though we seek resolution to CPO 12 empty homes, a phased approach can be used if necessary so that no more than 5 properties at one time are served with a CPO. The maximum possible unrecoverable cost of 5 CPO's is approximately £150,000. As such this should satisfactorily address this issue.
17. The remaining budget will be sufficient to cover the costs of taking CPO action against each property sequentially. It is the intention that legal work will be done directly by the Council. However budgetary provision allows for the costs of maintaining the engagement of external legal representation from Norfolk Public Law (NPLaw) in more difficult cases that may go to an inquiry. NPLAW are the shared Legal Service for the local authorities in Norfolk. It is anticipated that where a CPO is served and the legal work is carried out by the council savings of £500 will be made in each case.
18. There are two main powers under which local authorities can compulsorily acquire empty homes; one is contained in section 17 of the Housing Act 1985 and the other is contained in section 226 of the Town and Country Planning Act 1990. In addition there is a further Compulsory Purchase power contained in section 93 of the Local Government and Housing Act 1989. This last power however would only be available for homes in the Housing Renewal Area Central St Leonards. Often there is a choice of which power to use. Section 226(1)(a) of the 1990 Act allows a local authority to acquire land and buildings to facilitate their improvement, development or redevelopment provided that this will bring social, environmental or economic benefits to the area. Some of the homes listed proposed for Compulsory Purchase are in need of improvement and bringing these homes back into use will secure the aforementioned benefits, i.e. by the provision of a unit of accommodation, by improving the appearance of the property, and by generally enhancing the locality.

## **Risk Management**

19. The timescales involved with a CPO vary and are dependent on the complexity of the case and whether there is a requirement for public inquiry. CPOs for empty homes is not considered to be overly complex. They should therefore take between three months (without an inquiry) and fifteen months (with a public inquiry) from Cabinet approval to a confirmed CPO. This has an effect on when the Council would be able to take possession of the property and dispose of it.
20. Given current funding programmes it is unlikely that a suitable Registered Provider (previously a Registered Social Landlord) will be prepared to enter into a back to back purchase deal although this option will be explored. Consideration will therefore be given to the disposal of the properties on the open market. If this is the case, covenants of sale relating to timescales on

bringing the property back into use and undertaking renovation works will be applied.

21. Any restrictive covenant could have an adverse impact on its sale value. However, the experience of other Local Authorities is that the majority of properties will end up being purchased by a developer. In such circumstances the developer is usually intent on renovating and bringing the property back into use. The covenants would therefore be considered to have negligible impact upon property values.
22. It should be noted that should the Council not be able to dispose of the property in the short term, it would still be liable for the payment of compensation and other associated costs.
23. It will be essential to ensure that any property subject to a CPO is secured against unauthorised access. This may be an additional small cost that the Council would have to absorb. This would be particularly important if there are delays in the disposal of the property.
24. There is a possibility that the Secretary of State does not confirm the CPO. If this is the case then all costs, including the owner's costs, would have to be paid by the Council. These costs are noted above at paragraph 13 & 14 of this report.

### **CPO resolutions**

25. CPO Reports brought before Cabinet previously have included a total of eighty-nine long term empty street properties seeking resolution to compulsory purchase. The vast majority were returned to use without us taking possession, the threat of a CPO has been sufficient to get the owner to take action.

### **The New homes Bonus**

26. **The New Homes Bonus** The "New Homes Bonus" (NHB) is a Government scheme which is aimed at encouraging local authorities to create new housing in return for additional revenue. The funding is not ring-fenced and the scheme has been in operation since April 2011. Every home added to the Council Tax register (after deducting recent demolitions) receives a payment. Qualifying new homes include new build, conversions and empty homes brought back into use. For each new home, the Government pays an amount equivalent to the national average for that home's council tax band. This amount was paid every year for six years, however, in 2017-18 the payment period will be reduced:

- The NHB will be paid for 5 years starting in 2017-18, and four years from 2018-19.
- The change will apply to NHB already being paid (so where you have already had five years of bonus for a particular property, you will **not** now get the 6th year in 2018-19).
- A 'deadweight' threshold of 0.4% will be introduced: Bonus will only be paid on the number of new units that exceeds 0.4% of the existing number of dwellings.

(Source: Summary provided by David Gibbens, Empty Homes Network, 2017)

The National Audit Office shows what a local authority adding a band D home to its council tax base between October 2016 and October 2017 will receive. This is:

- £1,444 per year for the 5 years from 2017-18, which is £7,220 in total and
- £1,444 per year for the 4 years from 2018-19, which is £5,776 in total

27. Each home brought back into use as a result of the Council's CPO action is removed from the Council Tax list of homes classed as 'empty over six months'. The fall in numbers of such homes is recorded in October of each year and used for the calculation for the new homes bonus amount to be awarded for empty homes brought back into use.
28. Of the 89 homes that the council have given resolution to CPO, 75 of these have been removed from the empty homes list. The remaining 14 are ongoing cases. As well as the obvious financial benefit of the CPO programme when long term empty homes are brought back into use, residents and communities in the Borough are also recognising huge social and environmental improvements as the problems often associated with empty properties disappear as a direct result of CPO action.

### **Policy Implications and Conclusion**

29. An Equalities Impact Assessment (EIA) has been carried out on the Empty Homes Strategy, which includes implications on the use of CPO powers. The main conclusion of the EIA was that the strategy does not have a differential impact on any particular group.
30. In terms of impact to the environment, the reuse of empty homes makes the most efficient use of existing building resources.
31. The CPO programme addresses crime and fear of crime in two clear ways. It reduces eyesores by tackling empty homes and land and reduces anti-social behaviour associated empty homes, including illegal occupation, rubbish dumping, vandalism, arson, squatting, substance-abuse and other forms of nuisance.
32. In deciding to take Compulsory Purchase action regard has to be had to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of dwellings, Article 8 of the Convention. The Council has to weigh the human rights interest of public need as against private property rights and to consider that sufficient justification exists for the making of these Compulsory Purchase orders. By authorising these orders the Council is therefore of the opinion that a compelling case exists in the public interest.
33. In order to minimise risk, the Council's Estates, Marketing and Legal Services will be instrumental in ensuring the effective disposal of these homes once acquired compulsorily.
34. The costs associated with the CPOs are set out in the body of the report under a specific heading.

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**Wards Affected**

Baird, Castle, Central St Leonards, Hollington, Old Hastings, Ore, St Helens, West St Leonards, Wishing Tree.

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**Policy Implications**

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	Yes
Risk Management	Yes
Environmental Issues	Yes
Economic/Financial Implications	Yes
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	Yes

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**Additional Information**

Appendix 1 A flow chart showing the stages and time frames associated with a CPO

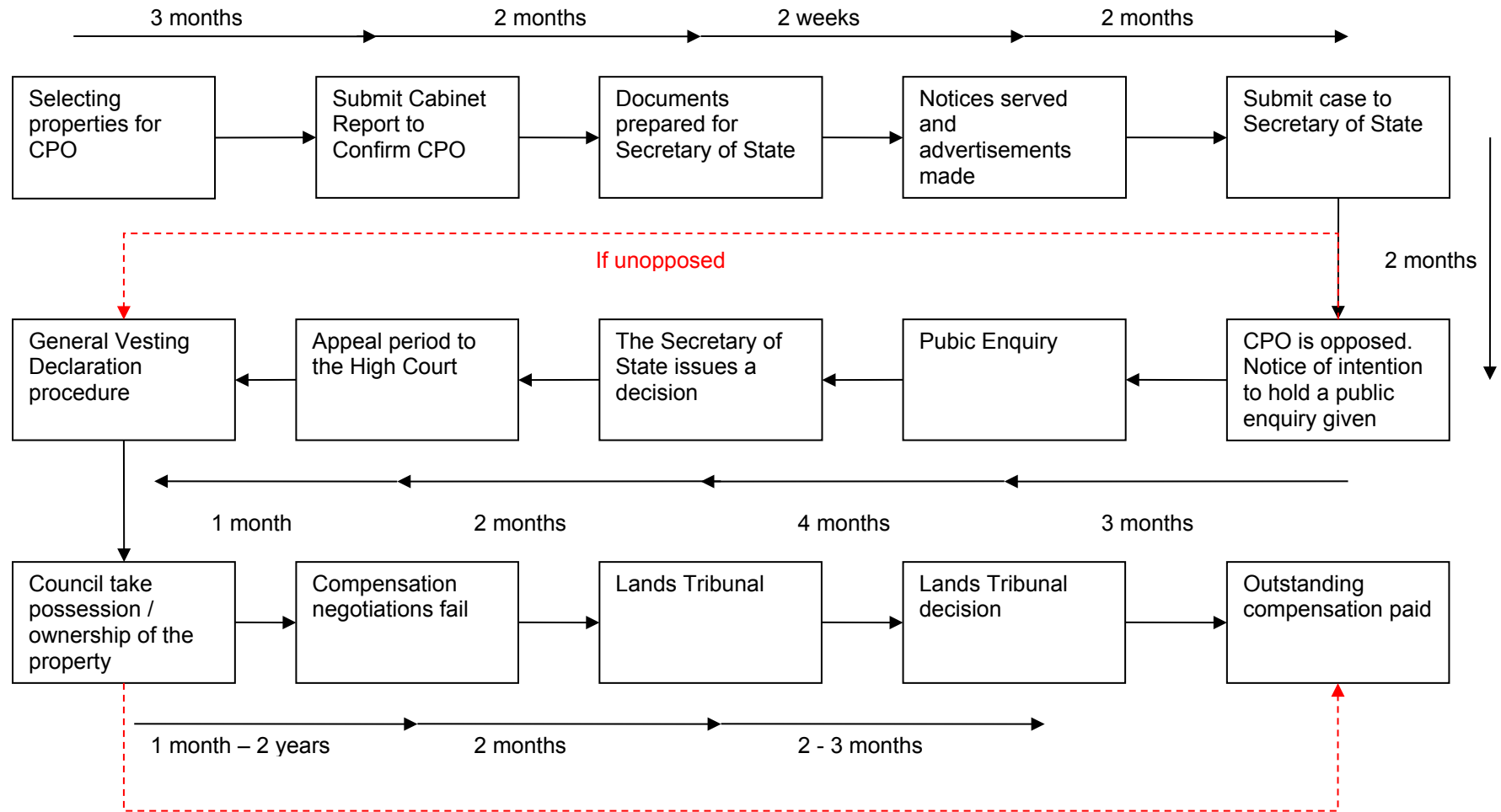
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**Officer to Contact**

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Officer Telephone Number 01424 451341

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# Compulsory Purchase Order Process Flow Chart



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Best case = 6 - 7 months

Worst case = Approx 2 years

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# Agenda Item 7

**Report to:** Cabinet

**Date of Meeting:** 10 July 2017

**Report Title:** Housing Renewal Financial Assistance Policy

**Report By:** Andrew Palmer, Assistant Director Housing and the Built Environment

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## Purpose of Report

The Housing Renewal Financial Assistance Policy sets out the financial tools available to the Council for providing housing renewal help to households in the Borough. This report introduces a revised policy for 2017 to 2020.

