

# Cabinet Agenda

**Monday, 5 June 2023 at 6.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY. Please enter the building through the Contact Centre entrance via the seafront.

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

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# Agenda Item 3 Public Document Pack

## CABINET

3 APRIL 2023

Present: Councillors Evans (Chair), Cannon, Roark, Rogers and Willis

In attendance: Mary Kilner Chief Legal Officer, Stephen Dodson Head of Strategic Programmes, Natasha Tewkesbury Head of Community and Regulatory Services Stewart Bryant Senior Environmental Health Officer, Andrew Palmer, Sam Phyll Senior Programmes Manager, Kevin Boorman Marketing and Major Projects Manager, Susan Hanson Housing Development Manager

### 524. APOLOGIES FOR ABSENCE

Apologies received from Councillor Barnett and Councillor Batsford

### 525. DECLARATION OF INTERESTS

Councillor	Item	Interest
Cllr Cannon	5	Personal – Member of the Planning Committee
Cllr Evans	7	Personal – Member of the Buddy project

### 526. MINUTES OF LAST MEETING 06/03/23

**RESOLVED** – that the minutes of the meeting held on 6<sup>th</sup> March 2023 be approved as a true record.

### 527. REVIEW OF THE HASTINGS BOROUGH COUNCIL GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

The Senior Environmental Health Officer reported that the purpose of the report is to seek approval to agree to the updated statement of principles which is required by the Gambling Act 2005 and recommend a No Casino resolution to not issue casino premises licences in the borough. These recommendations would be passed to Full Council. This process is needed every three years. The current resolution expired on 31 January 2022 and the Council needs to pass a new resolution at Full Council on 26 April 2023, to then come into effect 4 weeks later on the 24<sup>th</sup> May 2023. The reason to have No Casino Resolution is based around the level of deprivation within the Borough as a whole and areas such as Castle Ward to protect vulnerable people. A

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six-week consultation process took place whereby no negative no concerns have been raised about the amended Statement of Principles or the No Casino Resolution.

Councillors debated and agreed the ethos of the No Casino Resolution is correct and recognised the harm caused by excessive gambling.

Proposed by Councillor Roark and seconded by Councillor Rogers

### **RESOLVED (unanimously):**

- 1. Cabinet agree the Gambling Act 2005 Statement of Principles and recommend to Full Council for adoption.**
- 2. Recommend a No Casino resolution to not issue casino premises licences in the borough to Full Council.**

### **Reasons:**

It is a statutory requirement for the council to review the Gambling Act Statement of Principles and the No Casino Resolution every three years. Failure to do so could result in judicial review proceedings against the council and call in to doubt the decisions made by the Licensing Committee under the Act.

### **528. TOWN LIVING PROJECT**

Councillor Carr was welcomed to ask questions. Councillor Car highlighted that the tenants have not been made aware of the plans set out in the report and requested an apology to the tenants.

Councillor Evans agreed an apology should be provided to the current tenants. Andrew Palmer answered that the clients are in temporary accommodation with the aim to move them to permanent accommodation.

Andrew Palmer explained that this report is for phase one of the Town Living Project refurbishing and retrofitting the first property, which is a Council owned property currently used for temporary accommodation. The cost is around £794,000 at present and any remaining money would be used to help fund a second property as part of Stage 2. The point was made that there isn't a scheme until Full Council approves the capital funding for the project. It's not currently in the Council's capital program, so this will be a Full Council decision. There would also need to be planning permission secured and there will be necessary consultation undertaken as part of that process. The property is not in the greatest condition and will need some significant reinvestment. This would mean at some point the Council would need to spend a considerable amount of money on upgrading this property.

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Training and employment opportunities would be created for whole house retrofitting and will be used as an example of how other properties can be successfully retrofitted as well.

The Housing Development Manager apologised that the clients currently living in the property had not been made aware of this report. It was explained that none of the works in the report will go ahead until Full Council approval and planning permission has been approved. The property will incur further costs for the Council later if this opportunity is not taken to use external funding.

Councillors asked officers that the clients are kept up to date at all stages. The Head of Strategic Programmes confirmed the communications on projects will be reviewed.

Councillors debated and recognised the need for sustainable and environmentally friendly housing. This will be an opportunity to create a template on how to retrofit the borough's historical buildings.

Proposed by Councillor Evans and seconded by Councillor Rogers

### **RESOLVED (unanimously):**

**That Cabinet recommends that Full Council approves:**

- 1. to progress Phase 1 of the Town Living project;**
- 2. to establish a capital budget of £1,037,615 (to be funded via the Town Fund programme) for the Town Living project;**
- 3. to delegate authority to the Managing Director to complete Phase 1 of the Town Living project, including any associated procurement; and**
- 4. to source a property/properties for Phase 2 of the Town Living project.**

### **Reasons**

1. The Hastings Town Fund Programme has awarded the Town Living project £1,037,615. Phase 1 has been awarded £794,000 which is the estimated cost of completing this phase.
2. The project will provide a best practice example of how to renovate and retrofit a listed building, increase the supply of permanent affordable housing in the town centre, support reductions in carbon emissions and energy costs and provide training and employment opportunities in whole house retrofitting.

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3. A Council owned Grade II listed property will be fully restored, energy efficient and converted to Affordable Rent housing.

### **529. ENERGY PROCUREMENT- ELECTRICITY**

The Senior Programmes Manager reported that last year a procurement for electricity for one year was agreed. This report asks to acknowledge the change from the Laser Framework to eEnergy, with a requirement of 100% renewable energy, as per the Council's Green Electricity purchase plans. It also requests to delegate authority to the Chief Finance Officer, in consultation with the Finance Portfolio Lead Member, to finalise the agreements as the tendering process happens within a single day and therefore there is no timeframe to delay the decision.

The Chief Finance Officer explained if this report is agreed it will give the opportunity to have security in our electricity supply and at a reduced rate in a time when the prices are increasing

Councillors asked regarding REGO. The Senior Programmes Manager explained that REGO (renewable energy guarantee of origin) is a certificate that suppliers can purchase when they purchase energy to state it comes from a renewable source. Various companies make money in the trading of REGO's, not necessarily the generator of the energy. If we commit to the 100% renewable energy provider, then we can ensure that the money we are paying for electricity is going to the generator

Councillors asked why eEnergy will be able to give a better rate. The Energy Development and Delivery Project Manager explained eEnergy has more 100% renewable energy providers who can bid and undercut each other.

Proposed by Councillor Willis and seconded by Councillor Roark

### **RESOLVED (unanimously):**

1. **Acknowledge the change from the Laser Framework to eEnergy, with a requirement of 100% renewable energy, as per the Council's Green Electricity purchase plans.**
2. **Agree to the Bureau Service from eEnergy, at a cost of £4,800 a year, to supply Portfolio Management, Bill Validation and Bureau management.**
3. **To delegate authority to the Chief Finance Officer, in consultation with the Finance Portfolio Lead Member, to finalise the agreements.**

### **Reasons**

1. The Council's Constitution, Part 9 Financial Rules Section 3, requires Cabinet approval for expenditure exceeding £200,000.

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2. The Council's electricity contract with the Laser purchasing group ends on 30<sup>th</sup> September 2023. A decision needs to be made about procurement options by March 2023 to ensure a new supplier can secure the Council's energy needs from the energy market, six months in advance of the new supplier commencing.
3. Officers have engaged with the Procurement Hub and investigated three procurement options to buy the Council's electricity from 1<sup>st</sup> October 2023.
4. All three suppliers offer a slightly different approach to procuring energy, the eEnergy Framework can offer the best chance of receiving a competitive price from a fully green electricity supplier (rather than a Renewable Energy Guarantee of Origin (REGO) backed supply) due to this framework having a higher number of suppliers offering this service.
5. Delegated Authority is required as the tendering process happens within a single day and therefore there is no timeframe to delay the decision.

### **530. MUSEUM COMMITTEE RECOMMENDATIONS**

The Marketing and Major Projects Manager explained that the visitor numbers are 20% up on what is expected for the year. He thanked the previous manager Damian Etheraads and the new Senior Creator Alice Roberts-Pratt for all their work.

Councillor debated and recognised the work of officers and volunteers at the museum.

Proposed by Councillor Rogers and seconded by Councillor Willis

#### **RESOLVED (unanimously):**

**That Cabinet note and approve the recommendations of the Museum Committee meeting held on 13 March 2023**

#### **Reasons**

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

### **531. NOTIFICATION OF ADDITIONAL URGENT ITEMS**

None

### **532. URGENT ITEMS (IF ANY)**

None

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(The Chair declared the meeting closed at. 6.55 pm)



# Agenda Item 4



**Report To:** Cabinet

**Date of Meeting:** 5<sup>th</sup> June 2023

**Report Title:** Response to Council motion re: Hastings United Football Club

**Report By:** Jane Hartnell, Chief Executive

**Key Decision:** No

**Classification:** Open

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## Purpose of Report

This report is in response to the motion that was passed at Full Council on 15 December 2022 (Appendix A), instructing the Managing Director (or nominee) to “prepare a Cabinet report setting out the current situation with Hastings United Football Club and reporting whether or not the scheme is viable to recommend to Council and to set out what alternative provision is available to allow HUFC to remain in Hastings.”

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## Recommendation(s)

- 1. That Cabinet note the history of the proposed scheme as set out in the report, the latest position and that for the reasons set out, agree that the scheme as proposed in November 2018, was and is not viable to be recommended to council.**
- 2. That Cabinet note that no alternative provision for the football club infrastructure has been identified to date.**
- 3. That HUFC be offered continued support to improve the condition of the playing pitch(s) and the stand and ensuring that they meet their maintenance and repair obligations under the existing lease.**

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## Reasons for Recommendations

- 1. A report setting out the current situation with Hastings United Football Club and reporting whether or not the scheme is viable to recommend to Council and to set out what alternative provision is available to allow HUFC to remain in Hastings was requested by a motion passed at Full Council on 15 December 2022**

## Introduction

1. In 2017, a proposed scheme to develop a new stadium and sports facilities at Bulverhythe Recreation Ground (funded by the development of housing) failed to progress once the developers withdrew.
2. An alternative proposal was then discussed which has been the subject of negotiation between the council and Hastings United Football Club (HUFC) since 2018, culminating in this report.
3. As part of the initial discussions, the council set out a number of conditions (Appendix D) that the club needed to satisfy before a report could be brought back to Cabinet/Council to recommend the sale of HBC land to facilitate the scheme.
4. Progress was made in some areas but there are still key elements which have not been met to the satisfaction of the council.
5. The scheme proposed is based on HUFC acquiring the freehold of the Pilot Field site from the council at nominal value so that sufficient funding on its sale for residential use could be used to develop out the new football stadium and sporting facilities at Tilekiln.
6. The council has not been satisfied that even with the sale of the freehold of the Pilot Field there would be sufficient value generated through its development to meet the full cost of the proposals for the Tilekiln site. There remains concern that there would be a funding deficit estimated to be in the region of £2m.
7. In addition to the lack of a viable business plan, and no agreement having been reached on a profit-sharing mechanism, there has been little or no satisfactory consultation with local residents in the areas affected, and insufficient recognition of the true meaning of the provision of community facilities.
8. Furthermore, there has been no response to the draft heads of terms proposed by the council in 2021 and therefore no indication that the £8m bond required to protect taxpayers' interests could be secured.
9. There is therefore no viable scheme or draft agreement to discuss, develop further, or present to Cabinet/Council for approval.
10. The council remains committed to supporting HUFC to secure improvements to the facilities and grounds at Pilot Field and to ensuring that they meet the repair and maintenance terms of the lease of the site to them.

