

Council Meeting

**Wednesday, 18th
December, 2019**

HASTINGS BOROUGH COUNCIL

Dear Councillor

You are hereby summoned to attend a meeting of the Hastings Borough Council to be held at the Council Chamber, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY, on Wednesday, 18th December, 2019 at 6.00 pm at which meeting the business specified below is proposed to be transacted.

Yours sincerely,

Chief Legal Officer

Muriel Matters House
Breeds Place
Hastings

10 December 2019

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the last meeting
3. Declarations of Interest
4. Announcements from the Mayor and Leader
5. Questions (if any) from:
 - a) Members of the public under Rule 11
 - b) Councillors under Rule 12
6. Motion (Rule 14)
7. Membership of Committees

To give effect to any request received from a political group for a change in their representation on committee(s).

8. Homelessness and Rough Sleeping Strategy

9. Reports of Committees

- a) To resolve that the public be excluded from the meeting during the discussion of any items considered while the public were excluded by the relevant committee 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 respective paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the minutes of the relevant committee.
- b) To receive and consider the recommendations and any decisions of the following committees.

Minute No.	Subject	Cabinet Member/ Chair
CABINET – 4 NOVEMBER 2019		
214.	Housing Renewal Assistance Policy	Batsford
215.	Housing Renewal Enforcement Policy	Batsford
217. (E)	Potential Commercial Property Purchases (Part 2)	Chowney

Notes:

1. The Mayor will call over the minutes and members will rise and indicate those items which they wish to have discussed.
2. No discussion shall take place at this stage upon part II minutes covered by the resolution 9a) above. Any such discussion shall be deferred to item 10 on the agenda.

10. To consider the recommendations and decisions of committees (if any) which the Council has resolved should be discussed after the exclusion of the public from the meeting.

Appendix- Cabinet agenda and minutes from 4th November 2019

Note: Nothing contained in this agenda or in the attached reports and minutes of committees constitutes an offer or acceptance of an offer or an undertaking or contract by the Borough Council

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Agenda Item 2 Public Document Pack

FULL COUNCIL

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Present: Councillors Sinden (Chair), Bacon (Vice-Chair), Barnett, Batsford, Battley, S Beaney, Berelson, Bishop, Charman, Chowney, Cox, Davies, Evans, Fitzgerald, Levane, O'Callaghan, Roberts, Rogers, Sabetian, Scott, Turner, Webb, Louise, Lee, K Beaney, Beaver, Edwards, Foster, Marlow-Eastwood, and Rankin.

82. APOLOGIES FOR ABSENCE

Apologies for absence were noted for Councillors Forward and Patmore.

83. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE LAST MEETING HELD ON 24TH JULY 2019

RESOLVED that the minutes of the Full Council meeting held on 24th July 2019 be approved and signed by the Mayor as a correct record of the proceedings.

84. DECLARATIONS OF INTEREST

The following Councillors declared an interest in the minutes:

Councillors	Committee	Minutes	Interest
Bacon	Full Council – 23 rd October	87 – Motion (Rule 14)	Personal – works in a school
All Labour Councillors	Full Council – 23 rd October	87 – Motion (Rule 14)	Personal – member of a trade union
Rankin, Marlow-Eastwood and Foster	Full Council – 23 rd October	87 – Motion (Rule 14)	Personal - member of a trade union

85. ANNOUNCEMENTS FROM THE MAYOR AND LEADER

The Mayor led a minute silence in honour of Andrew Cartwright, a former member of the Council who passed away in August.

The Leader of the Council paid tribute to the 39 people who tragically died in a shipping container in Essex. The thoughts of the Council are with their families.

86. QUESTIONS (IF ANY) FROM:

86(a). MEMBERS OF THE PUBLIC UNDER RULE 11

A written question was received from Julia Hilton regarding the Council's carbon reduction pathway. Councillor Evans provided a written response. Copies of the question and response were circulated to Councillors and members of the public.

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Ms Hilton asked a supplementary question. Too often the process of developing strategies and plans can be used as a way of delaying action. What immediate actions will the Council be taking?

Councillor Evans replied the Council declared a climate emergency in February and despite financial difficulties the Council is taking tackling climate change extremely seriously. The Council has seconded a senior officer to work on the climate change programme and last week appointed an energy officer to look at increasing energy efficiency.

A written question was received from Nick Perry regarding the latest Indices of Multiple Deprivation and the Council's plans to tackle deprivation in the town. Councillor Chowney provided a written response. Copies of the question and response were circulated to Councillors and members of the public.

Nick Perry did not ask a supplementary question.

A written question was received from Pete Welch regarding the Government's consultation on planning regulations relating to 5G installations. Councillor Chowney provided a written response. Copies of the question and response were circulated to Councillors and members of the public.

Mr Welch asked a supplementary question. In his response Councillor Chowney said he expects a letter from the Minister for Digital and Broadband constraining planning objections to 5G. In light of peer reviewed research and considerable public concern, how will the Council reconcile this diktat with its duty of care for residents?

Councillor Chowney replied that the Council will have to comply with Government regulations. The Council will make a response to the consultation and will raise concerns that more research needs to be done.

86(b). COUNCILLORS UNDER RULE 12

Questions to the Leader, Deputy Leader and portfolio holders were asked and answered in accordance with Rule 12.1 as follows:

Questioner	Subject	Reply given by
Councillor Lee	<p><u>Street Cleaning DSO</u> – Can you tell us the revenue costs for running the DSO for the next year and in five years' time?</p> <p>Councillor Chowney replied that he would get back to Councillor Lee with the exact figures. The DSO was market tested and the cost of bringing the service in-house was no more expensive than an external contractor.</p>	Councillor Chowney

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<p>Councillor Barnett</p>	<p><u>Summer activities</u> - Thrilled to see the quality and quantity of activities in Hollington this summer. There was a great response from residents. How did Active Hastings manage across the town this summer?</p> <p>Councillor Batsford replied that Active Hastings is an incredible resource making sure children remain active, healthy and engaged in positive activity.</p>	<p>Councillor Batsford</p>
<p>Councillor K Beaney</p>	<p><u>West Marina development</u> – It is over 12 months since Cabinet agreed a preferred developer for the West Marina site. Can you provide a progress update?</p> <p>Councillor Chowney replied that Heads of Terms were signed in the summer. The full lease should be signed in the next fortnight. It is a detailed long lease and so negotiations have taken time. As soon as that happens the Council will be able to start the formal consultation.</p>	<p>Councillor Chowney</p>
<p>Councillor Turner</p>	<p><u>Station Plaza walk-in centre - East Sussex County Council Health Overview and Scrutiny Committee</u> has agreed that the Hastings and Rother Clinical Commissioning Group proposals for Station Plaza walk-in centre no longer constitute a substantial variation in services. Do you agree this decision is significant in providing good health services to residents and visitors?</p> <p>Councillor Chowney agreed and said this essentially means the walk-in centre has been saved. Thank you to everyone involved in the campaign.</p>	<p>Councillor Chowney</p>
<p>Councillor Charman</p>	<p><u>Indices of Multiple Deprivation</u> – The latest Indices of Multiple Deprivation predate Universal Credit and other benefit changes. What do you perceive to be the situation in Hastings now?</p> <p>Councillor Chowney replied that compared to 2015 Hastings is more deprived, having moved from 20th most deprived to 13th most deprived. Hastings needs better transport</p>	<p>Councillor Chowney</p>

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	links, better quality jobs and upskilling of the workforce.	
Councillor Edwards	<p><u>Solar panels</u> – The Council had plans for installing solar panels on Council properties. The plan was fully costed and seemed to be a proposal for tackling fuel poverty and generating green energy. Can the Leader provide an update?</p> <p>Councillor Chowney replied that the Council is still looking at installing solar panels in the country park. There are already solar panels installed on Muriel Matters House and several other properties. Anything which the Council leases is not as easy as the lease holder has a say. Because the Government cancelled the feed in tariff it is becoming less viable to put solar panels on roofs.</p>	Councillor Chowney
Councillor Scott	<p><u>Climate change priorities</u> - If you were able to profile 2 or 3 things what would you choose in terms of priorities and performance?</p> <p>Councillor Evans informed the Council that she was invited to a roundtable in Parliament to present Hastings' ambition to be part of a green new deal. Councillor Evans acknowledged that engaging the community is an essential part of tackling climate change and she had been doing that over the past 6 months. Additionally, the Council will be looking at procurement practices and will be reviewing the Local Plan to ensure new developments are as sustainable as possible.</p>	Councillor Evans
Councillor Rankin	<p><u>Hastings Housing Company</u> - Can you give me an update on the targets and expand on your own personal commitment to this project?</p> <p>Councillor Chowney responded that Hastings Housing Company (HHC) has a 13 room HMO and a portfolio of mixed residential and commercial properties. However the Council has moved on slightly from HHC. It saves money if the Council acquire houses for temporary accommodation but for various reasons this cannot be done through HHC.</p>	Councillor Chowney

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	The Government are making it easier for Council's to build social housing directly and this is being looked into.	
Councillor Sabetian	<p><u>Joint Waste Committee</u> - Could you update us on key learning points from the last Joint Waste Committee discussion on recycling?</p> <p>Councillor Fitzgerald replied that there is a lack of recycling infrastructure in the UK. There is a need for investment in infrastructure to improve recycling processing. The Council would need to work in partnership to address this.</p>	Councillor Fitzgerald
Councillor O'Callaghan	<p><u>Bonfire night</u> – how did the street cleaning DSO perform on bonfire night?</p> <p>Councillor Fitzgerald celebrated the work of the street cleaners. Workers were out very quickly after bonfire night tidying up.</p>	Councillor Fitzgerald

87. MOTION (RULE 14)

Councillor Rogers proposed a motion, as set out in the agenda, which was seconded by Councillor Webb.

Councillors debated the motion.

RESOLVED (by 22 for, 7 against with 1 abstention) that the Council do accept the motion as set out below:

This council notes:

- Government has endured central government funding cuts of nearly 50% since 2010.
- Between 2010 and 2020, councils will have lost 60p out of every £1 they have received from central government.
- The 2019 LGA survey of council finances found that 1 in 3 councils fear they will run out of funding to provide even their statutory, legal duties by 2022/23. This number rises to almost two thirds of councils by 2024/2025 or later.
- The LGA estimates councils will face a funding gap of £8 billion by 2025.
- Faced with these cuts from central government, the local government workforce has endured years of pay restraint with the majority of pay points losing 22 per cent of their

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value since 2009/10.

- At the same time as seeing their pay go down in real terms, workers experience ever increasing workloads and persistent job insecurity. Across the UK, an estimated 876,000 jobs have been lost in local government since June 2010 – a reduction of 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector.
- There has been a disproportionate impact on women, with women making up more than three quarters of the local government work force.

This council believes:

- Our workers are public service heroes. They keep our communities clean, care for those in need, and keep our towns and cities running.
- Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.
- Government funding has been cut to the extent that a proper pay rise could result in a reduction in local government services.
- The government needs to take responsibility and fully fund increases in pay; it should not put the burden on local authorities whose funding been cut to the bone.

This council resolves to:

- Support the pay claim submitted by Unite, GMB and UNISON on behalf of council and school workers for a £10 per hour minimum wage and a 10% uplift across all other pay points in 2020/21.
- Call on the Local Government Association to make urgent representations to central government to fund the National Joint Council (NJC) pay claim.
- Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.
- Meet with local NJC union representatives to convey support for the pay claim.
- Communicate with all local government workers encouraging them to join a trade union.

88. MOTION (RULE 14)

Councillor Chowney proposed a motion, as set out in the agenda, which was seconded by Councillor Levane.

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RESOLVED (unanimously) that the Council do accept the motion as set out below:

Hastings Borough Council agree to:

Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply. We also call on East Sussex County Council to adopt the same protocols.

1. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
2. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
3. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
4. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
5. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
6. Review its contractual spending regularly to identify any potential issues with modern slavery.
7. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
8. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
9. Report publicly on the implementation of this policy annually.

89. MEMBERSHIP OF COMMITTEES

Councillor Chowney proposed a motion regarding the membership of committees, as set out in the resolution below.

RESOLVED that the council adopt the following arrangements for the membership of committees:

1. **Councillor Roberts be appointed to the Overview and Scrutiny Committee, in place of Councillor Charman.**

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- 2. Councillor Barnett be appointed to the East Sussex Health and Wellbeing Board, in place of Councillor Cox.**

90. REPORTS OF COMMITTEES

The Mayor having called over the minutes set out in the agenda, the following minutes were reserved for discussion.

RESOLVED that under rule 13.3 the reports and minutes of committees set out in the agenda, including those items on which a council decision was required, be received and agreed. Only those items which were reserved were discussed, as follows:

Meeting	Minute	Councillor
Audit Committee, 30 July 2019	63 – Audit Committee Report to Full Council	Rankin
Cabinet, 2 September 2019	198.1 – 12/13 York Buildings (Part 1)	Lee
Cabinet, 2 September 2019	198.2 – 12/13 York Buildings (Part 2)	Lee
Cabinet, 7 October 2019	202 – Update on Social Lettings Agency	Davies
Cabinet, 7 October 2019	205 – Acquisition of Land in Ore Valley	Turner
Cabinet, 7 October 2019	207 – Old Town Hall	Lee
Cabinet, 7 October 2019	208 – Cornwallis Street Car Park – Potential Development	Levane

Minute 203 of Cabinet on 7th October 2019, Polling Places Review 2019, was a matter on which the Council was required to make a decision. Under rule 13.3, the minutes were approved without being called for discussion.

Minute 209 of Cabinet on 7th October 2019, Constitutional Amendments, was a matter on which the Council was required to make a decision. Under rule 13.3, the minutes were approved without being called for discussion.

Councillors debated minute 63 of Audit Committee on 30th July 2019, minutes 198.1 and 198.2 of Cabinet on 2nd September 2019, and minutes 202, 205, 207 and 208 of Cabinet on 7th October 2019. These matters did not require approval of Full Council.

Minute number 198.2 of Cabinet on 2nd September 2019, 12/13 York Buildings (Part 2), was an exempt item. When this item was reached, Councillor Fitzgerald proposed a motion for the exclusion of the public from the meeting, seconded by Councillor Rogers.

RESOLVED that the public be excluded from the meeting during the consideration of minute number 198.2 of the Cabinet meeting held on 2nd

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September 2019, 12/13 York Buildings (Part 2), 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.

No motions for reference to Overview and Scrutiny Committee or reference back to Cabinet were approved in respect of the items reserved for discussion and they were therefore received.

(The Chair declared the meeting closed at. 9.00 pm)

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Agenda Item 8



Report to: Full Council

Date of Meeting: 18 December 2019

Report Title: Homelessness and Rough Sleeping Strategy

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

Purpose of Report

To consider and approve the draft homelessness review, and adopt a new Homelessness and Rough Sleeping Strategy for Hastings.

Recommendation(s)

- 1. To the draft Homelessness Review and Homelessness and Rough Sleeping Strategy is adopted and published**
- 2. Delegated authority is given to the Assistant Director, Housing and Built Environment, in consultation with the Lead Member for Housing and Leisure, to agree any minor changes to improve the layout and readability of the strategy prior to publication**
- 3. An action plan to implement the strategy priorities is developed with partners**
- 4. An annual performance update is submitted to Cabinet, setting out progress against the strategy priorities and action plan**

Reasons for Recommendations

The council needs to consult on a new Homelessness and Rough Sleeping Strategy prior to adoption.

Introduction

1. Local authorities are required to have an up to date Homelessness Strategy under the Homelessness Act 2002. The Ministry for Housing, Communities and Local Government (MHCLG) has stated that all local authorities are required to develop new homelessness strategies to take account of the changes introduced by the Homelessness Reduction Act 2017.
2. The council's existing strategy came to an end in 2018, and work has been underway with partners since then to develop priorities for our new strategy.
3. The council has drafted a Homelessness Review (attached at appendix B), which sets out the local and national trends in homelessness, as well as progress that was made under the previous strategy to reduce homelessness and rough sleeping.

Draft Homelessness and Rough Sleeping Strategy

4. The Homelessness and Rough Sleeping Strategy is the first of 3 documents which will make up the Housing Strategy. Similar strategies will be developed to increase the supply of housing and improve the quality of accommodation in the town.
5. The findings of the homelessness review, together with our ongoing work with partners, has informed the priorities for the new Homelessness and Rough Sleeping Strategy.
6. The 3 priority areas are:
 - Reduce rough sleeping
 - Minimise our use of emergency accommodation, by improving access to housing solutions
 - Adapt our services to meet local needs
7. Once the strategy has been adopted the Housing and Support Services Group (HASS), which comprises statutory and voluntary sector partners, will develop an action plan to implement the new priorities. HASS will then monitor progress against the action plan throughout the year.
8. Given the high levels of risk and uncertainty in respect of demand for homelessness services, Cabinet will also receive an annual report on progress against our priorities.

Consultation

9. The draft strategy and homelessness review have been developed collaboratively with local partners. The draft strategy and homelessness review were published for public consultation between 27 September and 25 October 2019.
10. Responses were received from council departments, statutory agencies, community sector organisations and members of the public.

11. Key themes from the consultation include:

Encampments – concerns were raised during the consultation regarding unauthorised encampments in the town, linked to the rise in rough sleeping. The council has been working with the highways authority to ensure appropriate support and enforcement action is taken as soon as possible when unauthorised encampments are found. The council will continue this work and identify national examples of good practice as part of its priority to reduce rough sleeping, and improve links between support activities and enforcement services.

Partnership Working – responses from a number of statutory and community sector agencies highlighted partnership work to reduce homelessness and rough sleeping. This will be co-ordinated through HASS, which will develop and implement an action plan to deliver the strategy priorities. The responses also highlighted specific examples of successful partnership working, such as co-commissioned housing and financial advice services.

Supply of accommodation – a consultation response highlighted the importance of bringing empty properties back into use to increase the supply of housing. This will be addressed as part of the council's strategy to increase supply of accommodation, which will be developed in 2020.

Community Safety – consultation responses highlighted the links between homelessness and perceptions of community safety in the town. It also highlighted opportunities to enhance outreach services for rough sleepers and the broader street community partnership, based on national best practice.

Financial Implications

12. The council is heavily reliant on external grant funding to enhance its services for homeless households and rough sleepers. Much of this funding is short term, which creates challenges when developing a strategic approach to this issue. Trends such as the rising use of emergency accommodation also have a significant financial impact on the organisation. The performance monitoring arrangements for the strategy are intended to reflect the funding arrangements for the service and the level of risk the council is facing.

Climate change implications

13. The council will continue to explore opportunities to improve the energy efficiency of its housing stock. Expanding the private sector leasing scheme through the social lettings agency also enables us to link private landlords to schemes to improve the energy efficiency of their properties.

Timetable

14. The timetable below sets out the next steps for implementing the strategy:

Action	Date	Responsible
Homelessness and Rough Sleeping Strategy adopted by Full Council	18 December 2019	Strategic Housing and Projects Manager
HASS meets to agree strategy action plan	February 2020	Strategic Housing and Projects Manager

Wards Affected

Insert the list of wards affected

Implications

Relevant project tools applied? Yes

Have you checked this report for plain English and readability? Yes

Climate change implications considered? Yes

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 Yes

Human Rights Act Yes

Organisational Consequences Yes

Local People's Views Yes

Anti-Poverty Yes

Additional Information

Appendix A – Draft Homelessness and Rough Sleeping Strategy

Appendix B - Draft Homelessness Review

Officer to Contact

Officer Name Michael Courts

Officer Email Address mcourts@hastings.gov.uk

Officer Telephone Number 01424 451315

Homelessness and Rough Sleeping Strategy 2019 – 2023

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Foreword

Hastings is a great place to live. Our vibrant, diverse and welcoming community attracts residents and visitors to enjoy all the town has to offer.

However, Hastings continues to face challenges. Almost 1 in 3 Hastings residents live in areas that are among the poorest 10% in England. Male life expectancy in Hastings is the tenth worst in England. Without good housing and homelessness services, we will not be able to address the problems which are behind these trends.

The community in Hastings is very aware of the difficulties the town faces in terms of homelessness, and particularly rough sleeping.

This is shown by the wide range of community organisations and charities working locally who provide support to the people who need it most. These include food banks, medical care and substance dependency support.

Councils cannot address homelessness alone. Our strategy will provide a framework to make sure we continue to develop and improve the services we provide with our partners.

Introduction

Increasing levels of homelessness affect not only individuals and families. It also has a negative impact on the wider

community and the town's image, business confidence and perceptions of community safety.

This strategy will look at how we are working to reduce homelessness and create an environment where people are able to lead independent and fulfilling lives.

Funding reductions to this council and our partners in both the statutory and community sectors can make it harder for people to get the support they need. We have been working in partnership with other service providers to secure grant funding to enhance our work with vulnerable groups, including rough sleepers. We will continue to do everything we can to make sure these changes help the most vulnerable in our community as much as possible.