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## Recommendation(s)

1. Cabinet is asked to approve the revised Housing Renewal Financial Assistance Policy 2017 – 2020.
2. Delegated authority is given to the Assistant Director Housing and the Built Environment in consultation with the Housing and Leisure Portfolio Holder to introduce and develop new types of assistance that enable existing and new sources of funding to be targeted at eligible clients.

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## Reasons for Recommendations

In order to provide financial assistance for housing renewal the Council must have an adopted policy.

To be able to respond promptly to new freedoms provided by the provision of Disabled Facilities Grant funding through the Better Care Fund delegated authority is requested to develop and adopt new funding tools.

## Introduction

1. The Housing Renewal Financial Assistance Policy sets out the financial tools available to the Council for providing financial assistance to households in Hastings for housing renewal. The Council is required to have such a policy under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
2. Disabled Facilities Grants (DFGs) are also included in this policy and are given to vulnerable clients to allow them to remain in their own home and remain independent.

## Housing Renewal Loans

3. Given the limited resources available for Housing Renewal when the Housing Renewal Financial Assistance Policy was last reviewed (March 2013) it was proposed to only offer loans for housing renewal. These loans were to be delivered through the councils existing partnership with Parity Trust (previously South Coast Money Line). This new policy continues this approach.
4. Parity Trust is a not for profit organisation established in May 2000 which has Community Development Finance Institution (CDFI) status. The core objective of Parity Trust is to deliver fair finance for vulnerable groups via loan or equity release products to help people improve/carry out repairs to their homes. Further information on the company can be found at the following link <http://www.paritytrust.org.uk>

## Disabled Facilities Funding and the Better Care Fund

5. From April 2015 funding for Disabled Facilities Grants (DFGs) ceased being paid directly to local housing authorities from DCLG and instead DFG funding forms part of the wider Better Care Fund (BCF) paid to health and social care authorities who then allocate to housing authorities. In 2016/17 DFG funding was ring-fenced within the Better Care Fund and the same was true for 2017/18.
6. At the last comprehensive spending review it was announced that there was to be £ 1.5 billion uplift to the Better Care Fund by 2019-20. Indeed nationally the DFG allocations through the Better Care Fund increased on average 80% into 2016/17. In 2016/17 the DFG allocation to Hastings Borough Council was **£ 1,407,313** (this is compared to £ 766,643 in 2015/16). This was the tenth highest allocation to a second tier authority (91<sup>st</sup> of all 327 authorities in the country). The allocation for 2017/18 is **£ 1,543,547** (9<sup>th</sup> highest allocation to a second tier authority).
7. The expenditure on DFG's in 2016/17 was £1,013,000. This was up on the previous year but still below the budget allocated through the BCF.
8. Whilst the need for mandatory DFG's in Hastings remains high it is restricted by the number of referrals for adaptations made by ESCC Occupational Therapists (OT's). During 2016/17 ESCC, as part of the integration of health and social



care through the Better Together programme, the OT's service was reviewed and as a consequence waiting times for assessments in Hastings were significantly reduced and backlogs eliminated

9. Senior OTs are now working with Housing Authorities in developing complementary solutions to mandatory DFGs that might extend options for independent living and prevent people from unnecessarily accessing much higher cost care services
10. The increased allocation of Central Government DFG funding allocated through the Better Care Fund presents an opportunity to make better use of the discretionary powers granted to the Council by the Regulatory Reform Order and support innovative projects that can improve the lives of our disabled residents.
11. Over the past year the countywide 'Joint Approach to Housing Solutions' officer group has been working in partnership with the East Sussex County Council and Clinical Commissioning Groups East Sussex Better Together (ESBT) programme to look at options for using grant more flexibly. As a result of this districts and boroughs in East Sussex are recommending that their financial assistance policies are revised to allow for such innovation of new and to ensure that the increased level of funding available through the Better Care Fund is committed for the purposes allocated. It is important to note however that any Mandatory Disabled Facilities Grant demand will take priority in all funding allocations.
12. Innovations discussed to date include ;
  - Top up of mandatory DFG.
  - Assistance towards costs of moving to adapted properties.
  - Incentivise construction to lifetime homes standard.
  - Fast track adaptations to expedite hospital discharge.
13. Not all of the above innovations will necessarily be developed for Hastings and spend towards mandatory DFG's will be monitored to ensure these receive priority for any funding.

## Conclusion

14. The new Housing Renewal Financial Assistance Policy at appendix 1 sets out how the Council proposes to use the powers conferred by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Within the policy is freedom to be able to develop new and innovative forms of assistance to meet the wider Better Care Fund aspirations.

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## Wards Affected

All

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

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## Additional Information

Appendix – Housing Renewal Financial Assistance Policy 2017

Appendix – DFG allocations through Better Care Fund

Background Paper – Planning for the Better Care Fund (National Audit Officer, 2014)

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## Officer to Contact

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# Housing Renewal Financial Assistance Policy 2017 – 2020

## Introduction

The Council can offer financial assistance in the form of grants or loans towards helping improving, repairing, etc. the private housing stock in the Borough. This Policy sets out what assistance the Council is able to offer; who can apply, whether it is a loan or a grant, what it can be used for and any conditions attached to taking the assistance.

## The Need for a Local Policy

The Regulatory Reform Order on Financial Assistance came into force in 2002. It repealed much of the existing prescriptive legislation governing the provision of renewal grants and replaced it with a wide-ranging power to provide assistance for housing renewal. The only mandatory grant remaining is the Disabled Facilities Grant. The power to provide financial assistance is only available to the Council once we have a published policy in place. This document sets out the Council's policy.

## The condition of the private housing stock in Hastings and St Leonards

The 2016 Housing Stock Condition Survey commissioned by the Council estimates that 25.7% of the private sector housing stock fails the governments Decent Homes Standard, which is higher than the national average of 21.8%. The main reason properties fail the Decent Homes Standard relates to failures in thermal comfort and occupants at risk of excess cold.

The estimated cost of making all homes decent in the Borough is estimated by the Housing Stock Condition Survey is £ 27.6 million.

The survey also identified that around 24% of households in the Borough contain a household member with a long-term limiting illness or disability.

In drawing up this policy, we recognise that we are one of the most deprived Local Authority areas in the country, and that housing conditions are worse than the national average. Unemployment rates and levels of benefit dependency are higher than the national average. This impacts upon a homeowner's ability to repair and maintain their property. This is coupled with the limited availability of accessible high street loans.

## Policy Objectives

1. To improve the condition of the private sector housing stock by:
  - Improving housing to meet the Decent Homes Standard
  - Improving the energy efficiency of housing
  - Increasing the use of renewable energy technology and technology to conserve water use
2. To decrease the incidences of fuel poverty within private sector housing
3. To bring empty homes back into use
4. To promote and foster an environment of self sufficiency through the recycling of money used to fund financial assistance
5. To enable people to sustain and remain in their homes through disability adaptations.
6. To improve housing within the Central St Leonards Housing Renewal Area and increase the mix of tenure.

## The Strategic Context

The Council has in the past been able to make use of Government funding to support its Financial Assistance Policy. However, this funding is no longer available and the Council doesn't have sufficient capital resources to fund a comprehensive assistance programme.

The Council has over the last few years provided loans to assist in meeting the Objectives set out above. This has been done in partnership with an ethical loans company, Parity Trust.

This lending has created a modest fund, which will remain available to lend out in future. The Council will continue to support this fund by maintaining membership with our loans partner and providing a small capital contribution (subject to available resources).

We will continue to complement this activity with the other tools available to the Council to continue to improve the housing stock. These include:

- A comprehensive empty homes strategy which incorporates a Compulsory Purchase Programme for bringing long term empty homes back into use.
- Private Rented Accommodation Licensing Schemes, which requires persons operating HMOs and other privately rented accommodation to license them with the Council.
- An adopted enforcement policy that employs the full range of enforcement options, from informal advice, the service of notices, to prosecution.
- The Council has entered into a partnership with Amicus Horizon to assist with its renewal objectives in the Central St Leonards Renewal Area, through increasing social renting, activities engaging the local community and carrying a proactive enforcement programme in the area.

## Financial Resources Available:

The Council has approximately £ 157K available, over the next three years (up to March 2020) for loans towards housing related activities, e.g. repairs.

For Disabled Facilities Grants the funds available for 2017/18 are £ x provided to the Borough Council by East Sussex County Council via the Better Care Fund.

With the exception of Mandatory Disabled Facilities Grant, financial assistance measures are DISCRETIONARY. The Council will not approve any assistance, or commit spending on any assistance/property when the budget available has been exhausted.

Consequently, the Council reserves the right to defer approval and/or payments, in line with the statutory framework. This is to ensure that budgets are managed effectively.

