

## Cabinet

Date and Time - **Monday 10 January 2022 – 6:30pm**

Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**

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### **Councillors appointed to the Committee:**

Councillor D.B. Oliver (Leader), S.M. Prochak, MBE (Deputy Leader), C.A. Bayliss, T.J.C. Byrne, K.P. Dixon, K.M. Field, H.L. Timpe and J. Vine-Hall.

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## **AGENDA**

### **1. MINUTES**

To authorise the Leader to sign the Minutes of the meeting held on Monday 13 December 2021 as a correct record of the proceedings.

### **2. APOLOGIES FOR ABSENCE**

### **3. ADDITIONAL AGENDA ITEMS**

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

### **4. URGENT DECISIONS**

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

### **5. DISCLOSURE OF INTERESTS**

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

### **6. DRAFT REVENUE BUDGET 2022/23 PROPOSALS (Pages 1 - 12)**

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At the discretion of the Leader, the order of the items set out in the agenda may be varied

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7. **REVIEW OF THE HOUSING, HOMELESSNESS AND ROUGH SLEEPING STRATEGY (2019-2024)** (Pages 13 - 50)
8. **CARBON BASELINE APPROACH FOR COUNCIL'S ACTIVITIES** (Pages 51 - 56)
9. **LOCAL ENFORCEMENT PLAN** (Pages 57 - 88)
10. **ROTHER BUILT LEISURE FACILITIES STRATEGY** (Pages 89 - 94)

Malcolm Johnston  
Chief Executive

Agenda Despatch Date: 23 December 2021

## Rother District Council

<b>Report to:</b>	Cabinet
<b>Date:</b>	10 January 2022
<b>Title:</b>	Draft Revenue Budget 2022/23 Proposals
<b>Report of:</b>	Antony Baden – Chief Finance Officer
<b>Cabinet Member:</b>	Councillor Dixon
<b>Ward(s):</b>	All
<b>Purpose of Report:</b>	To present the draft Revenue Budget 2022/23 for approval
<b>Decision Type:</b>	Key
<b>Officer</b>	
<b>Recommendation(s):</b>	It be <b>RESOLVED:</b> That the draft Revenue Budget for 2022/23 be considered by the Overview and Scrutiny Committee at its meeting on the 24 January 2022.
<b>Reasons for Recommendations:</b>	To approve the draft revenue budget 2022/23 for consultation with the Overview and Scrutiny Committee

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## Introduction

1. The Council is required to set a balanced budget each year. The Local Government Finance Act 1992 requires the Council to estimate revenue expenditure and income for the forthcoming year from all sources, including contributions from reserves, in order to determine its net budget requirement.
2. This report updates Members on the second phase of the budget process, which is to prepare the draft Revenue Budget for 2022/23 by outlining the likely financial position and the key issues Members need to consider. Appendix A details the summary draft Revenue Budget, Appendix B gives summary information for each service area and Appendix C details the main changes from the 2021/22 Budget. Appendix D summarizes the Council's Revenue Reserves position.
3. All Budgets are shown at "Net Operational Expenditure Levels" and exclude central costs and support service recharges. This ensures Members are provided with a clear identifiable core cost for each service.

## Budget Assumptions

4. As the Section 151 Officer, the Chief Finance Officer confirms that, in accordance with Section 25 of the Local Government Act 2003, these estimates have been prepared on a robust basis. The following assumptions were made when calculating the draft budget:

- a. **Inflation** – increases of between 1.8% and 2% have been applied to non-pay and income budgets except for contracts where specific indices are applied, (see paragraph 15 below);
- b. **Salaries** – an increase of 1% has been applied, with effect from September 2022;
- c. **Transfers** – the use of transfers between existing budgets has been applied to enable funding is re-directed to priority areas;
- d. **Income** – where applicable, income budgets have been increased in line with the fees and charges approved by Cabinet on the 8 November 2021.