Demand for homelessness services has increased a lot since our last strategy was published in 2016. Economic uncertainty will continue to cause an increase in demand for homelessness services in the years to come.

We will make sure that we review our services to get better outcomes for residents who need to use our housing solutions.

Our vision

We will not be able to prevent homelessness in all cases, but when someone is homeless we want to be able to find the right solution quickly.

We will:

- Strengthen partnerships at a strategic and operational level
- Co-ordinate work across voluntary and statutory sectors to avoid duplication and make best use of resources
- Learn from the experience of people using and delivering our services to make them better in the future
- Work differently with housing providers in the private and social sectors to make the best use of existing stock and increase supply of new housing

This is so that we are able to:

- Ensure best practice in homelessness prevention
- Address the impact of homelessness locally
- Reduce the barriers that people face when they need to use our homelessness services
- Enable people to access housing support in the quickest and most effective way possible

Summary of findings from the Homelessness Review

Before developing this strategy we carried out a comprehensive review of homelessness in our town. Among the issues raised in the review are:

Homelessness Presentations

The number of people presenting to the council as homeless has remained relatively stable over the past 3 years. People aged 35 or under account for over half of all presentations. In 2018/19, 18% of people presenting as homeless had a mental health support need. The most common reason for homelessness is eviction from the private rented sector.

Social housing

There are 5990 units of social housing in Hastings. The largest social landlord is Optivo who own approximately 4 times the number of homes owned by the next largest association, Orbit. Turnover of social housing is substantially lower than was once the case at around 0.92% of the total social housing stock.

There are currently 1777 households waiting for social housing in Hastings, and waiting times are very long. The average waiting time is 537 days. Waiting times for family accommodation are much higher; families searching for a 2

bedroom house can wait up to 3 years for a property, even with the highest priority banding.

Private rented sector

The private rented sector is comparatively large and accounts for 38% of all housing stock in Hastings. There are currently 13,342 units of private rented accommodation in the town. The size of this sector increased by 99% between 2001 and 2019, and in some wards of the town accounts for over half of the total housing stock. This growth looks set to continue, at least in the short term.

However, in the longer term new energy efficiency requirements for rented properties and changes to tax incentives for landlords may create volatility in this sector. Despite the growth in the sector, the market for private rented accommodation has become increasingly competitive and unaffordable for homeless households. Rents have increased faster in Hastings, compared to the rest of East Sussex and national trends. The quality of accommodation on offer can also vary considerably.

Emergency accommodation

Consequently, there has been a very significant increase in the number of people living in emergency accommodation. People are also spending longer in emergency accommodation before moving on to long term housing. This trend negatively affects the quality of life of households in

emergency accommodation and has a significant financial impact on the council. The council has plans to reduce its use of emergency accommodation, but these will take at least another year to fully implement.

There is also a lack of supported accommodation locally, which often means that individuals with multiple and complex needs are placed in mainstream emergency accommodation.

Local Housing Allowance

Local Housing Allowance has failed to keep pace with rising rents locally, and is now typically 40% lower than median rents in the private sector. As a result, there is a growing affordability gap for households, particularly those with larger families.

Funding reductions to the council and its partners

Funding reductions to the council and other statutory and community organisations, particularly social care, has contributed to the rising demand for homelessness services. For instance, people who would previously been able to access supported accommodation are now accessing emergency accommodation in the first instance. The council has been working in partnership to manage the impact of these reductions on vulnerable groups.

Short term funding from Central Government

The council is heavily reliant on national grant funding streams to enhance its homelessness services. Much of this funding is short-term which creates challenges developing a strategic approach to reducing homelessness.

Strategic fit

The Homelessness and Rough Sleeping Strategy is one of three documents which make up our new Housing Strategy. We are developing similar strategies to increase the supply and quality of housing in our town.

The strategies for supply and quality of housing are expected to be adopted in spring 2020.

The Homelessness and Rough Sleeping Strategy shows a number of local and national priorities:

National context:

The National Rough Sleeping Strategy 2018, which was published in August 2018. The strategy sets out the government's promise to halve rough sleeping by 2022 and end it completely by 2027.

The strategy shows the importance of partnerships between statutory and community sector partners.

The Homelessness Reduction Act 2017

The Homelessness Reduction Act came into force in April 2018, key measures in the act include:

- *Support for those who are 'threatened with homelessness'* can begin at 56 days before they may become homeless instead of 28 days as before
- *A new duty to prevent homelessness for all eligible applicants* threatened with homelessness, even if they are not in priority need
- *A new 'Duty to Refer'* – which applies to prisons, young offender institutions, probation services, Jobcentre Plus, social service authorities, emergency departments, urgent treatment centres and hospitals. Public services need to let local authorities know if they come into contact with someone they think may be homeless or at risk of becoming homeless as long as they have the persons consent

The Act has enabled us to review how homelessness prevention services are delivered in Hastings.

Local context:

The council's corporate plan includes a key plan of how we need to tackle homelessness and disadvantage. This means that we will continue our work to reduce homelessness in the town and develop a new homelessness strategy.

Partnership working

East Sussex Housing Options Officers Group (ESHOG) –

This group is made up of the local housing authorities, county council and accommodation providers.

This is a strategic group that reports to the East Sussex Chief Executives Group on the delivery of housing and homelessness services across the county.

ESHOG is chaired by Hastings Borough Council's Assistant Director for Housing and Built Environment.

Rough Sleeping Initiative Strategic Board (RSI)

This strategic board brings together senior level representatives of Sussex healthcare Trust and Sussex Partnership Trust, social care, substance misuse and housing professionals.

The board meets every six months and is chaired by the Assistant Director for Adult Social Care at East Sussex County Council.

The purpose of the board is to make sure that learning from the Rough Sleeping Initiative helps us to plan our future service delivery for vulnerable groups.

The strategic board also plays an important role in finding and securing different sources of funding. This means that we can

develop and improve the rough sleeping services that we provide.

Hastings Street Community Partnership

We work closely with statutory and voluntary sector partners. The group looks at ways we can address the issues the street community, including rough sleepers, face.

The meetings help partners to identify any gaps and duplications in services, to understand how we can improve the support that we provide.

Housing and Support Services (HASS)

This is a multi-agency meeting which includes both statutory and voluntary sector partners. This group is responsible for overseeing the delivery of the Homelessness and Rough Sleeping Strategy and action plan.

Governance and delivery of the strategy

The Housing and Support Services Group (HASS) will be responsible for developing an action plan. It will decide the key milestones and targets that we will meet in line with the Homelessness and Rough Sleeping Strategy.

This action plan will also show which organisation will be responsible for each task. The group will meet every 3 months to review performance against the action plan, to make sure that we are delivering the best possible services together.

The council's Cabinet, which is made up of the leader of the council and other councillors, will get an annual report on the 3 different sections of the Housing Strategy.

This will provide us with an opportunity to review progress and make sure that the priorities we have set ourselves are still suitable and achievable.

This approach is the same as the performance monitoring of the Rough Sleeping Strategy nationally.

Strategic priorities

A summary of our priorities is listed below. Each priority is explained in more detail later in the strategy.

	What will we be doing?	How will we know if it's working?
Priority 1 - Reduce rough sleeping	<ul style="list-style-type: none"> • Developing the approach started by the Rough Sleeping Initiative and Rapid Rehousing Pathway • Expanding our holistic approach with health, mental health, social care and substance misuse partners • Working with partners to increase the range of short and long term housing solutions available for rough sleepers, including Housing First accommodation. • Working with the Hastings Street Community Partnership to co-ordinate support and enforcement work across the statutory and voluntary sectors 	<ul style="list-style-type: none"> • Better rough sleeping prevention services, to reduce the number of new rough sleepers • Reduced number of people becoming entrenched rough sleepers (this means that they have been seen sleeping rough for 31 nights or more in a 3 month period) • Increased number of temporary accommodation units for rough sleepers, with at least 2 units for vulnerable women • Increased the number of Housing First units by 10 per year, and reduce waiting times • Good communication between enforcement and support services • Better co-ordination of statutory and community sector activities
Priority 2 – Minimise our use of emergency accommodation, by improving access to housing solutions	<ul style="list-style-type: none"> • Developing a strategy to increase the supply of affordable housing in both the social and private rented sectors • Increase the number of council owned emergency accommodation • Expand the private sector leasing 	<ul style="list-style-type: none"> • Increased number of successful homelessness preventions, reducing demand for emergency housing placements • Fall in the average length of stay in emergency housing

	<p>element of the Social Lettings Agency</p> <ul style="list-style-type: none"> • Expand the different types of homes for people with multiple and complex needs, including helping people to move-on from supported housing • Give financial support to homeless households to find new housing 	<ul style="list-style-type: none"> • Reduced number of people who are unable to sustain emergency housing • Improved move-on from properties leased through the Social Lettings Agency. This will be measured by the number of people living in leased properties for 6 months or more before finding long term housing.
<p>Priority 3 – adapt our services to meet local needs</p>	<ul style="list-style-type: none"> • Focus on tenancy sustainment, whenever possible • Develop links between homelessness services and specialist employability support • Use trauma informed working practices across homelessness services • Look at our process for offering social housing • Work with statutory partners to raise awareness of homelessness prevention through the new duty to refer • Adapt our services to meet the needs of specific groups, for example young people at risk of homelessness • Engage people using and delivering our services to improve our work to reduce homelessness and rough sleeping 	<ul style="list-style-type: none"> • Increase in the number of evictions from private landlords successfully prevented • Increase in the number of homeless households who get into training and employment (at least 156 through the Live, Work, Thrive) • Understanding of homelessness services amongst partners increases, so that people at risk of homelessness are referred to the council at an earlier stage • Trauma informed training given and becomes part of our working practices • Hastings Homemove Allocation Scheme reviewed and updated

Priority 1 - Reduce rough sleeping

Why is this a priority?

The number of people rough sleeping on a typical night in Hastings has increased by 85% over the past 3 years, from 26 people in 2016 to 48 in 2018.

The number of people rough sleeping can vary considerably throughout the year, with some rough sleepers also spending time sofa-surfing or moving between other towns.

People who sleep rough regularly over a long period of time are more likely to die young than the general population. In 2019 the average age at death was 45 years for male rough sleepers and 43 years for female rough sleepers in 2018; in the general population of England and Wales, the mean age at death was 76 years for men and 81 years for women (ONS 2018).

It was estimated that 35% of people who die while sleeping rough or living in homeless accommodation died due to alcohol or drugs use, compared to 2% in the general population.

Homelessness is often seen as the cause of rough sleeping.

However, many rough sleepers have a range of other support needs including:

- Substance dependency
- Mental health

- Physical health
- Care needs
- Dealing with trauma

It is essential that these needs are also addressed, in order to help individuals access new accommodation and minimise the risk of them returning to rough sleeping in the future.

Although increases in rough sleeping reflect broader national trends, the need for support services is particularly important in Hastings compared to the rest of the county.

In August 2018, the government published a rough sleeping strategy which sets out a commitment to halve rough sleeping by 2022 and end it by 2027.

Projects to reduce rough sleeping

Hastings Borough Council has led successful work across the county to access additional grant funding. This money has been used to deliver better services for rough sleepers.

Recent projects include:

Sussex Rough Sleeping Prevention Project (March 2017 to March 2019)

Hastings Borough Council led a partnership project with Eastbourne, Lewes, Rother and Wealden housing authorities. The project was able to deliver intensive homelessness support to people at high risk of rough sleeping.

The project worked with 282 people who were at risk of rough sleeping and 94% of those supported were successfully prevented from rough sleeping.

The project team were able to work with Job Centres, food banks and charities to refer people at risk of rough sleeping.

Project officers also had a smaller caseload, to deliver quick responses and an intensive level of support.

This project was funded by the Department for Communities and Local Government.

*Hastings and Eastbourne Rough Sleeping Initiative (RSI)
(June 2018 – March 2020)*

Hastings and Eastbourne Councils worked together on a project for the most entrenched rough sleepers in both towns.

The aim of the project was to

- Improve access to housing, health, mental health, social care and substance dependency services
- Create new temporary and long term housing solutions for rough sleepers

The project had provided housing for 44 former rough sleepers in the first 9 months, and is continuing to deliver intensive wrap around support for people who have been rough sleeping for long periods of time.

This project is funded by the Ministry for Housing, Communities and Local Government, until 31 March 2020.

Rapid Rehousing Pathway (March 2019 – March 2020)

We are leading a successful bid in partnership with the five East Sussex housing authorities.

This project supports rough sleepers with low / medium level needs and people who are at high risk of rough sleeping.

The project is designed to help people access new housing. We have based it on a supported lettings model and the team provide ongoing support to individuals once they have moved into their new home. This will help them to keep their tenancies and to reduce the risk of them returning to rough sleeping in the future.

The project has achieved seven successful relief interventions for rough sleepers, and a further five preventions since it began in April 2019.

Grant funding

Services for rough sleepers are heavily reliant on grant funding from central government. While the additional resources are welcomed, the short-term nature of the grants makes it hard to take a strategic approach to reducing rough

sleeping. It also increases the risk of duplication between projects and services.

Another challenge for all local housing authorities is that projects are required to be up and running within very short timescales. This can make it difficult to recruit staff and contractors to deliver the services.

This short-term funding can make it difficult for people with multiple complex needs to engage with us. This is because it can take a long time for them to trust services before they can be effective.

The Ministry for Housing, Communities and Local Government intend to announce the next round of funding as part of their rough sleeping strategy in November 2019.

In the longer term, we will explore a co-funded model with our partners. This approach has worked well in other areas. However, given the ongoing funding reductions to many partners and the increasing demand for homelessness services, it is essential that we continue to maximise the grant funding we secure.

What can we do about it?

Outreach

The council has commissioned a rough sleeper outreach service through its Community Partnership Fund until March

2021. The service is delivered and co-funded by the Seaview Project.

Outreach is vital in making sure rough sleepers are linked with the right support as soon as possible. Outreach data also gives us a clearer picture of the numbers of people who are rough sleeping at any time and the support they need.

We also use outreach information to monitor the impact of our existing projects and plan new services.

Developing prevention and relief services

In the future, we want to combine the services provided by the Rapid Rehousing Pathway and Rough Sleeping Initiative into one single service.

This will make it easier for rough sleepers to access the projects when they need them. Also, the project team can respond to changes in the needs for each person as and when it happens.

This means the client will benefit from dealing with one team only, from start to finish. This will be more effective, reduce the client's anxiety and provide a more consistent service.

The new service will also carry out prevention work with people who are at high risk of rough sleeping.

Multi-disciplinary working

Rough sleepers often struggle to use services because of their complex needs. This means that they are unable to get the support they need when they need it most.

Because of these challenges faced by the majority of rough sleepers the Rough Sleeping Initiative (RSI), provides a team of specialists who work together to support clients. The team is made up of people from services including:

- NHS East Sussex Healthcare Trust
- NHS Sussex Partnership Foundation Trust
- social care
- substance misuse
- housing

The team will also work with other services in the community, at locations that are easy for people who are rough sleeping to access.

The team currently works with the most entrenched rough sleepers, but in future we need to increase their capacity so they can also work with all rough sleepers. There is also scope to develop closer links with criminal justice partners.

The team must also have capacity to enable them to increase and reduce the level of support they provide during the recovery phase after people leave the streets, depending on each individual's needs.

We are also working closely with health partners to develop a local response to the NHS long term plan.

Temporary housing

Through the Rough Sleeping Initiative we have also created an assessment centre. This provides temporary housing with support for rough sleepers.

Most of the temporary housing provided by us is in shared units. Through the work of this project, we have found that there is a gap in the provision of temporary housing for vulnerable women.

We have learnt that we need to provide women, who are rough sleeping, with self-contained supported accommodation. This makes the transition to moving off the streets more successful. This will mean that their chance to break the cycle of rough sleeping is much higher.

We will continue to work with delivery partners to find funding opportunities to increase the supply of temporary housing for all rough sleepers.

We will also look at our community-based support, so we could make short-term placements in mainstream temporary housing.

Consideration has been given to using non-permanent structures for temporary accommodation, for example converted shipping containers. So far we have not been able to identify suitable sites to place these units. Concerns have

also been raised that without appropriate support, these units could become a focus for anti-social behaviour.

Housing First

Housing First is a long-term housing solution for rough sleepers who require a high level of ongoing support.

Through the Rough Sleeping Initiative, we have created a team of housing first officers who provide tenancy sustainment support to former rough sleepers. So far, we have created 5 new Housing First tenancies in Hastings.

We are working with Optivo Housing Association who can provide housing for the Housing First units. But the low turnover of social housing delays properties becoming available.

We will therefore look to copy this approach with other providers to increase the supply of new units.

We intend to create 10 new Housing First tenancies each year.

Dealing with encampments

There has been a recent increase in the number of caravans and tents around the town, which is aligned to the rise in

rough sleeping. The council has a duty to provide support to homeless households, but also has a responsibility to carry out enforcement activity to remove unauthorised encampments. This is done for the benefit of both those whose long-term health is at risk from rough sleeping and for the wider interests of local residents.

Street Community

Not everyone who is a member of the broader street community is also a rough sleeper. While there is some overlap between these issues, rough sleepers are generally more likely to be the victim of crime and anti-social behaviour. We are keen to apply examples of national best practice to engage the street community.

Current legislation for dealing with anti-social behaviour is far from effective, and we would urge the government to review the legislative and guidance, and how this is applied. We understand it is planning to do this in early 2020. The council intends to contribute to the review.

Through the Hastings Street Community Partnership, we will support increased communication and understanding between teams with support and enforcement responsibilities.

Charity and community sector

There are many charity and community organisations in Hastings who give support to rough sleepers.

Some charity organisations have been commissioned to deliver outreach, street engagement and tenancy sustainment services through council-led projects. Many work independently. Hastings Street Community Partnership will continue to co-ordinate this work developing links between organisations. The partnership will continue their work to develop a positive giving campaign locally.

Priority 2 – Minimise our use of emergency housing, by improving access to housing solutions

Why is this a priority?

The number of people living in emergency accommodation has risen by 192% over the past 3 years, from 51 at the end of 2016/17 to 149 at the end of 2018/19.

Crucially, the average length of time people spend living in emergency accommodation has also increased and currently stands at 161.1 days.

The profile of people living in emergency accommodation has also changed. Around half of our current placements are families (2 bed need plus).

This trend negatively affects the quality of life of individuals and families living in emergency accommodation and shows the challenge for homeless households in accessing long term accommodation.

The main reasons for the increase in our use of emergency housing:

- Lack of affordable accommodation in the private rented sector. There is an increasing affordability gap between LHA and average rents in the private sector, meaning accommodation is inaccessible for benefit-dependant households.

- The market for private rented accommodation has become competitive, landlords are often reluctant to accept tenants with a poor history of tenancy sustainment.
- Limited supply and low turnover of social housing – turnover of social housing is currently around 0.92% of the total stock. Average waiting times on the housing register are 537 days, although this can be significantly higher for family sized accommodation.
- Clients with increasingly complex needs are accessing mainstream homelessness services. As a result of funding reductions to partner services, particularly social care, individuals with increasingly complex needs are accessing mainstream homelessness services and emergency accommodation.
- Around 15% of people living in emergency accommodation have a diagnosed mental health condition, but reported levels of depression and anxiety are much higher. These individuals often have low levels of independent living skills and struggle to find new accommodation. Given the lack of supported accommodation locally, many are placed in general needs emergency accommodation.
- The Homelessness Reduction Act 2018 introduced new duties for local authorities to provide emergency accommodation.
- A lack of supported accommodation. The number of supported accommodation units in Hastings was reduced by 12 beds in the last round of funding reductions to adult social care services. The units have since been brought

into use through the Rough Sleeping Initiative. This leaves 150 units, delivered by 6 providers. Demand for these services is now far greater than the supply of accommodation.

Increasing use of emergency accommodation has a significant financial impact on the council. In 2018/19 the net cost of emergency accommodation to the council was £699,870. In 2019/20, the cost is expected to be over £1,000,000. These costs divert resources away from other services, including our homelessness prevention activities.

Increasing the supply of housing

The key to reducing our use of emergency accommodation is to increase the supply of affordable accommodation in both the social and private sectors. This includes making the best use of existing housing stock and bringing forward our plans for additional housing, including those developed on council-owned land. The steps we will be taking to achieve this will be set out in a separate strategy.

In the meantime, we need to make sure we can provide appropriate emergency accommodation as cost effectively as possible.

Council-owned emergency accommodation

In 2018, the council began acquiring its own properties for use as emergency accommodation. We focused on purchasing family-sized units as these are:

- the most difficult to source on the rental market

- achieve the biggest cost savings on our emergency accommodation spend
- and are easiest for us to manage in-house.

Using the first round of funding we have acquired 17 units of accommodation, avoiding costs of £200,000 per year and leaving us better placed to provide suitable accommodation. However, this is not enough to meet our needs.