## History

11. **2017** – The original proposal for development of a new stadium at Bulverhythe failed to progress when the developer withdrew from the project. (Appendix B).
12. Following this, Hastings United Football Club (HUFC) and Horntye Trust, who were both involved in the negotiations for the original proposal, decided to progress their plans independently, with Horntye Trust no longer featured as part of the HUFC proposals
13. **2018** - A revised scheme was subsequently brought forward by HUFC which proposed:

- a. The council disposing of the freehold of Pilot Field and adjacent Social Club sites to HUFC.
  - b. HUFC to develop Tilekiln with a stadium and additional sports facilities and pitches.
  - c. HUFC relocating to new facilities at Tilekiln, freeing up Pilot Field to be developed for housing.
14. In this revised scheme, the sale of the Pilot Field site for housing would fund the development of the sporting and football club activities. This scheme is thus wholly dependent upon the transfer of land assets between the Council and the HUFC. (Appendix C).
  15. **5th November 2018** – Cabinet agreed in principle to seek suitable terms to recommend disposal of the Pilot Field site to Full Council, conditional the ('red lines') outlined in Appendix D).
  16. **2018 – June 2020** – Discussions continued in relation to various aspects of the scheme, but with little concrete progress being made on the key conditions. (Appendix D and Appendix E).
  17. **June 2020** – HUFC delivered a presentation to the Council's Leadership which sought to further clarify aspects of their proposals and seek Councillor feedback and commitment on their latest proposals.
  18. **Following this presentation** – the council reconfirmed the importance it attached to ensuring that any risks associated with the proposed scheme are fully mitigated and highlighted the following key points:
    - Up to date valuations were required to inform discussions regarding any disposal, particularly if consideration was to be given to any disposal at less than best value consideration
    - Support was to be dependent upon the council being satisfied that the new stadium and associated facilities would not only be delivered successfully but also remain viable in the longer term
    - The current level of bond/deposit would need to be reviewed in light of any Heads of Terms agreed and any Homes England grant funding agreement and associated conditions
    - The terms for any disposal of Pilot Field and lease of Tilekiln would need to be approved by Cabinet and recommended to Full Council
    - The council had limited financial capacity to support projects that do not form part of its existing capital programme
  19. The following work was then commissioned:
    - Valuations for Pilot Field (Freehold) and Tilekiln (Leasehold) by Savills
    - Independent review of the new stadium's business case by Continuum Sports and Leisure
    - A scheme viability assessment for the Tilekiln development (build side) by Continuum Sports and Leisure
    - Initial external legal advice to progress drafting Heads of Terms by Trowers and Hamblins
    - A business credit report on HUFC and Bohemia Hastings LLP

20. HUFC agreed to pay for the above work which would inform a future report to Cabinet setting out the final terms of the scheme.
21. **October 2020** – Continuum were commissioned to produce a report reviewing the HUFC business plan, the football development plan and costs of the scheme.
22. **September 2020** – Planning applications registered: HS/FA/20/00669 and HS/OA/20/00673
23. **January 2021** – this report was produced. In the summary and recommendations section of the report it was stated that it was evident that there were frustrations from partners such as the council and the County FA that the club had still not grasped the true meaning of community football development. Discussions continued between HUFC and Continuum around how to address this. (Appendix F).
24. **July 2021** – draft Heads of Terms were drawn up by the council's lawyers to facilitate HUFC obtaining funding to support their scheme and secure £8million bond to protect taxpayers' interests. However, they were never agreed or signed.
25. **July 2021 – March 2022** – very little further formal contact and discussion took place between HUFC and the council regarding the draft Heads of Terms or the specific terms of a sale of the lands in question to the Football Club.
26. **March 2022** - With no real substantive and key milestones having been achieved in relation to the deliverability of the HUFC Pilot Field and Tilekiln scheme and following discussions with officers, a public announcement was made by the Deputy Leader of the Council and Portfolio Lead for Regeneration stating the council would no longer be proceeding with the sale of the Tilekiln land to HUFC for a new football stadium. (E-mail to club owners 29<sup>th</sup> March 2022, Appendix I)
27. **June 1<sup>st</sup> 2022** – the Planning Committee resolved to grant both of HUFC's planning applications (outline permission for Pilot Field) conditional on addressing the reserved matters that would need to come back to committee including drainage etc.) (HS/FA/20/00669 and HS/OA/20/00673) (Appendix G)
28. **November 2022** - further discussions took place between Councillors and representatives of HUFC about the possibility of utilising alternative land at Horntyte for the Football Club and sport redevelopment, including assistance in bidding for possible access to public subsidy, but the proposals were not progressed.
29. **15<sup>th</sup> December 2022** – motion passed by Full Council as in Appendix A

## Current Position

30. The draft Heads of Terms issued by the council have never been finalised and signed.
31. Notwithstanding the key outstanding issues still to be agreed, HUFC proceeded to submit and progress its planning applications. These were done independently of the council and entirely at the risk of HUFC. It is understood that the key reason and objective has been the need to be able to demonstrate deliverability to any potential development partners and funders.

## Conclusions and next steps

32. It must be emphasised that HUFC is a privately owned football club whereas the council is a public body and as a local authority, fully accountable and under a statutory duty to protect the interests of its residents and the community as a whole while, minimising financial risk
33. There has been no further substantive progress in meeting most of the Cabinet conditions set out in Appendix D. The council has remained open to exploring alternative provisions to allow Hastings United to remain in Hastings, but unfortunately no further progress has been made.
34. The council nevertheless is progressing and developing its Playing Pitch Strategy as part of the Local Plan work to support community football and sports facilities in the borough. Work is ongoing alongside discussions with local sports clubs and national governing bodies.
35. The council remains open and willing to assist the club to invest in the current location or seek alternative provision to allow HUFC to remain and continue to prosper in Hastings.

## Recommendations

1. That Cabinet note the history of the proposed scheme as set out in the report, the latest position and that for the reasons set out, agree that the scheme as proposed in November 2018 was and is not viable to be recommended to council.
2. That Cabinet note that no alternative provision for the football club infrastructure has been identified to date.
3. That HUFC be offered continued support to improve the condition of the playing pitch(s) and the stand and to meet their maintenance and repair obligations under the existing lease.

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## Wards Affected

Hollington, and Baird, and St Helens

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## Policy Implications

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

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

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## Additional Information

Report Template v30.0

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See appendices attached

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**Officer to Contact**

Jane Hartnell

[Chiefexecutive@hastings.gov.uk](mailto:Chiefexecutive@hastings.gov.uk)

## Appendix A

### The following motion was agreed by Full Council on 15<sup>th</sup> December 2022:

*The idea to allow Hastings United Football Club to build 86 dwellings on Pilot Field, while in turn building a new stadium and sports facility on Tilekiln Playing Fields in Hollington, was tested by the Planning Committee and has been granted full planning approval for Tilekiln (with conditions), and outline permission for Pilot Field, with design, drainage and other details still to be determined.*

*Over 1750 signatures have now been collected asking for the decision to be discussed at Cabinet in order for Hastings Borough Council to consider whether or not the Council should sell land to Hastings United Football Club and enter into any agreements with the developer to proceed, and in the spirit of openness and transparency, the Council agrees to:*

- instruct the managing director (or nominee) to prepare a report to Cabinet at the earliest opportunity with a view to setting out the current situation with Hastings United Football Club, and reporting on whether or not the scheme to enable the proposed development at Pilot Field and Tilekiln Playing Fields is viable to recommend to Council;*
- and set out what alternative provision is available to allow Hastings United to remain in Hastings.*

## Appendix B

### Details of negotiations for the original 2017 proposal at Bulverhythe

- The council was first formally approached by Keepmoat Homes in 2017 with a proposal which included the development of a new stadium at Bulverhythe alongside three residential developments. The key parties involved were also HUFC and Horntye Trust.
- In December 2017, the Cabinet agreed that authority be given to officers in consultation with the Leader of the Council to sell the freehold of Hastings United Football Ground, Hastings United Sports and Social Club, a 999-year lease at Bulverhythe and the freehold of the lower tier at Bexhill Road Recreation Ground
- The council was awarded funding by the Homes & Communities Agency (Homes England's predecessor) to bring forward the scheme with Keepmoat.
- This scheme did not progress as Keepmoat Homes withdrew from the project.

## Appendix C

### Details of the lease at Pilot Field

- HBC owns the freeholds of both Pilot Field and Tilekiln sites.
- HUFC have a long leasehold interest on the Pilot Field site which has some 40 plus years remaining.
- Consequently, its redevelopment value at the time was considered as a 'marriage value' between HUFC and the council dependent upon both combining and agreeing to sell their respective interests.
- Neither party can independently redevelop the Pilot Field site, at least in the short to medium term, without the agreement of the other.

## Appendix D

### Conditions agreed at Cabinet 5th November 2018 (taken from the minutes)

- a) Agreement of land values
- b) The safeguarding of the council's position by the use of an options agreement, bond or other mechanism to ensure the delivery of agreed sports facilities
- c) Agreement of open book policy and the use of any funds generated by house development over the costs of developing and delivering the new sports facilities
- d) Safeguarding to ensure the delivery of sports facilities
- e) Agreement of a programme of community development and access to the new facilities which details plans for the development of activity for young people of education age, female football and disability football
- f) Support of the Football Association and Sport England
- g) Informal use of the football facilities, as well as organised competition and activity
- h) Consideration of comments made from consultation with sporting bodies, local football clubs, councillors for Hollington Ward and the local community
- i) That a further report recommending the details of such a disposal be brought to Cabinet and Council as quickly as possible.



## Appendix E

### Progression of the Cabinet report conditions ('red lines')

#### 1. Agreement of land values

- 1.1. A key concern raised by the council on the submission of an early draft business plan by HUFC was the scheme's viability.
- 1.2. Development of the scheme is based on HUFC acquiring the freehold of Pilot Field from the council at nominal value so that they can generate sufficient funding on its sale for residential use to develop out the new football stadium and sporting facilities at Tilekiln. Securing the freehold would enable them to borrow funds to build the football facilities ahead of any actual sale of the land.
- 1.3. However, the council has not been satisfied to date that even with the sale of the freehold of the Pilot Field there would be sufficient value generated through its development to meet the full cost of the proposals for the Tilekiln site. In short, there was concern that there would be a funding deficit estimated then to be in the region of £2m.
- 1.4. Whilst it is understood that discussions have taken place with several potential house builders, including a major Registered Housing Provider, the council is not aware that any firm agreements are in place or that the necessary progress has yet been made to close the funding gap. A prerequisite of securing such a development partner for the Pilot Field site would likely be a degree of certainty on the sale of the land, confidence in obtaining a valid planning permission for residential development on the land, and in the case of a registered provider, necessary grant funding from Homes England.

#### 2. The safeguarding of the council's position by the use of an options agreement, bond, or other mechanism to ensure the delivery of agreed sports facilities

- 1.1. In order to provide the council with a degree of confidence in their ability to deliver all aspects of their proposal, a bond mechanism has been required to be in place between HBC and HUFC but this has never been progressed.
- 1.2. Early engagement with Homes England did take place regarding access to grants or loans to assist with potential viability issues. Whilst Homes England's initial advice was that they would not rule out such an approach at an appropriate point in the future, no specific funding has been sought or identified to date, other than that allocated through the original bid for the Keepmoat proposal which was subsequently withdrawn.

#### 2. Agreement of open book policy and the use of any funds generated by house development over the costs of developing and delivering the new sports facilities

- 2.1. A key consideration expressed at the outset by the council was the desire to facilitate a sport (and housing development) that would benefit the community in Hastings whilst ensuring that the council obtained best value for the disposal of any of its land assets. The council sought assurances that any public subsidy was transparent, and that public money would not be used to subsidise private interests, including the football club.
- 2.2. To this end, the council sought an agreement on an open book policy with HUFC to ensure that the use of any funds generated by house development over the costs of developing and delivering the new sports facilities were captured and used appropriately. The submission of a draft business plan was the first step in assessing scheme viability and profitability. As previously stated, the draft business plan considered by officers has suggested a project deficit rather than a significant profit margin.
- 2.3. Further evaluation of the business plan proposals identified broader financial risks to the council than just the loss of the Pilot Field alone. Officers concluded that the bond/deposit required needed to be sufficient to ensure the Tilekiln scheme is completed and any step-in risks to the council were mitigated.

### **3. Delivery of Sports Facilities, public access to facilities and programme of community development and the views of other sporting bodies and local representatives**

- 3.1. Apart from financial considerations, the main conditions set by the council related to the delivery of sports and community benefits. Lengthy discussions took place in the development of the early proposal again without matters reaching firm conclusions and any agreement prior to March 2021.
- 3.2. Towards the end of March 2021, in support of their planning application, the club's agent submitted a statement providing further clarity on the resources which would benefit the community. It stated that HUFC were committed to providing a community coordinator who would liaise with the community and directly encourage the use of the facility to disabled, BAME, and disadvantaged communities. Their role would be to determine with the local community how the facilities would be accessed and to determine hire fees relevant to the users. The intention being to enable disabled, BAME, and disadvantaged communities to use the facility at reduced costs.
- 3.3. Sport England commenting on the planning application stated that in light of the new additional supporting information submitted by the applicant, their view was that the first phase of the development would provide a new outdoor facility for sport that was of sufficient benefit to the development of community sport to outweigh the detriment to sport caused by the loss of the playing field.
- 3.4. Officers are unclear to the extent that other local stakeholders were consulted directly on the club's plans, including local councillors from Hollington ward or other community or local sports club representatives. Council officers have not directly consulted with the community on the proposals, other than as part of the planning process.

## Appendix F

### Response to Continuum Report

1. In the summary and recommendations section of the report it was stated that it was evident that there were frustrations from partners such as the council and the County FA that the club had still not grasped the true meaning of community football development. The report stated that there was not a sufficiently detailed football development plan and clarity was required regarding the final facility mix.
2. Continuum recommended that the club submit further information stating that if the club could address these shortfalls and provide further clarity on the viability and funding situation then this was potentially a project that in-principle the council could support.
3. Following discussions between HUFC and Continuum the club subsequently submitted additional information aimed at better reflecting the club's approach to supporting the local community. This included a detailed football development plan (utilising templates from the FA) and usage timetable.
4. In February 2021 Continuum confirmed by email to HUFC that if the club could address the wider social and community aspects of the project and the planning policy issues raised by Sport England, then in their view they believed that it would be worth further consideration by the council.