## Government Grant Settlement

5. The draft Local Government Finance Settlement (LGFS) was announced by the Government on the 16 December 2021 and applies to 2022/23 only. It does not give the Council any indication of future funding streams.
6. Each year the Government sets the Council's Core Spending Power (CSP) in the LGFS. It is an estimate of the resources required to fund services across the district and notably includes income the Council collects from Council Tax. The table below shows that the 2022/23 CSP is £11.4 million, which is an increase of 6% (£0.7 million) on the 2021/22 figure:

	<b>£ M</b>
<b>Core Spending Power 2021/22</b>	<b>10.7</b>
Settlement Funding Assessment (SFA)	2.4
Compensation for under-indexing	0.2
Council Tax	8.0
New Homes Bonus Grant (NHB)	0.5
Rural Services Delivery Grant (RSD)	0.1
Lower Tier Services Grant (LTSG)	0.1
Services Grant	0.2
<b>Core Spending Power 2022/23</b>	<b>11.4</b>

7. The SFA consists of the Council's share of business rates income and Revenue Support Grant (RSG). The baseline funding figure of £2.4 million is unchanged from 2021/22 although there is a small increase of £0.2 million due to the freezing of the business rates multiplier in the LGFS. Furthermore, because our expected share of business rates income exceeds £2.4 million the Council continues not to receive any RSG.
8. The MTFP did not include any New Homes Bonus (NHB) in the forecast as the Department for Levelling Up, Housing and Communities (DLUHC) (previously known as the Ministry of Housing, Communities and Local Government (MHCLG)) had given no prior indication that this source of funding would continue beyond 2021/22. However, the LGFS includes about £0.5 million. It also includes funding of £0.2 million for Rural Services Delivery (RSD) and Lower Tier Services Grant (LTSG) grants, which have been continued from 2021/22, as well as a one-off grant of £0.2 million to fund general services pressures.

9. The Local Council Tax Support, Benefits Administration and Homelessness Preventions grants do not form part of the Council's CSP calculation. Paragraphs 22 to 25 give more information about grant funding.

## **Review of Cost Pressures**

10. In the Medium-Term Financial Plan (MTFP) forecast reported to Cabinet on the 13 December 2021 Members were advised of several cost pressures that may affect the Council's budget. These have been reviewed as part of the second phase of the budget process and are discussed in paragraphs 11 to 16 below.
11. **Homelessness** – Members approved an increase of £250,000 in the 2021/22 base budget in response to the high levels of demand experienced in the previous year. The Temporary Accommodation (TA) acquisition programme has successfully secured several properties across the district and this has reduced the cost of TA to the Council, but demand remains high. Furthermore, the costs associated with the discretionary placement of rough sleepers will continue into 2022/23 and place further pressure on this budget. Therefore, it is proposed to retain the additional £250,000 provision within the base budget.
12. **Planning Appeals** – This provision includes the costs unchanged from the MTFP forecast.
13. **Net Financing Costs** – These have been subject to very minor changes since the MTFP forecast.
14. **Staffing Costs** – These have been reviewed to assess the impact of the 1.25% increase in the employer's national insurance contribution rate, which is effective from April 2022 and other changes. As a result, the budgets have been increased in overall terms by £242,000.
15. **Non-Pay Inflation** – As previously reported the Chief Finance Officer reviewed inflation budgets to assess the impact of the current economic data and inflation on large contracts. Inflation on energy budgets has been estimated at 4.2% and has increased costs by over £22,000. More significantly, the Refuse Collection and Street Cleansing contract is aligned to the September consumer price index. As a result, it is subject to an uplift of 5%, which equates to an increase of £255,000.
16. **COVID-19 impact** – No further changes have been made to the budget at this stage although uncertainty continues to exist over the potential impact of the pandemic. Future lockdowns may have a negative impact on the budget. Officers will continue to monitor the situation throughout the financial year and update Members via the Quarterly Revenue Budget Monitoring reports.