At the discretion of the Assistant Director Housing and the Built Environment (or their authorised nominee), in consultation with the relevant Lead Member funding may be re-directed to support the different areas of expenditure pertaining to this policy. Funds may be used for other schemes/assistance (for instance pertaining to flexible assistance corresponding with the outcomes of the Better Care Fund), at the discretion of the Assistant Director Housing and the Built Environment, or their authorised nominee and subject to a cost benefit analysis, where that scheme/assistance has a direct benefit to the objectives of this policy. Any changes will be made in line with the Council's adopted Financial Rules.

The Council may from time to time utilise special funding from Central Government, or other sources aimed at specific subjects, to target issues of local and national concern in accordance with any special conditions, e.g. replacement of inefficient boilers. Any special terms and conditions applicable to such initiatives will be appended to this policy, as they will not significantly alter the Council's primary approach to the subject.

# **MANDATORY**

## **Details of Assistance**

### **Mandatory Disabled Facilities Grant (DFG)**

The mandatory Disabled Facilities Grant (DFG) is set out in the Housing Grants Construction and Regeneration Act 1996 as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Detailed advice on the DFG process can be found in the 'Joint Approach to Adaptations' booklet produced jointly by East Sussex County Council, and the East Sussex district and borough Councils.

#### **Eligibility**

All owner-occupiers, tenants, licensees and occupiers are eligible for the grant provided that they are able to satisfy the criteria in Sections 19 to 22 of the 1996 Act. Landlords' may apply for a grant on behalf of a disabled tenant but must satisfy the same requirements. Tenants of Registered Providers (RP's) are eligible to apply for mandatory DFGs, but in these situations, we will firstly investigate the RP's ability to carry out the necessary work, or other options, such as transfer to more appropriate accommodation for the disabled person. Applications for DFGs will be considered where an offer of tenancy has been made by an RP and accepted in principal. Occupants of park homes and houseboats can also apply for DFGs.

We will continue to work in partnership with our Home Improvement Agency, which helps vulnerable clients through the process.

As part of an application for a mandatory DFG, a test of resources must be carried out in order to assess the amount, if any, that the applicant must contribute to the cost of the works. The means test applies to the disabled person and any partner. The applicant is required to provide information about all sources of income and all savings, and to provide evidence to support the information given.

Applicants in receipt of certain benefits may not be subject to the full means testing and will not be required to pay any initial contribution towards the grant, unless the grant exceeds the maximum value:

In addition, means testing will not apply if the disabled person is a child that meets the defined criteria.

The Means Testing process is informed by statutory instrument and subject to change when new statutory instruments are issued by central government.

#### **Eligible Works**

These fall into a number of categories:

Facilitating Access and Provision - this includes works to remove, or to help overcome, any obstacles, which prevent a disabled person from moving freely into and around their home, and enable them to use the facilities and amenities within it, for example:

- Facilitating access to and from the dwelling, or building
- Facilitating access to and from the garden and other outside areas
- Facilitating access to the principal family room
- Facilitating access to, or providing a bedroom for the disabled occupant

- Facilitating access to, or providing a room containing a WC, bath, or shower, and wash hand basin
- Facilities for the preparation and cooking of food

Making a dwelling or building safe – this includes works to make the disabled person's home safe:

- Provision of lighting, where safety is an issue
- Adaptations designed to minimise the risk of danger where a disabled person has behavioural problems, which may cause him/her to damage themselves, others, or their home
- Works to improve safety for people with hearing difficulties, e.g. an enhanced alarm system

Heating, lighting and power – this includes:

- Improvement of existing heating system, or, if it is inadequate or unsatisfactory, installing a one
- Works to enable the disabled person to have full use of the heating, lighting and power controls

Dependent residents – this relates to works required enabling a disabled person better access and movement around their home to provide care for another person, who normally resides there. This may include a spouse, partner, or family member, another disabled person, or a child.

DFGs are intended to assist toward works required to the common parts of buildings containing flats, where the disabled person is an occupant of one of the flats. This would usually be limited to works to facilitate access.

We must be satisfied that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling, or building. We must also be satisfied that the works are necessary and appropriate to meet the needs of the disabled person, and to achieve this we have to consult with the Occupational Therapists and Sensory Impairment Workers employed by East Sussex County Council.

### **Amount of Assistance**

The maximum amount of grant is set by statutory instrument. The current statutory limit on the amount of mandatory DFG is £30,000.

### **Conditions**

In addition to general terms and conditions;

Where the cost of the DFG exceeds £5,000, the Local Authority is able to place a charge against the property (limited to a maximum charge of £10,000); repayable if the property is sold within ten years. This applies only to owner/occupiers. The purpose of this is to allow for recycling of funds for DFGs. In each case the Council will take account of the individual circumstances of an applicant in deciding whether the charge should be made.

There is an expectation that the initial adaptation will meet the long term needs of the client, to prevent successive applications. However, it is accepted that further adaptations may be required for a disabled person who has a deteriorating condition. We



will make every attempt to expedite procedures and work to achieve interim solutions, where delays are inevitable.

There is no restriction on DFGs for the same property, and depending on the time lapse between applications, there is provision for any means tested contribution made on the first grant not to be taken into account on a subsequent application. This is five years for a tenants' application, and ten years for an owner-occupier's application.

## **DISCRETIONARY**

**Note: All the following types of assistance are discretionary and as such are subject to capital funds being available. For this reason the provision of this assistance may be limited or discontinued at any time**

### **Discretionary Disability Relocation Assistance**

Assistance will be considered in certain cases to help enable an applicant to move to a more suitable property. This will be where it is more cost effective than adapting their current home to make it suitable for present and future needs. The new property may need some adaptation. This applies only where works requiring a mandatory DFG are necessary, and includes moving into another Local Authority area as well as within Hastings. All re-housing options will be carefully considered and discussed with the disabled person and others concerned, including Social Services and health professionals, family and friends. The Housing Solutions Officer will be the primary point of contact where relocation is required.

#### **Eligibility**

Applicants must be the owner of the property, and the disabled person must be registered, or registerable with the Welfare Authority. For each case a cost benefit analysis will be undertaken taking into account the potential cost of adapting the existing property and of adapting any future property in relation to the amount of eligible assistance.

#### **Eligible Works**

The discretionary assistance will cover costs incurred in relocating to the new property, up to a maximum of £10,000. This will include estate agents' fees, solicitors' fees, the relocation of specialist equipment for the disabled person, and removal costs. It will not include stamp duty, an allowance toward the cost of the new property, nor allowances toward furnishing and fittings, etc.

#### **Amount of Assistance**

Maximum of £10,000

#### **Conditions**

In addition to general terms and conditions;

No further discretionary assistance for the same purpose will usually be payable from three years of the completion of the purchase of the new property, unless there are exceptional circumstances. Any such assistance will be fixed against the property as a charge, repayable with interest upon disposal of the property.

### **Discretionary Disabled Facilities Grant "top-up" Assistance**

The maximum amount of mandatory DFG was set by statute in 2008 at £ 30,000. Since this time we have seen an general increase in build costs for adaptations

such that in some instances £ 30,000 is insufficient to provide adaptations to meet the needs of the disabled person and their family.

### **Eligibility**

See mandatory DFG

### **Amount of Assistance**

Maximum £ 10,000 limit

### **Conditions**

See mandatory DFG

## **Discretionary Disabled Facilities Assistance**

Use of the DFG allocation through the Better Care Fund at the Councils discretion to support innovative projects in the borough to improve the lives of disabled residents.

### **Eligible Works**

Assistance to assist disabled residents and their families including but not limited to;

- Fast track minor adaptations – to undertake minor adaptations before someone ends up in acute care
- Lifetime homes – providing homes to Lifetimes Homes standard plus often increases the cost of new development by 10%. Assessed on the basis of need and demand to provide funds to ensure disabled homes are brought forward on sites.

### **Amount of Assistance**

Maximum of £ 30,000

### **Conditions**

See mandatory DFG

## **Discretionary Housing Renewal Loans**

Hastings Borough Council works with Parity Trust, a trusted ethical loans partner, to administer a small fund for housing loans. Availability and accessibility of loans is strictly administered by the Council and Parity Trust and are only approved where the applicant can afford to repay.

### **Eligibility**

The qualifying conditions for the assistance are that the applicant:

- Is aged 18 years, or more
- Is an owner, a tenant (for certain forms of loans only), or has a right to exclusive occupation or at least five years
- Has a duty, or power to carry out works (if applicable)

Visit <http://www.paritytrust.org.uk/home-lending/home-trust-loan> for further information.

## **Eligible Works**

Loans can be used to assist people needing the following types of help:

- Meeting the financial contribution to a mandatory Disabled Facilities Grant
- Topping up a Mandatory Disabled Facilities Grant, where the grant does not cover all the costs
- Assisting someone move house, where their home cannot be adapted for their disability needs
- Urgent repairs to a home (owner/occupiers only)
- Renovating homes (owner/occupiers only)
- Assisting in bringing long term empty homes back into use
- Improvements to the energy efficiency of a home
- Other types of help may be considered, dependant on circumstances at the discretion of the Housing Renewal Manager

## **Amount of Assistance**

The amount of assistance is dependent on the affordability of the loan as determined by Parity Trust.

## **Conditions**

See general terms and conditions

## **The Application Process**

### **Making an Application for Assistance**

The following conditions apply:

- All applications for assistance shall be made on the appropriate Council application form and be accompanied by all relevant supporting documents
- The minimum age for applicants' is 18 years at the date of application and in the case of joint applications, at least one must be over 18 years at the date of application
- In making an application, the applicant will give us permission to verify such given information with other Council services, or other statutory agencies
- Tenants, as defined within this policy may make applications, where they are eligible for assistance, but the Council will require written consent from the owner of the property before approving the grant/assistance
- Work (where applicable) must be carried out in accordance with any schedule provided by the Council
- Quotes (where applicable) must be itemised, and provisional sums are not acceptable
- Work covered by an insurance claim, or work that should have been covered, will not be eligible for grant/assistance/loan
- We will not normally approve any application for grant/assistance/loan if the relevant works have started before the application is approved, unless the Officer dealing with the grant/assistance/loan has already carried out an inspection and agrees in writing that the works may commence, due to risks to the health and safety of the occupants. This condition can be waived at the discretion of the Housing Renewal Manager
- Assistance will only be approved for the benefit of applicants' who are able to provide evidence of a valid National Insurance Number (where applicable)

### **Means testing**

Where applicable, as part of an application for assistance within this policy a test of resources will be carried out in order to assess the amount, if any, that the applicant will contribute to the cost of the works. The means test will be the same as that applied to mandatory DFGs. The applicant(s) is/are required to provide information about all sources of income and all savings and to provide evidence to support the information given.