## Appendix G

### Planning applications

1. HUFC submitted two planning applications to the council on 21 September 2020, one for the new stadium at Tilekiln and one for outline planning permission for the housing at Pilot Field. These were done independently of the council and entirely at the risk of HUFC. It is understood that the key reason and objective has been the need to be able to demonstrate deliverability to any potential development partners and funders.
2. Both of the HUFC planning applications were considered at Planning Committee on 1<sup>st</sup> June 2022. Both required a Section 106 (S106) legal agreement, and both were recommended to grant planning permission once a S106 legal agreement had been secured for both applications. The Pilot Field permission was for outline permission, with 38 reserved matters that would have to come back to committee for approval.
3. The Planning Committee resolved to grant both applications. The minutes of the meeting and detail of the decision is available from this link <https://hastings.moderngov.co.uk/documents/g4846/Printed%20minutes%2001st-Jun-2022%2018.00%20Planning.pdf?T=1>
4. Both applications had an initial deadline of 31<sup>st</sup> September 2022 within which to finalise the S106 agreement. An extension to this deadline was later agreed until

11<sup>th</sup> January 2023 and a further extension to this deadline was agreed to 28<sup>th</sup> February 2023. To date the S106 legal agreements have not been completed. If no such agreements are forthcoming, the applications will be taken back to Planning Committee with a recommendation of refusal.

## Appendix H

### Impact of COVID-19 pandemic

1. The council Leadership determined that post-pandemic, recognising the value of open spaces to health and wellbeing, that no further wholly council-owned playing fields or green space should be sold for housing development, and all efforts need to be directed to increasing housing supply by means of increasing density and building on brownfield sites.
2. With no substantive clarity around the funding and other milestones having been achieved in relation to the deliverability of the proposed HUFC Pilot Field and Tilekiln scheme, the political administration determined that the sale of land at Pilot Field and Tilekiln would no longer progress.
3. The council remains committed to supporting the club and HUFC to secure improvements to the facilities and grounds at Pilot Field, but not at the expense of losing green open space.

## Appendix I

**From:** Jane Hartnell  
**Sent:** 29 March 2022 15:16  
**To:** [REDACTED] HUFC  
**Subject:** RE: Tilekiln/Pilot Field

Dear [REDACTED]

The Cabinet decision on 5<sup>th</sup> November 2018 was to:

1. *To authorise the Director of Operational Services (or his nominee) to work with the Assistant Director Financial Services & Revenues, Estates Manager and Chief Legal Officer to seek suitable terms for the disposal of the land listed in this report in consultation with the Leader of the Council.*
2. *That any disposal be subject to:*
  - *Agreement on land values.*
  - *The safeguarding of the council's position by the use of an options agreement, bond or other mechanism to ensure the delivery of agreed sports facilities.*
  - *The agreement of an open book policy and the use of any funds generated by house development over the costs of developing and delivering the new sports facilities.*
  - *Agreement of a programme of community development and access to the new facilities which details plans for the development of activity for young people of education age, female football and disability football.*
  - *Support of the Football Association and Sport England.*
  - *Informal use of the football facilities as well as organised competition and activity.*

- *Consideration of comments made from consultation with sporting bodies, local football clubs, councillors for Hollington Ward and the local community.*
3. *That a further report recommending the details of such a disposal be brought to Cabinet and Council as quickly as possible*

You will also recall that the council, at your request produced the non-legally binding Heads of Terms, to assist you with obtaining funding for the scheme, in particular, the £8 million surety bond. I understand that we have not heard from you in this regard recently. The submission of a planning application was at your own risk and cost, as per the non-legally binding Heads of Terms.

I understand that Cllr Barnett contacted [REDACTED] to give him the heads up that the council's administration's view on this matter had changed, as per the details in the press release.

Whilst the council is not required to submit a further report to Cabinet because there is no current proposal for disposal which has met the criteria set out above nor the surety bond, a report will be submitted to Cabinet in the new municipal year (i.e. post-election) setting out the council's formal position on the scheme, and any bid proposals that we are able to co-create for submission to the Levelling Up Fund to support improvements at the Pilot Field.

I attach the Levelling Up 2 Fund prospectus below for your information – and would welcome a discussion on this. I suggest that tomorrow's planned meeting with Cllr Barnett is delayed until you have had time to review the prospectus and confirm whether you would wish to work together on this.

<https://www.gov.uk/government/publications/levelling-up-fund-round-2-prospectus/levelling-up-fund-round-2-prospectus>

Best wishes  
Jane Hartnell

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# Agenda Item 5



**Report to:** Cabinet

**Date of Meeting:** 5<sup>th</sup> June 2023

**Report Title:** Revision of Financial Assistance Policy 2023 - 2025

**Report By:** Victoria Conheady – Director of Place – Deputy Chief Executive

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## Purpose of Report

To brief Cabinet, on the update to the current Financial Assistance Policy (2019-2023), to take us through from 2023 to 2025 as highlighted below and attached. The purpose being to improve and enhance the assistance offered via the Disabled Facilities Grant to eligible residents in Hastings and St Leonards.

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## Recommendation(s)

To delegate authority to the Deputy Chief Executive, or her nominee in consultation with the lead member for Planning, Governance and Community Safety, undertake the updates outlined in the appended Financial Assistance Policy, to enable the proposed new discretionary funding options to be implemented.

That Cabinet note the Financial Assistance Policy will continue to be reviewed and updated when needed.

To delegate to the Deputy Chief Executive, or her nominee, in consultation with the lead member for Planning, Governance and Community Safety, that the staffing within the Housing Renewal Team increases the level of In-House Occupational Therapists by seconding another Occupational Therapist to the team funded via the Disabled Facilities Grant. This will increase the number of occupational therapy staff to four, who will be specifically focused of the Hastings and St Leonards area and based at Hastings Borough Council. This is a budget growth item of between £40,836 - £52,896 per year and will be fully funded by the Disabled Facilities Grant.

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## Background

1. The Housing Renewal Team administer the Disabled Facilities Grant (DFG) funding available for eligible adaptations defined under The Housing Grants, Construction and Regeneration Act 1996. The Act defines not only what types of adaptation can be made to a property but also specifies who is eligible for a mandatory DFG. This includes a means tested element to determine whether the applicant is required to contribute to the cost of the adaptation.

2. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 provides general powers for local housing authorities to provide assistance for housing renewal, including home adaptations. This allows the council to use government funding for disabled facilities grants a bit more flexibly.
3. It states under Regulation 4 a local authority may not use additional provisions of discretionary assistance unless they have adopted a policy for that assistance and the public have notice of it. Our current financial assistance policy is on our website at [https://www.hastings.gov.uk/content/housing/improvement/454250/pdfs/Housing RenewalFinancialAssistancePolicy2019](https://www.hastings.gov.uk/content/housing/improvement/454250/pdfs/Housing%20RenewalFinancialAssistancePolicy2019)
4. Our current financial assistance policy has a section which sets out our discretionary assistance criteria and the circumstances where DFG funding will be considered.
5. Our most recent policy was revised in September 2021 following Cabinet approval on 6<sup>th</sup> September 2021 to amend the limit for non means tested, stair lift only applications from £5000 to £10,000. This was in recognition of the increased costs associated with stairlifts and particularly curved stairlifts which were starting to exceed the original £5000 limit.
6. This amendment was the starting point for a broader review of the financial assistance policy and the discretionary use of disabled facilities grant funding. This has been driven by a recognition that although having increased levels of funding via the Disabled Facilities Grant awarded from central government, we have not spent the full allocation each year and an underspend has occurred. This is despite all eligible applications being approved within the required 6-month period and there is no back log of pending cases sitting with Hastings Borough Council waiting for grant approval.
7. Under Section 34 of The Housing Grants, Construction and Regeneration Act 1996 it is a requirement the local authority notify an applicant in writing as to whether their application is approved or refused. It sets out this should be done as soon as reasonably practicable and not later than 6 months after the date of application. In 2022 to 2023 the average time taken from application to approval was 8 working days. In 2021 to 2022 it was also 8 working days.
8. In March 2022 new guidance was provided to support the adaptations and disabled facilities grant process. Whilst the guidance is not law, it recognises that the legislation provided this 6-month timescale to allow for all types of application, including complex ones. Therefore, it recommends straightforward applications should take no longer than 5 working days for urgent cases or 20 working days for non-urgent cases.



9. Under Section 37 of the same Act, it is a requirement that eligible works under a disabled facilities grant are carried out within 12 months from the date of the approval of the application. In 2022 to 2023 the average time taken from grant approval to completion of the work was 86 working days. In 2021 to 2022 it was 74 working days. However, in 2022/2023 there was a total of 96 completed disabled facilities grant whereas there were 81 in 2021/2022.
10. In 2022/2023 the DFG budget was £2,056, 655 and during that year £1,561,138 was spent or committed. This includes the adaptations themselves and the Occupational Therapy and DFG staff administering the process. £1,174,084 of the total was directly spent on the undertaking the adaptations. As a result, £495,517 was moved and added to the reserve fund at the end of 2022/2023. In 2021/2022 the underspend was £781,980. The DFG budget for 2023/2024 is a further £2,056,655.
11. The widening of the discretionary funding options available under a DFG aim to utilise this underspend for the benefit of residents of Hastings and St Leonards and help to ensure the current budget for 2023/2024 is spent. The increase in occupational therapy staff also aim to address the speed and efficiency in which referrals can be processed when they are received by the in-house therapists at Hastings Borough Council from East Sussex County Council.
12. In terms of the overall adaptations and DFG process, Hastings Borough Council are one part of a much larger process. The elements which the Council have direct control over related to the administration and processing of the actual DFG application and the approval and payment of the grant. The assessment of an applicants need for an adaptation under a DFG is carried out by East Sussex County Council (ESCC). They triage and assess clients who have made direct contact or been referred to Adult Social Care as having a need for some form of support. A referral for a major adaptation under a DFG is one route that may meet those needs. Appendix 2 provides a summary overview illustrating the process undertaken at ESCC before cases requiring a major adaptation are referred to the Hasting Borough Council team. Appendix 3 provides a summary overview of the DFG process undertaken at Hastings Borough Council once a referral for an adaptation has been made.
13. The reason for the underspend is not purely related to the content of our financial assistance policy and they are much wider in context and complexity. It is important this is noted as even with wider discretionary policies and awareness of disabled facilities grants, other factors still influence the process. Examples of issues that affect and influence the budget, timescales, and ability for an adaptation to proceed are described below.
14. The volume and rate of referrals coming through from ESCC for adaptations has a direct influence of the amount of the DFG budget spent. A high and consistent levels of referrals coming through from ESCC is needed in order for those eligible to take advantage of the grants available. Referrals are received from ESCC but before a DFG is considered, they have to see if needs can be more appropriately met by other methods e.g., equipment and minor adaptations (Adult Social Care funded) or providing care services.

15. The process from first contact by the client to Health and Social Care Connect through to a decision made to refer it to the Hastings Borough Council Housing Occupational Therapist for a DFG can take some time. (The process is illustrated at Appendix 2). This is caused by the level of demand placed on the service at East Sussex County Council and the resources available. We will be working with colleagues at East Sussex County Council to identify ways the process can be made more efficient and the waiting times experienced by clients who may need an adaptation via a DFG reduced.
16. To increase awareness of the DFG and the opportunity for home adaptations, a refreshed communications exercise is planned once approval of this new financial assistance policy is agreed. Further details of this are explained in the subsection further on in this report. However, it is hoped that through a targeted campaign of awareness raising this will increase the level of calls to Health and Social Care Connect at ESCC, which will subsequently translate into a greater proportion of referrals coming through for adaptations eligible for disabled facilities grant funding.
17. The properties proposed for adapting must meet the requirements of being reasonable and practicable for adaptation and capable of being adapted. Issues such as the property not being able to be feasibly adapted can prevent an adaptation going ahead. In those cases, the Occupational Therapist will work with the client to produce a Housing Needs Report, to support their application for rehousing and/or to assist them in finding their own, more suitable property. In the interim period, clients are provided with minor adaptations or equipment provided by Adult Social Care at ESCC to meet their short-term needs.
18. Depending on the nature of adaptations required, planning consent, and building regulation approval may be required before adaptations can proceed. This is generally only the case for more major work. Some properties may be in a conservation area and require specific advice from a conservation officer and there may be conditions as to if and how works can be carried out. Our home adaptations service provider works with colleagues in the planning team to ensure any proposed adaptations meet these requirements so the adaptation can proceed as efficiently as reasonably possible. If there is a case where planning or conservation consent is not granted, the Occupational Therapist will revert to completing a Housing Needs report and look for alternative short-term measures as described above.
19. Permission from the owner of the property is also legally required before the adaptation can proceed. Where the owner is a registered provider or a private landlord, this is outside of the DFG applicant's control. The team will engage with the owner of a property to try and understand the reason for refusal and try to overcome them if possible. However, Hastings Borough Council cannot undertake adaptation work on a property where consent is refused, and again arrangements will have to be made by the Occupational Therapist to meet the client's needs through alternative means (Housing Needs Report / equipment as described above.).