## **Budget Contingency**

17. For 2022/23 only it is proposed to establish a contingency of £200,000. This budget will be controlled by the Chief Finance Officer in consultation with the Chief Executive and used to fund unexpected events that have not been included in the 2022/23 budget and are too big to be mitigated within existing budgets. Examples would include further significant inflation increases, judicial reviews and emergency building maintenance works.

## **Financial Stability Programme**

18. There have been no changes to the savings targets previously reported but Members are reminded of the importance of delivering them and the risks associated with non-delivery. For example, if only 50% of the savings are delivered, Reserves would fall to an unsustainably low level and if only 25% are delivered, the Council would run out of Reserves during 2025/26. In either case, the Council would be forced to cut statutory services and stop providing some non-statutory services altogether. The Chief Finance Officer may also be obliged to issue a section 114 notice should he conclude that the Council cannot balance its budget in-year.

## **Business Rates (National Non-Domestic Rates)**

19. Since the MTFP report the Chief Finance Officer has received a letter confirming that the Secretary of State has retained the East Sussex Business Rates Pool for 2022/23. This will be discussed with the section 151 officers from the other pool member authorities before the final budget phase is concluded but it is anticipated that it will remain financially advantageous for the Council to remain in the pool.

## **Council Tax**

20. The 2022/23 council tax base has been calculated at 38,626.8 and shows an increase of 1,020 Band D equivalents since December 2020. The main reasons for the change are as follows:
  - a. An increase of 356.0 in chargeable dwellings since December 2020;
  - b. A projected increase of 399.8 in dwellings from new developments;
  - c. A reduction in the take up of the Council Tax Reduction Scheme, (the number of claimants increased in 2020/21 due to the impact of lockdown), which has increased chargeable dwellings by 291.9.
21. The draft settlement confirms that the 2022/23 council tax referendum principles for shire districts, like Rother, will allow an increase in council tax of £5 or 2% whichever is the highest. The draft Revenue Budget assumes that the Council will increase Council Tax by the maximum allowed before a referendum is required. To ensure the Council remains within this limit, including Special Expenses, an increase of £4.67 to £193.38 has been assumed for Band D property. This is subject to agreement by Full Council and will increase Council Tax income by £373,000 to an estimated total of £7.47m.

## **Non-Specific Revenue Grants**

22. The Council received notification of several government grants as part of the LGFS announcement and it will also receive other non-specific grants. These are listed below along with the expected amounts:
  - a. New Homes Bonus - £467,000;
  - b. Services Grant - £164,000;
  - c. Lower Tier Services Grant - £107,000;
  - d. Rural Services Delivery Grant - £64,000;

- e. Local Council Tax Support Grant (LCTS) - £150,000;
- f. Benefits Administration Grant (BAG) - £228,000;
- g. Homelessness Grant – Preventions (HPG) - £470,000.

### **Grants receivable in 2022/23 only - £738,000**

23. The total amount of grant funding is expected to be £1.653 million. As mentioned previously the LGFS is a one-year settlement and it is unclear whether NHB funding (£467,000) will continue beyond 2022/23. However, the DLUHC have stated their commitment to address the scheme as part of the Fair Funding Review so there is a strong possibility that it will exist in some form or another. The Services grant is a one-off sum, which the Council will not receive after 2022/23. The LTSG was introduced in 2021/22 and although the DLUHC has indicated that it will be addressed as part of the Fair Funding Review, there is no specific commitment to continue funding after 2022/23.

### **Grants expected to continue beyond 2022/23 - £912,000**

24. The Council receives a small grant in relation to RSD. It is anticipated that this will be carried over into 2022/23.
25. The Local Council Tax Support, Benefits Administration and Homelessness Preventions grants do not form part of the Council's CSP but are an established component of its funding envelope. The allocations for the first two grants are yet to be notified but it is anticipated that funding levels will be like those previously reported. The Homelessness Preventions grant has been notified at £470,000, which includes £8,000 to address the costs of homelessness arising as a result of domestic abuse.