### **Determination of Applications**

The Council, in determining an application for assistance under this policy, shall have due regard to the applicants' ability to make any repayment, or contribution proposed prior to approving assistance and applying conditions (if any), in accordance with Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and paragraph 27 of circular 5/2003.

Applications will usually be determined within 60 working days of receipt provided that the application is complete. If information is missing, the applicant will be contacted and advised as to what is required. However, we may take longer to determine an application, to ensure the best use of our financial resources, with the exception of mandatory Disabled Facilities Grants, which will take a maximum of six months to approve.

## Approval of Applications

The approval notice will set out:

- The means tested contribution toward the grant/assistance, where applicable
- The amount of grant/assistance consisting of eligible works and fees, where applicable
- Conditions to be applied

## Terms and Conditions

### Priority Pointing Systems

Priority Pointing Systems may be implemented on all areas of assistance for various reasons, e.g. to adequately manage the resources, (including financial resources available), to ensure those in most need receive assistance. Where applicants' for assistance are subject to a priority pointing system, they will be informed of this and when it is likely they will receive assistance. Such systems are used at the discretion of the Housing Renewal Manager. Copies of the pertinent priority pointing systems are available upon request.

All priority pointing systems will be reviewed at least annually to ensure equitability.

### Fees

Fees and charges associated with grant/assistance will be paid as part of the provision of assistance/grant, subject to the maximum amounts of grant/assistance. These include:

- Fees charged by Home Improvement Agency
- Private architects', or surveyors' fees
- Charges for planning permission, or building regulations approval
- Charges relating to Party Wall Act 1996 awards
- Fees relating to structural reports
- The costs of any electrical report carried out by a appropriately qualified electrician, required by the Council, to establish what electrical works are necessary
- Land Registry fees

The Council will determine which fees are eligible for assistance, the level of the fees and whether they are properly incurred.

The maximum fee level is 25% of the eligible assistance value, which includes agent's fees. The Housing Renewal Manager retains the discretion to waive this maximum in exceptional circumstances.

### Cost and Reasonableness of Works

The following applies where works are required as part of the assistance:

- The Council will consider the cost of all proposed work in the light of the eligibility of the work and the reasonableness of the cost, based on the quotations submitted

- Where the Council does not deem the quotations to be reasonable, the Council will approve a level of assistance for which it believes the works could reasonably be carried out. The level of any assistance approved may be the total cost of agreed works, or, where the applicants' financial assessment requires them to raise some funding of their own, the difference between the value of their own funding and the total cost of agreed works

## **Unforeseen Works**

Additional funding will only be provided above the original approval level in the event of unforeseen work being needed to allow completion of eligible works, or associated works, of a nature to protect the health and safety of occupiers, or evidence to show increases in costs to the contractor. The Council must be able to independently confirm any such increases, by means of inspection. No unforeseen works can commence until written confirmation from the Council has been received as to whether these works are reasonable in terms of cost, are truly unforeseen and whether the works are necessary.

In exceptional circumstances, this term can be waived where the Officer dealing with the grant/assistance agrees either verbally, or in writing, without necessarily carrying out an inspection that the works may commence, due to risks to the health and safety of the occupants.

A formal re-approval of assistance will be required before any payment above, or below, the originally approved level is paid.

## **Permissions and Consents**

The Council will not approve assistance unless the appropriate permissions and/or consents have been obtained, e.g. planning permission, listed building consent, building control approval, consent of the appropriate water company, etc.

## **Abortive Works**

This term relates to situations where an application for assistance has been aborted before works have been completed, e.g. where the applicant has died.

For Disabled Facilities Grants, consideration will be given to payment of a proportion of the grant assistance in line with current legislation and guidance and at the discretion of the Housing Renewal Manager.

## **Registered Providers**

With the exception of mandatory Disabled Facilities Grants and Discretionary Disabled Facilities Grant 'top up' assistance, tenants of Registered Providers cannot apply for assistance under any other form of assistance contained within this policy. Registered Providers have a prescriptive duty of care to their tenants and have to meet certain standards and targets pertaining to condition of their properties, e.g. Decent Homes Standard, and are able to access other sources of funding due to their status. Therefore, it is the expectation that Registered Providers will conform to these duties on behalf of their tenants.

## **Exceptional circumstances and enquiries outside the scope of this Policy**

Where exceptional circumstances are stated within this policy and where there is requirement to state those circumstances in order to invoke the discretion of the relevant

person stated, then the circumstances must be stated in writing prior to consideration. All enquiries will be assessed on the merits of the individual circumstances presented.

Any enquiries outside of this policy must be made in writing and will be determined by the Assistant Director Housing and the Built Environment, in consultation with the relevant Lead Member.

## **Contractor Issues**

It is the responsibility of the applicant to obtain quotes (where required). The legal and contractual relationship with regard to the works to be carried out is between the applicant and the contractor/agent, and not between the Council and the contractor/agent. All eligible works must be carried out by a contractor whose quote accompanied the application, unless an alternative quote is submitted and approved by the Council. Where the appropriate works undertaken must be insured, the contractor must provide a recognised warranty for any works.

We may re-assess the amount of assistance if we are satisfied that, owing to circumstances beyond the control of the applicant, the eligible works could not be carried out on the basis of the amount of the quote originally approved, for instance, when a contractor becomes VAT registered prior to the commencement of any works. If a variation to the original scheme is required, we will seek the applicants' consent to the variation.

If the eligible works are carried out by a member of the applicants' family, we will make payment only for the cost of the materials used in carrying out the works. Family members will usually include husband, wife, parents, co-habitees, or their parents, children and their partners, brother, sister, grandparents, grandchild, cousin, uncle, aunt, nephew, niece, or in-laws.

Where the applicant has his/her own building company, quotes will only be acceptable if it is a separate legal entity i.e. a limited company.

## **Buildings Insurance**

Applicants must maintain adequate buildings insurance throughout the applicable condition periods, unless they do not have an insurable interest in the property.

## **Payments**

The payment of any assistance is conditional upon the eligible works (where applicable) being carried out to the satisfaction of the relevant Council Officer and upon receipt by the Council of an acceptable invoice for the works carried out and any ancillary charges, or services, as well as any certification required for elements of those works, e.g. Gas Safe Certificate, Part P compliance Certificate, etc. All payments will be made direct to the Home Improvement Agency if the applicant is their client, or to a private agency e.g. a surveyor, or to the contractor. The applicant will be advised that a payment has been made, the amount, and the date of payment. The Council reserve the right to make a payment direct to the applicant in certain circumstances, for example, where there is a dispute over the standard and quality of work with the contractor.

The Council will consider requests for interim payments if they are requested before works commence, or in exceptional circumstances. However, it will not normally approve an interim payment of more than 90% of the cost of completed work and, in aggregate no more than 90% of the total approved cost of the work before final completion.



## **Maintenance**

Maintenance of a property is the owners' responsibility, and we will take any lack of maintenance into account when considering eligible works.

## **Prevention of Fraud**

Information provided to the Council by applicants' as part of the application process will be checked thoroughly and may be shared with other departments of the Council and other organisations involved in any aspect of handling public funds to help prevent and detect fraud, or in investigation of other possible criminal activities.

We will continue to implement our internal procedures to detect and prevent fraud throughout the assistance process. These procedures have regard to relevant statutory instruments and guidance.

## **Conditions explained**

### **General**

The conditions are local land charges (a charge against the title of the property) for the duration of the condition period, which are binding on the applicant(s) for assistance and any successor(s) in title.

Before approving assistance the Council will need to see proof of ownership to enable property ownership to be confirmed, a copy of the proof of title should be obtained through Land Registry. Other forms of proof of ownership will be at the Council's discretion.

Applications initiated by a qualifying tenant must be accompanied by a tenants' certificate stating that the applicant is a qualifying tenant of the dwelling and that they or their partner intends to live in the dwelling as their only or main residence. In all circumstances, work to a property will require the owners' written authority.

Following completion of assistance, where conditions are attached, the applicant(s) shall, upon receiving a written request from the Council, reply in writing, within 21 days of the date of the request, stating how she/he is complying with any of the terms and conditions of the assistance enquired about. Failure to comply with this item will be deemed a failure of conditions, requiring total repayment of assistance plus compound interest at a reasonable rate determined by the Council.

### **Repayment condition**

This relates to the following forms of assistance:

- Disability Relocation assistance

In the case of any assistance for which part, or complete payment has been made, where the applicant disposes of the property then she/he shall repay to the Council on demand the amount of assistance that has been paid plus interest (set at a rate equivalent to Consumer Prices Index), as required by the deed agreement.

This condition for repayment of assistance set out above does not apply to:

- Exceptional circumstances at the discretion of the Assistant Director Housing and the Built Environment in consultation with the appropriate relevant Lead Member

### **Specific Conditions relating to Mandatory DFG and Discretionary Disability Assistance**

It is a condition of the assistance that the applicant shall notify the Council if and as soon as the equipment installed with assistance is no longer needed. Subsequently, the Council may, upon providing 21 days written notice access, the dwelling in order to inspect the equipment and, where appropriate, remove it. The Council will impose a condition that any specialised equipment such as a stair-lift may be recovered where it is no longer required. In practice, the equipment will be recovered by East Sussex County Council so that it can be reassigned to another person if this is practicable.

Where the cost of the DFG exceeds £5,000, the Local Authority will be able to place a charge against the property (limited to a maximum charge of £10,000), repayable if the property is sold within ten years. This applies only to owner/occupiers. In each case the Council will take account of the individual circumstances of an applicant in deciding whether the charge should be made.