We will now carry out a second round of investment and acquire a further 15 units of accommodation by March 2021.

In the future, if these properties are no longer required for emergency accommodation, we could use them to generate additional rental income for the council or sell them to recover our costs.

Expanding the Social Lettings Agency

A Social Lettings Agency was set up in 2015 to improve access to the private rented sector. The Social Lettings Agency leases properties from private landlords to provide temporary accommodation for homeless households. Leasing properties is a cheaper alternative to traditional emergency accommodation.

The private rented sector has continued to grow, and it is more important than ever that homeless households are able to access affordable accommodation. We currently lease 20 properties through the Social Lettings Agency, and this will be

increased to 56 units by the end of March 2021. This increase reflects the rise in demand for emergency accommodation. We will prioritise leasing family sized accommodation and offset the additional costs of running the scheme on savings from our emergency accommodation spend.

We will continue to work with people living in leased properties through the Social Lettings Agency to help them find a long term home.

Nationally, Social Lettings Agencies are viewed as part of positive solutions for areas with high demand for emergency accommodation (such as Hastings). We will work with partners, including the Department for Work and Pensions, to lobby for increases to Local Housing Allowance, which in turn would improve the viability of these schemes.

We can also link landlords leasing their properties to the Social Lettings Agency to funding opportunities to improve their properties.

An interim review of the Social Lettings Agency will be carried out in spring 2021 to ensure it still meets our needs.

Improve emergency housing options for single, complex households

We've seen an increase in the number of individuals presenting to us with complex needs, such as mental health issues, substance dependency and anti-social behaviour.

These individuals are often made homeless following an eviction by a family member or friend, and have low levels of tenancy sustainment and independent living skills.

Because of the shortage of supported accommodation in the town, many are placed in mainstream emergency accommodation, which they struggle to sustain.

We will ensure that the need for new accommodation for this cohort is clearly understood in our local plan, which will be reviewed during the life of this strategy. This will enable us to support providers who are best placed to deliver these services to expand in Hastings.

When placements are made in mainstream emergency accommodation, it is vital that the right tenancy sustainment support is in place from the start. This includes making use of the community-based support services which are commissioned by East Sussex County Council.

We want to develop stronger links between homelessness support and local NHS services, Social Care, Probation and substance dependency services.

A new contract for community-based support services will be commissioned in 2020, we're supporting the development of a new specification through a project group of partners.

Improve move-on options from supported accommodation

We have a limited supply of supported housing in Hastings. People often struggle to move on to long-term housing when they are ready to leave their supported housing. This means the spaces are not free for other people who require higher levels of support.

We will work with supported accommodation providers to improve move-on options for this group.

In 2020, we will use a portion of our Flexible Homelessness Support Grant Allocation to begin a new rent-guarantor scheme. This will be for people leaving supported accommodation who are ready to move into the private rented sector.

Using the funding allocated to the pilot, we plan to support around 25 people per year.

Our own tenancy support services, and community based support, will be used to help people leaving supported accommodation. This support will ensure that they are able to manage the transition from housing-based support to living independently. It should also reduce the risk of them becoming homeless in the future.

Financial support to secure long term housing

Financial barriers are often a big issue for homeless households. The council will continue to provide the following support to help overcome these:

- Interest free loans for rent in advance and deposits
- Interest free rent guarantor scheme for people leaving supported and emergency accommodation

The level of funding we are able to provide will depend on if Flexible Homelessness Support Grant (or any replacement funding) is continued beyond March 2020.

Priority 3 – Adapt our services to meet local needs

Why is this a priority?

The priorities set out in this strategy respond to local needs for homelessness services, many of these are a reflection of the housing crisis nationally.

The high levels of risk associated with homelessness services, particularly as a result of ongoing economic uncertainty, rising demand and short-term funding mean we will need to review our priorities and working practices more regularly than we have in the past.

The Homelessness Reduction Act 2017 gives local authorities new duties to prevent homelessness – we are continuing to explore ways we can work with partners to intervene as early as possible when people are at risk.

What can we do about it?

Homelessness prevention - Tenancy sustainment

Social and private rented housing has become more and more competitive. Helping people keep their existing housing whenever possible is a key way we can prevent homelessness.

Many people presenting to us as homeless have low levels of independent living skills. We have been piloting a project through the Ministry for Housing Communities and Local Government's Accessing the Private Rented Sector Project to provide additional tenancy sustainment support.

This approach has been successful in preventing a number of new placements in emergency accommodation. Funding for the next round of the project will be announced in November 2019.

On the assumption that Flexible Homelessness Support Grant will continue beyond March 2020 the council will set aside some its allocation to provide interest free tenancy sustainment loans. A small pilot of this approach in 2018/19 enabled us to prevent 15 evictions. The loans have been used to help tenants clear rent arrears and prevent evictions, as well as bridging short term affordability gaps, while they search for alternative accommodation.

We now want to expand this approach to increase our number of homelessness preventions.

It is important that we also work with households who are already living in emergency accommodation, to improve their tenancy sustainment skills which will help them to access new accommodation and minimise the risk of them becoming homeless again in the future.

The council works with local partners to commission a range of specialist housing and financial advice services, which support our homelessness prevention activities.

Links to employment and training

Local Housing Allowance has failed to keep pace with rising rents in the private sector. Households who depend on benefits are at a higher risk of homelessness and will struggle to find new housing.

We have partnered with Rother District Council, Education Futures Trust, Fellowship of St Nicholas and Sussex Community Development Association to deliver a project as part of the European funded Connecting Hastings and Rother Together (CHART) programme – Live, Work, Thrive. The project will provide specialist employability and tenancy sustainment training for homeless households, particularly those living in emergency accommodation, to improve their chances of finding new accommodation.

Our delivery partners have experience engaging with vulnerable groups, and we will also expand our links with landlords and local employers through the project. Live, Work, Thrive will run from January 2020 until December 2021.

Learning from the project will increase understanding of the links between employment and homelessness and improve

the chances of homeless people to find and keep accommodation.

Trauma informed approach

“There is a vicious circle between trauma and homelessness. Trauma drives homelessness and homelessness can increase traumatic exposure. Trauma drives social difficulties and mental health problems which can cause homelessness.”
(Feantsa, 2017)

Many people coming to us as homeless have experienced some form of trauma earlier in their life. Not only can trauma contribute towards the causes of homelessness, it also affects people’s ability to cope with their situation. This includes how and when they work with services.

Someone who has experienced trauma is at greater risk of being stuck in a cycle of repeated homelessness. This cycle may not be broken unless we recognise and address the links with trauma and homelessness.

Research by the South London and Maudsley Hospital has shown that certain working practices within organisations can reinforce trauma. These include, having to continually retell your story, feeling as if you are being treated as a number and not having an opportunity to give feedback.

In response, a PIE practise was developed. This provides

more training for teams working with people who have experienced trauma about mental health and wellbeing.

We will expand our training for the teams working in homelessness services. This will increase our awareness and understanding of trauma.

We will also review our working practices, both internally and with our partners to make sure they do not reinforce trauma for our clients in any way.

Duty to Refer

The Duty to Refer was introduced in October 2018 as part of the Homelessness Reduction Act 2017. It introduced a requirement for some public bodies (such as job centres, prisons and hospitals) to refer people who they think are at risk of homelessness to the council for advice.

The council led work to implement the new duty last year. This includes developing joint protocols between the local housing authorities and each of the agencies involved.

We worked with the five local housing authorities in East Sussex. We also gave training to partners on how to identify someone who may be at risk of homelessness. This way, staff were more able to take the right course of action to help that person.

The referral process is working well, but we want to do more to improve links with homelessness services for people leaving prison and hospital. Through the East Sussex Housing Options Officers Group, we will find out if there is a need for an outreach role, linked to the Duty to Refer, to meet this need. If there is enough demand for the post, we will apply for grant funding.

Co-location of services

During the delivery of the last strategy, we ran projects which included homelessness services that were based with our partners. A good example of this was making sure that community-based support officers were able to work in our local job centres as part of the Sussex Rough Sleeping Prevention Project.

As homeless people often need help from many different services, being able to work in the same locations helps to create smoother referral routes between projects and services. It also improves understanding between organisations as staff learn about each other's roles and responsibilities.

Specialist employability coaches, provided by Education Futures Trust, Fellowship of St Nicholas and Sussex Community Development Association, will be co-located part-time within the housing options service as part of the Live, Work, Thrive project. We're also keen to expand co-location to

include community based support and tenancy sustainment services.

Access to social housing

Supply of social housing is so limited that it is often not a realistic option for many homeless households.

However, for households who are unable to find accommodation in the private sector (for example, because they require a property with specific adaptations or are a very large household), we need to make sure they are able to access the social sector as quickly as possible.

How we prioritise people for social housing is set out in the Hastings Homemove Allocation Scheme.

We currently have a choice based lettings scheme, this means that people on the waiting list for social housing bid for suitable homes when they become available. We need to review our allocation scheme, to make sure those most in need are able to get social housing. This may mean a shift from a purely choice based scheme to more direct lets in order to minimise the time people spend in temporary housing.

In 2020, we will be piloting a new approach with Optivo (our largest social landlord) to provide temporary accommodation. The pilot will provide around 10 properties per year. Where

these placements prove successful, these placements can be converted to a conventional tenancy. The approach we are piloting has proved successful in other areas with similar need to Hastings.

Young people

The local housing market is continuing to change at a fast pace. We need to work with young people, local schools and youth organisations, as early as possible, to help them understand what type of housing is available.

There continues to be a significant challenge in terms of teenage pregnancy in the town, and it is important that we are able link young people to advice and broader support around sexual health through our homelessness services.

The county council currently commissions 11 units of supported accommodation for young parents, and requirements for this service will need to be reviewed before the contract is re-tendered.

The five district and borough authorities have been working in partnership with East Sussex County Council's Children's Services team to improve access to homelessness services for young people. We have appointed a Young Person's Housing & Accommodation Manager, who works across the local authorities to improve homelessness prevention.

We're also working children's services to look at opportunities to co-locate homelessness services within community hubs for young people around the county in the future.

We need to improve access to the services we have available online for young people, including how we use social media.

Domestic Abuse

We will continue working with partners, including specialist accommodation providers, to understand how we can encourage earlier reporting of domestic abuse and swift achievable interventions to prevent it. The council remains committed to working with partners to eradicate domestic abuse in all its forms. One example of this is the White Ribbon Campaign end harassment, abuse and violence against women.

The county council also commissions a 10 bedded refuge locally, and works collaboratively with us to manage the unit.

Learning from experience

We need to make sure that the experiences of people using and delivering our projects is shared at a strategic level to ensure these activities are delivered in a joined up way and that the approaches we are trialling are used to design core services in the future.

Responding to uncertainty

There are significant risks associated with homelessness services, particularly if demand for emergency accommodation continues to rise. Given the continued economic uncertainty, ongoing dialogue and a fluid approach to setting priorities is essential.

The new schemes we will be implementing are designed to be flexible, so we can adapt them to meet changes in demand for our services and the resources available to us.

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Draft Homeless Review

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DRAFT

Introduction

What is homelessness?

The term homelessness can describe many ways that a person or family may find themselves without a secure place to live.

It is not always about whether they actually have a roof over their head.

“You don’t have to be living on the street to be homeless. You may be legally classed as homeless if you are sleeping on a friend’s sofa, staying in a hostel, suffering from overcrowding or other bad conditions”. Shelter

Why do we do a homelessness review?

Hastings Borough Council has to produce a homelessness review by law. The findings in the review help us develop a new Homelessness and Rough Sleeping Strategy, which will form part of our Housing Strategy.

The review shows the support that is available for homeless people and how this may develop in the future.

The Ministry for Housing, Communities and Local Government (MHCLG) has said that all local authorities must develop new homelessness strategies. This is to take account of the changes introduced by the Homelessness Reduction Act 2017.

Summary of review findings

Homelessness Presentations

The number of people presenting to the council as homeless has remained relatively stable over the past 3 years. People aged 35 or under account for over half of all presentations. In 2018/19, 18% of people presenting as homeless had a mental health support need. The most common reason for homelessness is eviction from the private rented sector.

Social housing

There are 5990 units of social housing in Hastings. The largest social landlord is Optivo who own approximately 4 times the number of homes owned by the next largest association, Orbit. Turnover of social housing is substantially lower than was once the case and accounts for around 0.92% of the total social housing stock.

There are currently 1777 households waiting for social housing in Hastings, and waiting times are very long. The average waiting time is 537 days. Waiting times for family accommodation are much higher; families searching for a 2 bedroom house can wait up to 3 years for a property, even with the highest priority banding.

Private rented sector

The private rented sector is comparatively large and accounts for 38% of all housing stock in Hastings. There are currently 13,342 units of private rented accommodation in the town. The size of this sector increased by 99% between 2001 and 2019, from 6,689 units to 13,342 units. In some wards of the town, the private rented sector accounts for over half of the total housing stock. This growth looks set to continue, at least in the short term. However, in the longer term new energy efficiency requirements for rented properties and changes to tax incentives for landlords may create volatility in this sector. Despite the growth in the sector, the market for private rented accommodation has become increasingly competitive and unaffordable for homeless households. Rents have increased faster in Hastings, compared to the rest of East Sussex and national trends. The quality of accommodation on offer can also vary considerably.

Emergency accommodation

Consequently, there has been a very significant increase in the number of people living in emergency accommodation. People are also spending longer in emergency accommodation before moving on to long term housing. This trend negatively affects the quality of life of households in emergency accommodation and has a significant financial impact on the council. The council has plans to reduce its use of emergency accommodation, but these will take at least another year to fully implement.

Demand for supported accommodation is also greater than supply locally. People leaving supported accommodation often struggle to find move-on accommodation, which blocks rooms and results in a lack of availability. This often means that individuals with multiple and complex needs are placed in mainstream emergency accommodation.

Local Housing Allowance

Local Housing Allowance has failed to keep pace with rising rents locally, and is now typically 40% lower than median rents in the private sector. Benefit dependent households have also been affected by the cap on the amount of welfare benefit an individual household can claim per year. As a result, there is a growing affordability gap for households, particularly those with larger families.

Funding reductions to the council and its partners

Funding reductions to partner services, particularly social care, has contributed to the rising demand for homelessness services. For instance, people who would

previously been able to access supported accommodation are now accessing emergency accommodation in the first instance.

Short term funding

The council is heavily reliant on grant funding to enhance its homelessness services. Much of this funding is short-term which creates challenges developing a strategic approach to reducing homelessness.

National Context

Homelessness Legislation

The services the council has to provide by law to prevent homelessness and help people who are threatened or already homeless are set out in Part 7 of the Housing Act 1996.

In 2002, the Government amended the homelessness legislation through the Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England) Order 2002 to:

- Ensure a more strategic approach to tackling and preventing homelessness, in particular by requiring a homelessness strategy for every housing authority district.
- Strengthen the assistance available to people who are homeless or threatened with homelessness by extending the priority need categories to homeless 16 and 17 year olds; care leavers aged 18, 19 and 20; people who are vulnerable as a result of time spent in care, the armed forces, prison or custody, and people who are vulnerable because they have fled their home because of violence.

Local councils use a number of definitions for different types of homelessness:

Priority Need the council must provide emergency accommodation if it has reason to believe a homeless person has priority need. Someone may have priority need if:

- Children live with them
- They are pregnant
- Aged 16 or 17
- A care leaver aged 18 to 20
- Classed as vulnerable (for example because of old age, physical and learning disabilities, mental health problems, fleeing domestic abuse or violence, time spent in care, prison or the armed forces)

Statutory homelessness refers to those people who have made a homeless application to their local authority and have met the necessary criteria set out in legislation to be accepted as eligible for assistance, homeless and in priority need. A household may be accepted as statutorily homeless if they are going to be evicted or are living in unsuitable accommodation.

Non-statutory / non-priority homeless people tend to be single people or childless couples who are not assessed as being in priority need. They are entitled to advice and assistance from their local authority. Many single homeless people can be described as 'hidden homeless', if they are sofa surfing, staying with friends or family and not accessing mainstream homelessness services. Estimating the levels of hidden homelessness locally and nationally is extremely challenging.

Rough sleepers are people who are literally roofless, bedded down on the street or in other locations. This group are a minority of the much larger population of non-priority homeless people.

The Homelessness Reduction Act 2017

The Homelessness Reduction Act 2017 gives local housing authorities new duties to intervene earlier to prevent homelessness. The Act aims to improve the quality of the support provided to people who are homeless, or at risk of homelessness.

Some of the key requirements of the new Act are:

Advice

Providing free information and advice on preventing homelessness and the rights of homeless people to all residents.

All councils need to make sure the advice and information they provide is designed to meet the needs of groups who are particularly at risk of homelessness. These groups might include care leavers, people leaving prison, people who have left the armed forces, survivors of domestic abuse and those suffering from a mental illness.

Personalised Housing Plan

People presenting to the council as homeless work with their housing options officer to develop a holistic plan of actions they will take, and the council will take, to help them resolve their housing situation. The plan must be reviewed regularly.

Prevention Duty

The length of time a household is considered to be threatened with homelessness was increased from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage.

Relief Duty

A new duty for those who are already homeless. Housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation. The relief duty also expanded the requirements for local authorities to provide emergency accommodation.

Duty to Refer

Since 1 October 2018 certain public bodies have been required to refer people who they think may be homeless, or at risk of homelessness, to a local housing authority for advice and support.

The agencies subject to the new duty are:

- prisons
- youth offender institutions
- secure training centres
- secure colleges
- youth offending teams
- probation services (including community rehabilitation companies)
- Jobcentre Plus
- social service authorities
- emergency departments
- urgent treatment centres
- hospitals in their function of providing inpatient care
- Secretary of State for Defence in relation to members of the regular armed forces.

Rough Sleeping Strategy

In August 2018 the government published the national rough sleeping strategy.

The strategy sets out the government's commitment to halve rough sleeping by 2022 and end it completely by 2027.

The strategy sets out key areas of work around prevention, intervention and recovery. A key feature has been to highlight the importance of collaboration between statutory and community sector partners.

Welfare reform

The government has introduced a number of changes as part of its welfare reform programme, through the Welfare Reform Act 2012. These changes include the introduction of Universal Credit, which went live in Hastings in December 2016.

Universal Credit brings together a range of working age benefits into one payment, including housing benefit and Personal Independence Payments (PIP) (which replaces Disability Living Allowance for people aged 16 to 64). New rules were

introduced which restrict the amount of housing benefit working age housing association tenants can claim if they are deemed to be under occupying their home. The sanctions regime for Job Seekers Allowance has also been reviewed and updated.

Welfare reform continues to have an impact on those receiving benefits. Nationally, statistics show that 67,000 families (63,000 housing benefit, 4,000 Universal Credit) have had their benefit capped as at November 2017.

In April 2008 the Government introduced the local housing allowance which set a maximum rent that housing benefit can cover for private tenants. The local housing allowance is the rent figure which a set percentage of all of the rents in the market fall below (currently 30th percentile), ensuring that the same percentage of homes is affordable to low income households.

In April 2013 the link with local market evidence was broken with local housing allowance rates being uprated by the consumer prices index (CPI) or a lower figure set by the government. From April 2014 for two years the uprating index was capped at one per cent and from April 2016 Local housing allowance rates were frozen for four years.

Rents tend to rise faster than prices (CPI) and these changes have negatively impacted access to the private rental sector to the extent that, according to a report by Chartered Institute of Housing (CIH, August 2018), private renting has become unaffordable for most low income households.

Decision to leave the European Union

The impact of the decision to leave the European Union impact is hard to predict; depending on the deal we could see a number of EEA nationals with uncertain statuses with regard to employment, benefits and housing rights.

Local Context

Progress against our last strategy

We set three priorities in our last strategy, which was in place from 2016 to 2018. By working with our partners we've made progress towards achieving them:

Prevent and minimise homelessness

- We have successfully implemented the legislative changes brought about by the Homelessness Reduction Act 2018, including the new prevention and relief duties
- Secured additional funding for the Hastings and Eastbourne Rough Sleeping Initiative and the Rapid Rehousing Pathway, to improve access to statutory services, temporary accommodation and long term housing for rough sleepers
- Sussex Rough Sleeping Prevention Project successfully delivered. The project achieved 282 interventions and successfully prevented rough sleeping in 94% of cases.

- Piloted the co-locating of housing options officers within the i-rock service, a drop in mental health service for young people aged 14 to 25.
- Committed the first round of investment in council-owned emergency accommodation.
- A budget has been set aside to clear rent arrears if the property is suitable and affordable, and the landlord is willing to issue a new fixed term tenancy.