20. The process of delivering adaptations via the disabled facilities grant is consistently under review, with the team always looking for opportunities to improve the process. This is done through case by case learning and responding to new issues that may arise. E.g., where a client's circumstances pose a barrier that hasn't previously been considered, how can we improve the process to ensure it is removed as far as reasonably possible. In addition, there is a Joint Approach to Housing Solutions meeting which takes place once a quarter. This is attended by the district and borough managers across East Sussex, the Senior Occupational Housing Therapists from the in-house teams across the districts and boroughs, the children's occupational therapist and the Practice Manager from ESCC. The purpose of the meetings is to share best practice across the council, ensure a coordinated and consistent approach as far as possible and to share learning and advice on complex cases or the application of legislation and procedures.
21. Despite the range of influencing factors described above, a wider and more inclusive financial assistance policy will help to ensure more of the funding is getting out to people that are eligible and need it. By broadening the discretionary options available this will provide a greater level of support to those who need it.
22. In addition to a revision of the policy an updated communication plan is being implemented to raise awareness of this funding. See further detail below.

### **Revision of Discretionary Disabled Facilities Grant**

23. A review of our current discretionary funding options has been undertaken to look at their frequency of use since the financial assistance policy came into effect in 2019. The reason for this was to try and understand why they are not being used. The results were as follows;
24. Relocation Assistance was not applied for at all during the period of April 2019 to March 2023. We believe one of the main reasons this option is not being utilised is a client deciding not to move away from their current home into a new property. This is a difficult decision for clients as they may have been in their home a number of years and there are memories and emotional attachment to the property. This has to be balanced and reconciled with the practicalities of their current property perhaps not being able to facilitate the level / scale of adaptations that may be required, or where they do not own their property, the fact that the owner has refused permission for them to go ahead.
25. Discretionary Top Up Assistance was used once in 2019/2020, once in 2020/2021, once in 2021/2022 and 3 times in 2022/2023. We believe the reason this may be low is due to the current requirement for any funding provided by HBC under the grant to be match funded. This has generally been matched either by East Sussex County Council and/or a social registered provider where it is one of their properties. However, cost constraints have meant the ability for others to contribute and match fund has reduced and this creates a barrier to access.

Therefore, the proposal to remove the requirement for the top up to be match funded and to increase the amount available to £30,000 (to reflect rising build costs), this will make this option more accessible to applicants.

26. Feasibility Studies – These are assessments carried out by a surveyor or other competent professional as required to advise on complex situations where it maybe unclear at initial visit whether adaptations can be achieved. In 2019/2020 two were carried out, and in the subsequent 2 years none were required.
27. No Means Test for Stairlift Only Applications – The purpose of this was to speed up the process for clients needing a stairlift who were not on passporting benefits and would be subject to the means test procedure. The aim was to remove the requirement for the means test where the only adaptation required was a stairlift. In 2019/2020 it was not used. In 2020/2021 there were three cases. As mentioned above in September 2021 we amended the policy to increase the financial limit of non-means tested stairlifts from £5000 to £10,000 to reflect rising costs for curved stairlifts. In 2022/2023 there were three applications under the discretionary policy. A further fifteen were done under the mandatory DFG grant as they were already on passporting benefits.
28. The rest of the options under the current financial assistance policy have not been utilised. Whilst we do not have a definitive understanding of why this is the case, consideration has been given to the fact the options available may not have been communicated as strongly as they could be. Another possibility is these are not options that are needed. The revisions to the policy have considered this and with a renewed communications strategy complementing its implementation, we will get a greater understanding on these areas.
29. By looking at what our policy currently offers and how this could be improved we have also considered other sources of assistance that could be provided within the scope of discretionary funding (being mindful of legislative and statutory guidance requirements). In reaching the options proposed in the revised policy, a review of our DFG cases was undertaken and where having more discretion and flexibility may have removed barriers. We have also looked at the financial assistance policies of neighbouring authorities so as to ensure, where appropriate we are consistent with our policy.
30. The proposed Financial Assistance Policy can be found at Appendix 1. In summary the following changes have been proposed.
31. Amendments to Discretionary DFG Options already part of the current policy;
  - Discretionary Disability Relocation Assistance – increased to £20,000 maximum to reflect rising costs
  - Discretionary Grant Top Up Assistance – increased to £30,000 maximum to reflect rising costs of extensive building work and adaptations. The proposal is also to remove the current requirement for this funding to be match funded (e.g., by the social registered provider, ESCC or the applicant raising funds via third party assistance). This was identified as one of the main barriers to larger adaptations proceeding.

32. Proposals for additional Discretionary DFG Assistance to be added to the policy include;

- Adaptations to Temporary Accommodation
- Hospital Discharge Assistance
- Hardship Assistance
- Discretionary Children's Grant – Adapting a Second property
- Alternative Accommodation during Adaptations work
- Essential Home Repairs
- Dementia Assistance
- Adaptations Assistance for Empty Homes
- Supporting an increase the number of Adaptable and Accessible Homes at build stage (for registered providers and other housing organisations providing adapted housing to low-income families nominated by the Council from its waiting lists, within the Hastings and St Leonards)
- Discretionary DFG for Child Garden Adaptations
- Discretionary DFG for Working Age Applicants with a rapidly deteriorating or terminal condition
- Council Tax Reduction will be added to the list of passporting benefits for applicants of mandatory DFG's
- An extended warranty option of up to 5 years can be included with DFG funded stairlifts, step lifts, through floor lifts, washer drier toilets and hi-lo baths.

33. The above proposed changes have been recognised as areas where DFG funding could be more widely used to support the facilitation of adaptations work and remove barriers to it. These proposals have been developed following discussions with Occupational Therapists, officers involved in the DFG process and wider input from people working and engaging with vulnerable people.

34. With regards to hospital discharge there are occupational therapists within the hospitals that liaise with our in-house occupational therapists and wider ESCC colleagues. There are a range of reasons why people who are medically fit to leave hospital are not able to. For example, a lack of available carer support, waiting to go into a nursing home or not having a home to go back to. We will be working with ESCC colleagues and local NHS colleagues to identify where efficiencies and improvements can be made where the discharge delay is due to the need for an adaptation to their home.

35. Full details of scope and eligibility requirements for the above options are proposed in the financial assistance policy attached at appendix 1 and should be read in conjunction with the above list.

36. Discretionary DFG Options which will remain consistent with the current policy include;

- Fast Track Minor Adaptations Grant
- Removal of Means Test for Internal Stairlift Applications
- Feasibility Studies
- Assistive Technology and Innovation Assistance

37. Once the financial assistance policy has been approved, we will be reviewing quarterly via our current reporting process the impact of these changes. This will allow us to identify at an early stage what is working well and what areas may benefit from further improvement.

### **Communication of Available DFG Funding**

38. Once a revised policy has been agreed there is an intention to support this with an updated and improved communication of the funding available to eligible applicants. This will be done in coordination with East Sussex County Council Health and Social Care colleagues as a DFG application cannot be made until an Occupational Therapist has assessed the needs of someone and made recommendations that adaptations to their home are the best way to meet these needs.
39. A communications plan is being developed and includes; updating the web pages to ensure information is clearer and more accessible. We have recently added a short video to help explain how the DFG process works <https://www.hastings.gov.uk/housing/improvement/dfg/> We also intend to include case studies and quotes from willing grant recipients about how the adaptation has improved their quality of life.
40. The communications strategy will focus on awareness raising with specific target groups including, GP surgeries, carers groups, Citizens Advice and other community groups and agencies who engage with people who may need assistance.
41. The final communications plan is yet to be agreed but methods of engagement to targeted groups are likely to be a mixture of social media promotion, training and information sessions with groups who work in the sector as mentioned above, and where appropriate and resources allow attending relevant events that can promote the DFG process.
42. With improved visibility and communication of the disabled facilities grant alongside an updated and improved policy it is hoped that we can increase the budget spend in this area as far as is possible to benefit more residents living in Hastings and St Leonards.

### **Recruitment of Additional Occupational Therapist**

43. The Adaptations Team currently has three specialists seconded from East Sussex County Council based at Hastings Borough Council to carry out functional assessments of people who may have support needs as a result of their physical or mental health. This comprises of a Senior Practitioner Occupational Therapist and 2 Occupational Therapy Assistants (OTA). The assessments result in one of three main outcomes. A Housing Needs Report is completed as the person can no longer remain in their home, a recommendation for minor adaptations / equipment (carried out directly by ESCC), of a referral is made to HBC by the OT for adaptations to be considered under a Disabled Facilities Grant (DFG).

44. Since 2019 when the In-House OT project began, demand has continued to build for OT assessments. Whilst not all result in a recommendation for a DFG, the time it takes for these assessments to be carried out, whatever the outcome, increase the waiting time for those that do need adaptations to their home.
45. In 2019 a total of 175 assessments were carried out across Hastings and St Leonards. In 2020 it was 125 (Covid impacted on engagement), in 2021 it rose to 273 and in 2022 the figure was 271. The outcomes of these assessments varied depending on the needs of the client, for example out of the 271 for 2022, 116 were for either a major or minor adaptation to the property.
46. In addition, it is recognised that due to the demographics and property profile of Hastings and St Leonards, a lot of adaptations are more complex in nature. Examples of this include accessibility issues due to a lack of level access to a property or properties needing multiple adaptation to make them suitable to meet occupants needs. As a result of this complexity, some adaptations take longer to complete and need more time invested in them before the Occupational Therapist can move on to the next case.
47. The Adaptations Team at HBC want to do as much as is reasonably possible to reduce the waiting times for residents needing adaptations. One area where we have recognised this can be achieved is to increase the OT capacity so more functional assessments can be conducted. This will reduce the waiting time for the functional assessment to take place (which we do have an element of control over), but it will also reduce the overall waiting time for clients.

## **Financial Implications**

### Amendments to Discretionary Policy

48. The disabled facilities grant (DFG) is a capital grant paid from the Department for Levelling Up Housing and Communities (DLUHC) local authorities in England to adapt older and disabled people's homes to help them to live independently and safely. Adaptations can include ramps, stair lifts and suitable heating systems. The DFG, which has run for more than 30 years, became part of the Better Care Fund (BCF) in April 2015.
49. The Disabled Facilities Grant is a mandatory grant as provided by The Housing Grants, Construction and Regeneration Act 1996, available to all applicants, towards the cost of eligible works necessary to support people of all ages and tenures to live independently and safely in their own homes. Local authorities have a statutory duty to provide DFG's to applicants who qualify. Therefore, funding for mandatory assistance has to be the priority and we need to ensure enough of the grant funding is available each year to cover this.
50. Discretionary DFG assistance is set by the councils' policy to provide discretionary interventions. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, and the Better Care Fund enable Councils to support wider prevention agenda of housing, social care, and health authorities.

51. In order to safeguard the risk of over commitment / disproportionate activity in regard to discretionary spend, there is a condition within the financial assistance policy which makes it clear that discretionary assistance is subject to capital funds being available. For this reason, the provision of this assistance may be limited or discontinued at any time.
52. As previously mentioned for the previous few years we have ended with an underspend so there is financial capacity to cope with an increased demand as a result of the proposed discretionary policy change. The impact and cost of each of the proposed measures will be monitored and reported alongside our current DFG figures if the proposals are approved and we can continue to refine if needed.

### Additional Occupational Therapist

53. The cost of seconding a full time Occupational Therapist into the Hastings team, including on-costs would be between £40,836 - £52,896 depending on experience. This would be funded from the Disabled Facilities Grant budget. It would bring the total yearly spend on Occupational Therapy work to £185,097.43 (based on top salary position).
54. The budget allocation for DFG for 23/23 is £2,056,655 and combined with previous underspend there is financial capacity to cope with an increased demand as a result of the proposed discretionary policy change and additional Occupational Therapist. The impact and cost of each of the proposed measures will be monitored and reported alongside our current DFG figures if the proposals are approved and we can continue to refine if needed.



## Timetable of Next Steps

1. Please include a list of key actions and the scheduled dates for these:

Action	Key milestone	Due date (provisional)	Responsible
Amend Policy to reflect agreement of proposed changes		When agreed in line with delegated authority	Housing Renewal Manager
Update website with new policy		Following agreement by Cabinet	Housing Renewal Manager / Communications Team
Implement Communications Plan		Following publication of policy on website	Communications Team
Start recruitment of additional Occupational Therapist		Following agreement by Cabinet	ESCC

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### 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 – Yes

Crime and Fear of Crime (Section 17) - No

Risk Management - No

Environmental Issues - No

Economic/Financial Implications – Yes

Human Rights Act - No  
Organisational Consequences - No  
Local People's Views - No  
Anti-Poverty - No

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## **Additional Information**

### **Officer to Contact**

Officer Name Sandra Thornton  
Officer Email Address sthornton@hastings.gov.uk  
Officer Telephone Number 01424 451332

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# Housing Assistance Policy

2023 – 2025

(Revision 4.0)

## **Contents**

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2. Policy Objectives
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5. Mandatory Disabled Facilities Grant
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8. Discretionary Housing Renewal Loans
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10. Complaints about the Policy / Decisions Made

## **1. Introduction**

One of the key priorities for Hastings Borough Council is tackling homelessness and ensuring quality housing. One of the ways we will try to achieve this, is to ensure opportunities to support residents through available grant funding is utilised.