### **Terms of Repayment**

We will usually demand full repayment of assistance in line with the repayment condition set out above, or where there has been a breach of conditions. Before making any demand for repayment the Council will have regard to the relevant person(s) ability to repay when considering whether to require repayment, a waive of repayment, or entering an agreement to repay on terms, in accordance with Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

Repayment of assistance is subject to the Council making a demand from a 'relevant person', who has liability to repay the assistance, when the Council believes the assistance has become repayable. The 'relevant person' may be the original applicant for assistance, or any successor in title. The recipient will have an opportunity to make representations as to why the assistance should not be repaid prior to any enforcement action being taken. The following gives examples of the types of circumstances that would be considered, when exercising the Council's discretion not to make a demand, or to demand a lesser amount:

- Where there would be exceptional financial hardship
- A disposal to a disabled individual or to a family with a disabled person(s) where the existing disabled adaptations to the property meet their disability needs.
- A disposal where the proceeds are less than the amount of assistance that has to be repaid
- A transfer by a relevant person on death to another family member, who remains in occupation during the condition period(s)
- A disposal made to a Registered Provider

Where repayment of assistance is required and the applicant fails to make the necessary arrangements, the Council will seek to recover the money through the courts, which may involve obtaining a charging order, by registering the debt against the title of the property.

Applications not to repay assistance or to repay a lesser amount must be made in writing to the Assistant Director Housing and the Built Environment.

## **Development of the Policy**

This policy will be subject to an annual review (or sooner if required). Amendment should only be necessary in the case of significant change to policy items. The Assistant Director Housing and the Built Environment in consultation with the relevant Lead Member will make changes to the document without the need for formal ratification, where such changes make no significant difference to service provision. Where amendments produce significant change to service provision, those amendments will require approval of the Cabinet before the operational policy is changed.

In implementing this policy the Council will make reference to all relevant national legislation and guidance that is currently in place, or is introduced during the life of the policy. The guidance issued for Housing Renewal will be of particular relevance, especially where it deals with the Housing Health and Safety Rating System, the Decent Homes Standard, Neighbourhood Renewal Assessment and the provision of Mandatory Grants for Disabled Persons' Facilities.

In accordance with Article 4, this document is the Council's adopted policy for the provision of assistance, allowing the Council to exercise the powers conferred by Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and the additional powers contained within the Order.

## **Enquiries about Assistance**

Enquiries about any of the forms of assistance in the policy, and information about how to apply, should be made to Housing Renewal, Muriel Matters House, Breeds Place, Hastings, East Sussex. TN34 3UY

Tel: 01424 451335, email [housingadmin@hastings.gov.uk](mailto:housingadmin@hastings.gov.uk)

## **Comments about the Policy**

Any comments about this policy should be made to:

Housing Renewal Manager  
Housing Renewal,  
Muriel Matters House,  
Breeds Place,  
Hastings,  
East Sussex.  
TN34 3UY

Tel: 01424 451335, email [housingadmin@hastings.gov.uk](mailto:housingadmin@hastings.gov.uk)

## **Appeals about Decisions**

Appeals about how the policy is operated in individual cases, for example where assistance is refused, will be considered by the Assistant Director Housing and the Built Environment, or his authorised nominee.

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# Agenda Item 8



**Report to:** Cabinet

**Date of Meeting:** 10th July 2017

**Report Title:** Environmental Health Service Enforcement Policy

**Report By:** Mike Hepworth  
Assistant Director, Environment & Place

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## Purpose of Report

The purpose of this report is to recommend for approval an updated Environmental Health Service Enforcement Policy. The enforcement policy has been updated following the reorganisation and restructure of the previous Health and Safety, Food Safety and Environmental Protection Teams into a new generic Environmental Health Service.

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## Recommendation(s)

- 1. The revised Environmental Health Service Enforcement Policy is approved and attached as Appendix 1.**
- 2. In future, in consultation with the Lead Member for Environment and Equalities, the Director of Operational Services, the Assistant Director Environment and Place and the Chief Legal Officer, to review and update the Council's Environmental Health Service Enforcement Policy on an ongoing basis as and when necessary, in response to legislative changes, developing best practice and revised statutory guidance.**

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## Reasons for Recommendations

1. To ensure that enforcement action by the Environmental Health Service continues to be undertaken in a fair, proportionate and consistent manner.
2. To provide evidence to courts, defendants, businesses and the public that the Environmental Health Service undertakes its enforcement activities in accordance with an approved framework.
3. To incorporate the principles set out in the Regulators Code which came into statutory effect in April 2014 to provide a clear, flexible and principles-based framework for how regulators should engage with those who they regulate.

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## Introduction

1. The Environmental Health Service covers a wide range of enforcement activities including: food safety, health and safety, environmental protection (air, water, and land), stray dogs, and pest control.
2. In 2001 the Council adopted the Government's "Enforcement Concordat" when it introduced its Corporate Enforcement Policy.

## Background

3. The Concordat sets out principles of good enforcement that help businesses and duty holders to comply with regulations and help enforcers to achieve higher levels of voluntary compliance. The principles are:
  - Standards: setting clear standards.
  - Openness: clear and open provision of information.
  - Helpfulness: helping business by advising on and assisting with compliance.
  - Complaints: having a clear complaints procedure.
  - Proportionality: ensuring that enforcement action is appropriate to the risks involved.
  - Consistency: ensuring consistent enforcement practice.
4. In 2008 the Governments "Regulators Compliance Code" came into effect. This requires enforcement regulation to be carried out on a risk-based approach so that efforts are focused on rogue and higher-risk businesses.
5. In 2014 the Regulators Code also came into effect under the Legislative and Regulatory Reform Act 2006. This provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate, and must have regard to when developing policies and procedures that guide their regulatory activities.
6. In 2013 the Council reviewed its Corporate Enforcement and Prosecution Policy to ensure that enforcement action Council wide continued to be undertaken in a fair, proportionate and consistent manner. The corporate policy is an 'umbrella' policy which covers all Council enforcement activity. However all enforcing service areas and departments were required to have their own enforcement policies, which sit beneath the corporate policy, detailing how enforcement would work in relation to their own specific activities such as noise nuisance, health and safety offences or food hygiene contraventions.
7. This revised and updated policy will therefore enable the Environmental Health Service to continue to take enforcement action in a fair, proportionate and

consistent manner and based on a clear, flexible and principles-based framework in accordance with the Regulators Code.

8. The Environmental Health Service Enforcement Policy will be reviewed from time to time (e.g. to cater for new offences or enforcement methods) and be subject to continued compliance with the Corporate Enforcement and Prosecution Policy.

## Policy Implications

9. From a risk management perspective the absence of an updated Environmental Health Service Enforcement Policy may lead to accusations of arbitrary and inconsistent enforcement and lead to acquittals in court for technical reasons despite the Council having good evidence and a strong case.
10. From a human rights perspective it's important that Council enforcement services operate in accordance with enforcement policies based upon statutory guidance such as that considered when developing this policy.
11. The Council has carried out equalities impact screening in relation to the proposed revised Environmental Health Enforcement Policy. This did identify the fact that enforcement is likely to involve work with businesses where English is not their first language and who may find it more difficult to secure compliance with the law, as letters and Notices are generally produced in English. Staff have however championed the use of translation services such as Language Line and by providing guidance materials, published by the Food Standards Agency, which are available in a wide range of languages.
12. The Service has also organised and run several very successful seminars, through the use of interpreters, to help businesses comply with the law and these have involved the Chinese, Turkish and Bengali communities. No complaints have been received that we adversely affect businesses where English is not their first language through the use of our enforcement powers. The fair, consistent and proportionate use of our enforcement powers should actually result in lower levels of non-compliance and promote and sustain engagement and strong community cohesion.
13. Utilising the enforcement powers available within the new policy will ensure that we protect public safety and quality of life across the borough through fair, consistent and proportionate use of Environmental Health and anti-social behaviour enforcement powers. These outward facing activities will therefore enhance Hastings as a place for people to live, work, study in and visit.
14. The Service has statutory obligations to enforce legislation across a wide and diverse range of public health functions. This involves verifying standards and business compliance, investigating complaints with regard to poor conditions and taking whatever enforcement action is necessary. The work is proactive consisting of a mix of planned activities such as inspection of food premises or environmental permitting compliance visits, and reactive involving statutory nuisance complaints relating to air, water or noise, accident investigations, and responses to general public and business enquiries. Together all of these enforcement activities ensure legal compliance and contribute to the Councils vision for a safer cleaner town.

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**Wards Affected**

All

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**Policy Implications**

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

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**Additional Information**

Appendix 1 - Environmental Health Service Enforcement Policy (Revision 2017)

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**Officer to Contact**

Ian Wheeler  
iwheeler@hastings.gov.uk  
01424 783230

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**HASTINGS BOROUGH COUNCIL  
ENVIRONMENTAL HEALTH SERVICE  
ENFORCEMENT POLICY STATEMENT**

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**1 AIM**

- 1.1 Hastings Borough Council's Environmental Health service aims to ensure the health, safety and wellbeing of persons living and working in the borough and to protect and improve the environment. It will achieve this using a combination of education, advice and regulation. Securing compliance with legal and regulatory requirements by the use of enforcement powers including prosecution is an important part of achieving this aim.