Improve access to good quality, well managed accommodation in the private rented sector

- Continued to lease private sector housing through our Social Lettings Agency
- Continue to ensure standards are maintained through our Selective licensing scheme
- Bring long term empty homes back into use as social housing through our Coastal Space Partnership. Phase 2 completed and phase 3 underway
- 209 new affordable homes created
- 508 long term empty homes (2 plus years) brought back into use
- Brought 884 private sector dwellings in line with the required standard
- Secured additional funding through the Accessing the Private Rented Sector Scheme to support households living in emergency accommodation to find a new home
- Given interest-free loans for rent in advance and deposits provided to homeless households to access new accommodation in the private sector

Work jointly to deliver quality housing and support services

- New street community partnership formed to improve co-ordination between support and enforcement services
- Regular meetings of the Hastings and Support Services Group (HASS) to monitor progress against our strategic priorities
- Severe Weather Emergency Protocol (SWEP) delivered in partnership with voluntary and statutory agencies, including implementing an emergency night shelter at Christ Church, St Leonards
- Hastings Borough Council lead work across the five local housing authorities and statutory partners to develop new protocols for the duty to refer, which was introduced in October 2018
- New referral process agreed for community based support services
- Utilising funding from Hastings and Rother Clinical Commissioning Group's programme to reduce health inequalities, to improve services for rough sleepers
- New Care Leaver Pathway developed and implemented
- Regular meetings of the Landlords Forum

- Successful co-location of floating support officers which has improved services for clients with multiple and complex needs living in emergency accommodation to access long term housing.
- Ongoing work with supported accommodation providers to improve move-on options for clients.

Corporate Plan

The council's corporate plan includes a key programme of work to tackle homelessness and disadvantage. The work package states that we will continue our work to minimise homelessness in the town and develop a new homelessness strategy.

Impact of Austerity

Local authorities are experiencing growing financial pressures as a result of changes to funding arrangements. Rising demand for homelessness services, particularly emergency accommodation, have a significant financial impact on the council.

The council is continuing to review all areas of expenditure to see if services can be delivered more cost effectively, as well as exploring opportunities to generate additional income.

East Sussex County Council is doing the same at a countywide level, likewise other public services are having to review their financial commitments. This may impact on the delivery of support services, which many vulnerable households in housing need rely on, meaning in some cases a loss of service or prioritisation so that only the most in need can access services.

Partnership working

East Sussex Housing Options Officers Group (ESHOG) - Hastings, Eastbourne, Lewes, Rother and Wealden councils are members of ESHOG, a strategic group reporting to the East Sussex Chief Executives Group on the delivery of housing and homelessness services across the county. ESHOG is responsible for reporting to the East Sussex Chief Executives Group on the delivery of housing and homelessness services across the county. ESHOG is chaired by Hastings Borough Council's Assistant Director for Housing and Built Environment.

Rough Sleeping Initiative Strategic Board - the strategic board brings together senior level representatives of health, mental health, social care, substance misuse and housing professionals. The board meets every six months and is chaired by the Assistant Director for Adult Social Care at East Sussex County Council. The purpose of the board is to ensure that learning from the rough sleeping initiative informs the design of future service delivery for vulnerable groups. The strategic board also plays a key role in identifying and securing alternative sources of funding, to ensure the long term sustainability of these activities.

Hastings Street Community Partnership - co-ordinates work across statutory and voluntary sector partners to address issues facing the street community, including rough sleepers. The meetings enable partners to identify any gaps in provision and avoid duplicating activities.

Housing and Support Services (HASS) - a multi-agency board including statutory and voluntary sector partners, which is responsible for overseeing the delivery of the Homelessness and Rough Sleeping Strategy and action plan.

East Sussex Better Together – the East Sussex Better Together Alliance is a partnership of organisations working together to plan and deliver health and care in Eastbourne, Hailsham, Seaford, Hastings, Rother and surrounding areas.

Working with the voluntary sector

Hastings has a strong voluntary sector presence and the council is working collaboratively with these groups, to improve services for homeless households and rough sleepers. These include:

- Citizens Advice
- Seaview Project
- Fulfilling Lives
- Hastings Voluntary Action
- Snowflake Night Shelter
- Hastings Advice and Representation Centre
- Brighton Housing Trust

Many of these organisations are members of the Housing and Support Services (HASS) group.

Accommodation in Hastings

Table 1 below shows the tenure of accommodation in Hastings:

Table 1

Tenure	Number of units in 2011	% of total stock	Number of units in 2019	% of total stock
Owner occupier	22,706	55%	15,636	45%
Social housing	6,181	15%	5,990	17%
Private rented sector	11,863	29%	13,342	38%

When compiling this information, Shelter used census data as well as the latest information from the YouGov survey.

Social Housing

There is a limited supply of social housing in Hastings and the size of this sector has shrunk slightly over recent years. Turnover of social housing units is also low, at 0.92% of stock.

There are currently 1777 households on the housing register (the waiting list for social housing).

The council operates a choice-based lettings approach to allocate social housing. This means that people on the housing register can bid for suitable properties when they are advertised.

How people on the housing register are prioritised is set out in the Homemove Allocation Scheme. Households on the housing register are given a priority banding from A – D, depending on their circumstances.

The average waiting time for social housing has increased from 341 days in 2016/17 to 537 days in 2018/19. However, waiting time for some types of housing can be much longer. Table 2 below sets out the number of properties that were let between 1 April 2018 and 31 March 2019:

Table 2:

Size	Band A		Band B		Band C		Band D	
	Number Waiting	Number of Lets						
1 Bed	147	56	198	4	149	3	200	6
2 Bed	108	78	173	12	185	2	88	7
3 Bed	37	32	76	0	150	1	0	0
4 Bed	21	5	39	2	49	0	0	0
5 Bed	5	0	17	0	2	0	0	0

The council carried out an interim review of its allocation scheme in 2018 to ensure it reflected the requirements of the new Homelessness Reduction Act 2017. However, we will need to carry out a full review in 2019/20.

Given the limited availability of social housing, it is often not a viable solution for homeless households.

Private Rented Sector

The private rented sector has grown considerably over recent years. Table 3 below shows a breakdown of private rented sector properties by ward.

Table 3:

Ward	No. of private rented properties	% of housing stock
Braybrooke	1021	48%
Castle	1898	53%
Central St Leonards	2433	53%
Gensing	1666	54%
Old Hastings	691	34%
Ore	675	36%
Tressell	730	36%
Ashdown	409	25%
Baird	361	20%
Conquest	465	32%
Hollington	390	20%
Maze Hill	571	32%
St Helens	442	29%
Silverhill	637	35%
West St Leonards	512	32%
Wishing Tree	441	21%
Total	13,342	38%

It is expected that growth in the private rented sector will continue in the short term. However, changes to the energy efficiency standards for rented properties and tax incentives for private landlords may lead to increase volatility in this sector in the longer term.

Although the size of private rented sector has increased, it has also become increasingly competitive for homelessness households to access. Some of the reasons for this are:

- Affordability – local housing allowance have not kept pace with rising rents in the private rented sector
- Tenancy sustainment – landlords are increasingly reluctant to accept tenants, who they perceive to be high risk, including people with a poor history of tenancy sustainment.
- Low turnover – as house prices have increased in Hastings, people are renting for longer in the private sector, which has reduced turnover of stock.

Supported Accommodation

There are currently 150 units of supported accommodation in Hastings. There are different types of supported accommodation, such as:

- providing the support older people need to maintain their independence
- providing emergency refuge and support for victims of domestic violence, helping them to stabilise their lives and engage with other services
- working with homeless people with complex and multiple needs to help them make the transition from life on the street to a settled home, education, training or employment
- supporting people with mental health needs to stabilise their lives, recover and live more independently
- supporting people with learning disabilities in the longer term to maximise their independence and exercise choice and control over their lives.

Supported accommodation in Hastings is delivered by SAHA, Refuge, YMCA, Sanctuary Supported Living and Brighton Housing Trust. Approximately half of the supported accommodation units in Hastings are commissioned by East Sussex County Council. During the last round of funding reductions to adult social care, the number of supported accommodation units was reduced by 12 beds.

Supported accommodation is usually temporary. It can often be difficult for people leaving supported accommodation to find a new home, particularly in the private rented sector. This reduces the turnover of units and restricts access for people who require a higher level of support.

Supply of new accommodation

Table 4 below shows the number of new market and affordable homes completed over the past 3 years.

Table 4:

	Year					
	2016/17		2017/18		2018/19	
Hastings	191	0	189	70	184	64
East Sussex (excluding Hastings)	645	167	655	120	720	266

Supply of new housing in Hastings has not kept pace with rising demand. It is therefore essential that the council continues to explore new ways to increase the supply of new accommodation and make the best use of existing stock.

Affordability

Table 5 below shows the median private rents for different types of private rented accommodation in Hastings:

Table 5:

Number of bedrooms	Median private rents (per month)			% increase
	2016	2017	2018	
Room	£385	£459	£450	17%
1 bed	£450	£475	£495	10%
2 bed	£580	£650	£650	12%
3 bed	£750	£825	£850	13%
4 or more bed	£998	£995	£1,125	13%

**source: Hometrack*

Median private rents in Hastings have increased by 8% between 2016 and 2018, compared to a 7% increase across East Sussex and a 4% increase nationally.

Increases in private rent have widened created an affordability gap for benefit dependent households. Table 6 below shows the gap between local housing allowance and current median rents in the private sector.

Table 6:

Number of bedrooms	Local Housing Allowance (2019)	Median Private Rents (2019)
Room	£302	£368
1 bed	£411	£525
2 bed	£537	£675
3 bed	£714	£875
4 or more beds	£873	£1,100

This trend is particularly important in Hastings due to the size of the private rented sector. Not only are low-income and benefit dependant households more likely to be priced out of the private rented market, they have fewer options to secure alternative accommodation.

Who uses our homelessness services?

The number of people presenting to the council as homeless has remained relatively stable over the past 3 years. In 2018/19, slightly more females presented to the council as homeless (51% of presentations).

However, the number of presentations resulting in a placement in emergency accommodation has increased sharply. In part, this is due to the legislative changes introduced by the Homelessness Reduction Act, which expanded local authorities duties to provide emergency accommodation. However, it also suggests that homeless households are finding it more difficult to access alternative accommodation.

Over half of homelessness presentations are by people aged 35 or under. This age range is over-represented in homelessness presentations, compared to the community as a whole. Typically, people in this age range present as homeless following eviction by a family member or friend.

Loss of accommodation in the sector continues to be the most common reason people present as homeless.

People are also presenting with more complex needs. In 2018/19, 18% of people were accepted as being in priority need due to their mental health. However, many more reported a mental health support need. While reported levels of anxiety and depression amongst homeless households are much higher.

The council has not received any homelessness presentations by members of the gypsy or travelling community over the past 3 years.

Why are people homeless?

Table 7 below shows the 5 most common reasons people presented as homeless to the council in 2016/17, as percentage of the total number of presentations.

Table 7:

Presentation Reason	% of presentations
Loss of rented or tied accommodation due to: Termination of assured shorthold tenancy	28%
Other relatives or friends no longer willing or able to accommodate	17%
Parents no longer willing or able to accommodate	16%

Violence : Violent breakdown of relationship, involving partner	7%
Loss of rented or tied accommodation due to: Reasons other than termination tenancy	6%

Table 8 below shows the 5 most common reasons people presented as homeless to the council in 2018/19, as percentage of the total number of presentations.

Table 8:

Presentation Reason	% of presentations
End of Private Rented Sector Tenancy	21%
Family no longer willing to accommodate	20%
Relationship with partner ended (non-violent breakdown)	9%
Domestic Abuse	7%
Friends no longer willing to accommodate	5%

In 2018/19, around 72% of the individuals who presented as homeless after their friends were no longer willing to accommodate them were male.

Age range

Table 9 below shows the number of people presenting to the council for homelessness advice by age.

Table 9:

Age range	Number of presentations in 2016/17	Number of presentations 2017/18	Number of presentations in 2018/19
16 to 25	472	336	399
26 to 35	490	323	393
36 to 45	332	230	268
46 to 55	242	193	204
56 to 65	118	91	127
66 to 75	53	37	45
76 to 87	15	5	20
Total	1722	1215	1456

Homelessness Acceptances

Table 10 below shows the number of cases the council accepted a homeless duty to.

Table 10:

Year	Number of acceptances	As a proportion of homelessness presentations
2016/17	230	13%

2017/18	260	21%
2018/19	108	7%

It should be noted that the reduced number of decisions in 2018/19 is due to the new prevention and relief duties which were introduced by the Homelessness Reduction Act 2017, which must be completed before a homelessness application can be accepted.

Emergency Accommodation

The number of people living in emergency accommodation has increased by 192% over the past 3 years, from 51 at the end of 2016/17 to 149 at the end of 2018/19.

Across East Sussex, the number of people living in emergency accommodation has increased by 90% over the same period. This trend has been particularly acute in urban areas, Eastbourne has seen a 214% increase in the number of households living in emergency accommodation.

The average length of stay in emergency accommodation has also increased to 111.4 days in Hastings, compared to 87.99 across East Sussex.

The profile of placements has also changed, with an increasing number of families living in emergency accommodation and now account for around half of our total placements.

Rough Sleeping

The number of people rough sleeping on a typical night in Hastings has increased by 85% over the past 3 years, from 26 people in 2016 to 48 in 2018. This compares to a 13% increase nationally, and a fall of 2% in the South East over the same period.

The number of people rough sleeping can vary considerably throughout the year, with some rough sleepers also spending time sofa-surfing or moving between other towns.

Around 14% of rough sleepers in Hastings are women and 58% have a local connection to the town, which is similar to other areas. The average age of rough sleepers in Hastings is higher than other parts of East Sussex, with just 4% aged 25 or under.

Impact of the Homelessness Reduction Act 2017

The council has been monitoring the implementing the new Homelessness Reduction Act 2017 since it came into force in April 2018. Below is a summary of performance for the new duties.

Prevention Duty

The council accepted a prevention duty to 292 people in 2018/19, achieving a positive outcome in 121 cases.

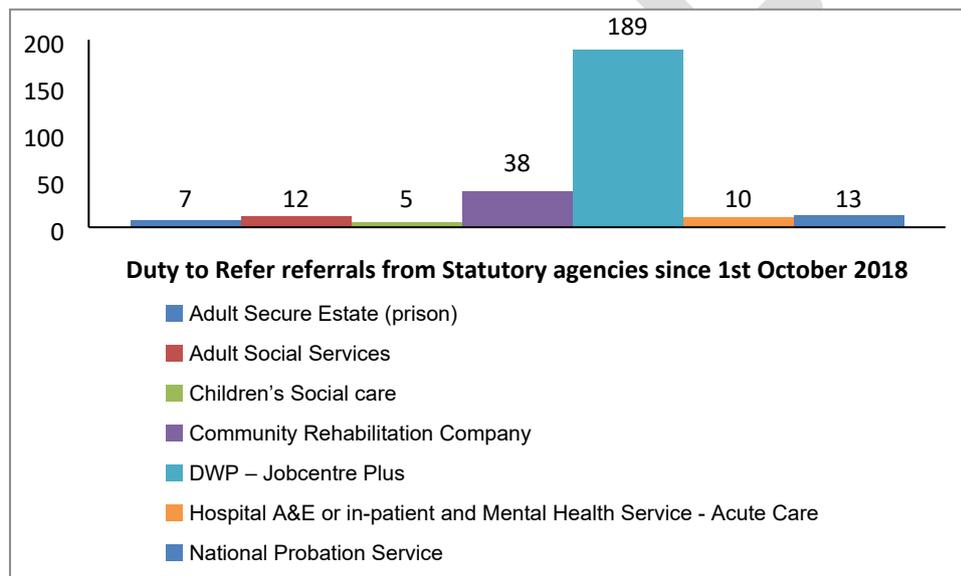
Relief Duty

The council accepted a relief duty to 166 people in 2018/19, achieving a positive outcome in 86 cases.

Duty to Refer

Hastings Borough Council has led work across the 5 local housing authorities in East Sussex to develop a consistent approach to the new duty to refer. We have worked with partners to make it as straightforward as possible for them to identify people at risk of homelessness and refer them for advice and support. Joint protocols are now in place between the agencies and the housing authorities. The council has introduced an online form for professionals to use when they have identified someone who is homeless or at risk of homelessness.

The chart below sets out the number of referrals received by Hastings Borough Council since the duty was introduced in October 2018.



Services for homeless people

Housing Options

The council's housing options service currently comprises one housing options manager post, two team leaders and nine housing options officers.

Housing options officers work with homeless households throughout the process from initial advice, through the prevention and relief duties until a decision is made on their case. The team issue decisions in accordance with the Housing Act 1996 (as amended by subsequent Acts).

The Housing Options team also provides financial support to homeless households to secure new accommodation or keep their existing tenancy, if possible. This support includes interest free loans for:

- Rent in advance and deposits
- Tenancy sustainment (for example, clearing rent arrears)

Emergency Accommodation

The council has a duty to provide emergency accommodation to homeless households who have priority need and meet the relevant immigration and residence conditions. Under the Homelessness Reduction Act 2017, councils must also provide emergency accommodation to homeless households who they believe may have priority need.

The council's temporary accommodation team are responsible for securing accommodation and work closely with the housing options officers to manage the placements.

Social Lettings Agency

The council established a Social Lettings Agency in February 2015. The purpose of the Social Lettings Agency is to improve access to good quality, well managed accommodation in the private rented sector. The Social Lettings Agency currently leases 32 properties from the private rented sector.

The Social Lettings Agency also provides property management services for council-owned emergency accommodation and a property owned by Hastings Housing Company.

Services for rough sleepers

Outreach – the council part funds a rough sleeper outreach service, which is delivered by the Seaview Project. The outreach service ensures the council has

accurate information about the number of people rough sleeping in the town and individual rough sleepers are linked with appropriate services as soon as possible.

Specialist Housing Options Officer – the council has appointed a specialist housing options officer to working with rough sleepers. The officer is based at the Seaview Project part-time and also carries out street engagement. The role is responsible for ensuring rough sleepers are able to access homelessness advice.

Sever Weather Emergency Protocol - the council has a Severe Weather Emergency Protocol (SWEP) with statutory and voluntary sector partners, in accordance with national guidance from Homeless Link. This protocol, which is reviewed each year, has two key aims:

1. To ensure that no one dies on the streets due to extreme weather
2. To ensure that every effort is made to engage with individuals during the extreme weather period so that they can access appropriate services

The council has lead successful work across the county to secure additional grant funding to enhance services for rough sleepers. Recent projects include:

Housing and Wellbeing Hub at Seaview - open access service with different agencies present every Thursday morning, including housing advice, St John's Ambulance, CGL substance misuse worker, street triage mental health team and HomeWorks. Rough sleepers can access these facilities in one place if needed. Breakfast and lunch is available, as well as washing facilities. The project is funded as part of the Clinical Commissioning Group's programme to reduce health inequalities.

Sussex Rough Sleeping Prevention Project (March 2017 to March 2019) Hastings Borough Council led a partnership project across the five local housing areas to deliver intensive homelessness support to people at high risk of rough sleeping. Often these individuals had experienced a traumatic life event or had identified mental health or substance dependency needs. The project carried out 282 interventions and successfully prevented rough sleeping in 94% of cases.

The project team was co-located within the Job Centres, local food banks and charities which enabled direct referral routes for people at risk of rough sleeping. Project officers also had a relatively small caseload, which enabled them to deliver quick responses and an intensive level of support.

The project was funded by the Department for Communities and Local Government.

Hastings and Eastbourne Rough Sleeping Initiative (June 2018 – March 2020) Hastings and Eastbourne Councils developed a joint project to improve access to statutory services, temporary accommodation and long term housing solutions for

the most entrenched rough sleepers in both towns. The project is funded by the Ministry for Housing, Communities and Local Government, until 31 March 2020.

The project has provided accommodation for 44 former rough sleepers, as at August 2019, and is continuing to deliver intensive wrap around support.

Rapid Rehousing Pathway (March 2019 – March 2020) Hastings Borough Council lead a successful bid on behalf of the five East Sussex Housing authorities for a project working with rough sleepers with low / medium level and support needs and people at high risk of rough sleeping to access new accommodation. The project is based on a supported lettings model and the team provide ongoing support to individuals to help minimise the risk of them returning to rough sleeping in the future.

The project has achieved seven successful relief interventions for rough sleepers, and a further five preventions.

Young People

The council also part funds a Youth Homelessness and Accommodation Manager, in partnership with the five local housing authorities in East Sussex and the county council's children's services. This role provides strategic oversight of homelessness issues for 16 to 17 year olds and care leavers, and co-ordinates partnership work to prevent homelessness and secure new accommodation options for young people.

Community Based Support

East Sussex County Council commission a community based support service for homeless households, providing additional advice and support to help people secure new accommodation.