This policy sets out the housing assistance currently available, who may be eligible to apply, what it can be used for, and the type of assistance being provided.

In summary this covers three areas of assistance;

1. Mandatory Disabled Facilities Grants (DFG's)
2. Discretionary Disabled Facilities Grants
3. Housing Renewal Loans

The relevant sections below provide further information on these areas.

## **2. Policy Objectives**

The assistance available under this policy has been considered and agreed based on an understanding of the housing stock in the Hastings and St Leonards area and the challenges it presents. This includes the age of the housing and its impact on the suitability and ability for adaptations, the demand for certain types of housing and the availability of supply, the tenure mix across the borough and the demand for temporary accommodation.

In addition, it is recognised Hastings Borough Council is one of the more deprived Local Authority areas in the country. As a result, this impacts on a homeowner's ability to repair and maintain their properties. Those in rented accommodation may also struggle to move to alternative accommodation if the property they are renting becomes no longer suitable, for example, due to their need for adaptations.

The objectives of this policy are to support the key priority of tackling homelessness and ensuring quality accommodation by;

- Managing the provision of, and actively promoting disabled facilities grants so people have the choice to live independently and healthily in their own homes for longer
- To support people in temporary accommodation and as far as reasonably possible ensure it is suitable for their needs whilst they are waiting to move to longer term accommodation
- To encourage empty homes to be brought back into use to improve the availability of housing stock in the area
- To decrease levels of fuel poverty within private sector housing
- To improve the condition of the private sector housing stock

- To promote and foster an environment of self-sufficiency through the recycling of money used to fund financial assistance

### **3. Financial Resources Available**

The Disabled Facilities Grant funding available is awarded to the Council each year. It is a capital grant which is available to people of all ages and in all housing tenures (whether renting privately, from social landlords or council or owner occupiers), to contribute to the cost of adaptations.

For Disabled Facilities Grants the funds awarded for 2023 to 2024 are £2,056,655. This is provided to Hastings Borough Council by East Sussex County Council via the Better Care Fund.

With the exception of mandatory disabled facilities grants, all other 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. Therefore, 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.

Funds may be used for other schemes / assistance (e.g., flexible assistance corresponding to the outcomes of the Better Care Fund), at the discretion of the Head of Housing, (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 Councils adopted financial rules.

### **4. Types of Assistance Available**

There are three main sources of assistance available. These are;

1. Mandatory Disabled Facilities Grants
2. Discretionary Disabled Facilities Grant
3. Housing Renewal Loans

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

### **Purpose**

Mandatory Disabled Facilities Grants are available to help applicants meet the cost of adaptations to a disabled persons home.

### **Eligibility**

All owner occupiers, tenants, licensees, and occupiers are eligible to apply for a grant provided they are able to satisfy the criteria of Sections 19 to 22 of The Housing Grants, Construction and Regeneration Act 1996. An overview of those requirements is covered in this policy.

Landlords can apply for a grant on behalf of a tenant with a disability, but the same criteria must be satisfied.

Occupiers of park homes and houseboats can also apply for assistance.

Full details of the legal framework for mandatory DFGs are set out in The Housing Grants Construction and Regeneration Act 1996

<https://www.legislation.gov.uk/ukpga/1996/53/contents> as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002  
<https://www.legislation.gov.uk/uksi/2002/1860/contents/made>

### **Eligible Work**

A grant is available for the following purposes:

- 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
- Facilitating access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant

Works are available to the common parts of a building containing flats where the disabled person is an occupant of one of the flats.

Where more than one solution meets the needs of the disabled person, the Council will only grant assist the most cost-effective option.

### **Amount of Assistance**

As part of an application for a mandatory DFG, a standard test of resources (means test) must be carried out. This calculates the amount, if any, the applicant, or disabled person has to contribute towards the costs of the works. The means test applies to the disabled person and any partner living with them.

The applicant will be required to provide information about all sources of income and savings. Evidence about their financial circumstances will be required to be produced as part of the test of resource process.

This test of resources is carried out in accordance with the Housing Renewal Grants Regulations 1996 (as amended) <https://www.legislation.gov.uk/ukxi/1996/2890/made> which is subject to revision from time to time.

If the disabled person is a child or the disabled person is in receipt of certain income related “passport” benefits, the test is not applied.

The maximum amount of grant assistance is set by law. The current statutory limit for a mandatory DFG is set at £30,000.

Therefore, the maximum grant available will be £30,000 less any assessed contribution to the cost of the works determined by the test of resource.

### **Conditions**

The property to be adapted must be the disabled persons main or only residence.

The council must be satisfied the works are necessary and appropriate to meet the needs of the disabled person. This is achieved through consultation with the Occupational Therapists and Sensory Impairment Workers employed by East Sussex County Council.

The council must also be satisfied it is reasonable and practicable to carry out the eligible works, having regard to the age and condition of the dwelling or building. This is achieved through an officer visiting the property to be adapted.

The council will verify the ownership of the property via a Land Registry search. The owner(s) of the property must agree to the proposed adaptations and their signed consent will be needed.

The applicant and/or disabled person will be asked to sign and confirm there is an intention to remain living in the property for the next 5 years.

Where the grant value awarded is over £5000, repayment by the recipient will be required if the property is disposed of (e.g. by sale, assignment, transfer or otherwise) within 10 years following payment for the completed work. The amount repayable will not exceed £10,000 in relation to a mandatory disabled facilities grant. This requirement only applies to a recipient who has a qualifying owner’s interest in the property where the works are being carried out.

In these cases, the Council will register a Local Land Charge against the property for the repayment.

On deciding whether to require repayment the council must consider the following factors:

- The extent to which the recipient of the grant would suffer financial hardship if they were required to repay the grant,



- whether disposal of the property is to enable the recipient to take up employment or change location of the employment,
- for reasons connected with physical or mental health or well-being,
- whether the disposal is to enable the recipient to live with, near any person who is disabled and/or in need of care which the recipient intends to provide.

Where grant aid is provided for specialist equipment (e.g., stairlifts) and the person who received the grant no longer resides in the property or ceases to use the specialist equipment provided within 5 years of completion of the grant, the Council may exercise its right to reclaim the equipment and allocate it for reuse elsewhere.

## **6. Discretionary Disabled Facilities Grant Assistance**

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 provides general powers for local housing authorities to provide assistance for housing renewal, including home adaptations. This allows the council to use government funding for disabled facilities grants a bit more flexibly. Full details of the legislation can be found via the following link

<https://www.legislation.gov.uk/ukxi/2002/1860/contents/made>

Through this Financial Assistance Policy, the council has set out the ways in which it will use disabled facilities grant funding more widely in order to support people who may need adaptations.

**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.**

### **Purpose**

The discretionary assistance offered under the disabled facilities grant process is set out in the table below. The options available under this process have been identified as areas where barriers may otherwise exist. The aim of the discretionary assistance is to try and remove those barriers as far as is reasonably possible, within the scope of this policy and applicable legislation.

### **Eligibility**

Eligibility for discretionary assistance may vary depending on the type of discretionary disabled facilities grant being accessed. Please see table at pages 9 – 18.

### **Eligible Work**

The eligible work under each discretionary option will vary depending on the nature of the assistance being offered. However, the overarching principle of all eligible works on offer, is to provide financial assistance to meet (in whole or in part) the assessed needs of the applicant. This may be alongside a mandatory disabled facilities grant or as a separate application for assistance.

### **Amount of Assistance**

The amount of assistance available and whether means testing will be required is detailed in the table at pages 9-18 under each separate option.

### **Conditions**

The property to be adapted must be the disabled persons main or only residence unless otherwise stated.

The council must be satisfied the works are necessary and appropriate to meet the needs of the disabled person. This is achieved through consultation with the Occupational Therapists and Sensory Impairment Workers employed by East Sussex County Council.

The council must also be satisfied it is reasonable and practicable to carry out the eligible works having regard to the age and condition of the dwelling or building. This is achieved through a visit to the property to be adapted by an officer.

The council will verify the ownership of the property via a Land Registry search. The owner of the property must agree to the proposed adaptations and their signed consent will be needed.

The applicant and/or disabled person will be asked to sign and confirm there is an intention to remain living in the property for the next 5 years.

The disabled facilities grant is a capital grant. Therefore, any financial assistance provided towards ancillary costs of achieving adaptations, must have a direct link and impact on the deliverability of the adaptation work being undertaken.

Any discretionary assistance provided will require repayment by the recipient if the property is disposed of (e.g., by sale, assignment, transfer or otherwise) within 10 years following payment for the completed work / activity. The amount repayable will be the full amount of the discretionary assistance provided. This condition only applies to recipients with a qualifying owner's interest in the property being adapted.

The Council will register a Local Land Charge against the property for the repayment.

Where the value of a discretionary disabled facilities grant is £5000 or less and the recipient is not receiving a mandatory disabled facilities grant, there will be no requirement for repayment and a local land charge will not be placed against the property.

Where a mandatory disabled facilities grant is also undertaken, any discretionary disabled facilities grant amount will be an additional to any charge on the property available to the Local Authority under the mandatory disabled facilities charge mentioned in the section above.

On deciding whether to require repayment the council must consider the following factors:

- The extent to which the recipient of the grant would suffer financial hardship if they were required to repay the grant,
- whether disposal of the property is to enable the recipient to take up employment or change location of the employment,
- for reasons connected with physical or mental health or well-being,
- whether the disposal is to enable the recipient to live with, near any person who is disabled and/or in need of care which the recipient intends to provide.

Where grant aid is provided for specialist equipment (e.g., stairlifts) and the person who received the grant no longer resides in the property or ceases to use the specialist equipment provided within 5 years of completion of the grant, the Council may exercise its right to reclaim the equipment and allocate it for reuse elsewhere.

Discretionary Assistance Option	Scope of Works	Eligibility	Amount of Assistance Offered	Additional Information – (to be read in conjunction with the full policy related to Discretionary DFG assistance)
<p><b>Discretionary Disability Relocation Assistance</b> - Where adaptation 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.</p> <p>This will be where it is more cost effective than adapting their current home to make it suitable for present and future needs.</p> <p>The new property may need some adaptation.</p> <p>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.</p>	<p>The discretionary assistance can cover costs incurred in relocating to the new property.</p> <p>This can include estate agents' fees, solicitors' fees, stamp duty, the relocation of specialist equipment for the disabled person, and removal costs.</p> <p>For a move to a private rented property this can include rental deposits on the new property, removal costs, relocation of specialist equipment.</p> <p>It would not include allowances towards furnishings or fittings (other than those considered specialist equipment).</p>	<p>Applicants must be the owner of the property or a private rented tenant, and the needs of the disabled person will need to have been assessed by an Occupational Therapist</p> <p>For each case, a cost benefit analysis will be undertaken considering the potential cost of adapting the existing property and of adapting any future property in relation to the amount of eligible assistance.</p>	<p>Maximum of <b>£20,000</b> less any determined contribution from the test of resources.</p>	<p>This applies only where works requiring a mandatory DFG are necessary and includes moving into another Local Authority area as well as within Hastings.</p> <p>In addition, to those set out under this policy;</p> <p>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 facility 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.</p> <p>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.</p>

Discretionary Assistance Option	Scope of Works	Eligibility	Amount of Assistance Offered	Additional Information – (to be read in conjunction with the full policy related to Discretionary DFG assistance)
<p><b>Discretionary Disabled Facilities Grant “top-up” Assistance</b> - 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.</p>	<p>Covers the costs of adaptations needed under the mandatory disabled facilities grant which exceed the statutory limit of £30,000</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>Maximum <b>£30,000</b> less any determined contribution from the test of resources.</p>	
<p><b>Fast Track Minor Adaptations Grant</b> - To undertake minor adaptations to a property to either:</p> <ul style="list-style-type: none"> <li>➤ avoid someone ending up in acute care (for example as a result of a fall) or</li> <li>➤ to enable expedited hospital discharge</li> </ul>	<p>Minor adaptations that will either be preventative in nature to avoid a disabled person being exposed to unnecessary risk as a result of their disability.</p> <p>Alternatively, the adaptations may be needed to facilitate an expedited hospital discharge.</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>Between £1000 up to a maximum of £5000</p> <p>No test of resources required</p>	<p>In addition, to those set out under this policy;</p> <p>If an adaptation costs below £1000 then it will be considered to be a Minor Adaptation and East Sussex County Council Adult Social Care will assess the required need and equipment required. A referral will not be made to Hastings Borough Council for grant assistance.</p> <p>Works must be an adaptation to the property, and it does not cover the costs of medical equipment or aids.</p> <p>The funding will only be considered if there is no other relevant health or social care funding eligible for the client. It excludes packages of care funded by NHS continuing healthcare fund.</p>