**2 STATEMENT OF OBJECTIVES**

- 2.1 It is the Council's policy to strive to ensure the health, safety and wellbeing of all residents, visitors and persons who work in the borough. The Environmental Health service is committed to ensuring that legislation is enforced fairly and consistently to support the prosperity and protection of the borough.
- 2.2 Enforcement action, whether verbal warnings, written warnings, statutory notices, cautions, prosecutions or the use of fixed penalty notices, is primarily based upon an assessment of risks to public health and the health, safety and welfare of the residents of the borough.
- 2.3 This policy has been written with regard to the content of the government's Enforcement Concordat. The Concordat covers what businesses and others being regulated can expect from enforcement officers employed by local authorities. Hastings Borough Council has adopted the Enforcement Concordat and operates in accordance with the Regulators Compliance Code and Regulators Code and the Regulatory Enforcement and Sanctions Act 2008.
- 2.4 Where there is specific guidance on enforcement action, for example, statutory guidance or other relevant guidance and codes of practice issued by professional organisations and bodies, this will be followed, unless there are specific Council policies which would achieve at least equivalent standards.
- 2.5 The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000, The Criminal Procedures and Investigations Act 1996, Equality Act 2010 and other relevant legislation and guidance. Directed covert surveillance will only be used in relation to the investigation of serious offences, defined as those with a penalty of six months imprisonment or more.
- 2.6 The service recognises that the particular interests of different consumers within the district will need to be taken account of to ensure that legislation is enforced fairly.

Interpreters will be used where the stakeholder has difficulty in understanding English, where the facility is not available “in-house”. Where appropriate translated advisory leaflets will be made available.

- 2.7 The service fully acknowledges a duty holders right of appeal to any enforcement action. The service will provide full details of any rights of appeal that are set out in the legislation. Notwithstanding this right, the service shall also afford the duty holder the opportunity to informally discuss any grievance relating to the issue at hand with the enforcing officers line manager.
- 2.8 All authorised officers will abide by this policy. Any departure from this policy must be justified and fully considered by management before the decision is taken.

### **3 PURPOSE OF ENFORCEMENT**

- 3.1 The purpose of enforcement is to ensure that preventative or remedial action is taken to protect health and the environment by securing compliance with the regulatory systems. Whilst the Environmental Health service seeks to ensure full voluntary compliance with relevant legislative requirements whenever possible, it will not hesitate to use its enforcement powers where necessary.

### **4 PRINCIPLES OF ENFORCEMENT**

- 4.1 The Environmental Health service believes in firm but fair regulation. Each case is unique and must be considered on its own individual merits. Underlying the policy of firm but fair regulation are the principles of; **proportionality** in applying the law and securing compliance, **consistency** of approach, **transparency** about how the service, operates, **accountability** in accordance with the Regulators Compliance Code and Regulators Code and what those regulated may expect from the service and **targeting** of enforcement action.

#### **PROPORTIONALITY**

- 4.2 Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by enforcing authorities to achieve compliance should be proportionate to any risks to public health and safety and to the rights of others in the borough and to the seriousness of any breach.

#### **CONSISTENCY**

- 4.3 Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends. There is a right to expect consistency from an enforcing authority when:
- Issuing advice
  - Using statutory notices
  - Deciding to prosecute
  - Responding to requests for service.

## **TRANSPARENCY**

- 4.4 Transparency means helping duty holders and individuals to understand what is expected of them and what they should expect from the enforcing authorities. It also means making clear to duty holders and individuals not only what they have to do, but also, where this is relevant, what they do not. That means distinguishing between statutory requirements, and advice or guidance about what is desirable but not compulsory.

## **ACCOUNTABILITY**

- 4.5 Accountability means that in all enforcement actions officers shall be accountable for actions taken having regard to the Regulatory Enforcement and Sanctions Act 2008, S21 of the Legislative and Reform Act 2006, the Regulators Compliance Code and Regulators Code.

## **TARGETING**

- 4.6 Targeting means making sure that enforcement is targeted primarily on those whose activities give rise to the most serious risks, or where the hazards are least well controlled. The Environmental Health service will ensure that action is focused on the duty holders who are responsible for the risk and who are best placed to control it.

## **5 SHARED ENFORCEMENT ROLES**

- 5.1 Legislation to protect public health and the environment is enforced by several enforcement agencies. Where there are shared enforcement roles e.g. Police, the Health and Safety Executive, the Environment Agency, East Sussex Fire and Rescues Service etc., officers will notify the relevant enforcement agency of contraventions for which that agency is responsible in line with any data sharing protocols operating between enforcement agencies. Where flexible warrants are in place, these principles shall apply in the authority in which the warrant is being exercised.

## **6 ENFORCEMENT OPTIONS**

- 6.1 Enforcement officers must seek to secure compliance with the law. Most of their dealings with those on whom the law places duties (businesses, landlords, occupiers and individuals) are informal - officers offer information, advice and support, both verbally and in writing. They may also use formal enforcement mechanisms, as set out in law, including fixed penalty notices, enforcement notices where a contravention needs to be remedied, prohibition notices where there is a risk of serious personal injury, damage to the environment, or injury to health, revocation of authorisations, withdrawal of approvals; refusal of registration, variations of licences or conditions, or of exemptions; or ultimately caution, prosecution and injunction. This statement applies to all dealings, formal or informal, between officers and duty

holders or individuals - all contribute to securing compliance. Officers will always provide advice to businesses and individuals regarding compliance as requested.

- 6.2 The Environmental Health service recognises the importance of maintaining consistency in decision-making concerning enforcement action, which is demonstrated by the Council's adoption of the Cabinet Office Enforcement Concordat.
- 6.3 The Environmental Health service seeks to ensure that enforcement decisions are consistent, balanced and fair to ensure the public is adequately protected, and that businesses and individuals are treated in a fair, consistent, transparent, and proportionate manner.
- 6.4 In coming to a decision, the Service will consider:
- Local need and local priorities
  - The seriousness of the offence or conditions;
  - The individual or duty holder's past history;
  - Confidence in management;
  - The requirements of legislation;
  - The consequence of non-compliance; and
  - The likely effectiveness of the various enforcement options.
- 6.5 Where enforcement is deemed appropriate and is being considered, the service can choose one or more of the following options:
- To take no action;
  - To take informal action;
  - To issue a fixed penalty notice;
  - To issue a statutory notice;
  - To carry out work in default;
  - To revoke licences/authorisations/approvals;
  - To refuse licences/registration/authorisations/approvals
  - To call for a review of licences;
  - To use seizure powers;
  - To use simple cautions;
  - To prosecute;
  - To seek injunction.
- 6.6 The service fully supports the principles of the Regulatory Enforcement and Sanctions Act 2008. The service will normally take enforcement action which is consistent with advice and guidance issued by relevant national bodies and organisations.
- 6.7 When the service is taking enforcement action which is contrary to the advice of the Home, Lead, Primary or Originating authority, officers will discuss the action with that authority and legal services before taking action.

- 6.8 When the service is considering action against a business that has a primary authority, it will do so in accordance with the current guidance issued.

## **7 ENFORCEMENT ACTIONS**

### **TAKE NO ACTION**

- 7.1 Upon investigation and where circumstances are largely satisfactory and no action is proposed, then the business or person affected will be advised of this, as will any complainant, where appropriate.

### **INFORMAL ACTION**

- 7.2 Informal action includes the offering of advice, verbal warnings, letters and the issue of technical reports, including those generated on the premises following an inspection.
- 7.3 When deciding whether informal action is appropriate regard will be had to the following:
- The seriousness of the act or omission;
  - The past history of the business, landlord or individual shows that informal action would achieve compliance;
  - Whether confidence in the enterprise's management is high;
  - If non-compliance will not pose a significant risk to public health, safety or welfare;
  - Other circumstances, such as voluntary organisations using volunteers.
- 7.4 Letters or documents sent to duty holders and individuals will:
- Contain all the information necessary to understand what work is required and why;
  - Indicate timescales to achieve compliance.
  - Indicate legislation which is being or is likely to be infringed and methods of compliance and that other means of achieving the same effect may be chosen; and
  - Indicate any recommendations of good practice to clearly show that they are not a legal requirement.
- 7.5 When taking informal action, including giving verbal advice, officers will clearly differentiate between legal requirements and good practice.

### **FIXED PENALTY NOTICES**

- 7.6 Fixed penalty notices will be served having regard to the following:
- Certain legislative provision for the discharge of an offence by the service of a fixed penalty notice, this is at the local authorities discretion;
  - In some circumstances particularly where breaches are serious or recurrent, prosecution may be more appropriate;

- Payment of a fixed penalty notice does not provide immunity from similar or recurrent breaches;
- If a fixed penalty notice is not paid we may commence criminal proceedings or take other enforcement action in respect of the breach

## **STATUTORY NOTICES**

- 7.7 Statutory notices will be served having regard to the following:
- Any specific legal requirements to serve notice;
  - If there are significant breaches of legislation;
  - If there is a lack of confidence in the recipient to respond to an informal approach;
  - There is a history of non-compliance with an informal approach;
  - Standards are generally poor with little management awareness of statutory requirements;
  - The consequences of non-compliance could be potentially serious to public health, safety or welfare; and
  - Effective action also needs to be taken to remedy conditions that are serious or deteriorating, even when it is intended to prosecute.
- 7.8 Statutory notices will be served for matters which are a risk to public health, safety, or the environment and not for minor technical contraventions.
- 7.9 Statutory notices will be in the prescribed form where this has been specified.
- 7.10 The time limit on notices will be realistic and have regard to the issue and recipients of notices will be given the opportunity, if they wish, to discuss its requirements.
- 7.11 Compliance with the requirements of all notices served will be checked as soon as is practicable after expiry.
- 7.12 Failure to comply with a statutory notice will, in general, result in prosecution and/or work in default. Officers must have sufficient evidence to justify service, and be prepared to pursue non-compliance through the courts. Recipients of notices will be advised of any right of appeal, at the time the notice is served.
- 7.13 Home, Lead and Originating authorities will be notified of formal action instituted under the provisions of the food safety and health and safety legislation.
- 7.14 Primary authorities will be consulted prior to any formal action being taken and approval obtained before continuing.

## **WORK IN DEFAULT AND COST RECOVERY**

- 7.15 Work required in the interest of public health, safety or the environment may be undertaken by the service and the cost recovered from the duty holder where the notice allows. This may be appropriate when:

- It is necessary to carry out the work in the public interest and/or the costs are not prohibitive.
- There is a failure to carry out work covered by a statutory notice.
- Immediate action is required.
- It is unlikely that the work will be carried out unless done in default.