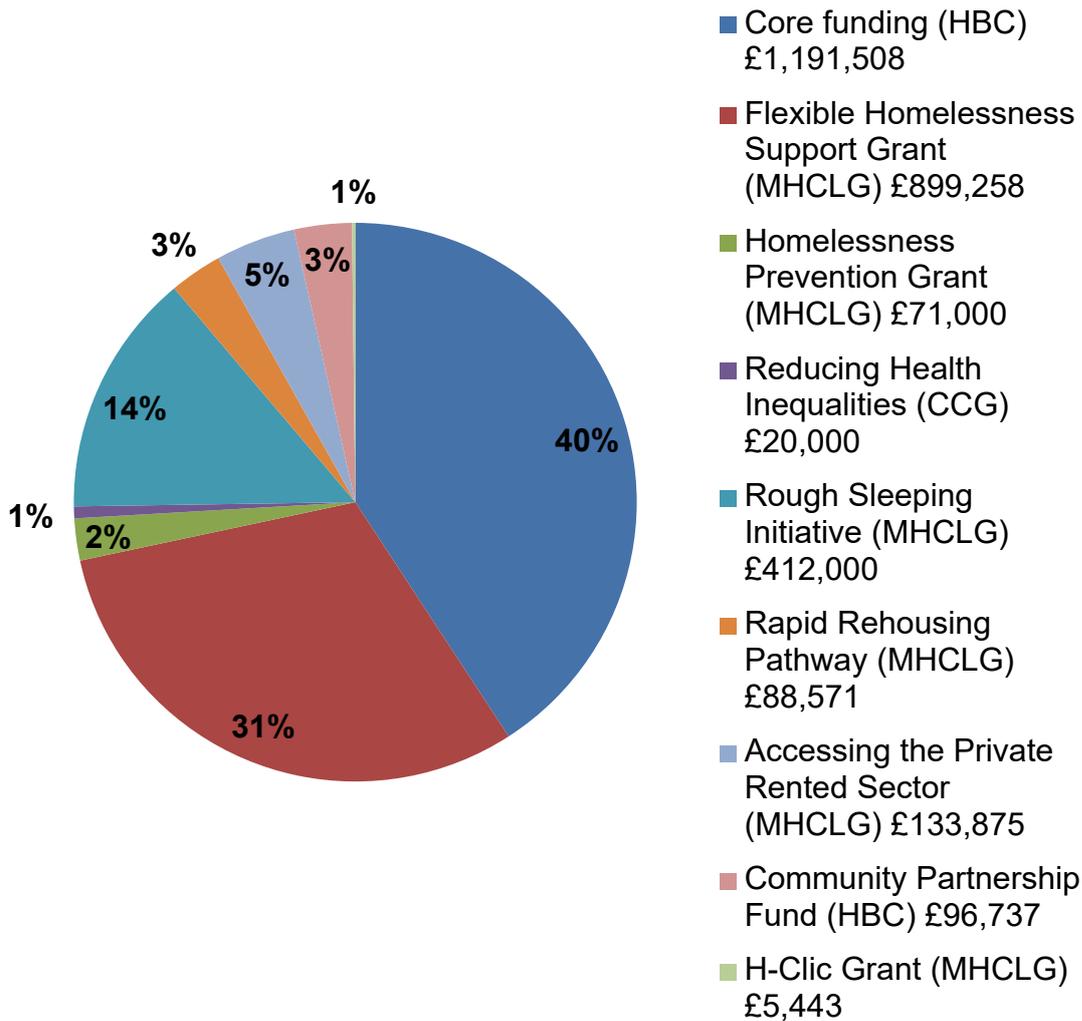
Syrian Resettlement Programme

The district and borough councils within East Sussex have collectively offered to assist the government in resettling between 200 and 260 Syrian Vulnerable Persons (SVPs) by 2020 through the Syrian Resettlement Programme (SRP). 40 individuals will be resettled in each local authority area in East Sussex. Hastings Borough Council has further committed to resettle an additional 60 people if possible.

Across East Sussex SRP has now settled a total of 192 people since the beginning of the programme.

How are the council's homelessness services funded?

The pie chart below shows the make-up of funding for our homelessness and rough sleeping services in 2019/20:



Our housing options and temporary accommodation team deliver the services we have to provide by law. Around 60% of the staff team are funded through the council's core budget, with the remainder funded through grant programmes.

We have enhanced our homelessness prevention activity using our Flexible Homelessness Support Grant funding. Without these additional resources the council would not be able to meet its statutory duties under the Homelessness Reduction Act 2017. The grant has also been used to add to the tools we have to prevent homelessness, for example through rent in advance and deposits. If this funding was no longer available, our successful preventions would reduce and the cost of delivering homelessness services would increase.

Population of East Sussex

The population of East Sussex is projected to increase by more than 55,000 between 2017 and 2032, to 607,000. The number of households is expected to increase by 14.4%, while the population is projected to increase by 10.0%.

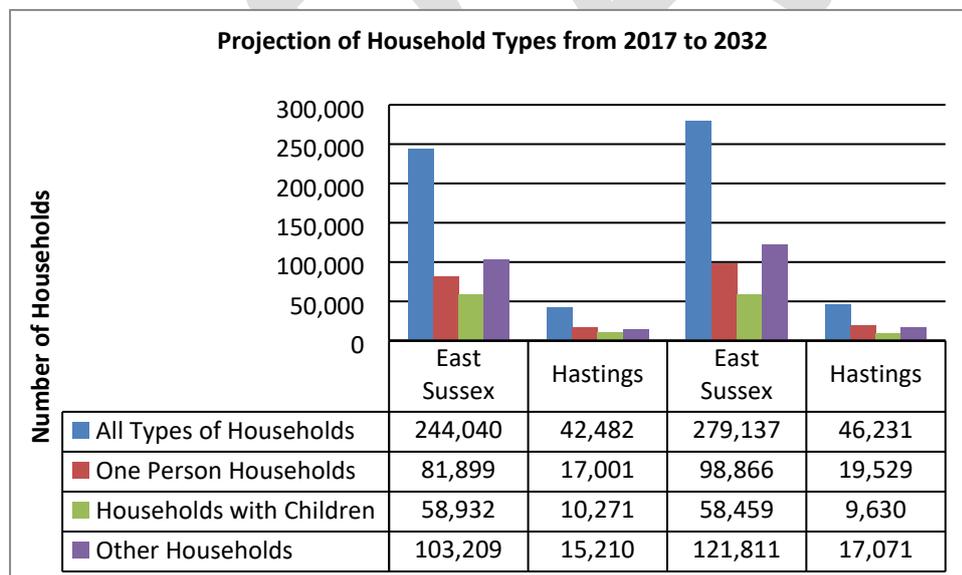
The over 65s now represent a quarter of the county's population and are projected to make up nearly a third of all people by 2032. All elderly age groups are expected to increase in size, with the number of very elderly people aged 85 and over expected to increase by 73%, from around 21,800 in 2017 to 37,800 in 2032.

It is projected that there will be a marginal decline in the working age population (18-64) of 0.7%, from 305,700 to 303,700 people in 2032.

The number of older households (aged 65 and over) is projected to increase by 40% by 2032, while middle-aged households (aged 35-64) will barely change in number (up 1%), and the number of households headed by younger people aged 15-34 is expected to fall by 10%.

Population projections between 2017 and 2032

This dataset shows the 2017-based population projections (dwelling-led) for the period 2017 to 2032. These population projections (previously called policy-based projections) are constrained to reflect the number of extra dwellings being planned for future years by local authorities in East Sussex, using the most up to date housing provision figures available as in April 2019, provided by each borough and district. They are also based on the latest 2017 data on population estimates, births, deaths and migration released by ONS in June 2018.



Source: East Sussex County Council, Research and Information Team, April 2019.

Further population growth will increase pressure on housing and homelessness services. It is therefore essential that the council continues its work to increase supply of new accommodation and make best use of existing stock.

Strategic Priorities

The findings of the homelessness review, together with our ongoing work with partners have helped inform the priorities for the new Homelessness and Rough Sleeping Strategy.

The 3 priority areas are:

- Reduce rough sleeping
- Minimise our use of emergency accommodation, by improving access to housing solutions
- Adapt our services to meet local needs

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Agenda Item 1.1 Document Pack

Cabinet Agenda

Monday, 4 November 2019 at 6.00 pm

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

For further information, please contact Democratic Services on 01424 451484 or email:
democraticservices@hastings.gov.uk

		Page No.
1.	Apologies for Absence	
2.	Declaration of Interests	
3.	Minutes of Last Meeting	1 - 10
4.	Housing Renewal Financial Assistance Policy <i>(Andrew Palmer, Assistant Director Housing and Built Environment)</i> <i>(Cabinet Decision)</i>	11 - 32
5.	Housing Renewal Enforcement Policy <i>(Andrew Palmer, Assistant Director Housing and Built Environment)</i> <i>(Cabinet Decision)</i>	33 - 60
6.	Notification of Additional Urgent Items	61 - 62
	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	
7.	Potential Commercial Property Purchases (Part 2) <i>(Peter Grace, Assistant Director, Financial Services and Revenues)</i> <i>(Cabinet Decision)</i>	63 - 72

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Agenda Item 3 Public Document Pack

CABINET

7 OCTOBER 2019

Present: Councillors Chowney (Chair), Forward (Vice-Chair), Batsford, S Beaney, Evans, Fitzgerald, Rogers, Lee and Patmore.

199. APOLOGIES FOR ABSENCE

None.

200. DECLARATION OF INTERESTS

Councillor	Minute	Interest
Forward	208	Prejudicial – Owns a property close to the site

201. MINUTES OF LAST MEETING

RESOLVED – that the minutes of the Cabinet meeting held on 2nd September 2019 be approved as a true record.

RESOLVED the chair called over the items on the agenda, under rule 13.3 of the council's constitution, the recommendations set out in minutes number 202, 203, 205, 208, and 209 were agreed without being called for discussion.

202. UPDATE ON THE SOCIAL LETTINGS AGENCY

The Assistant Director, Housing and Built Environment submitted a report outlining the revised business case for the Social Lettings Agency.

The report was presented by the Assistant Director and the Strategic Housing and Projects Manager.

The Social Lettings Agency (SLA) was set up with the primary purpose of helping to improve access to good quality, well managed, accommodation in the private rented sector. Households are accommodated in properties leased by the council from private landlords.

The revised model for the SLA has 3 main elements; expanding the private sector leasing scheme as an alternative to emergency accommodation, property management services for council-owned temporary accommodation and property management services for properties owned by Hastings Housing Company.

Councillor Batsford proposed approval of the recommendations, seconded by Councillor Fitzgerald.

The Chair agreed to vote on each recommendation separately, as shown in the resolution below.

RESOLVED

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- 1. That Cabinet supports the revised business case for the Social Lettings Agency and the next steps to implement the new model (by 7 for, to 2 against).**
- 2. Cabinet approves the investment strategy for the Social Lettings Agency (by 7 for, to 2 against).**
- 3. To continue to explore options to generate additional income through the social lettings agency, including providing management services to other local authorities (by 7 for, to 2 against).**
- 4. To approve capital funding of £2,575,000 for additional investment in temporary accommodation (unanimously).**

Reasons for the decision:

The purpose of the SLA is to improve access to good quality, well managed accommodation in the private rented sector for homeless households. The council needed to review the business case for the SLA, following changes to government funding for temporary accommodation and revised growth forecasts for the councils Housing Company.

Under the new model, the existing private sector leasing scheme will be expanded, to help reduce the council's use of emergency accommodation. The SLA will continue to provide management services for council-owned temporary accommodation. The SLA will also manage one of the properties owned by Hastings Housing Company, with the expectation that this role will be expanded in the future, as and when the company acquires more properties.

203. POLLING PLACES REVIEW 2019

The Director of Corporate Services and Governance submitted a report on the findings and evaluation of the recent review and the Acting Returning Officer's subsequent recommendations.

The Electoral Administration Act 2006 (Section 16, EAA 2006) introduced a duty for all UK parliamentary polling districts and polling places to be reviewed by the end of 2007 and thereafter to be reviewed periodically.

The polling district boundaries in 6 of the 16 wards were reviewed in order to achieve, where possible, a more equal number of electors. This will mean a number of polling station changes for electors within the borough.

The wards affected are:

- Ashdown (A1, A2, A3)
- Gensing (G1, G2, G2A)
- Old Hastings (J1, J2)
- St Helens (L1, L2)
- Silverhill (M1, M1A, M2, M2A, M2A, M2B)

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- Wishing Tree (P1, P1A, P2)

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED

1. To recommend that Council adopts the Acting Returning Officer's recommendations (as appended to this report) and publish the results of the review.

2. Delegate authority to the Director of Corporate Services and Governance to amend any decisions made under this review with regard to polling places or polling stations, should there be an urgent or necessary need.

Reasons for the decision:

The council must regularly review the division of its parliamentary constituency area (within the borough boundary) into polling districts and the places where electors are asked to vote. The council must comply with the requirements of the Electoral Administration Act 2006 (Section 16, EAA 2006) and complete regular reviews of all polling districts and polling places. The council has a duty to ensure that the most suitable premises are used as polling places with regard to the needs of the electorate, subject to availability.

204. LAND AT WHITWORTH ROAD

The Assistant Director, Financial Services and Revenues submitted a report to seek approval to proceed with marketing the land at Whitworth Road.

The land is allocated for Employment B use classes in the Local Plan: site reference LRA8 - Land in Whitworth Road, The Ridge West.

The Council has received proposals to develop the land, but the uncertainty around development costs does not make it attractive for the Council to develop the site itself.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED

1. To add the land to the Council's Land and Property Disposal Programme.

Reasons for the decision:

This land is not straight-forward to develop, and is considered surplus to Council requirements.

CABINET

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Adding the land to the Land and Property Disposal Programme will allow the Council to progress with marketing to hopefully achieve a sale of the freehold.

205. ACQUISITION OF LAND IN ORE VALLEY

The Assistant Director, Financial Services and Revenues submitted a report to seek approval for Hastings Borough Council to take ownership of areas of green space in the Ore Valley.

The report was presented by the Director of Corporate Services and Governance and the Estates Manager.

In July 2017 Cabinet resolved to take ownership of the Former Power Station site and green space in the Ore Valley from Hastings & Bexhill Renaissance Ltd (HBRL) subject to the outcome of due diligence.

HBRL are now marketing the site inviting offers.

The land comprises 2 parcels of land east and west of Broomgrove Road and measuring approximately 3.66 hectares and 1.27 hectares.

Due diligence has been undertaken and both the Council and HBRL wish to proceed with the transfer of the green space land as it is intended that HBRL is wound up.

It was noted that the Council may consider looking at ways to protect the land from future development.

Councillor Chowney proposed approval of the recommendations, seconded by Councillor Evans.

RESOLVED (unanimously):

- 1. To purchase the freehold of the land.**
- 2. To fund the initial repairs and maintenance costs from the Council's reserves (Ore Valley Reserve), estimated at some £57,000 (excluding VAT).**
- 3. The Director of Operational Services considers options for the long term management and maintenance arrangements of this area of land and brings forward a further report if necessary.**
- 4. The Ore Valley reserve is used to fund the ongoing maintenance and inspection costs of the land transferred until the long term arrangements are in place.**

Reasons for the decision:

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To enable the social and economic regeneration of Ore Valley and the surrounding area.

There are significant responsibilities in owning land, and the initial costs of making the land accessible can be funded from a reserve set aside for this particular purpose. The Assistant Director, Financial Services and Revenues submitted a report to seek approval for Hastings Borough Council to take ownership of areas of green space in the Ore Valley.

The report was presented by the Director of Corporate Services and Governance and the Estates Manager.

In July 2017 Cabinet resolved to take ownership of the Former Power Station site and green space in the Ore Valley from Hastings & Bexhill Renaissance Ltd (HBRL) subject to the outcome of due diligence.

HBRL are now marketing the site inviting offers.

The land comprises 2 parcels of land east and west of Broomgrove Road and measuring approximately 3.66 hectares and 1.27 hectares.

Due diligence has been undertaken and both the Council and HBRL wish to proceed with the transfer of the green space land as it is intended that HBRL is wound up.

It was noted that the Council may consider looking at ways to protect the land from future development.

Councillor Chowney proposed approval of the recommendations, seconded by Councillor Evans.

RESOLVED (unanimously):

- 1. To purchase the freehold of the land.**
- 2. To fund the initial repairs and maintenance costs from the Council's reserves (Ore Valley Reserve), estimated at some £57,000 (excluding VAT).**
- 3. The Director of Operational Services considers options for the long term management and maintenance arrangements of this area of land and brings forward a further report if necessary.**
- 4. The Ore Valley reserve is used to fund the ongoing maintenance and inspection costs of the land transferred until the long term arrangements are in place.**

Reasons for the decision:

To enable the social and economic regeneration of Ore Valley and the surrounding area.

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There are significant responsibilities in owning land, and the initial costs of making the land accessible can be funded from a reserve set aside for this particular purpose.

The potential transfer of responsibilities for the land to a “conservation group” could help to enhance and protect the biodiversity of the area, particularly given the very limited resources that the Council has and expects to have in the future.

Until such time as the long term future of the site is secured there will be regular inspection and maintenance costs incurred e.g. trees, paths, drainage, signage, and particularly fences.

206. CHURCHFIELD BUSINESS CENTRE

The Assistant Director, Financial Services and Revenues submitted a report to seek an increase in the budget for Churchfields Business Centre.

At Cabinet on 4 March it was agreed to include Sidney Little Road Business Incubator Hub (now known as Churchfields Business Centre) within the Capital programme with an estimated budget, including fees, of £2.8m. This was subject to Local Growth Funding of £500,000 which has since been granted.

The consultants have worked up detailed designs and the estimated costs are now £3.3m.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED:

To agree to increase the budget from £2.8m to £3.3m subject to receiving £300,000 funding from Connecting Hastings and Rother Together (CHART) Programme – Community led Local Development (CLLD).

Reasons for the decision:

As outlined in the body of the report the overall cost of development has increased at detailed design stage.

207. OLD TOWN HALL

The Assistant Director, Financial Services and Revenues submitted a report to seek approval for Hastings Borough Council to consider the disposal of the Old Town Hall, High Street, Hastings.

The report was presented by the Director of Corporate Services and Governance and the Estates Manager.

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The property became vacant in October 2018 as the lease was surrendered due to the tenant encountering financial difficulties.

Dyer & Hobbis were appointed to market the property for lease in November 2018. There has been very little interest and only one offer received to date which was well below the revised guide rent.

If the Council retain the building there are various costs that will need to be met over and above the day to day holding costs.

Councillor Chowney proposed approval of the recommendations, seconded by Councillor Forward.

RESOLVED (unanimously):

Dispose of the Old Town Hall

Reasons for the decision:

The property is considered surplus to Council requirements and has significant holding costs.

In the absence of interest in renting the building at a commercial rental, the Council has considered a number of options. These have included disposal, refurbishment, rental for alternative use and to seek a change of use from Planning. The property is listed as an asset of community value.

208. CORNWALLIS STREET CAR PARK - POTENTIAL DEVELOPMENT

Councillor Forward left the chamber during discussion of this item due to a prejudicial interest.

The Assistant Director, Financial Services and Revenues and the Assistant Director, Regeneration and Culture submitted a joint report to consider the potential development of a hotel on Cornwallis Street car park.

The report was presented by the Director of Corporate Services and Governance, the Assistant Director, Regeneration and Culture and the Estates Manager.

The Council has been approached by a developer/hotel chain for the redevelopment of the Cornwallis Street car park with a new hotel.

A conditional offer has been made (subject to board approval, planning, and contract) for an 80 room hotel on the site on the following basis:

- 80 bed hotel and restaurant
- 25 year lease
- Substantial rent

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The council has an obligation to test the market and ensure best value. It is proposed that in order to minimise timescales the Council will undertake initial surveys of the site.

The Assistant Director highlighted that Hastings has fewer serviced beds than neighbouring seaside towns and the development would support growth in the local tourism economy.

It was noted that the site is allocated for residential development within the Development Plan (Site Ref HTC2).

Councillor Chowney proposed approval of the recommendations, seconded by Councillor Rogers.

RESOLVED (unanimously):

- 1. Agree to market the site, in accordance with EU procurement rules, on the basis that the Council develops the site for a hotel operator and lets the site on a long lease (20 years or more). The works only to commence once lease terms are agreed.**
- 2. Agree to include the potential development of the site, at an estimated cost of £7m within the Capital programme when determining the Capital Programme, Capital Strategy, and Treasury Management Strategy as part of the 2020/21 budget setting process.**
- 3. Agree to undertake the surveys required now for the subsequent development of the site at an estimated cost of up to £30,000 - funded from the General Reserve.**
- 4. Agree to appoint an external legal firm now to draw up the procurement documents and necessary legal documentation at an estimated cost of up to £40,000 - funded from the General Reserve.**

Reasons for the decision:

The site is within the local development plan, earmarked for residential and retail.

The site presents a significant opportunity to further economic development and tourism within Hastings and St Leonards and to attract a major hotel within the town centre has been an aspiration for the Council for some time.