### **Revenue Reserves**

26. The draft Revenue Budget for 2022/23 proposes the use of £3.670m from reserves. Of this, £0.374m will be used to support capital expenditure with the other £3.296m being used to support revenue expenditure.
27. The total Revenue Reserves balance by the end of March 2023 is estimated to be £6.144m. Over the five-year financial forecast period Reserves are predicted to fall to a minimum of £4.4m by 2024/25, rising to £5.901m by 2026/27. In 2023/24 to 2025/26 Reserves will fall below the minimum level of £5m level previously agreed by Members, before exceeding it again in 2026/27.

### **Collection Fund Surplus/Deficit**

28. The Collection Fund will be reviewed during the third phase of the budget process and reported to Cabinet at the 7 February 2022 meeting.

### **Budget Consultation**

29. The budget consultation is due to close in January 2022 and interim results will be reported to the Overview and Scrutiny Committee at their meeting on the 24 January 2022.

## Conclusion

30. As previously reported the Council's ability to deliver a balanced budget heavily depends on strong financial management and the successful delivery of the FSP. It is highly likely that its resources will need to be reorganised if the priorities and objectives of the Corporate Plan are also to be achieved. To this end, the Council will need to maintain a suitable level of Reserves and continue to operate within the approved budget each financial year to prevent further unplanned calls on reserves. Failure to do so will impact on the Council's ability to meet its statutory obligations.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	Yes
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive	Malcolm Johnston
Report Contact Officer:	Antony Baden, Chief Finance Officer
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Appendices:	Appendix A - Draft Revenue Budget – 2022/23 to 2026/27 Appendix B - Revenue Budget Summary - Cost of Services Appendix C - Main changes in net cost of services between 2021/22 and 2022/23 Appendix D - Revenue Reserves
Relevant Previous Minutes:	None.
Background Papers:	Local Government Settlement 2022/23
Reference Documents:	None.

## DRAFT REVENUE BUDGET - 2022/23 TO 2026/27

## Appendix A

	Original 2021/22 Budget £ (000)	Revised 2021/22 Budget £ (000)	Projected 2021/22 Outturn at Qtr 2 £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)
Corporate Core	2,034	2,028	2,022	2,173	2,028	2,028	2,028	2,028
Environmental Services	658	609	522	670	611	611	611	611
Strategy and Planning	1,090	1,043	1,780	1,338	1,043	1,043	1,043	1,043
Acquisitions, Transformation and Regeneration	(297)	127	(378)	(76)	(835)	(1,518)	(1,862)	(1,916)
Housing and Community Services	8,739	8,186	8,665	8,211	7,938	7,938	7,938	7,938
Resources	3,350	3,293	3,509	3,307	3,295	3,295	3,295	3,295
<b>Total Cost of Services</b>	<b>15,574</b>	<b>15,286</b>	<b>16,120</b>	<b>15,623</b>	<b>14,081</b>	<b>13,397</b>	<b>13,054</b>	<b>12,999</b>
Net Financing Costs	1,101	1,101	278	1,542	1,550	1,558	1,566	1,552
Salaries turnover & Inflation	(288)	0	0	0	40	40	47	47
Financial Stability Programme - Savings and Income generation	(632)	(632)	(158)	(635)	(2,137)	(2,197)	(2,197)	(2,197)
Budget Contingency	0	0	0	200	0	0	0	0
<b>Net Cost of Services</b>	<b>15,755</b>	<b>15,755</b>	<b>16,240</b>	<b>16,730</b>	<b>13,534</b>	<b>12,798</b>	<b>12,469</b>	<b>12,401</b>