<b>Discretionary Assistance Option</b>	<b>Scope of Works</b>	<b>Eligibility</b>	<b>Amount of Assistance Offered</b>	<b>Additional Information – (to be read in conjunction with the full policy related to DFG assistance)</b>
<p><b>Removal of Means Test for Internal Stairlift Applications</b> - falls are the largest cause of emergency hospital admissions for older people therefore the removal of the need to means test will significantly decrease the installation time for stairlifts</p>	<p>Installation of any type of internal stairlift(s) for the purposes set out in eligible works under mandatory DFG.</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>£10,000  No test of resources required</p>	<p>This assistance only applies where the only assessed need for the applicant is an internal stairlift(s)</p>
<p><b>Feasibility Studies</b> – where complex work is anticipated or where preliminary investigations/work is required to determine whether an adaptation project/grant is viable</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>Maximum £5000 less any determined contribution from the test of resources.</p>	<p>In addition, to those set out under this policy;  If a mandatory DFG is approved the discretionary assistance will be included in the mandatory grant and will not be an additional separate amount</p>
<p><b>Assistive Technology and Innovation Assistance</b> - for bespoke projects to pilot assistive technology or other innovations to improve the lives of disabled residents</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>Maximum £20,000 less any determined contribution from the test of resources.</p>	<p>Assistance will be awarded on a case-by-case basis having regard to the Occupational Therapist recommendations</p>
<p><b>Adapting Temporary Accommodation</b> – where a disabled applicant is living in temporary accommodation allocated by the council, the cost of adapting the temporary accommodation to meet the needs of the applicant</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>Maximum £30,000 less any determined contribution from the test of resources.</p>	<p>The owner of the temporary accommodation must agree the accommodation will continue to be let to the applicant for as long as it is required. Accommodation that becomes vacant must be prioritised for reletting to other clients in need of such adaptations.</p>

Discretionary Assistance Option	Scope of Works	Eligibility	Amount of Assistance Offered	Additional Information – (to be read in conjunction with the full policy related to DFG assistance)
<p><b>Hospital Discharge Assistance</b> - to support people with disabilities being discharged from hospital where the condition of their property means recommended adaptations cannot take place.</p>	<p>Examples include:</p> <ul style="list-style-type: none"> <li>➤ decluttering (excluding hoarding support services)</li> <li>➤ deep cleaning</li> <li>➤ urgent home repairs to remove a serious hazard (owner occupiers only)</li> </ul>	<p>As set out under the mandatory DFG</p> <p>Urgent home repairs are only applicable to owner occupiers.</p> <p>Landlords and social registered providers are required under specific legislation to ensure their homes meet certain standards and are free from serious hazards which pose a risk to health and safety.</p>	<p>Maximum £5000</p>	<p>In addition to those set out under this policy;</p> <p>The funding will only be considered if there is no other relevant health or social care funding eligible for the client. It excludes packages of care funded by NHS continuing healthcare fund.</p> <p>Eligible works will be determined as a Category 1 (serious) or Category 2 (Band D/E) using the statutory Housing Health and Safety Rating System under the Housing Act 2004.</p> <p>The additional negative impact such hazards have on someone's condition, will be assessed by the Occupational Therapist.</p>
<p><b>Hardship Assistance</b> - To assist mandatory DFG applicants who have an assessed means tested contribution but have insufficient funds to meet that obligation.</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section</p>	<p>As set out under the mandatory DFG</p>	<p>Maximum £10,000</p>	<p>Applicants must have been assessed by a third-party loan provider who have determined the applicant/disabled person will be left in unnecessary financial hardship by making the required loan repayments.</p>

Discretionary Assistance Option	Scope of Works	Eligibility	Amount of Assistance Offered	Additional Information – (to be read in conjunction with the full policy related to DFG assistance)
<p><b>Discretionary Children’s Grant – Adapting a Second property –</b> where a disabled child splits their time between 2 different properties as a result of parental / guardian separation, the cost of making adaptations to the second property.</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>Maximum £30,000 – no means test required for children’s adaptations</p>	<p>In addition, to those set out under this policy;</p> <p>The second property must be where the child spends time with their other parent/guardian when they are not at their primary residence. The property must be located within the Hastings Borough Council area.</p>
<p><b>Essential Home Repairs –</b> discretionary assistance to owner-occupier applicants whose properties have a serious hazard likely to cause harm and further impact negatively on their condition.</p>	<p>To cover the costs of repair work required to mitigate/remove the disrepair so as to facilitate the identified mandatory DFG works to proceed</p> <p>and/or</p> <p>to remove the risk of harm from poor property conditions which affects the ability of the property to be safe for the disabled applicant</p>	<p>Owner occupiers only who have been assessed by an Occupational Therapist as needing adaptations to their home.</p> <p>Landlords and social registered providers are required under specific legislation to ensure their homes meet certain standards and are free from serious hazards which pose a risk to health and safety.</p>	<p>Maximum £10,000 less any determined contribution from the test of resources.</p>	<p>Eligible works will be determined as a Category 1 (serious) or Category 2 (Band D/E) using the statutory Housing Health and Safety Rating System under the Housing Act 2004.</p> <p>The additional negative impact such hazards have on someone’s condition, will be assessed by the Occupational Therapist.</p>



Discretionary Assistance Option	Scope of Works	Eligibility	Amount of Assistance Offered	Additional Information – (to be read in conjunction with the full policy related to DFG assistance)
<p><b>Alternative Accommodation during adaptations work</b> - where due to their disability the applicant is unable to remain in the property whilst the works are being carried out. (where Occupational Therapist recommendations specify this may also include a parent/carer)</p> <p>(This does not cover alternative accommodation for reasons of general inconvenience and disruption whilst works are undertaken)</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>Each case assessed on circumstances. E.g., duration of works, type of accommodation needed (agreed in consultation with Occupational Therapist), length of time accommodation needed etc</p>	<p>In addition, to those set out under this policy;</p> <p>The disability of the applicant must be such that an Occupational Therapist has determined they cannot remain at the property whilst adaptation works are taking place due to the direct adverse impact this has on their condition.</p> <p>Alternative accommodation will only be funded for the period of time the Occupational Therapist determine the applicant needs to be away from the property. For example, this may be for the entire duration of the works or whilst a certain part of the works is being carried out.</p> <p>The funding will only be considered if there is no other relevant health or social care funding eligible for the client, which should be statutorily covered by other agencies or providers.</p>
<p><b>Dementia Assistance</b> – To make homes dementia friendly – to help people with dementia, to make minor changes to the home that would support them to live in their own home safely and for longer</p>	<p>May cover items such as (but not limited to):</p> <ul style="list-style-type: none"> <li>Replacing floor coverings causing confusion or safety issues</li> <li>Changing cupboards to make contents visual</li> <li>Noise reduction measures</li> </ul>	<p>As set out under the mandatory DFG eligibility</p>	<p>Maximum £5000</p>	<p>In addition, to those set out under this policy;</p> <p>The dementia grant cannot pay for items that can be funded through a mandatory disabled facilities grant, or equipment already provided by the Occupational Therapy Team (OT) but can be used for additional OT recommendations.</p> <p>It does not cover packages of care.</p>

Discretionary Assistance Option	Scope of Works	Eligibility	Amount of Assistance Offered	Additional Information – (to be read in conjunction with the full policy related to DFG assistance)
<p><b>Discretionary DFG for Child Garden Adaptations</b> - Mandatory DFGs only fund access to the garden. This additional assistance will allow children who are wheelchair users or have challenging behaviours, and who often cannot access local parks, the opportunity to have access to a safe outdoor space.</p>	<p>To facilitate play and normal development opportunities. Examples may include;</p> <p>Fencing Level Surfaces Wheelchair accessible paths Safe play area</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>Maximum £10,000</p>	
<p><b>Discretionary DFG for Working Age Applicants with a rapidly deteriorating or terminal condition</b> – to provide assistance to applicants of working age (who may still be currently working) who have a rapidly deteriorating or terminal conditions (such as Motor Neurone Disease [MND]).</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section.</p>	<p>As set out under the mandatory DFG eligibility excluding the requirement for a test of resources as determined by the Housing Renewal Grants Regulations 1996 (as amended)</p>	<p>Maximum £15,000</p>	<p>Assistance will be awarded on a case-by-case basis having regard to medical prognosis and family circumstances on the recommendation of, and in agreement with Social Care.</p>
<p><b>Discretionary Provision to support a Mandatory DFG Applications</b> – Council Tax Reduction will be added to the list of passporting benefits for applicants of mandatory DFG's</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section.</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>N/A</p>	

Discretionary Assistance Option	Scope of Works	Eligibility	Amount of Assistance Offered	Additional Information – (to be read in conjunction with the full policy related to DFG assistance)
<p><b>Extended Warranties</b> - An extended warranty option of up to 5 years can be included with DFG funded stairlifts, step lifts, through floor lifts, washer drier toilets and hi-lo baths.</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section.</p>	<p>As set out under the mandatory DFG eligibility</p>	<p>N/A</p>	
<p><b>Supporting an increase in the number of Adaptable and Accessible Homes at build stage</b> - at the time of writing it is mandatory for all new dwellings to meet M4(1) requirements as a visitable dwelling. However, meeting M4(2) - accessible and adaptable and M4(3) - wheelchair user dwellings requirements depend on locally adopted planning policy requirements</p> <p>The aim is to encourage developers / builders to incorporate more M4(2) and M4(3) properties on their developments over and above those required to meet planning policy requirements and to increase the availability of these properties.</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section</p>	<p>Registered Providers, or other housing organisations providing adapted housing to low-income families nominated by the Council from its waiting lists, within the Hastings and St Leonards</p>	<p>Maximum £50,000 per property subject to a limit based on available funding</p>	<p>In addition, to those set out under this policy:</p> <p>Specific terms and conditions to be agreed on a case-by-case basis dependent on circumstances and current demand and need for certain types of property.</p>

Discretionary Assistance Option	Scope of Works	Eligibility	Amount of Assistance Offered	Additional Information – (to be read in conjunction with the full policy related to DFG assistance)
<p><b>Adaptations Assistance for Empty Homes</b> – there is a shortage of supply of accessible properties for those with disabilities and properties that are suitable for adaptation for persons with a disability. It is recognised there may be properties currently empty which could be utilised to provide a home for someone who’s current property is not suitable for adaptation.</p> <p>The aim is to increase the supply of properties available to those needing adaptations and to maximise the use of existing housing stock so as to reduce the number of empty homes in the borough.</p>	<p>For the purposes of eligible works as set out under the mandatory DFG section.</p>	<p>Properties that have been determined as long-term empty from council records.</p>	<p>Maximum £50,000</p>	<p>In addition, to those set out under this policy;</p> <p>Assistance is conditional on the Council having tenant nomination rights for a five-year period with the rent set at Local Housing Allowance level.</p> <p>The property being considered must be of a type which Hastings Borough Council Housing Options Team identifies as being required, based on the needs of those with a disability on the housing register.</p> <p>Adaptations to the property being considered must be reasonable and practicable. The council must be satisfied the works are necessary and appropriate to meet the needs of the disabled person. This is achieved through consultation with the Occupational Therapists and Sensory Impairment Workers employed by East Sussex County Council.</p> <p>Any works carried out both as part of the general works and any eligible under this discretionary assistance must be capable of ensuring the property meets the minimum energy efficiency standard for a rental property.</p>

## **7. The Disabled Facilities Grant Application Process and Associated Conditions**

The below information is applicable to both mandatory and discretionary disabled facilities grant assistance.

### **Preliminary Enquiries**

General information about what a disabled facilities grant is and how applicants can proceed with an application can be found by visiting the Council website at <https://www.hastings.gov.uk/housing/improvement/dfg/> . If this does not answer your specific query, you can contact 01424 451031 and ask to speak to a member of the Adaptations Team.

Hastings Borough Council administer the disabled facilities grant and application process. However, it is East Sussex County Council who are responsible for determining that any proposed adaptations are necessary and appropriate to meet the needs of the disabled occupant. This is achieved through assessment by a qualified Occupational Therapist. Therefore, residents who have not yet been assessed should contact Health and Social Care Connect on 0345 60 80 191. Further information can be found at <https://www.eastsussex.gov.uk/social-care/getting-help-from-us/contact-adult-social-care> For children's grants, further information can be found at <https://www.eastsussexchildren.nhs.uk/>

### **Making an Application**

All applications for assistance shall be made on the appropriate Council application form and accompanied by all relevant supporting documents. This will include recommendations from an Occupational Therapist if we have not already received them directly from East Sussex County Council.

In making an application, the applicant gives us permission to verify information with other Council services, or statutory agencies.