A viable option has been presented to the Council for a development and if the Council wishes to take the opportunity, it will need to move quickly. The EU procurement rules are complex, as will be the lease arrangements, and therefore external expertise in this instance is required.

CABINET

7 OCTOBER 2019

209. CONSTITUTIONAL AMENDMENTS

The Chief Legal Officer submitted a report to recommend amendments to the Council's Constitution.

The Council's Constitution is the basis for the Council's Corporate Governance. It needs amending on a regular basis either as a result of discussions at Working Arrangement Group and/or changes in legislative provisions or working practices.

The proposed amendments are as a result of updating and tidying up of the Constitution. Changes are being proposed to Parts 1, 2, 4, 6, 8 and 9 of the Constitution.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED:

To recommend that the amendments to the Council's Constitution be adopted by Full Council.

Reasons for the decision:

The Council's Constitution is the basis for the Council's Corporate Governance.

210. MUSEUM COMMITTEE RECOMMENDATIONS

The Assistant Director, Regeneration and Culture submitted a report to seek approval for the recommendations of the Museum Committee meeting held on 9 September 2019.

Cabinet is required to consider the recommendations of the Museum Committee as the Committee has no formal decision making powers and acts as an advisory committee of Cabinet.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED:

That Cabinet note and approve the recommendations of the Museum Committee meeting held on 9 September 2019.

Reasons for the decision:

The Museum Committee has no formal decision making powers and acts as an advisory committee to Cabinet.

CABINET

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(The Chair declared the meeting closed at. 7.21 pm)

Agenda Item 4



Report to: Cabinet

Date of Meeting: 4 November 2019

Report Title: Housing Renewal Financial Assistance Policy

Report By: Andrew Palmer
Assistant Director Housing and Built Environment

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 2019.

Recommendation(s)

- 1. Cabinet is asked to approve the revised Housing Renewal Financial Assistance Policy 2019 at Appendix 1.**
- 2. Delegated authority is given to the Assistant Director Housing and Built Environment in consultation with the Lead Member to introduce new types of assistance that enable existing and new sources of funding to be targeted at eligible clients**

Reasons for Recommendations

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

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 enable 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 reviewed in 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.
5. Loans have been administered recently for essential roofing works to a property and for modernisation of a property. In the past loans have been provided to bring empty homes back into use however with the availability of other affordable finance this has become less popular through Parity Trust.

Disabled Facilities Grant Funding and the Better Care Fund

6. 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.
7. Whilst DFG funding is not specifically ring fenced in the BCF the DFG allocations for housing authorities are set out by central government and social care authorities are required to pay the identified allocation to housing authorities unless otherwise agreed between the authorities. The DFG allocation for Hastings in 2019/20 is £ 1,812,584.
8. The nature of allocating DFG through the BCP means councils are able to use the DFG funding more flexibly as long as the expenditure meets the principles of the Better Care Fund. The main change to the policy is set out in paragraph 5.15 of the policy under discretionary disabled facilities assistance. The additional types of discretionary assistance are introduced to embrace the increased flexibility set out above and includes provision for use of the DFG allocation to fund 'discretionary' works which would prevent clients from being admitted to (or released from) hospital as a result of their housing conditions (for instance as a result of a fall).

Seconded Occupational Therapists

9. Throughout 2018 officers from East Sussex County Council (ESCC) and the East Sussex districts and boroughs have worked together to develop an innovative scheme whereby Occupational Therapists are seconded into housing. In Hastings we have one seconded Senior Practising Occupational Therapist and two seconded Occupational Therapy Assistants. Alongside the funding of these three posts the DFG allocation is also being used to fund a shared (with other East Sussex district and boroughs) Occupational Therapist Practice Manager to provide medical supervision for the project.
10. The 'in-house OT' project has already reviewed the workflow of the DFG. This review has resulted in the (albeit small) waiting list for DFG being cleared. In addition to the improving the local delivery of DFG the project has already created a number of added benefits such as;
 - Being involved in the design of new build projects to advise on lifetimes homes standards
 - Being able to access equipment, telecare and minor adaptations to reduce the need for ongoing services and reduce the risk of falls
 - Reviewing housing bandings where there is a dispute regarding physical disability housing need
 - Developing pathways with hospital teams, ensuring referral to housing at the earliest possible time
11. In November 2018 the Ministry of Housing, Communities and Local Government published an independent review of the DFG. The 'in-house' OT project puts us ahead of the curve in relation to a number of the recommendations of the review. It is planned to expand the project over time as it develops; discussions are already underway with colleagues in Children's Services in relation to the DFG process for disabled children

Wards Affected

All

Implications

Relevant project tools applied? Yes/No

Have you checked this report for plain English and readability? Yes/No

Climate change implications considered? Yes/No

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

Equalities and Community Cohesiveness – Policy takes into account equalities issues, in particular in relation to access to services for disabled people.

Crime and Fear of Crime (Section 17) - None

Report Template v29.0

Risk Management - None
Environmental Issues - None
Economic/Financial Implications – Policy takes into account DFG grant allocation through Better Care Fund
Human Rights Act - None
Organisational Consequences - None
Local People’s Views - None
Anti-Poverty - None

Additional Information

Appendix 1 – Housing Renewal Financial Assistance Policy 2019

Independent review of DFG - <https://www.gov.uk/government/publications/disabled-facilities-grant-and-other-adaptations-external-review>

East Sussex Better Care Fund Narrative Plan - <https://democracy.eastsussex.gov.uk/documents/s16417/Appendix%201%20-%20East%20Sussex%20HWB%20Integration%20and%20Better%20Care%20Fund%20Narrative%20Plan%202017-19%20...pdf>

Parity Trust – <https://paritytrust.org.uk/>

Officer to Contact

Matthew China
mchina@hastings.gov.uk
01424 451357

Housing Renewal Financial Assistance Policy 2020 – 2023 (Revision 2.0 – October 2019)

Contents

To be included at Final

1. Introduction

- 1.1 Under the Regulatory Reform Order on Financial Assistance the council has a general power to provide assistance for the purpose of repairing, improving, acquiring, demolishing, adapting, or providing housing accommodation in the borough. The council can offer this assistance in the form of grants or loans. 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 condition of the private housing stock in Hastings and St Leonards

- 1.2 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.
- 1.3 The survey also identified that around 24% of households in the borough contain a household member with a long-term limiting illness or disability.
- 1.4 In drawing up this policy, it is recognised that Hastings Borough Council is 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 impact upon a homeowner's ability to repair and maintain their property.

2. Policy Objectives

- 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
- To decrease fuel poverty within private sector housing

- To bring empty homes back into use
- To promote and foster an environment of self-sufficiency through the recycling of money used to fund financial assistance
- To enable people to sustain and remain in their homes through disabled adaptations.

3. Financial Resources Available:

- 3.1 The Council has approximately £70,000 available per annum from previous regional housing board regeneration funding. Funding is available for the next three years (up to March 2023) for loans through Parity Trust towards housing related activities, e.g. repairs.
- 3.2 For Disabled Facilities Grants the funds available for 2019/20 are £1.8 million provided to the Borough Council by East Sussex County Council via the Better Care Fund. The funding for DFG's is to form part of a review of the Better Care Fund in the 2019 autumn spending review.
- 3.3 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.
- 3.4 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.
- 3.5 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.

4. Mandatory Assistance

Mandatory Disabled Facilities Grant (DFG)

- 4.1 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.

Eligibility

- 4.2 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 Housing Associations (HA's) are eligible to apply for mandatory DFGs, but in these situations, the council will firstly investigate the HA'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 HA and accepted in principal. Occupants of park homes and houseboats can also apply for DFGs.
- 4.3 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.
- 4.4 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.
- 4.5 The means test is set out in regulation and subject to change when new regulations are issued by central government.

Eligible Works

- 4.6 These fall into a number of categories:
- Adaptations to aid access into and around the dwelling
 - Ensuring the safety of a disabled person
 - Provision of suitable bathroom facilities, sleeping facilities, heating and access to lighting and power
 - Provision of suitable kitchen facilities or adaptation of existing kitchen
 - Adaptation to enable the disabled person to care for dependent residents
- 4.7 The council 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. The council must also be satisfied that the works are necessary and appropriate to meet the needs of the disabled person, and this is achieved through consultation with the Occupational Therapists and Sensory Impairment Workers employed by East Sussex County Council.

Amount of Assistance

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

5. Discretionary Assistance

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

- 5.1 Where adaption of an existing home is not considered to be reasonable or practicable assistance will be considered 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.
- 5.2 This assistance will be funded from the DFG capital budget.

Eligibility

- 5.3 Applicants must be the owner of the property or a private rented tenant, and the disabled person must be registered, or registerable disabled. 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

- 5.4 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, stamp duty, the relocation of specialist equipment for the disabled person, and removal costs. It would not include allowances towards and furnishings or fittings (other than those considered specialist equipment).

Amount of Assistance

- 5.5 Maximum of £10,000 less any determined contribution from the test of resources.

Conditions

In addition to general terms and conditions;

- 5.6 Applicants will be subject to the DFG statutory test of resources unless in receipt of one of the "passport" benefits. However, if the property to which the applicant

is relocating requires adaptations and the applicant will be making a mandatory disabled facilities grant application in respect of that property and they will be liable for a contribution towards the cost of adaptation work, no deduction shall be made for any contribution in respect of this relocation assistance. The means test will only be applied in this case in respect of the mandatory DFG.

- 5.7 No further discretionary assistance for the same purpose will usually be payable from five 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 compound interest (set at a rate equivalent to the Consumer Price Index) upon disposal of the property.

Discretionary Disabled Facilities Grant “top-up” Assistance

- 5.8 The maximum amount of mandatory DFG was set by statute in 2008 at £ 30,000. Since this time there has been a 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.
- 5.9 This assistance will be funded from the DFG capital budget.

Eligibility

- 5.10 As per mandatory DFG

Amount of Assistance

- 5.11 Maximum £ 20,000 subject to equal matched funding provided by East Sussex County Council Adult Service or the East Sussex Children’s Integrated Therapy Service or other source.

Conditions

In addition to general terms and conditions;

- 5.12 Any top up assistance awarded over the mandatory DFG limit will be registered as a local land charge in full in addition to the charge registered as part of the mandatory DFG funding. The charge will be secured against the property for 10 years (as per the mandatory DFG charge).

Discretionary Disabled Facilities Assistance

- 5.13 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.
- 5.14 This assistance will be funded from the DFG capital budget.

Eligible Works

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

- Fast track minor adaptations grant – to undertake minor adaptations before someone ends up in acute care (for instance as a result of a fall) or to enable expedited hospital discharge – maximum amount of assistance – £ 5,000
- Lifetime homes grant – providing homes to Lifetimes Homes standard (<http://www.lifetimehomes.org.uk/pages/lifetime-homes.html>) 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 – 10% of the build cost of the development capped at 5% of the total DFG budget.
- Feasibility studies – to determine whether works are practicable. If a mandatory DFG is approved the discretionary assistance will be included in the mandatory grant and will not be an additional amount – maximum amount of assistance - £ 5,000
- Fuel poverty relief – to top up funding available through the Energy Company Obligation (ECO) (the government energy efficiency scheme) where available ECO is insufficient to undertake major measures to alleviate fuel poverty for households vulnerable to cold through their disability. – maximum amount of assistance - £ 5,000
- Assistive technology and innovation fund – for bespoke projects to pilot assistive technology or other innovations to improve the lives of disabled residents and their families – maximum amount of assistance for individual projected capped at 5% of the DFG budget
- Removal of means test for internal stairlift only applications – falls are the largest cause of emergency hospital admissions for older people therefore the removal of the need to means test will significantly increase the installation time for stairlifts – maximum amount of assistance - £ 5,000

Amount of Assistance

5.16 The maximum amount of assistance will be dependent on the type of assistance being provided.

Conditions

5.17 As per mandatory DFG

Discretionary Housing Renewal Loans

5.18 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

5.19 The qualifying conditions for the assistance are that the applicant:

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

Eligible Works

5.20 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 (including whole house retrofit and renewable energy technologies)
- Other types of help may be considered, dependant on circumstances at the discretion of the Housing Renewal Manager

Amount of Assistance

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

Conditions

5.22 See general terms and conditions provided by Parity Trust

6. Enquiries about Assistance

6.1 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.
email housingadmin@hastings.gov.uk

7. Comments about the Policy

7.1 Any comments about this policy should be made to:

Housing Renewal Manager
Housing Renewal,
Muriel Matters House,
Breeds Place,
Hastings,
East Sussex.
TN34 3UY
email housingadmin@hastings.gov.uk

8. Appeals about Decisions

8.1 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.

Appendix 1 – 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
- Work covered by an insurance claim, or work that should have been covered, will not be eligible for grant/assistance/loan
- The council 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.

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.

Housing Associations

With the exception of mandatory Disabled Facilities Grants, tenants of Housing Associations cannot apply for assistance under any other form of assistance contained within this policy. Housing Associations 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 Housing Associations will conform to these duties on behalf of their tenants.

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.

The council may re-assess the amount of assistance if they 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, the council will seek the applicants' consent to the variation.

If the eligible works are carried out by a member of the applicants' family, the council 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 the council 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.

The council 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.

Holiday and second homes

Holiday residences and second homes (as defined by Council Tax) will not be provided with grants/assistance/loans.

Appendix 2 – Assistance Conditions

Mandatory DFG 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. The council 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.

General

The conditions are a local land charge (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 equipment

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. This condition will be removed from the land charge register once the equipment is removed or the property is disposed of. 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.

Terms of Repayment

The council will usually demand full repayment of assistance in line with the repayment conditions 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 Housing Renewal Manager.

Appendix 3 – Definitions within this Policy

Charge on the Local Land Register	Is where the Local Authority legally records a charge on the local land charges record. This charge does not recover any debt but goes with the land, so that on disposal of the land the charge is carried forward to the next owner, unless agreement is reached to settle the debt, plus compound interest at a reasonable rate determined by the Council, prior to sale, if not settled beforehand.
Charge against the Title of the land	Is where the Local Authority legally records a charge, against the title of the land and recovers the debt, plus compound interest at a reasonable rate determined by the Council upon its sale, if not settled beforehand.
Deed Agreement	Is a contract signed by all applicants' stating that that they abide by the conditions of the assistance.
Fuel Poverty	Is the recognised definition of fuel costs exceeding 10% of the disposable income once Housing Benefit/Local Housing Allowance has been taken into account.
Mandatory Disabled Facilities Grant	Is defined as per in the Housing Grants Construction and Regeneration Act 1996, as amended, or as in any successor statutory definition.
Means Tested Benefits	Is any income-based benefit received by an applicant, as defined and listed in a separate information sheet.
Member of a Couple	Means a member of a married or unmarried couple who are members of the same household. For the purpose of clarification, this includes same sex couples and civil partnerships
Member of a Family	Includes spouses, persons' who live together as husband and wife, parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces.
Partner	Means member of a couple.
Person with a disability/people with disabilities	He/she is registered as a person with a disability or, in the opinion of the Social Services Authority is registerable as a person with a disability. This definition recognises the fact that the majority of people will not be on a register.
Working Days	Means days excluding Saturdays and Sundays and statutory public holidays.
Owner	A person, or persons' that have an owners' interest in all the land on which the assistance is being proposed.

Leaseholder	Means a leasehold interest, where there is at least twenty years of the lease left to run.
Tenant	Means a tenant regardless of tenancy arrangements, e.g. registered, those with an assured shorthold tenancy, but excludes licences.

Agenda Item 5



Report to: Cabinet

Date of Meeting: 4 November 2019

Report Title: Housing Renewal Enforcement Policy

Report By: Andrew Palmer
Assistant Director Housing and Built Environment

Purpose of Report

Following an annual review of the Housing Renewal Enforcement Policy, as adopted by Cabinet on the 9 January 2017, substantive amendments are required which require further Cabinet approval.

Recommendation(s)

- 1. The revised Housing Renewal Enforcement Policy (Version 2.0) is approved.**
- 2. Cabinet are recommended to delegate future minor amendments to the Lead Member in consultation with the Assistant Director Housing and Built Environment and Chief Legal Officer**

Reasons for Recommendations

Due to the substantive changes proposed to the previously approved Housing Renewal Enforcement Policy Cabinet approval is required.

Introduction

1. The Housing Renewal Enforcement Policy is reviewed by officers annually and amended to include minor revisions. During the most recent review officers considered the recent Ministry of Housing Communities and Local Government guidance on rogue landlord enforcement and recent experience of the use of the new enforcement provisions introduced by the Housing and Planning Act 2016.
2. As significant amendments are required from the review Cabinet approval is required.

Financial penalties for Housing Act 2004 offences

3. The Housing and Planning Act 2016 introduced the ability for local authorities to use a financial penalty as an alternative to prosecution for Housing Act 2004 offences (housing conditions and housing licensing). In order to use this ability the council is required to adopt an enforcement policy.
4. Since the adoption of the last Housing Renewal Enforcement Policy in January 2017 the council has issued a total of 24 financial penalties as an alternative to prosecution (total value - £ 21,250). Whilst financial penalties have been successful in tackling poor housing conditions and housing licensing offences a proportion of notices are appealed by landlords. Officers need to spend significant time preparing for such appeals to the First Tier Tribunal.
5. The methodology for calculating the financial penalties has been reviewed in light of recent tribunal and wider Housing Act 2004 prosecution decisions and a new matrix for calculating financial penalties is proposed. In particular the matrix for setting financial penalties has been amended to correspond better with sentencing guidelines used by magistrates in prosecution cases.

Wards Affected

All

Implications

Relevant project tools applied? ~~Yes~~/No

Have you checked this report for plain English and readability? Yes/~~No~~ (Flesch Reading Ease – 14.8)

Climate change implications considered? ~~Yes~~/No

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

Equalities and Community Cohesiveness - None
Crime and Fear of Crime (Section 17) - None

Risk Management – a robust enforcement policy is required to reduce the risk of legal challenge to enforcement actions

Environmental Issues - None

Economic/Financial Implications - None

Human Rights Act – the Housing Renewal Enforcement Policy includes a statement with regards to human rights. In particular the policy takes into account article 6; the right to a fair trial

Organisational Consequences - None

Local People's Views - None

Anti-Poverty - None

Additional Information

Appendix 1 – Housing Renewal Enforcement Policy (Revision 2.0).

Rogue Landlord Enforcement – Guidance for Local Authorities

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807484/Rogue_Landlord_Enforcement_-_Guidance_for_Local_Authorities.pdf)

Officer to Contact

Matthew China

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01424 451357

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HOUSING RENEWAL ENFORCEMENT POLICY (REVISION 2.0 – October 2019)

Contents

To be inserted

1. Introduction

- 1.1 The Housing Renewal Team of Hastings Borough Council aims to support the local economy and promote continuing growth whilst making sure there is a balanced housing market that provides for a range of individual needs and income levels. The Council is committed to fair and effective enforcement, which protects both the economic interest and health and safety of the public, businesses and the environment.
- 1.2 The main objective of enforcement action is to ensure that non-compliance in the local housing market is addressed in the most effective way to ensure compliance is achieved for the benefit of all.
- 1.3 This document sets out the enforcement policy for the Council's Housing Renewal Team when dealing with non-compliance of laws enforced by this Service. It is an appendix to the overarching Hastings Borough Council Corporate Enforcement Policy which was adopted by Cabinet in April 2013. A copy of which can be downloaded at <https://goo.gl/crmDhB> or available on request.
- 1.4 The content of the Housing Renewal Enforcement Policy has been written having regard to;
 - **The Regulators Compliance Code** – This promotes proportionate, consistent and targeted regulatory activity through transparent and effective dialogue and understanding between regulators and those they regulate. Regulators must have regard for this code when developing policies and procedures that guide their regulatory activity.
A copy of the code is available on request or may be downloaded from <https://www.gov.uk/government/publications/regulators-code> . In certain situations we may decide that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from

the Code will be properly reasoned, based on material evidence and documented.

- **The Enforcement Concordat** – The concordat is a voluntary, non - statutory code of practice which Hastings Borough Council has signed up to. It sets out principles with regards to good enforcement practice. The principles cover: Standards of Service and Performance, Openness, Helpfulness, Proportionality, Consistency and Complaints about Service. A copy of the Enforcement Concordat: Good Practice Guide is available on request or may be downloaded from <https://goo.gl/hfvzwh>
- **Ministry of Housing, Communities and Local Government Guidance for Local Authorities on Rogue Landlord Enforcement** – This guidance is non-statutory however it sets out the enforcement approaches available to a local authority when tackling rogue landlords. In particular the guidance sets out general guidelines of routes to enforcement: Proportional and escalating, Transparent, Evidence based, Repeat offenders.
- **The Code for Crown Prosecutors 2018** – The Code for Crown Prosecutors is a public document, issued by the Director of Public Prosecutions, which sets out the general principles Crown Prosecutors should follow when they make decisions on cases. Whilst the Crown Prosecutor does not take decisions in relation to local housing authority cases it is expected that the councils litigation team follow its principles.