### **REFUSAL/REVOCAION OF LICENCES, REGISTRATIONS, APPROVALS ETC**

- 7.16 Licences, registrations, prior approvals and environmental permits, will only be refused or revoked following consideration with management following appropriate procedures and consideration of all relevant evidence and having regard to statutory guidance.

### **PROHIBITION**

- 7.17 Prohibition notices will be considered when:
- The consequences of not taking immediate and decisive action to protect health, safety and the environment would be unacceptable.
  - An imminent risk of injury or to health or to the environment can be demonstrated.
  - The requirements of any relevant statutory Codes of Practice regarding the use of such notices are fulfilled.

### **SEIZURE/SUSPENSION**

- 7.18 Enforcement officers will use appropriate statutory powers to take possession and detain articles, substances or equipment where:
- There are reasonable grounds for suspecting that the article, substance or equipment is a cause of imminent danger, serious personal injury, or pollution of the environment, **or**
  - Food is suspected to fail to meet the requirements of the relevant food safety legislation, **or**
  - To secure abatement of a statutory nuisance.

### **SIMPLE CAUTIONS**

- 7.19 Ministry of Justice guidance advises that local authorities may consider issuing a simple caution as an alternative to prosecution. Where there is a criminal offence, but the public interest does not require a prosecution, a simple caution may be an appropriate course of action. The guidance advises that the aims of the simple caution scheme are:
- To offer a proportionate response to low-level offending where the offender has admitted the offence;
  - To deliver swift, simple and effective justice that carries a deterrent effect;
  - To record an individual's criminal conduct for possible reference in future criminal proceedings or in criminal record or other similar checks; and

- To reduce the likelihood of re-offending.

- 7.20 The use of simple cautions will be in accordance with the Ministry of Justice guidance. The following conditions **must** be fulfilled before a caution is administered:
- The decision-maker is satisfied that there is sufficient evidence to provide a realistic prospect of conviction if the offender were to be prosecuted;
  - The offender must admit to committing the offence and agree to accept the caution; **and**
  - Simple cautions form part of an offender's criminal record and may be referred to in future legal proceedings and, in certain circumstances, may be revealed as part of a criminal record check. Offenders **must** be made aware of this **before** agreeing to accept a simple caution.
- 7.21 Primary, Home, Lead and Originating authorities will be notified of the simple caution.
- 7.22 If the offender refuses to accept a simple caution a prosecution will automatically follow.

## **PROSECUTION**

- 7.23 Whilst prosecution is an essential element of enforcement, we will use discretion when deciding whether to bring a prosecution.
- 7.24 Some factors in favour of prosecution are:
- Where the offence is serious. **or**
  - Where there is culpability of the offender, **or**
  - Where there is harm to the victim, **or**
  - Where the offender is over the age of 18 **or**
  - Where the offence has caused a significant impact on the wider community, **or**
  - Where a prosecution is a proportionate response to the contravention, **or**
  - Where the offender has committed the same or similar offences before.
- 7.25 The officer and their manager will consider all relevant information and evidence, when circumstances have been identified which may warrant a prosecution, to enable a consistent, fair and objective decision to be made.
- 7.26 The officer must be satisfied, before a prosecution proceeds, that there is relevant, admissible, substantial and reliable evidence that the offence was committed by the accused. There must be a realistic prospect of conviction. A bare prima facie case is not enough. If there is insufficient evidence, other formal action such as cautioning is not an alternative.



- 7.27 The officer their manager in consultation with the Council's Legal Services must decide that it is in the public's interest to prosecute, following the guidance in the Code for Crown Prosecutors.
- 7.28 Once a decision to prosecute has been made, the procedure should be implemented without undue delay. The requirements of PACE and CPIA will be adhered to.

### **INJUNCTIONS**

- 7.29 In exceptional circumstances where action under the relevant legislation is deemed likely to be ineffective, where there is serious imminent risk to public health or the environment, and immediate action is considered necessary, injunctive proceedings may be instituted.

### **LEGAL PROCEEDINGS – COST RECOVERY**

- 7.30 Both legal and investigatory costs incurred when formal legal proceedings are instigated will be requested, and if allowed recovered from the defendant. For prosecutions and injunctions this will be through an application to the court. In the case of simple cautions legal and investigatory costs must be reimbursed to the Council by the defendant before the caution may proceed.
- 7.31 Costs will be calculated using current officer hourly rates.

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# Agenda Item 9



**Report to:** Cabinet

**Date of Meeting:** 10 July 2017

**Report Title:** Cabinet Appointments to Committees, Working Groups and Partnerships

**Report By:** Christine Barkshire-Jones, Chief Legal Officer and Monitoring Officer

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## Purpose of Report

To consider the nominations received and to make appointments to committees, working groups and partnerships etc. and to appoint the Chairs and Vice Chairs to the committees of Cabinet.

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## Recommendation(s)

- 1. To appoint members to committees, working groups, partnerships and representative bodies as set out in Appendix A and B, and;**
- 2. To appoint the Chairs and Vice Chairs of Charity Committee and Museums Committee, as listed in Appendix A**

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## Reasons for Recommendations

Members are required to serve on the committees, working groups, partnerships and representative bodies to which Cabinet appoints. Chairs and Vice Chairs are required for the committees that report to Cabinet.

- 
1. The group leaders were circulated with updated schedules of the committees, working groups, partnerships and representative bodies to which Cabinet appoints. Nominations were sought to fill the places available. The schedules showing the nominations received are appended to this report. Further nominations may be made at the meeting.
  2. Like Cabinet, committees of Cabinet are not required to be politically balanced and this is a matter for Cabinet decision. The allocations shown are, therefore, advisory.
  3. Members are appointed until the Borough elections in May 2018.

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### **Wards Affected**

None

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### **Policy Implications**

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

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### **Additional Information**

Appendix A- Schedule of Nominations  
Appendix B – Schedule of Nominations

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### **Officer to Contact**

Officer Name Michael Courts  
Officer Email Address [mcourts@hastings.gov.uk](mailto:mcourts@hastings.gov.uk)  
Officer Telephone Number 01424 451764

**CABINET  
APPOINTMENTS TO COMMITTEES, WORKING GROUPS, PARTNERSHIPS ETC. JULY 2017**

**COMMITTEES, WORKING GROUP / PARTNERSHIPS**

COMMITTEES	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2017/18		APPOINTMENTS for 2017/18		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Museums Committee	Up to 10	6	2	Forward –Chair Bacon Vice-Chair Howard Sinden Street Cartwright		A Chair and Vice Chair is required for this committee Lead Member is chair.
Charity Committee	3	3		Beaney (Chair)		Chair to be non-portfolio holder member of Cabinet for the majority group
Discretionary Rate Relief Appeal Panel	Up to 7	5	2	Batsford Beaney Fitzgerald Forward Poole	Lee Patmore	All Members of Cabinet, excluding the Leader, to be appointed to the Panel.

**APPENDIX A**

Licensing Committee (Scrap Metal Dealers)	Up to 7	5	2	Batsford Beaney Fitzgerald Forward Poole	Lee Patmore	All Members of Cabinet, excluding the Leader, to be appointed to the committee. Functions relating to the licensing of Scrap Metal Dealers as set out in the Scrap Metal Dealers Act 2013 or by virtue of any amending or consolidating legislation and any regulations made under the Act as such amending or consolidating legislation.
Income Generation Board	3	2	1	Chowney Forward	Rankin	Leader and Deputy Leader of the Council and Chair of the Audit Committee

**APPENDIX A**

WORKING GROUPS ETC	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2017/18		APPOINTMENTS for 2017/18		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Working Arrangements Group	5	4	1	Street – Chair Cartwright Rogers Scott		Opposition member is Vice-Chair
Member Training and Development Group	4	3	1	Poole – Chair Sinden – Vice Chair Cartwright		Lead Member is chair
Hastings Country Park Management Forum	5	4	1	Fitzgerald – Chair Street – Vice-Chair Poole Turner		Lead Member is chair
Order of 1066	4	3	1	Rogers Sinden B.Dowling		To comprise Mayor, Deputy Mayor & 1 member from each Political Group
Joint Waste Committee	2	2		Chowney Fitzgerald		Leader of the Council and Lead Member for Env & Highways
Personnel Consultative Group	4	3	1			

**APPENDIX A**

PARTNERSHIPS	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2017/18		APPOINTMENTS for 2017/18		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Stade Partnership	2	2		Bacon Poole		Old Hastings members
Hastings Overseas Student Advisory Council	3	2	1	Roberts Sinden		Known as HOSAC
Hastings Local Strategic Partnership	2	1	1	Chowney		
Safer Hastings Partnership	1	1		Fitzgerald		Relevant Lead Member
Jt. Advisory Cttee. the High Weald AONB	1	1		Street		
Combe Valley (formerly Pebsham) Countryside Park Management Forum	2	2		Howard Webb		
Hastings and Rother Task Force Steering Group	1	1		Chowney		Leader of the Council
Hastings Athletics Track Committee	2	1	1	Batsford Rogers		
AmicusHorizon Hastings Area Panel	1	1		Batsford		Relevant Lead Member



**APPENDIX A**

Joint Governing Body for the Hastings Academy and the St Leonards Academy	1	1				We have withdrawn from this.
Sussex Police & Crime Panel	1	1		Fitzgerald		Lead Member
East Sussex Health Overview & Scrutiny Committee	1	1		Turner		Needs to be a non-executive Member.
East Sussex Community Safety Partnership	1	1				Needs to be either the Chair of the Safer Hastings Partnership or a member of the Sussex Police and Crime Panel.
Big Local North East Hastings	1	1		Charman		Must be Baird, Ore or Tressell member.
Rother Transport Action Group	1					Relevant Lead Member

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**CABINET – JULY 2017****APPOINTMENT OF MEMBERS TO REPRESENTATIVE BODIES**

<b>ORGANISATION</b>	<b>SEATS TO BE FILLED</b>	<b>APPOINTMENTS FOR 2017/18</b>
East Sussex Energy Infrastructure and Development Ltd (Sea Change) (This is a directorship)	1	Lead Member for Regeneration - Forward
Love Hastings (formerly Hastings & St Leonards Town Centre Management Group)	1	Leader – Peter Chowney
Hastings Health Improvement Network	1	Rogers
Health & Wellbeing Board	1 (not Health O & S Cttee member)	Beaney
Local Gov. Assoc. – National Body	1	Leader – Peter Chowney
Local Gov. Assoc. – Urban Commission	1	Lead Member for Regeneration – Kim Forward
Local Gov. Assoc. – Coastal Issues Group	1	Lead Member for Regeneration
South East England Councils	1 (The Leader of the Council)	Chowney

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26 JUNE 2017

Present: Councillors Beaney (Chair), Forward, May and Poole and Mr Chris May (The Protector)

**87. MINUTES OF THE MEETING HELD ON 20 MARCH 2017**

**RESOLVED that the minutes of the Charity Committee meeting held on 20 March 2017 be approved and signed by the Chair as a correct record of the meeting**

**88. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

The Assistant Director, Regeneration and Culture, notified the committee of an additional urgent item in respect of the installation of new beach huts on Foreshore Trust land, as set out in minute number 94.