	Original 2021/22 Budget £ (000)	Revised 2021/22 Budget £ (000)	Projected 2021/22 Qtr 2 £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)
<b>Income</b>								
Special Expenses	(692)	(692)	(692)	(702)	0	0	0	0
Business Rates & Section 31 Grants	(3,747)	(3,747)	(3,747)	(3,747)	(3,747)	(3,747)	(3,747)	(3,747)
Non-Specific Revenue Grants	(1,653)	(1,653)	(2,045)	(1,650)	(934)	(956)	(979)	(1,003)
Council Tax Requirement (Rother only)	(7,097)	(7,097)	(7,097)	(7,470)	(7,759)	(8,086)	(8,414)	(8,741)
<b>Other Financing</b>								
Collection Fund (Surplus)/Deficit	134	134	134	134	134	134	0	0
<b>Total Income</b>	<b>(13,054)</b>	<b>(13,054)</b>	<b>(13,447)</b>	<b>(13,435)</b>	<b>(12,306)</b>	<b>(12,656)</b>	<b>(13,140)</b>	<b>(13,491)</b>
<b>Contribution from Reserves/Funding Gap</b>	<b>2,700</b>	<b>2,700</b>	<b>2,793</b>	<b>3,296</b>	<b>1,229</b>	<b>142</b>	<b>(671)</b>	<b>(1,090)</b>

## Revenue Budget Summary - Cost of Services

Revenue Budget Summary - Cost of Services	Revised Budget 2021/22	Budget 2022/23		
		Gross Expenditure	Income	Net Expenditure
	£	£	£	£
Acquisition, Transformation and Regeneration	124,495	2,285,470	(2,361,960)	(76,490)
Environmental Services, Licensing and Community Safety	608,210	2,723,310	(2,053,060)	670,250
Corporate Core	2,027,940	2,199,610	(26,740)	2,172,870
Housing and Community	8,189,635	12,601,680	(4,390,250)	8,211,430
Resources	3,292,410	22,623,845	(19,316,750)	3,307,095
Strategy and Planning	1,042,720	2,331,750	(994,000)	1,337,750
<b>Total</b>	<b>15,285,410</b>	<b>44,765,665</b>	<b>(29,142,760)</b>	<b>15,622,905</b>

Acquisitions, Transformation and Regeneration	Revised Budget 2021/22	Budget 2022/23		
		Gross Expenditure	Income	Net Expenditure
	£	£	£	£
Economic Development and Regeneration	(1,049,215)	1,022,880	(2,288,070)	(1,265,190)
De La Warr Pavilion Client	485,890	488,500		488,500
Programme and Policy Office	235,920	221,790		221,790
Transformation	309,540	345,560	(20,000)	325,560
Director of Place and Climate Change	142,360	206,740	(53,890)	152,850
<b>Total</b>	<b>124,495</b>	<b>2,285,470</b>	<b>(2,361,960)</b>	<b>(76,490)</b>

Environmental Services, Licensing and Community Safety	Revised Budget 2021/21	Budget 2022/23		
		Gross Expenditure	Income	Net Expenditure
	£	£	£	£
Food and Safety	269,330	1,061,670	(800,020)	261,650
Licensing	2,690	800,690	(769,960)	30,730
Pollution	327,000	847,350	(483,080)	364,270
Head of Service	9,190	13,600		13,600
<b>Total</b>	<b>608,210</b>	<b>2,723,310</b>	<b>(2,053,060)</b>	<b>670,250</b>

Corporate Core	Revised Budget 2021/22	Budget 2022/23		
		Gross Expenditure	Income	Net Expenditure
	£	£	£	£
Chief Executive Office	229,600	364,900		364,900
Communications	51,490	51,660		51,660
Democratic and Electoral Services	617,030	618,770		618,770
Emergency Planning	31,720	32,670		32,670
Facilities	391,560	378,730		378,730
Human Resources	289,930	331,170	(26,740)	304,430
Internal Audit	151,010	155,740		155,740
Legal Services	265,600	265,970		265,970
<b>Total</b>	<b>2,027,940</b>	<b>2,199,610</b>	<b>(26,740)</b>	<b>2,172,870</b>