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 will be obtained through the Land Registry. Other accepted 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 the disabled applicant intends to live in the dwelling as their only or main residence.

Tenants, as defined within this policy may make applications where they are eligible for assistance. However, the Council will require written consent from the owner of the property before approving the grant.

Adaptations must be carried out in accordance with recommendations made by the Occupational Therapist and schedules of work agreed and approved by the Council.

The Council will not normally approve any applications for a grant if the relevant works have started before the application has been approved. This condition may be waived at the discretion of the Head of Housing.

Assistance will only be approved for the benefit of applicants who are able to provide evidence of a valid National Insurance Number.

### **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.

A failure to provide full and accurate information may result in an application for assistance being recalculated or refused depending on the circumstances. Any deliberate attempts to mislead, provide false information, or a failure to disclose relevant information could result in formal action being taken by the Council.

### **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.

### **Ancillary Fees and Charges**

Fees and charges associated with any of the grants/assistance will be paid as part of the provision that grant/assistance, subject to the maximum amounts available under that type of grant/assistance. Examples of ancillary fees and charges include;

- Fees charged by a Home Improvement Agency
- Private architects or surveyor 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 an 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 fees. The Housing Renewal Manager retains discretion to waive this maximum amount in exceptional circumstances.

### **Costs 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 eligible work and the reasonableness of the cost, based on the quotations submitted.

Where the Council does not deem the quotes 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 original approval level is paid.

### **Abortive Works**

This term relates to situations where an application for assistance has been aborted before works have been completed, for example 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.

### **Payments**

The payment of any assistance is conditional upon the eligible works being carried out to the satisfaction of the relevant council officer. Where relevant any certification required for elements of those works, e.g., Gas Safe Certificate, Part P compliance Certificate, etc. will need to be provided before payment is made. The Council will require an acceptable invoice for the works carried out, and any ancillary charges, or services.

All payments will be made directly to the Home Improvement Agency if the applicant is their client, or to a private agency (for example 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 owner's responsibility, and the council will take any lack of maintenance into account when considering eligible works.

### **Local Land Charge applied to properties in receipt of a Disabled Facilities Grant (DFG)**

A charge local land charge 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 land so, 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 the sale, if not settled beforehand.

On deciding whether to require repayment the council must take into account; the extent to which the recipient of the grant would suffer financial hardship if they were required to repay the grant, whether disposal of the premises is to enable the recipient to take up employment or change location of the employment, for reasons connected with physical or mental health or well-being or whether the disposal is to enable the recipient to live with, near any person who is disabled and/or in need of care which the recipient intends to provide.

### **Mandatory DFG's**

Where the cost of the DFG exceeds £5,000, the Local Authority is able to place a local land 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 recipients with a qualifying owners interest in the property being adapted. 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.



## Discretionary DFG Assistance

Depending on the type of Discretionary Disabled Facilities Grant assistance being offered the Local Authority will place a land charge against the property for the full amount of discretionary grant assistance being offered. If discretionary assistance is being provided in addition to a mandatory disabled facilities grant, then this will result in 2 charges being placed on the property for the respective amounts.

Where the value of a discretionary disabled facilities grant is £5000 or less and the recipient is not receiving a mandatory disabled facilities grant, there will be no requirement for repayment and a local land charge will not be placed against the property.

### **After Adaptations have been Completed**

Following completion of any adaptations, 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 they are 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.

### **Applications for further Disabled Facilities Grants**

There is an expectation the initial adaptation will meet the long-term needs of the client, to prevent successive applications. However, it is accepted 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 with East Sussex County Council Occupational Therapists to achieve interim solutions, where delays may occur.

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.

### **Holiday and second homes**

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

### **Contractor Issues**

Where the recipient of a grant has agreed for the council home improvement agency to undertake works and the council to pay contractors directly, any concerns or complaints regarding the adaptations work should be raised with us. The recipient's assistance will be required where appropriate to assist in the investigation of any complaint; e.g., providing access to their property for any assessment, repair works that may be required.

## **Buildings Insurance**

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

## **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.

## **Arrangements for applications which fall outside of this policy**

This policy aims to cover a comprehensive range of circumstances where assistance can be provided. There will be circumstances that arise in which exceptions to this policy will need to be considered. In such cases, the Director of Place will exercise discretion as appropriate, guided by the principles that inform this policy, alongside appropriate legislation and, if applicable, any statutory guidance.

## **Timescales for the Delivery of Assistance**

It is a requirement under the Housing Grants, Construction and Regeneration Act 1996 that any completed applications received for a Disabled Facilities Grant should receive a decision, as to whether grant funding will be provided, within 6 months of receipt of the application.

Hastings Borough Council process applications as quickly as is reasonably possible. The timescale may vary depending on the level of demand. At the time of drafting, all applications received by Hastings Borough Council over the last 3 financial years have been determined within that timeframe.

Once approval has been granted, the adaptations work will commence as soon as a start date is confirmed with the contractor via our Home Improvement Agency (Town and Country Housing). This timescale will vary depending on the level of demand and availability of tradespeople. The average time for works to be completed following grant approval in 2022/2023 was 124 days (including weekends/bank holidays etc).

In certain circumstances a DFG may be fast tracked for approval if the Occupational Therapist has determined there is a heightened risk or need.

## **Performance Monitoring**

Various performance monitoring parameters are used to ensure the DFG process is working as effectively as possible. This includes quarterly reporting on the number and type of grants approved, tenure or properties receiving adaptations, average costs, timescales for delivery, and reasons for closure of applications and why they did not proceed.

This information helps inform policy decisions and identify potential barriers to the accessing of disabled facilities grants. We then use this information as a continuous cycle of review and best practice to ensure the process is as effective and efficient as possible.

## **8. Discretionary Housing Renewal Loans**

### **Purpose**

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

### **Eligibility**

The qualifying conditions for the assistance are that the applicant;

- Is aged 18 years or more, and
- Is the 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 Work**

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**

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

### **Conditions**

See general terms and conditions of loans provided by Parity Trust. For more information, please see the following link

[https://www.hastings.gov.uk/housing/improvement/housing\\_grants/](https://www.hastings.gov.uk/housing/improvement/housing_grants/) or call 01424 451031.

## **9. Implementation, Monitoring and Review**

This policy will apply to all new applications received from X.

The policy will be monitored in accordance with local performance indicators and will be reviewed on a three-year cycle from that date or as circumstances dictate.

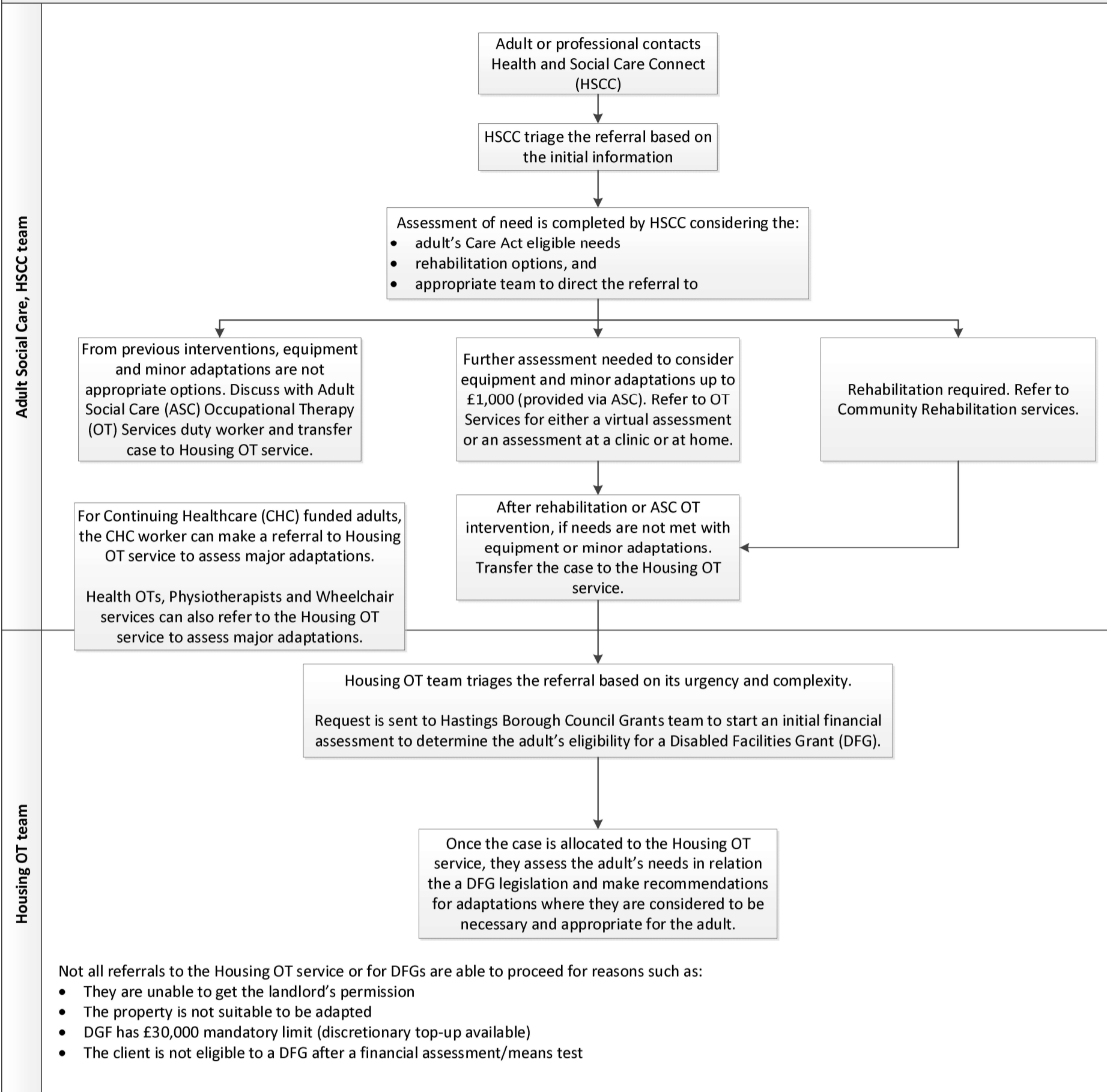
## **10. Complaints about this policy and/or Decisions made**

Complaints about how the policy is operated in individual cases, for example where assistance is refused, will be considered by the Assistant Director for Housing and the Built Environment, or their authorised nominee. Complaints can be made online <https://www.hastings.gov.uk/my-council/complaints/make/> or in writing to Hastings Borough Council, 4<sup>th</sup> Floor, Muriel Matters House, 2 Breeds Place, Hastings, East Sussex, TN34 3UY.

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**East Sussex County Council, Adult Social Care, Occupational Therapy Housing referral to major adaptation assessment process**

This referral process is for adults only. There is a separate referral process for children.



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## Summary of Disabled Facilities Grant (DFG) Application Process

Referral received via email from ESCC Occupational Therapist (OT).

Case is created and initial administration is carried out to process the grant. This includes;

- Clarifying whether applicant is on a passporting benefit. If not, a means test form is sent to client for completion
- Ownership of the property is established via Land Registry (e.g. PRS / social provider / owner occupier).

Grants officer will arrange a visit to the client in order to ensure the works are reasonable and practicable, explain the process to the client, answer any questions and get relevant paperwork signed.

Case is sent to Town and Country Housing (TCH), our home adaptations service, for schedule of works to be created, costs confirmed, and application submitted. (For stairlift only grants this is done directly by Grants Officer.

When it is returned Grant Officer will check all paperwork including, costs, drawing and schedule of works to ensure that it corresponds with the recommended adaptations referred by the Occupational Therapist. (Any queries or issues are discussed with all parties until resolved)

Case file is sent to Housing Renewal Manager for final review and Approval

Confirmation of grant approval given to TCH who will arrange for tradespeople to undertake adaptations and complete work. A TCH surveyor continues to engage with client and tradespeople whilst works is carried out and they will do a sign off visit at the end of the works with regards to the practical completion.

The Occupational Therapist / Grants Officer will also visit at various points depending on nature of adaptation to ensure works have been completed in line with the functional needs of the client and initial reason for referral.

Outstanding payment of the grant is provided directly to TCH / tradespeople on satisfactory completion of the works.