2. Human Rights and Equality Issues

- 2.1 Investigations and any enforcement action will be conducted in a manner which does not conflict or undermine the fundamental principles of the Human Rights Act 1998.
- 2.2 Enforcement decisions will be fair, impartial and objective and will not be influenced by issues such as the ethnicity or national origin, gender, religious beliefs, political views or sexual orientation of the suspect, victim, witness or offender. For a copy of Hastings Borough Councils full equalities policy please go to http://www.hastings.gov.uk/my_council/transparency/equalities/equalities/

3. Purpose and Methods of Enforcement

- 3.1 The Council expects full voluntary compliance with the law. We will help owners of housing to meet their legal obligations by providing clear and concise information about what they need to do comply. However, we will not hesitate to use our enforcement powers where necessary. Formal action will be taken, including prosecution, against those who flout the law or act irresponsibly.
- 3.2 Enforcement includes any action aimed at ensuring compliance with the law. The principle legislation used by the Housing Renewal Team is the Housing Act 2004 and

the Housing and Planning Act 2016. The range of action that will be considered under these Acts include but is not limited to;

- 3.2.1 **Informal Action** – will be considered where one or more of the following circumstances apply; there is no legislative requirement to serve formal notice or an order *and* the circumstances are not serious enough to warrant formal action; past history suggests informal action will achieve compliance; there is confidence in the management or the individual; the consequences of non-compliance will not pose a significant risk to occupiers or others.
- 3.2.2 **Serve a Statutory Notice / Order** – This will be considered where it is appropriate and where there is evidence to justify the issuing of a notice or order.

In relation to Part One offences under the Housing Act 2004, service of statutory notices / orders will be based on the hazards found following an inspection of the whole dwelling and how serious they are deemed to be. This is assessed using the Housing Health Safety Rating System. This system has been adopted by regulation as the prescribed method for assessing housing conditions (The Housing Health and Safety Rating System (England) Regulations 2005). The aim is to identify deficiencies within dwellings that may lead to a hazard. Each hazard is assessed and assigned a band. These bands are translated into either a category one or a category two hazard. The Council has a legal duty to take the most appropriate enforcement action available in relation to category 1 hazards. This is where the risk to health and/or safety is high.

There is a power for the Council to deal with category 2 hazards. This is where the risk to health and/or safety is not so significant. The Housing Renewal Team will exercise this power in the following circumstances;

- Where there are category 1 hazard(s) present at the residential unit of accommodation
- Where the category 2 hazard is progressive and will likely become a category 1 hazard unless preventative action is taken
- Where there are a number of category 2 hazards which would present a hazard to occupiers as they moved room to room
- In other exceptional circumstances outside the scope of supplement and procedures at the discretion of the Housing Renewal Manager

Notices will include reasonable time limits for compliance having regard to the seriousness of the defects and/or contraventions.

As a minimum category 1 hazards must be reduced to a low category 2. Where this is not possible all reasonable steps must be taken to reduce the hazards as far as reasonable practicable to a category 2 hazard.

The notice/order will contain all required information as specified by the relevant Act or Regulation. All appropriate persons will be notified of the formal action, e.g. tenants, mortgagees, leaseholders, freeholders etc. The types of notice/order that can be issued by the Housing Renewal Team under the Housing Act 2004 include;

- Hazard Awareness Notice – notice advising the person on whom it is served of category 1 and/or category 2 hazard(s) at the property. This is used where a hazard has been identified but the circumstances are not necessarily serious enough to require an improvement notice or prohibition order. It is a way of drawing attention to the need for remedial action. This notice is not registered as a local land charge and has no appeal procedure.
- Improvement Notice – notice requiring the person on whom it is served to take the remedial action specified in the notice in relation to the category 1 and/or category 2 hazards found. This is used where reasonable remedial works can be carried out to sufficiently reduce the hazard. This notice is registered as a local land charge.
- Prohibition Order – an order imposing restrictions on the use of the whole or part of the property and/or who can use the property. This may be used where category 1 and/or category 2 hazards are found and conditions present a risk but remedial action is unreasonable or impractical. This notice is registered as a local land charge.
- Suspended Improvement Notices or Prohibition Orders – these notices may be suspended where enforcement action can be safely postponed until a specified event or time. This notice is registered as a local land charge.
- Emergency Prohibition Order – same as a prohibition order but the order will take effect immediately. This is only acceptable where there is an imminent risk of serious harm from a category 1 rated hazard. It is also not practicable to carry out the remedial works.
- Demolition Order – an order requiring the demolition of the property. It can only be used in response to category 1 hazards, however not on listed buildings.
- Declaring a Clearance Area – an area which is to be cleared of all buildings. All residential buildings in the proposed area must have at least one category 1 hazard.

There are circumstances where other pieces of legislation may be appropriate in dealing with an identified problem. Officers are expected to use professional judgement to determine the most appropriate piece of legislation

to use. It sometimes may be appropriate to use a range of appropriate tools. For example, The Environmental Protection Act 1990 allows the Council to serve an Abatement Notice in relation to certain types of nuisance coming from one property and affecting another. Regardless of the legislation used the principles of this policy will be followed.

3.2.3 Take Emergency Remedial Action – this will be considered where there is an imminent risk of serious harm and the hazard is rated as category 1. The Housing Renewal Team will take the action necessary to reduce the imminent risk and formal action will be taken by the Housing Renewal Team to recover the full costs incurred.

3.2.4 Suspend, revoke or refuse to renew or grant a licence or authorisation – This relates to parts 2 & 3 of the Housing Act 2004 and the Licensing of Houses in Multiple Occupation and Selective Licensing. Where the relevant person does not comply with the prescribed conditions and or is not deemed to be a fit a proper person to hold a licence, this course of action may be considered.

Prospective applicants for a licence will be vetted to determine whether they are a 'Fit and Proper' person to hold a licence. Where a person is found not to be a 'Fit and Proper' person to hold a licence, this information will be stored within the Council's records. The data will be kept and processed in line with the Councils data protection and data retention policy. For further information please see the following link <https://www.hastings.gov.uk/privacy/your-privacy/>

A Public Register of licensed HMOs, dwellings with interim/final/empty dwelling management orders and HMOs with temporary exemption Notices in force will be available, upon request, for public inspection at the appropriate Council office, in line with the requirements of the legislation and guidance. If a copy of the register, in full or part is requested by a member of the public, this will be subject to a reasonable fee to cover administration costs.

3.3 Where there is evidence of non-compliance with a statutory notice or order served under Part One of the Housing Act 2004, a failure to appropriately licence property under Parts 2 and 3 of the Act, or non-compliance with any other legislation enforced by the Housing Renewal Team the following enforcement options will be considered.

3.3.1 Formal (Simple) Caution – used to deal quickly and simply with less serious offences. There must be sufficient evidence of guilt to give a realistic prospect of conviction and the offender must formally admit to the offence. Simple cautions will be administered by the Chief Legal Officer in accordance with the Ministry of Justice – Simple Cautions for Adult Offenders (April 2015) .

- 3.3.2 **Penalty Charge Notice** – a number of Acts and Regulations provide for the issuing of a penalty charge notice for non-compliance. These include the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014. Where the Council decides to issue a Penalty Charge Notice it will follow the same principles as the Civil Penalty below (and in Appendix 1).

The amount of penalty will be capped at the maximum provided for the offence.

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 require that the Council have a statement of principles for its application of penalty charge notices in relation to offences under those regulations. The Civil Penalty process described in Appendix 1 forms the council's statement of principles.

- 3.3.3 **Civil Penalty** – under s249A of the Housing Act 2004 as introduced by The Housing and Planning Act 2016 the Council may decide to impose a financial penalty as an alternative to prosecution for certain housing offences. The Council must be satisfied beyond reasonable doubt that the person's conduct amounts to a relevant housing offence.

The offences under the Housing Act 2004 which the Council can impose a financial penalty as an alternative to prosecution are:

- Failure to comply with an improvement notice (section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72)
- Offences in relation to licensing of houses under Part 3 of the Act (section 95)
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)
- Under the Housing and Planning Act 2015 the offence of breach of a banning order can also be dealt with by a financial penalty (section 21(1))

The amount of a financial penalty is determined by the Council but it must not exceed £30,000.

The Housing Renewal Team, in consultation with the legal department will determine on a case by case basis whether to issue a civil penalty or instigate a prosecution in respect of the offences listed above. Examples of situations where a decision to prosecute may be made taken are;

- Offences of a particularly serious nature
- Where the offender has committed similar offences in the past

In circumstances where it has been deemed appropriate to issue a civil penalty as an alternative to prosecution, the level of penalty will be calculated having regard to the matrix set out in Appendix 1.

3.3.4 **Prosecution** – may be considered for more serious offences. It aims to punish wrongdoing, to avoid a reoccurrence of the offence and to act as a deterrent to others. The Housing Renewal Team will take account of the Code for Crown Prosecutors (https://www.cps.gov.uk/publications/code_for_crown_prosecutors/) and will only seek to prosecute where;

- There is sufficient admissible and reliable evidence that the offence has been committed and there is a realistic prospect of conviction

AND;

- We believe that it is in the public interest to do so.

The following factors will be considered in deciding whether or not to prosecute:

- Social, physical or economic, environmental or personal health and safety effect of the offence in order to quantify the serious nature of the offence,
- Failure to comply with the requirements of an improvement, enforcement, or prohibition notice
- Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information.
- Excessive or persistent breaches of regulatory requirements,
- Foreseeability of the offence and the circumstances leading to it,
- Intent of the offender, individually and/or corporate body,
- History of offending,
- Attitude of offender,
- Deterrent effect of a prosecution on the offender and others,
- Culpability of the offender,
- A history of similar offences.
- Carrying out operations without a relevant licence,
- Failure to comply or to comply adequately with formal remedial requirements,
- Obstruction of an authorised officer

The factors are not exhaustive and those that apply will depend on the particular circumstances of each case. The Housing Renewal Team will decide how important each factor is in the circumstances of each case and go on to make an overall assessment before passing to Legal Services.

3.3.5 **Rent Repayment Order (RRO)** – the Council is required to consider an application to the First Tier Tribunal for a rent repayment order in cases where a landlord has been convicted of:

- failing to comply with an improvement notice (Housing Act 2004),
- failing to comply with a prohibition order (Housing Act 2004),
- being in control or managing an unlicensed HMO or house (Housing Act 2004)
- concerning violence for securing entry (Criminal Law Act 1971)
- concerning eviction or harassment of occupiers (Protection from Eviction Act 1977)
- breach of a banning order (Housing and Planning Act 2015).

The Council may apply to a First Tier Tribunal (FTT) for a RRO award in respect of rent payments within 12 months of an offence. In a notice of intended proceedings the Council must specify how much the order for repayment of rent is. The level of rent relates to a defined period of 12 months in the period leading up to the offence or during the 12 month period whilst the offence was being committed.

Where the Council is satisfied beyond reasonable doubt that a relevant housing offence has been committed they may consider an application to the First Tier Tribunal for a rent repayment order irrespective of whether landlord has been convicted of an offence. In either case a notice of intended proceedings will be sent to the relevant party with the required information and details of the right to make representations

Regardless of whether a conviction has or has not been achieved any RRO applied for by the Council will be for the maximum rent repayment; within a 12 month period.

A person aggrieved by the decision of the First Tier Tribunal may appeal under the provisions of Part 2 Chapter 5 of the 2016 Act.

3.3.6 **Works in Default** – may be considered as an alternative to, or in addition to prosecution or issuing a civil penalty under s249A of the Housing Act 2004. The Council will carry out the works in default and seek to recover the full and associated costs, where necessary through the Courts. This will include where applicable, administration costs and officer time. The Financial Rules and Financial Operating Procedures of the Council will be fully adhered to.

Where appropriate the costs will be placed against the property as a Charge. The Council may seek to use its powers to enforce the sale of the property in order to recover the costs.

- 3.3.7 **Rogue Landlord Database** – where a landlord has received a banning order (see below) the Council must enter this onto the Rogue Landlord Database. In cases where a landlord has been found guilty of committing a banning order offence (but no banning order has been made) or has received two or more civil penalties in respect of banning order offences may enter this onto the database.

When deciding whether to make an entry onto the rogue landlord database the Council will take into account:

- Severity of the offence. The more serious the offence, the stronger the justification for including the offender on the database
- Mitigating factors. In cases where a less serious offence has been committed and/or there are mitigating factors, the Council may decide not to make an entry on the database. Mitigating factors could include personal issues, for example, health problems or a recent bereavement.
- Culpability and serial offending. Whether the offender has a history of failing to comply with their obligations. Where there is a clear history of knowingly committing banning order offences and/or non-compliance, the stronger the justification for making an entry on the database. Conversely, where it is a first offence and/or where it is a relatively minor, the Council may decide that it is not appropriate to record a person's information on the database.
- Deter the offender from repeating the offence. The ultimate goal of the database is to prevent landlords and property agents, who have failed to comply with all of their legal responsibilities, repeating the offence. An important part of deterrence is the realisation by the offender that (a) the Council has the tools and is proactive in recording the details of rogue landlord and property agents and (b) that they will be unable to simply move from one local housing authority to another and repeat the same offences as the information will be available to other local housing authorities
- Deter others from committing similar offences. Knowing that they may be included on the database if they are convicted of a banning order offence or receive multiple financial penalties, may deter some landlords from committing banning order offences in the first place

- 3.3.8 **Banning Orders** – may be considered as an addition to prosecution or issuing numerous civil penalties under section 214(2)(b) of the Housing and Planning Act 2016. The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 outline the offences for which Banning Orders

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can be issued under section 14(3) of the Housing and Planning Act 2016. The Council has to apply to the First Tier Tribunal which has the power to issue the order.

When deciding to apply to the First Tier Tribunal for a banning order, the Council will consider

- The seriousness of the offence. All banning order offences are serious. When considering whether to apply for a banning order the Council will consider the sentence imposed by the Court in respect of the banning order offence itself. The more severe the sentence imposed by the Court, the more appropriate it will be for a banning order to be made. This will later be considered by the First Tier Tribunal when determining whether to make, and the appropriate length of a banning order.
- Previous convictions/rogue landlord database. The Council will check the rogue landlord database in order to establish whether a landlord has committed other banning order offences or has received any civil penalties in relation to banning order offences. A longer ban may be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.
- The harm caused to the tenant. This is a very important factor when determining whether to apply for a banning order. The greater the harm or the potential for harm (this may be as perceived by the tenant), the longer the ban should be. Banning order offences include a wide range of offences, some of which are more directly related to the health and safety of tenants, and could therefore be considered more harmful than other offences (such as fraud).
- Punishment of the offender. A banning order is a severe sanction. The length of the ban should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending.
- Deter the offender from repeating the offence. The ultimate goal is to prevent any further offending. The length of the ban should prevent the most serious offenders from operating in the sector again or, in certain circumstances; help ensure that the landlord fully complies with all of their legal responsibilities in future.
- Deter others from committing similar offences. An important part of deterrence is the realisation that (a) the Council is proactive in applying for banning orders where the need to do so exists and (b) that the length of a banning order will be set at a high enough level to both punish the offender and deter repeat offending

Landlords aggrieved by the decisions of the First Tier Tribunal may appeal under section 15(1) of the Housing and Planning Act 2016.

Once granted a banning order remains in place for at least 12 months. Once a banning order is in place, the local housing authority can take over the management of the property or properties of the landlord receiving the order.

4. Proceeds of Crime

- 4.1 The Proceeds of Crime Act 2002 allows the courts to deprive perpetrators of criminal offences of any proceeds they have accrued as a result of their criminal activity.
- 4.2 The Housing Renewal Team will use this legislation where appropriate and in consultation with legal services.

5. Delegation & Decision Making

- 5.1 Decisions about the most appropriate enforcement action to be taken will be made in line with this policy and based on professional judgement, legal guidelines and advice, statutory codes of practice and priorities set by the Council and/or Central Government. Every case is assessed on its own merits.
- 5.2 The Assistant Director for Housing and Built Environment has the delegated authority in accordance with the Councils Scheme of Delegation to Officers within the Councils constitution to take certain action under a range of legislation, e.g. the service of enforcement notices. The Assistant Director Housing and Built Environment appropriately delegates these powers to other Officers.
- 5.3 A recommendation to instigate a prosecution will be made by the Housing Renewal Manager (as delegated by the Assistant Director Housing and Built Environment). The decision to prosecute lies constitutionally with the Chief Legal Officer.

6. Costs of Enforcement

- 6.1 The Housing Act 2004 gives the Council the power to charge for enforcement action under Section 49 and to recover these costs.
- 6.2 Enforcement action may arise as a result of a complaint, usually the occupier of the residential premises. However they may arise as a referral from other agencies or third parties or as a result of a proactive inspection regime undertaken by the Housing Renewal Team.
- 6.3 Charging will apply for enforcement action in the following circumstances:
 - serving an improvement notice under section 11 or 12
 - making a prohibition order under section 20 or 21
 - serving a hazard awareness notice under section 28 or 29

- taking emergency remedial action under section 40
- making an emergency prohibition order under section 43 or
- making a demolition order under section 265 of the Housing Act 1985
- carrying out a review under section 17 (review of suspended improvement notices) or
- section 26 (review of suspended prohibition orders) or
- serving copies of the Council's decision on such a review

What can be charged for will depend on the type on action taken. However in most instances it will include;

- the expenses incurred in determining whether to serve a notice / order
- identifying any action to be specified within the notice /order
- serving the notice /order

- 6.4 Expenses will be recovered in accordance with Section 50 of the Housing Act 2004, via a demand for payment of the charge. As from the time the demand becomes operative until recovered, the sum recoverable will be registered as a local land charge on the premises concerned.
- 6.5 Expenses in respect of which a demand is served carry interest, at such reasonable rate as the Council may determine, from the date of service until payment of all sums due under the demand. (Housing Act 2004 – Schedule 3, Part 3, Paragraph 10)

Charges will be made for the service of certain notices. The charge for enforcement is a separate payment and is not the same as a penalty charge or civil penalty issued as an enforcement mechanism to address non-compliance

7. Powers of entry

- 7.1 Entry to a property is usually required to enable the Housing Renewal Team to carry out its statutory functions. We will normally make an appointment to visit in the first instance and will give 24 hours' notice to the occupants and owners of our intention to enter properties to inspect them
- 7.2 Powers of entry will allow an officer, at any reasonable time, to enter a property to carry out an inspection and gather evidence, take someone with them, take appropriate equipment or materials and take any measurements, photographs, recordings and samples as necessary. In some cases, powers of entry will be used to carry out works.
- 7.3 The Housing Renewal Team will exercise its statutory powers to gain entry without giving prior notice to investigate non- compliance with Housing related law or to carry

out a statutory duty where it is necessary to do so. Reasons for the use of these powers include;

- Protection of the health and safety of any person or to protect the environment without avoidable delay;
- Prevent the obstruction of officers where this is anticipated;
- To determine if a property is an unlicensed HMO or does not have a selective licence

7.4 The Housing Renewal Team will apply to the Magistrates Court for a Warrant to Enter Premises if entry has been consistently refused or refusal is reasonably anticipated.

8. Appeals

8.1 Any person served with a notice/order has the right to appeal on any grounds set out in the legislation. The main reasons for appeal are likely to be the contents of the notice/order and the schedule of work. Appeals can also be made on the grounds that the notice/order was not served on the correct person, or that a different course of action would be more appropriate

8.2 Appeals regarding enforcement action under The Housing Act 2004 are made to the relevant First Tier Tribunal (Property Chamber). Further details on this process are contained in the relevant notice/order.

8.3 All other appeals regarding enforcement action taken should be directed to the Magistrates Court or as directed on the notice/order served.

8.4 The Council will rigorously defend any appeals where the notice/order has been correctly served.

9. Complaints

9.1 Hastings Borough Council provides a well-publicised, effective and timely complaints procedure. The procedure is accessible on the Council website at http://www.hastings.gov.uk/my_council/complaints/policy/. Alternatively it can be made available on request via the following contact methods;

- Community Contact Centre, Hastings Town Hall, Queens Square, Hastings, East Sussex, TN34 1TL or Tel: 01424 451066

9.2 The complaints process is without prejudice to any formal appeal mechanisms. Where a formal appeal mechanism exists, that mechanism must be used. The complaints procedure cannot be used as a substitution for a formal legal appeal

10. Review

- 10.1 This Enforcement Policy shall be reviewed annually and amended to reflect any change in legislation, corporate policy or official guidance. Any amendment shall be in line with meeting the requirements of the legislation and the public interest

Appendix 1 – Civil Penalties

Section 126 and Schedule 9 of the Housing and Planning Act 2016 provides local authorities with the power [through the creation of section 249A Housing Act 2004] to impose a civil penalty (in the form of a financial penalty) as an alternative to prosecution in respect of certain offences under the Housing Act 2004. These are listed above at paragraph 3.3.3

The Council has the power to impose a civil penalty of up to £30,000, with a level of civil penalty imposed decided on a case by case basis in line with its policy. This guidance outlines the Council's policy in setting the level of a civil penalty in each case where it has been determined to issue a civil penalty as an appropriate enforcement option.