## Revenue Budget Summary - Cost of Services

	Revised Budget 2021/22	Budget 2022/23		
		Gross Expenditure	Income	Net Expenditure
<b>Housing and Community</b>				
	£	£	£	£
Customer Services	527,280	486,460		486,460
Housing	1,749,280	2,837,740	(1,068,560)	1,769,180
Neighbourhood Services and Contracts	5,570,475	8,909,770	(3,321,690)	5,588,080
Property and Maintenance Services	250,850	274,650		274,650
Head of Service	91,750	93,060		93,060
<b>Total</b>	<b>8,189,635</b>	<b>12,601,680</b>	<b>(4,390,250)</b>	<b>8,211,430</b>

	Revised Budget 2021/22	Budget 2022/23		
		Gross Expenditure	Income	Net Expenditure
<b>Resources</b>				
	£	£	£	£
Financial Services	1,631,870	1,670,825	(9,060)	1,661,765
Information Communication Technology	912,730	1,035,680	(60,000)	975,680
Revenues and Benefits	633,040	19,916,460	(19,247,690)	668,770
Assistant Director, Resources	114,770	880		880
<b>Total</b>	<b>3,292,410</b>	<b>22,623,845</b>	<b>(19,316,750)</b>	<b>3,307,095</b>

	Revised Budget 2021/22	Budget 2022/23		
		Gross Expenditure	Income	Net Expenditure
<b>Strategy and Planning</b>				
	£	£	£	£
Building Control	56,540	56,910		56,910
Business Support and Land Charges	131,530	326,000	(194,000)	132,000
Development Management	163,460	1,295,250	(760,000)	535,250
Enforcement	115,000	115,740		115,740
Planning Strategy	477,860	529,510	(40,000)	489,510
Head of Service	98,330	8,340		8,340
<b>Total</b>	<b>1,042,720</b>	<b>2,331,750</b>	<b>(994,000)</b>	<b>1,337,750</b>

## MAIN CHANGES IN NET COST OF SERVICES BETWEEN 2021/22 AND 2022/23

	£'000	£'000
Revised Revenue Budget 2021/22		15,755
Draft Revenue Budget 2022/23		16,730
<b>Net Increase in Cost of Services</b>		<b>976</b>

**Analysis of Variations****Expenditure**

Reduction in staff recharges to capital projects	56
Roll forward of Levelling Up Fund grant not spent in 2021/22	(109)
Savings on new photocopier contract	(13)
Removal of one-off provision to fund new car parking machines	(48)
Reduction in business rates on public conveniences	(52)
Removal of one-off financial support to the Leisure contractor	(130)
Reduction in business rates due to commercial property voids	(10)
Reduction in Postage costs	(26)
Increased in the Waste Collection base contract cost	50
Increased in the Street & Beach Cleansing base contract cost	72
Increased system software contract costs	33
Additional resources to process planning applications backlog	62
Planning Appeals	300
Increase in Net Financing Costs	442
Establishment of a central Budget Contingency	200
Recovery of temporary accommodation running costs	(86)
Increase in Garden Waste collection income	(203)
Increase Property Investment Strategy rental income	(139)
Increased income from Car Parking operations	(25)
Increased fee income from Licensing	(14)
Reduced pension fund top up payment	(20)
Inflation	639
Other Minor Changes	(3)

<b>Total Increase in Cost of Services</b>	<b>976</b>
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## Revenue Reserves