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# Agenda Item 6



**Report To:** Cabinet

**Date of Meeting:** 5 June 2023

**Report Title:** Internal Audit Arrangements 2023-24

**Report By:** Kit Wheeler  
Chief Finance Officer

**Key Decision:** Yes

**Classification:** Open

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## Purpose of Report

To consider the Interim arrangements for Internal Audit Services for Hastings Borough Council in 2023-24

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## Recommendations

- 1) Cabinet approves that the Orbis partnership is procured to provide the management of the Internal Audit Services for the 2023/24 Financial year with immediate effect and delegated decision to Chief Legal Officer to enter into agreement on behalf of Hastings Borough Council.**
- 2) Cabinet approves that a service review of the Internal Audit Team is undertaken with a subsequent report to be brought back to Cabinet with recommendations for new arrangements to be in place by 1<sup>st</sup> April 2024.**

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## Reasons for Recommendations

1. Following the retirement of the long-standing Chief Auditor in April 2023 from Hastings Borough Council, the Internal Audit team will now undergo a service review.
2. Given the key role that Internal Audit plays in providing independent, objective assurance advice that adds value to, and improves an organisations operation, it is imperative that a fully resourced and experienced Audit team is in place for the 2023-24 financial year.
3. However, the timescales for looking at the longer-term options will mean that the team will be under resourced for a period of time that is considered unacceptable given the current risks to the organisation and therefore an interim solution is required with immediate effect.
4. Therefore, on an initial interim basis for the 2023-24 financial year it is recommended that Hastings Borough Council enters into an agreement with the Orbis Partnership (which currently includes East Sussex County Council, Surrey County Council, Brighton and Hove City Council and Horsham District Council) to provide Internal Audit Services for Hastings Borough Council.
5. The two current members of the Internal Audit team will continue to provide the 'local' service whilst being supervised and overseen by the Orbis Partnership management Team. This will then allow a service review to be completed and future option analysis to be developed and agreed.
6. The partnership will act as an advisor to the Council and provide the necessary experience and supervision required for this financial year whilst also assisting with the implementation plan for the agreed changes highlighted in the Value for Money Audit report 2020-21. The report was presented by the Councils External Auditors Grant Thornton at Audit Committee on 12<sup>th</sup> January 2023 and made a number of recommendations.
7. The transfer of the management of the Internal Audit Services to Orbis will allow the service to improve resilience, give the Council access to further audit specialisms and allow the service to be benchmarked from specialists the Council could not afford in operating alone for this financial year.
8. As part of the Councils ongoing commitment to training staff and Councillors, Orbis will also provide in house training for the Audit Committee, Councillors and Senior Leadership Team in order for them to better understand the role of the Audit Committee itself, as well as the role of the Internal Audit Team.

## Introduction

9. The Internal audit function supports the organisation in achieving its objectives by bringing a systematic, disciplined approach to the assessment and improvement of the organisation's risk management, control, and governance processes.
10. The *Public Sector Internal Audit Standards*, which apply the Chartered Institute of Internal Auditors' international standards to the UK public sector, set out a range of attributes that define and govern the role of the internal audit function.
11. Table 1 Summarises these attributes.

<b>Purpose, authority and responsibility</b>	The purpose, authority and responsibility of the internal audit activity must be formally defined in an internal audit charter.
	The chief audit executive must periodically review the internal audit charter and present it to senior management and the board for approval.
	The mandatory nature of the standards must be recognised in the internal audit charter. The chief audit executive should discuss these standards with senior management and the board.
<b>Independence and objectivity</b>	The internal audit activity must be independent and internal auditors must be objective in performing their work.
	The chief audit executive must report to a level within the organisation that allows the internal audit activity to fulfil its responsibilities. The chief audit executive must confirm to the board, at least annually, the organisational independence of the internal audit activity.
	The chief audit executive must communicate and interact directly with the board.
	Internal auditors must have an impartial, unbiased attitude and avoid any conflict of interest.
	If independence or objectivity is impaired in fact or appearance, the details of the impairment must be disclosed to appropriate parties.
<b>Proficiency and due professional care</b>	Engagements must be performed with proficiency and due professional care.
	Internal auditors must possess the knowledge, skills and other competencies needed to perform their individual responsibilities.
	Internal auditors must apply the care and skill expected of a reasonably prudent and competent internal auditor.
	Internal auditors must enhance their knowledge, skills and other competencies through continuing professional development.
<b>Quality assurance and improvement programme</b>	The chief audit executive must develop and maintain a quality assurance and improvement programme that covers all aspects of the internal audit activity.
	The quality assurance and improvement programme must include both internal and external assessments.
	The chief audit executive must communicate the results of the quality assurance and improvement programme to senior management and the board.

## **Legal Impact & Responsibilities**

12. For Internal Audit the basis of the relationship with Orbis would be one of customer and supplier. It is likely the Council will do this by using Section 101 of the LGA 1972.
13. This section of the Act allows a local authority to discharge any of its functions by another local authority and through Section 1 of the LA (Goods and Services) Act 1970, where a local authority can enter into an agreement for the provision by another local authority of any administrative or professional services.
14. The agreement would be between Hastings Borough Council and one of the partner authorities e.g. East Sussex County Council. We would expect the agreement would reference that a named Head of Internal Audit was responsible for carrying out functions on behalf of and therefore accountable to Hastings Borough Council and attendance at all Audit Committee meetings.
15. The Hastings Borough Council Chief Auditor is required to give an annual opinion to the Authority, on the adequacy and effectiveness of the Authority's risk management, control, and governance processes (The Annual Report and Opinion).
16. This assurance is required in support of the Section 151 Officers responsibilities under the Local Government Act 1972 as the statutory Section 151 Officer to the Authority, which require the Section 151 Officer to make arrangements for the proper administration of the Authority's financial affairs.
17. This assurance is also required in support of the Monitoring Officers responsibility for reviewing annually the effectiveness of, compliance with, the Authority's Local Code of Corporate Governance.

## **Financial Impact**

18. It is anticipated that the agreement will not result in any additional cost to the Council and the savings from the vacant post of the Chief Auditor will cover any additional costs of the Orbis arrangement.
19. The budget for 2023/24 will remain at £245,500.
20. Once the review of Internal Audit has been concluded then a further paper will be brought back to Cabinet for approval regarding the long-term arrangements from April 2024 onwards.
21. Given the financial position the Council finds itself in, it is not anticipated at this stage that any future changes will result in additional costs to Hastings Borough Council, and it will be the aim of the review to identify efficiency and cashable savings within the Internal Audit Team.

## Timetable of Next Steps

Please include a list of key actions and the scheduled dates for these:

Action	Key milestone	Due date (provisional)	Responsible
SLT	Agree Report and Recommendations	9 <sup>th</sup> May 2023	Chief Finance Officer
CAP	Agree Report and Recommendations	23 <sup>rd</sup> May 2023	Chief Finance Officer / Lead Member for Finance
Cabinet	Approve Report and Recommendations	5 <sup>th</sup> June 2023	Chief Finance Officer / Lead Member for Finance

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## Wards Affected

All

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## Policy Implications

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

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## Additional Information

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## Officer to Contact

Kit Wheeler

[kit.wheeler@hastings.gov.uk](mailto:kit.wheeler@hastings.gov.uk)

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# Agenda Item 7



**Report To:** Cabinet

**Date of Meeting:** 5<sup>th</sup> June 2023

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

**Report By:** Mary Kilner, Chief Legal Officer and Monitoring Officer

**Key Decision:** No

**Classification:** Open

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## Purpose of Report

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

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## Recommendation(s)

- 1. To appoint councillors to cabinet committees, working groups, partnerships and representative bodies for the 2023/24 municipal year as set out in Appendix A and;**
- 2. To appoint the Chair and Vice Chair of Charity Committee as listed in Appendix A**

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## Reasons for Recommendations

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

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

**Timetable of Next Steps**

4. Please include a list of key actions and the scheduled dates for these:

Action	Key milestone	Due date (provisional)	Responsible
Update committee membership	ModGov updated and lists circulated internally	6 <sup>th</sup> June 2023	Democratic Services

**Wards Affected**

N/A

**Policy Implications**

Reading Ease Score: 42.9  
 Reading Grade Level: 10.3

Have you used relevant project tools?: n/a

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

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

**Additional Information**

Appendix A - Cabinet Appointments

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## Officer to Contact

Officer Name: Mary Kilner

Officer Email Address: mary.kilner@hastings.gov.uk

Officer Telephone Number: 01424 451730

Officer Name: Danny Saxby

Officer Email Address: danny.saxby@hastings.gov.uk

Officer Telephone Number: 01424 451719

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**HASTINGS BOROUGH COUNCIL  
CABINET APPOINTMENTS TO COMMITTEES, WORKING GROUPS, EXTERNAL BOARDS AND  
PARTNERSHIPS**



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Cabinet Committees	Seats	Allocation to political groups			Nominations for 2023/24			Notes
		LAB	CON	GRN	LABOUR	CONSERVATIVE	GREEN	
Charity Committee	3	3			1. John Cannan (Chair) 2. Judy Rogers (Vice-Chair) 3. Andy Batsford			Chair is a non-portfolio holder member of Cabinet
Discretionary Rate Relief Appeal Panel	Dependent on size of cabinet	6			1. Maya Evans 2. Andy Batsford 3. John Cannan 4. Ali Roark 5. Judy Rogers 6. Simon Willis			All Members of Cabinet, excluding the Leader, to be appointed to the Panel

Licensing Committee (Scrap Metal Dealers)	Dependent on size of cabinet	6			1. Maya Evans 2. Andy Batsford 3. John Cannan 4. Ali Roark 5. Judy Rogers 6. Simon Willis			All Members of Cabinet, excluding the Leader, to be appointed to the committee. Functions relating to the licensing of Scrap Metal Dealers as set out in the Scrap Metal Dealers Act 2013 or by virtue of any amending or consolidating legislation and any regulations made under the Act as such amending or consolidating legislation.
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Joint Committees	Seats	Allocation to political groups			Nominations for 2023/24			Notes
		LAB	CON	GRN	LABOUR	CONSERVATIVE	GREEN	
Joint Waste Committee	2	2			1. Paul Barnett 2. Ali Roark			Leader of the Council and Lead Member for Environment

Working Groups etc	Seats	Allocation to political groups			Nominations for 2023/24			Notes
		LAB	CON	GRN	LABOUR	CONSERVATIVE	GREEN	
Working Arrangements Committee	5	2	2	1	1. Judy Rogers (Chair) 2. Simon Willis	1. Andy Patmore (Vice-Chair) 2. Peter Pragnell	1. Julia Hilton	Opposition member is Vice-Chair
Member Training and Development Group	4	2	1	1	1. Judy Rogers (Chair) 2. Ali Roark (Vice-Chair)	1.	1. Glenn Haffenden	Lead Member is chair
Hastings Country Park Management Forum	5	2	2	1	1. Ali Roark (Chair) 2. Simon Willis (Vice-Chair)	1. Mike Edwards 2. Alan Hay	1. Julia Hilton	Lead Member is chair
Order of 1066	4	2	1	1	1. Mayor: Margi O'Callaghan 2. Deputy Mayor: Heather Bishop	1. Sorrell Marlow-Eastwood	1. Claire Carr	To comprise Mayor, Deputy Mayor & 1 member from each other Political Group
Personnel Consultative Group	4	2	1	1	1. Paul Barnett (Chair) 2. Maya Evans (Vice-Chair)	1.	1. Glenn Haffenden	

Partnerships	Seats	Allocation to political groups			Nominations for 2023/24			Notes
		LAB	CON	GRN	LABOUR	CONSERVATIVE	GREEN	
Stade Partnership	2	1		1	1. James Bacon		1. Julia Hilton	Old Hastings ward members
Hastings Local Strategic Partnership	3	1	1	1	1. Paul Barnett	2. Andy Patmore	3. Julia Hilton	
Joint Advisory Committee for the High Weald AONB	1	1			1. Maya Evans			
Safer Hastings and Rother Partnership	1	1			1. Judy Rogers			Relevant Lead Member
Combe Haven Community Interest Company	1		1			1.		Ward Councillor (West St Leonards)
Optivo Hastings Area Panel	1	1			1. Maya Evans			Relevant Lead Member
Police and Crime Panel	1	1			1. Judy Rogers			Relevant Lead Member
East Sussex Health Overview & Scrutiny Panel	1	1			1. Mike Turner			Needs to be a non-executive Member.
East Sussex Community Safety Partnership	1	1			1. Judy Rogers			Needs to be either the Chair of the Safer Hastings Partnership or a member of the Sussex Police and Crime Panel.



Hastings and Rother Transport Action Group		2			1. Andy Batsford 2. Ali Roark			Relevant Lead Members.
Hastings Overseas Student Advisory Council	3	2	1		1. Andy Batsford 2.	1. Sorrell Marlow-Eastwood		

External Boards	Seats	Allocation to political groups			Nominations for 2023/24			Notes
		LAB	CON	GRN	LABOUR	CONSERVATIVE	GREEN	
Hastings Week Committee	4	1	1		1. Margi O'Callaghan 2. Heather Bishop 3. Alan Roberts	1. Rob Cooke		Mayor and Deputy Mayor ex-officio members
Court of the University of Sussex	1	1			1. Mike Turner			
Magdalen & Lasher Charity	3	2	1		1. James Bacon 2.	1. Peter Pragnell		

Representative Bodies	Seats	Appointments for 2023/24
Health & Wellbeing Board	1 (not to be the Health Overview and Scrutiny Member)	Andy Batsford
Local Government Association - National Body	1	Paul Barnett
Local Government Association - Urban Commission	1	Paul Barnett
Local Government Association - Coastal Issues Group	1	Paul Barnett
South East England Councils	1	Paul Barnett