The standard of proof required to issue a civil penalty is the same as that which is required for preparing a criminal case. This means that the evidence should indicate beyond reasonable doubt that an offence has been committed.

A civil penalty cannot be issued where there has been a previous prosecution for the same set of circumstances, or where a prosecution is currently pending for the same offence.

The Government has issued statutory guidance under Schedule 9 of the Housing & Planning Act 2016. Local authorities must have regard to this guidance in the exercise of their functions in respect of civil penalties. A full copy of that guidance can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606653/Civil_Penalties_guidance.pdf.

Paragraph 3.5 of the statutory guidance states that 'The actual amount levied in any particular case should reflect the severity of the offence, as well as taking account of the landlord's previous record of offending'. The same paragraph sets out several factors that should be taken into account to ensure that the civil penalty is set at an appropriate level in each case:

Severity of the offence. The more serious the offence, the higher the penalty should be.

Culpability and track record of the offender. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.

The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.

Punishment of the offender. A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both

the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.

Deter the offender from repeating the offence. The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

Deter others from committing similar offences. While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

Remove any financial benefit the offender may have obtained as a result of committing the offence. The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out in this policy. The matrix is intended to provide an indicative minimum 'tariff' under the various offences, with the final level of the civil penalty adjusted in each case to take into account other relevant aggravating or mitigating factors. The rationale will be applied on a case by case basis and applied to the specific circumstances of each case.

In cases where the maximum level of fine is less than £ 30,000 the fine will be capped at the maximum amount allowable. For instance where the maximum level of penalty is £ 5,000 the matrix cannot

Hasting Borough Council uses a five stage process to provide a framework to assist with "determining the level of fine" which will ensure consistency, transparency and a fair assessment for all parties.

The process has taken into account the following documents;

1. The statutory guidance issued by the Secretary of State under;
 - Section 41 (4) of the 2016 Act relating to making applications for Rent Repayment Orders.

- Para 12 of the new schedule 13A in the 2004 Act.
- 2. The Code for Crown Prosecutors which gives guidance to prosecutors on the general principles to be applied when making decisions about prosecutions.
- 3. Sentencing Council Guidance for Health and Food Safety Offences (2016)
- 4. Hastings Borough Council Corporate Enforcement Policy (April 2013)
- 5. Ministry of Housing, Communities and Local Government Guidance for Local Authorities on Rogue Landlord Enforcement

The five Stages in ‘Determining the Level of Financial Penalty (FP)’.

Stage One: Banding the offence. The initial FP band is decided following the assessment of two factors; culpability and harm.

If more than one party is involved in the commission of the offence then this will be considered in terms of each person’s culpability. Any penalty will then be calculated based on each party’s involvement and level of culpability.

Stage Two: Amending the penalty band based on aggravating factors.

Stage Three: Amending the penalty band based on mitigating factors.

Stage Four: A Penalty Review. To review the penalty to ensure it is proportionate and reflects the landlord’s ability to pay.

Stage Five: Totality Principle. A consideration of whether the enforcement action is against one or multiple offences, whether recent related offences have been committed and ensuring the total penalties are just and proportionate to the offending behaviour.

Stage One: Banding the level of Offence (there are two factors to assess)

Banding the Offence	
<p>Factor 1.</p> <p>Culpability</p> <p>(seriousness of offence and culpability)</p> <ul style="list-style-type: none"> • To consider as part of assessment the scale and scope of the offences, • was length of time did the offence continue for or repeat over? • what was the legislation being breached? • to what extent was the offence premeditated or planned, • whether the landlord/agent knew, or ought to have known, that they were not complying with the law, • the steps taken to ensure compliance. • whether the landlord/agent has previous relevant unspent housing offence related convictions (source National Landlord database), • the likelihood of the offence being continued, repeated or escalated. • the responsibilities the landlord/agent had with ensuring compliance in comparison with other parties 	<p>Assessment:</p> <p>The landlord is to be assessed against four levels (low, moderate, high or significant) of culpability:</p> <hr/> <p>Low</p> <p>Offence committed with little fault, for example, because:</p> <ul style="list-style-type: none"> • Significant efforts were made to address the risk although they were inadequate on this occasion • There was no warning/circumstance indicating a risk • Failings were minor and occurred as an isolated incident <hr/> <p>Moderate</p> <p>Offence committed through act or omission which a landlord exercising reasonable care would not commit</p> <hr/> <p>High</p> <p>Landlord had actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken.</p> <p>Breaches allowed to subsist over a period of time</p> <hr/> <p>Very High</p> <p>Where the offender deliberately or intentionally breached, or flagrantly disregarded, the law.</p>

<p>Factor 2</p> <p>Level of Harm</p> <p>(to tenant / community)</p> <ul style="list-style-type: none"> To consider as part of assessment circumstances or vulnerabilities or actual discrimination against the tenant or tenants. (age, illness, language, ability to communicate, young children, disabilities or in relation to any protected characteristic (Equalities Act 2010) tenant's views about the impact that the offence has had on them. the extent to which other people in the community have been affected, for example, because of anti-social behaviour, excessive noise and damage to adjoining properties. Was more than one other household affected, the level of actual or potential physiological or physical impact on tenant(s) and third parties what regulation, legislation, statutory guidance or industry practice governed the circumstances of the offence has the level of trust been breached and have landlord actions impacted on sector 	<p>Assessment:</p> <p>The landlord is to be assessed against four levels (low, moderate, high or significant) of harm or consequence:</p>
	<p>Low</p> <p>Low risk of an adverse effect on individual(s) (not amounting to low risk)</p> <p>Public misled but little or no risk of actual adverse effect on individual(s)</p>
	<p>Moderate</p> <p>Adverse effect on individual(s) (not amounting to high)</p> <p>Moderate risk of an adverse effect on individual(s) or high risk of serious adverse effect, some vulnerabilities.</p> <p>Regulator and/or legitimate industry substantially undermined by offender's activities</p> <p>Consumer/tenant misled</p>
	<p>High.</p> <p>Serious adverse effect(s) on individual(s) and/or having a widespread impact High risk of an adverse effect on individual(s) – including where persons are vulnerable</p> <p>Significant disregard of Regulator or legitimate industry role with significant deceit.</p>

Scoring Matrix to determine the level of fine

Scoring Matrix for Financial Penalty				
LEVEL OF CULPALABILITY (SERIOUSNESS OF OFFENCE)	Very High	4	5	6
	High	3	4	5
	Moderate	2	3	4
	Low	1	2	3
FACTORS		Low	Moderate	High
	IMPACT, LEVEL OF HARM			

Financial Penalty Banding

Band	Penalty range	Mid-point
Band 1	£ 0 to £ 1,000	£ 500
Band 2	£ 1,000 to £ 4,000	£ 2,500
Band 3	£ 4,000 to £ 8,000	£ 6,000
Band 4	£ 8,000 to £ 12,000	£ 10,000
Band 5	£ 12,000 to £ 20,000	£ 16,000
Band 6	£ 20,000 to £ 30,000	£ 25,000

The starting point for each band will be the mid-point e.g. for Band 1 the mid-point will be £ 500. In cases where the amount of penalty is capped below £ 30,000 then the penalty cannot exceed this amount

Stage Two: Amending the penalty band based on aggravating factors.

Objective: to consider aggravating factors of the offence that may influence the FP. The penalty can be increased within the assigned band based on aggravating factors.

Example aggravating factors:

- Previous convictions, having regard to;
 - a. the nature of the offence to which the conviction relates and its relevance to the current offence; and
 - b. the time that has elapsed since the conviction (is conviction spent)?
- Motivated by financial gain, profited from activities.
- Deliberate planned concealment of activity resulting in offence and obstructive nature of landlord towards investigation
- Falsification of documents / records
- Established evidence of longer term impact on the (wider) community as a consequence of activities.
- Role within the private rented sector and familiarity with responsibilities and current level of responsibility with managing and letting private rented properties.
- Refusal to accept offer of, or respond to the Council advice regarding responsibilities, warnings of breach or learned experience from past action or involvement of the Council or other Regulatory Body.
- Targeting of vulnerable tenants
- Any further factor that can be deemed of sufficiently aggravating nature that is not covered above or within the culpability and harm banding factors.

Stage Three: Amending the penalty band based on mitigating factors.

Objective: to consider any mitigating factors and whether they are relevant to the offence. The penalty can be decreased within the band based on mitigating factors.

Example mitigating factors:

- No evidence of previous convictions or no relevant/recent convictions
- Steps voluntarily taken to remedy problem
- High level of co-operation with the investigation, beyond that which will always be expected
- Good record of maintaining property and compliance with legislation, statutory standards and industry standards
- Self-reporting, co-operation and acceptance of responsibility
- Where the person has been assessed as having mental health issues or learning disabilities, where linked to the commission of the offence
- Where the person is diagnosed with a debilitating or life limiting medical conditions requiring urgent, intensive or long-term treatment where linked to the commission of the offence.
- Age and/or lack of maturity where it affects the responsibility of the offender
- Any further factor that can be deemed of sufficiently mitigating nature that is not covered above or within the culpability and harm banding factors.

Stage Four: A review of the financial penalty to ensure that the case can be made and that the chosen approach is proportionate:

Step 1: to check that the provisional assessment, proposed FP meets the aims of the Crown Prosecutions code of practice:

- Punishment of offender
- Reduction of/stopping crime
- Deterrent offender or for other potential offenders
- Reform of offender
- Protection of public
- Reparation by offender to victim(s)
- Reparation by offender to community
- Remove any financial benefit the offender may have obtained as a result of committing the offence.

Step 2: to check that provisional FP assessment, proposed FP is proportionate and will have an appropriate impact.

The Council will use its existing powers to, as far as possible, make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty by making an adjustment within the financial penalty band. The general presumption should be that a FP should not be revised downwards simply because an offender has (or claims to have) a low income. Similarly, if a landlord with a large portfolio was assessed to warrant a low FP, the FP might require adjustment to have sufficient impact, and to conform to sentencing principles.

Part 6, Schedule 6 of the Crime and Courts Act 2013 permits the value of any assets owned by the landlords, e.g. rental property portfolio, to be taken into account when making an assessment and setting the level of penalty.

The FP is meant to have an economic impact on the landlord, removing reward for criminal activities and acting as a deterrent to bad practice.

In setting a financial penalty, the Council may conclude that the offender is able to pay any financial penalty imposed unless the offender has supplied any financial information to the contrary. It is for the offender to disclose to the Council such data relevant to his financial position as will enable it to assess what he can reasonably afford to pay. Where the Council is not satisfied that it has been given sufficient reliable information, the Council will be entitled to draw reasonable inferences as to the offender's means from evidence it has heard and from all the circumstances of the case which may include the inference that the offender can pay any financial penalty.

Process: The offender will be asked to submit relevant information as part of the process and the request for financial information will be incorporated into the notes on the "notice of intended action", the first step with issuing a FP notice.

Stage Five: Totality principle

Objective: Where the offender is issued with more than one financial penalty, the Council will consider the following guidance from the definitive guideline on Offences Taken into Consideration and Totality. Where separate financial penalties are passed, the Council will be careful to ensure that there is no double-counting. Section 249A of the 2004 Act (amended) states that 'only one financial penalty under this section may be imposed on a person in respect of the same conduct'. The 2016 Act does permit the Council to issue a financial penalty and also apply for a rent repayment order. Where the financial penalty is issued the First Tier Tribunal must award the maximum rent repayment order.

The total financial penalty is inevitably cumulative. The Council will determine the financial penalty for each individual offence based on the seriousness of the offence and taking into account the circumstances of the case including the financial circumstances of the offender so far as they are known, or appear, to the Council. The Council will add up the financial penalties for each offence and consider if they are just and proportionate.

If the aggregate total is not just and proportionate the Council will consider how to reach a just and proportionate financial penalties. There are a number of ways in which this can be achieved.

Examples:

- where an offender is to be penalised for two or more offences that arose out of the same incident or where there are multiple offences of a repetitive kind (management

offences or breach of conditions), especially when committed against the same person, it will often be appropriate to impose for the most serious offence a financial penalty which reflects the totality of the offending where this can be achieved within the maximum penalty for that offence. No separate penalty should be imposed for the other offences;

- where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose a separate financial penalties for each of the offences. The Council will add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the Council will consider whether all of the financial penalties can be proportionately reduced. Separate financial penalties should then be passed.
- where the Council has determined that it will apply for a RRO within the 12 month deadline the FP should be reviewed to ensure the total penalty is proportionate as guided by Stage 4. The FP may be adjusted accordingly knowing that, if successful, the RRO award will be the maximum.

Rights to Make Representations

Before imposing a financial penalty on a person under section 249A the Council must, within 6 months of the date of the offence, give the person notice of the authority's proposal to do so (a "notice of intent"); incorporating why and the level of fine. A person in receipt of the notice of intent can make written representations within 28 days. Subsequently the Council will decide whether to issue a financial penalty and the amount and to do so must issue a final notice.

Similarly, section 42 requires that the Council must first serve a notice of intended proceedings on the landlord. He can then make written representations within 28 days of the date of service to the Council about the proposed RRO.

The landlord has the right to make representations and any representation must be duly considered. The Council will provide a response within 21 days (no statutory time period) with a decision notice stating whether the penalty will be withdrawn, varied or upheld.

Appeals

Under Section 249A of the Housing Act 2004 recipients may appeal to the First-Tier Tribunal following a review of their written representations to the Housing Renewal Team. An appeal can only be made on specific grounds which are;

- a. the decision to impose the penalty, or
- b. the amount of the penalty.

Full details of the appeals process can be found on the penalty notice issued.

Non-Payment of Penalty Charge

If any notices are not paid within the specified period following issue, or where applicable following a review procedure, the Council will refer the case to the County Court for an order of that Court.

Income from Civil Penalties

The income from civil penalties will be retained by the Hasting Borough Council Housing Renewal Team and used to further statutory functions in relation to their enforcement activities in the private rented sector.

Agenda Item 6

To Councillor Davies
Chair of Overview and Scrutiny Committee

ACCESS TO INFORMATION RULES

KEY DECISIONS

RULE 20 – general exceptions.

NOTICE is hereby given under Rule 26 of the Access to Information Rules contained in the Council's Constitution that the following key decision will be taken at Cabinet on: -

Cabinet 4 th November 2019			
<u>Decision</u>	<u>Consultation and Timetable</u>	<u>Working Papers and files</u>	<u>Responsible Officer / Portfolio Holder</u>
To decide whether to purchase two commercial properties – will be included as Part 2	Negotiations have only recently been concluded and the need to conclude purchases requires an urgent decision by Cabinet	Part 2 report to Cabinet - contains commercially sensitive information that is exempt to public access	Peter Grace, Chief Financial Officer Peter Chowney, Leader of the Council

Signed



Chief Legal Officer

Dated

23rd October 2019

Note:

Rule 26.20 General Exception

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 26.21 (special urgency), the decision may still be taken if:

- the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- the Chief Legal Officer has informed the chair of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made; and
- the Chief Legal Officer has made copies of that notice available to the public at the offices of the Council; and

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Agenda Item 7

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

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of the Local Government Act 1972.

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Public Document Pack

CABINET

4 NOVEMBER 2019

Present: Councillors Chowney (Chair), Forward (Vice-Chair), Batsford, S Beaney, Evans, Fitzgerald, Lee and Patmore.

211. APOLOGIES FOR ABSENCE

Councillor Judy Rogers sent apologies for absence.

212. DECLARATION OF INTERESTS

None declared.

213. MINUTES OF LAST MEETING

RESOLVED – that the minutes of the Cabinet meeting held on 7th October 2019 be approved as a true record.

RESOLVED the chair called over the items on the agenda, under rule 13.3 of the council's constitution, the recommendations set out in minute number 215 was agreed without being called for discussion.

214. HOUSING RENEWAL FINANCIAL ASSISTANCE POLICY

The Assistant Director, Housing and Built Environment submitted a report outlining the Housing Renewal Financial Assistance Policy. The report presented a revised policy for 2019

The report was presented by the Assistant Director, Housing and Built Environment.

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. This is reviewed each year and due to substantial changes, Cabinet approval is needed. Changes are for the new forms of financial assistance and support for residents. The aim is to help people stay in their accommodation longer and take up new accommodation previously inaccessible. There has historically been an underspend for this fund but with the new flexibility this policy offers it is expected that more people will be able to access the fund.

The policy includes Housing Renewal Loans, Disabled Facilities Grant Funding & the Better Care Fund and Seconded Occupational Therapists.

Housing Renewal Loans are used for improvement works due to the Council having limited resources. This is done in partnership with Parity Trust.

CABINET

4 NOVEMBER 2019

Disabled Facilities Grants (DFGs) are given to vulnerable clients to enable them to remain in their own home and remain independent. DFGs form part of the wider Better care Fund.

Occupational Therapists are seconded into housing. This is an innovative scheme which sees officers from East Sussex County Council (ESCC) and the East Sussex districts and boroughs have working together.

Councillors commented that a number of their ward residents have benefitted from previous works funded through measures such as DFGs. They also highlighted the fuel poverty issues people are experiencing and how this policy would help with this. They were supportive as they felt that more people would benefit due to the increase in flexibility the new policy offers.

Councillor Batsford proposed approval of the recommendations of the report, seconded by Councillor Evans.

RESOLVED (Unanimously)

1. Cabinet approves the revised Housing Renewal Financial Assistance Policy 2019 at Appendix 1.

2. Delegated authority is given to the Assistant Director Housing and Built Environment in consultation with the Lead Member to introduce new types of assistance that enable existing and new sources of funding to be targeted at eligible clients.

Reasons for the decision

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

215. HOUSING RENEWAL ENFORCEMENT POLICY

The Assistant Director, Housing and Built Environment submitted a report outlining substantive amendments required to the Housing Renewal Enforcement policy.

The Housing Renewal Enforcement Policy is reviewed by officers annually and amended to include minor revisions. During the most recent review officers considered the recent Ministry of Housing Communities and Local Government guidance on rogue landlord enforcement and recent experience of the use of the new enforcement provisions introduced by the Housing and Planning Act 2016.

As significant amendments are required from the review Cabinet approval is required.

Under rule 13.3 the recommendations of the report were agreed without being called for discussion.

RESOLVED

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1. The revised Housing Renewal Enforcement Policy (Version 2.0) is approved.
2. Cabinet are recommended to delegate future minor amendments to the Lead Member in consultation with the Assistant Director Housing and Built Environment and Chief Legal Officer

Reasons for the decision

Due to the substantive changes proposed to the previously approved Housing Renewal Enforcement Policy Cabinet approval is required.

216. NOTIFICATION OF ADDITIONAL URGENT ITEMS

Notice of an urgent item was given under Rule 26 of the Access to Information Rules contained in the Council's Constitution.

217. POTENTIAL COMMERCIAL PROPERTY PURCHASES (PART 2)

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.

The Assistant Director Financial Services & Revenues submitted a report to consider the potential acquisition of two commercial properties within Hastings:

1. Property A
2. Property B

The report was presented by the Assistant Director Financial Services & Revenues

The Council needs to ensure that key areas remains attractive for the future to ensure businesses are attracted to, and remain in, Hastings – particularly so as the Council will need to ensure business rate growth in the future.

Both properties provide the Council with the opportunity to diversify its property holdings and change the overall risk exposure within the portfolio. The Council would also secure additional income streams. Both properties scored highly on the property matrix used to help determine purchasing.

Councillors were in support of purchasing the property due to the key locations occupied, future regeneration and development should the current leases not be renewed and also for the additional income generation.

Councillor Chowney proposed approval of the recommendations of the report, seconded by Councillor Fitzgerald.

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RESOLVED (Unanimously)

- 1. That delegated authority be given to the Chief Finance Officer, in consultation with the Leader, to acquire Property A for the agreed costs in the report.**
- 2. To agree to purchase the long lease of Property B for the agreed costs in the report.**

Reasons for the decision

The purchase of Property A provides an opportunity to secure a significant site in a prime location. This would help secure the long term economic development of Hastings and St Leonards, protect business rate income for the future, along with the potential to develop the site further, whilst also securing an income stream to help provide services within the borough.

With regards to Property B, the Council already owns the freehold and has the potential to acquire the leasehold interest. The site is a prime location within Hastings.

The Council needs to ensure that key areas remains attractive for the future to ensure businesses are attracted to, and remain in, Hastings – particularly so as the Council will need to ensure business rate growth in the future.

Both properties provide the Council with the opportunity to diversify its property holdings and change the overall risk exposure within the portfolio. The Council would also secure additional income streams.

(The Chair declared the meeting closed at. 6.26 pm)