Reserves	Quarter 2 2021/22 Forecast £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)
Earmarked Reserves and General Reserves - Opening Balance	13,209	9,814	6,144	4,729	4,400	4,941
Use of Reserves	(3,395)	(3,670)	(1,415)	(329)	0	0
Contribution to Reserves	0	0	0	0	541	960
<b>Total Reserves</b>	<b>9,814</b>	<b>6,144</b>	<b>4,729</b>	<b>4,400</b>	<b>4,941</b>	<b>5,901</b>
<b><u>Use of/Contribution to Reserves</u></b>						
To balance the Revenue Budget	(2,793)	(3,296)	(1,229)	(142)	671	1,090
To fund Capital Expenditure	(602)	(374)	(186)	(187)	(130)	(130)
<b>Total</b>	<b>(3,395)</b>	<b>(3,670)</b>	<b>(1,415)</b>	<b>(329)</b>	<b>541</b>	<b>960</b>

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## Rother District Council

**Report to:** Cabinet

**Date:** 10 January 2022

**Title:** Review of the Housing, Homelessness and Rough Sleeping Strategy (2019-2024)

**Report of:** Ben Hook – Director – Place and Climate Change  
Joe Powell – Head of Housing and Community

**Cabinet Member:** Councillor Byrne

**Ward(s):** All

**Purpose of Report:** To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 22 November 2021, regarding the review of the Council's Housing, Homelessness and Rough Sleeping Strategy (2019-2024). The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix C) should be read in conjunction with this report.

**Decision Type:** Non-Key

### Officer

**Recommendation(s):** It be **RESOLVED:** That the:

- 1) 'targets achieved' as listed in Appendix B to the report be removed from the Improvement Delivery Plan and replaced with the proposed new/amended targets at Appendix A to the report with revised outcomes included;
- 2) progress made against the Housing, Homelessness and Rough Sleeping Strategy included in the Improvement Delivery Plan (Appendix A to the report) be noted;
- 3) future reviews of the Housing, Homelessness and Rough Sleeping Strategy (2019-2024) be split into a Housing Review and a Rough Sleeping Review; and
- 4) suitable Council-owned sites to accommodate pre-fabricated buildings to be used as temporary accommodation, be further explored.

**Purpose of Report:** To update Members on progress of the Improvement Delivery Plan of the above strategy.

### Introduction

1. The Housing, Homelessness and Rough Sleeping Strategy (The Strategy) and its action plan was developed in 2019 following an extensive research and consultation exercise, with key stakeholders and the public. Recommendations from a Member 'Task and Finish Group' were also used to shape three key priorities of the final Strategy, including the need to increase housing supply

while improving measures to address homelessness and the quality of accommodation. The Council will continue to monitor the progress of the Strategy's action plan through annual consultation with its strategic partners from across Housing, Health, Social Care and voluntary sectors.

2. The aims and objectives of the Strategy are complemented by the stated aims of the Anti-Poverty Task and Finish Group that has made recommendations for the formation of an Anti-Poverty Strategy to be governed by the Local Strategic Partnership. The Anti-Poverty Strategy is in development and a draft will be put before Members in early 2022.
3. This report is intended to update Members on progress made towards achieving the Strategy's three strategic priorities. The outcome of the full review can be found in the updated Improvement Delivery Plan (Appendix A). A summary of all actions achieved so far is included in Appendix B below. The remainder of this report will focus on some of the key highlights from the Improvement Delivery Plan achieved so far, during 2020/21.