**89. THE LANDING**

The Assistant Director, Regeneration and Culture, presented a report which recommended that the Foreshore Trust accepted ownership of a sculpture, The Landing, which was sited on the beach.

The Landing sculpture, by local artist Leigh Dyer, had been commissioned by Hastings Borough Council as part of the Root 1066 Festival, to mark the 950<sup>th</sup> Anniversary of the Battle of Hastings. In addition to the sculpture, the installation includes a time capsule, which will be opened in 2066. The sculpture has been very well received by the public and has already become a local landmark. The recommendations of the report had been supported at a recent meeting of the Coastal Users Group. However, the meeting had not been quorate and this view may not necessarily be shared by whole group.

The artist of a piece of art installed in the public realm usually retains ownership of the piece for a 12 month setting period, enabling them to carry out any maintenance works that may be required. No maintenance works have been necessary during the last 12 months and an independent structural engineer has confirmed the sculpture remains securely fixed in situ. The sculpture is sited on land owned by the Foreshore Trust and it is proposed that ownership is now transferred to the Trust permanently.

The Assistant Director, Financial Services and Revenues, recommended that the Trust insure the sculpture against damage, fire and theft, for at least a 1 year period as works to improve the sea defences will be taking place on the beach. This proposal was supported by members of the committee.

Councillor Forward proposed approval of the amended recommendations to the report, as set out in the resolution below, which was seconded by Councillor Poole.

## CHARITY COMMITTEE

26 JUNE 2017

**RESOLVED (unanimously) that:**

- 1. The Charity Committee agrees that the Foreshore Trust will accept ownership of the Landing sculpture from 14 September 2017, and;**
- 2. The Trust insures the sculpture against damage, fire and theft, for at least a one year period, while works to the sea defences on the beach are carried out**

The reason for this decision was:

The sculpture is located on Foreshore Trust land and was commissioned by Hastings Borough Council to mark the 950<sup>th</sup> anniversary of the Battle of Hastings. It is normal practice for the ownership of public art to pass to the commissioner or landowner.

### **90. SEAFRONT SPLASH PAD WATER PLAY AND KIOSK**

The Assistant Director, Regeneration and Culture, presented a report which updated the committee on further investigations into the proposed seafront water play and kiosk project and on the outcome of the grant application to the fourth round of the Coastal Communities Fund (CCF4).

At its meeting in December 2016, the Charity Committee had given in-principle agreement to procure a seafront splash pad facility with associated seating and kiosk at Pelham Place. However, further site investigations have revealed the presence of a mains sewer directly beneath the site. As a result, the costs of the project were likely to exceed the budget allocated by the committee. It was therefore recommended to cease further work in relation to installing a water play feature at Pelham Place. Consideration has been given to potential alternative locations, but no other suitable sites have yet been identified.

Funding had been secured from CCF4 to support the further improvement of the promenade in the White Rock area and to promote the increased use and enjoyment of the seafront. Funding of £145,000, including a grant of £95,000 from CCF4, had been allocated for the refurbishment of a redundant fountain and adjacent public space. However, because the fountain had been disused for a considerable time, it was necessary to carry out a structural survey of the site, before design options were commissioned. The survey would cost an additional £35,000, making a total budget of £180,000. A potential water play facility would also be considered, and costed, as part of the site investigations and tendering process.

Attendees at the recent Coastal Users Group meeting, which was not quorate. The group had suggested that the Stade open space be considered as potential location for a splash pad, when any resurfacing is carried out in the future. They also recommended including a garden area within the scheme for the White Rock area.

Councillor Poole proposed approval of the recommendations to the Assistant Director, Regeneration and Culture's report, which was seconded by Councillor Forward.

**RESOLVED (unanimously) to:**

## CHARITY COMMITTEE

26 JUNE 2017

1. Cease further work in relation to the development of a water play feature at Pelham Place,
2. To note the successful outcome of the CCF4 bid, and;
3. Approve a budget of £180,000 for the refurbishment of the redundant fountain and adjacent public space at White Rock. £95,000 of this budget is the CCF 4 grant award, and the balance is to come from the Foreshore Trust's reserves and existing budget, as set out in the report.
4. Delegate authority to the Director of Operational Services or his nominee in consultation with the Chair of the Charity Committee to undertake appropriate surveys, secure planning permission and subject to the outcome of the surveys, commission contractors to design and complete works, within the approved budget, that will re-animate, this area by the installation of a new water feature and associated physical improvements.

The reason for this decision was:

1. There are significant technical, and potentially costly, issues in relation to the installation of a splash pad and associated facilities on the site at Pelham Place.
2. The bid for funding a programme of projects under the 4<sup>th</sup> round of the national Coastal Communities Fund was successful, and there is an award of £95,000 within the programme to refurbish the redundant fountain and adjacent area near The Source skate park at White Rock. This is subject to additional investment by the Foreshore Trust (match funding), and completion of the project by December 2019.

### **91. FORESHORE TRUST BUSINESS PLAN 2017-2022**

The Assistant Director, Regeneration and Culture, presented a report which included a draft five year business plan for the period 2017/18 and 2021/22. The report also provided an update on a number of key achievements throughout 2016/17, including bringing the White Rock Baths back into use as a skate park and upgrades to facilities in the Trust's car parks, The Stade and on the promenade and beach.

The draft business plan was based upon current knowledge of the maintenance, income, required capital works and proposals for new activities. The plan will be reviewed and updated on an annual basis. Key projects included reviewing the operational arrangements for the The Stade open space and the Stade Hall, improvements to the promenade at White Rock and maintaining and improving leisure facilities, including implementing the recommendations of the access audit for Hastings seafront. The draft business plan included a spending plan; an additional sum of £710,000 was required to meet the expenditure plans in the period 2017/18 to 2021/22.

The committee welcomed the draft business plan. Members were keen that implementing the recommendations of the recent access audit of Hastings seafront should be considered as a priority.

## CHARITY COMMITTEE

26 JUNE 2017

Councillor Forward proposed approval of the Assistant Director, Regeneration and Culture's report, which was seconded by Councillor Poole.

**RESOLVED (unanimously) that:**

- 1. The Business Plan, as appended to the Assistant Director, Regeneration and Culture's report be approved, and;**
- 2. The committee delegate authority for any minor modifications to the Assistant Director, Regeneration and Culture, in consultation with the Chair of the Charity Committee**

The reason for this decision was:

The Charity Committee requires a business plan to support its decision-making on the use of Trust assets and surpluses.

### **92. FINANCE REPORT**

The Assistant Director, Financial Services and Revenues, presented a report to advise the committee on the draft financial position for 2016/17. The report updated the committee on the current year's financial position and provided an opportunity to review the Trust's business plan, risk register and reserves policy.

Members were advised that the draft accounts for 2016/17 indicated an operating surplus of £394,000. This estimate exceeded the projected surplus in the original budget, due mainly to a capital receipt in respect of the disposal of a parcel of land and an increase in parking income.

Income and expenditure projections for 2017/18 were currently in line with the budget. However, the estimated surplus for this year was expected to be higher than planned, due to a decrease in the anticipated loan repayments.

Consideration was given as to how the Trust could continue to forecast significant areas of expenditure, beyond the span of the current 5 year business plan.

Councillor Poole proposed approval of the recommendations to the Assistant Director, Financial Services and Revenues report, which was seconded by Councillor Forward.

**RESOLVED (unanimously):**

- 1. To agree the current financial positions for 2016/17 and 2017/18**
- 2. To agree the Risk Register (appendix 4 to the report)**
- 3. To agree the Reserves Policy (appendix 5 to the report)**

The reason for this decision was:

The council has the responsibility for the proper management of the financial affairs of the Trust. In doing so it complies with the Accounting Codes of Practice and the high standards required for the accounting of public money.



## CHARITY COMMITTEE

26 JUNE 2017

The reserves policy is reviewed on an annual basis and is undertaken against the uncertainties that are identified within the risk register and the general economic environment.

### 93. MINUTES OF THE COASTAL USERS GROUP HELD ON 13 JUNE 2017

The minutes of the Coastal Users Group meeting held on 13 June 2017 were submitted. It was noted that this meeting was not quorate.

**RESOLVED that the minutes of the Coastal Users Group meeting held on 13 June 2017 be noted**

### 94. ADDITIONAL URGENT ITEMS - BEACH HUTS

The Assistant Director, Regeneration and Culture, advised the committee of a decision that was taken under rule 13 of the urgency provisions for the Foreshore Trust.

At its meeting in December 2016, the Charity Committee had given agreement for the installation of 12 new beach huts on Foreshore Trust land. The cost of the project had been estimated at £14,000. Following a procurement exercise, the actual cost was £22,374 plus VAT. However, the project was still considered to provide a worthwhile investment for the Trust.

The decision had been taken under urgency provisions to avoid any unnecessary delay to project and prevent potential loss of income during the summer period.

(The Chair declared the meeting closed at. 6.43 pm)

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# Agenda Item 12

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

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