## **PRIORITY 1: Increasing the Supply of Housing**

### **Alliance Homes (Rother) Ltd**

4. In December 2019, Council approved the establishment of a Local Housing Company, Alliance Homes (Rother) with the initial aim to complete 1,000 new homes by 2035 (Minute C19/59 refers). Alliance Homes was formally incorporated in August 2020 (Minute CB20/21 refers).
5. Despite issues resulting from the COVID-19 pandemic, significant progress has been made on Alliance Homes developments. An Alliance Homes board is now in place to oversee the activities of the Company and regular meetings are taking place. The Board currently includes Council Members and representatives of the Council (as sole Shareholder), as well as officers working for Alliance Homes. Recent authority has been approved to recruit external Board Members to grow the existing expertise and skills of the Board for robust governance.
6. Blackfriars is the most advanced scheme within the development programme and will be the first scheme to be delivered by Alliance Homes. The scheme will see the delivery of 200 towards the total delivery of 335 new homes committed to in the medium-term Business Plan. All the new homes have been designed to significantly reduce energy consumption and carbon emissions, whilst minimising energy costs for residents. The homes will take a fabric first approach to construction and will achieve Housing Quality Mark accreditation (minimum level 4 across the site). The Home Quality Mark (HQM) is the badge of a better home. It enables house builders to showcase the quality of their homes, and to distinguish them from other houses on the market. The scheme will deliver at least 70 affordable homes of mixed tenure to include affordable rent and shared ownership. The Reserved Matters application was approved in April this year. The Council has entered into contact with Breheny to undertake delivery of the neighbourhood road, required by Planning and funded through Homes England's Housing Infrastructure Fund (HIF) programme, to join the north end of the site (from Harrier Lane) to the south end (the Spinney). Subject to final sign-off of pre planning commencement conditions, the road will be starting on site this year. The scheme will be formally handing over to Alliance

Homes upon the land being transferred to the company. Contracts are now well advanced for appointment of a lead contractor, and construction of the housing will begin early next year with the final homes currently expected to complete during 2023.

7. The ambitious headline target of delivering 1,000 homes across the district in this first 15 years of the Company's life is still in place and a review of the Business Plan is now underway to update the development programme towards achieving both medium and long-term targets set. Additionally, to provide detailed cashflow of schemes as they have progressed to more advanced stages of development. The Company will continue to prioritise delivery of Council owned sites in the early years, to make best use of sites already in the Council's control, as committed in the current Corporate Plan (2020-2027). The Company will also start to seek appropriate new development opportunities where sites are the right strategic fit for the company, to include for example, delivery of stalled sites with planning permission, or sites allocated in the local plan (including Neighbourhood Plans) that have not yet come forward.

### **Affordable Housing Delivery**

8. We are actively seeking to broaden the range of Registered Providers operating in Rother alongside the increased resource being put into Alliance Homes to deliver at least planning policy compliant levels of affordable Housing. Additional further resource has been allocated to increase delivery of Community Led Housing.
9. We have increased the number of Registered Providers (RP) who are expressing interest in s106 developments in the district. This is essential for keeping a good supply of Affordable Housing coming through, especially on smaller development sites. Currently, the majority of affordable housing units are being provided through Optivo, and while our strategic partnership with Optivo is of great value to our delivery programme we are actively seeking to broaden the number of active RPs in the district as current developments are being delivered by a relatively small number of RPs. There is a particular weighting towards those with whom we have a long-standing relationship but responding to the significant changes that have come through the sector at a national level, we are actively seeking to broaden our range of delivery partners. In order to continue to increase affordable housing supply on sites across the district, we are setting a target to increase the number of active RPs delivering within the District from three to six, as well as encouraging delivery through for-profit RPs such as Legal and General, Sage, and Heylo.
10. Despite the impact of Brexit and the COVID-19 Pandemic on the construction industry, we have continued to see a good rate of build-out on our schemes that are currently on-site. The larger developments at Rosewood Park and North East Bexhill in particular have progressed well. There have been three significant development schemes start on site this year at Darvel Down (Netherfield) Lily Bank (Battle) and Main Road (Icklesham). The Lily Bank development is a good example of a stalled site and one that showed little prospect of delivering affordable housing coming forward with good provision of on-site affordable housing as a result of strong partnership working and stakeholder management in the Council's development team.

## **Community Led Housing**

11. We currently have one community led scheme delivering on site. The scheme in Icklesham is being led by the Icklesham Parish Community Land Trust with support from the Sussex Community Housing Hub (SCHH). This scheme will provide 15 homes for local people. The work of the SCHH has been instrumental in allowing this scheme to come forward.
12. Our service level agreement with Action in Rural Sussex (of which the SCHH is a part) commits them to delivering four community led schemes in the next five years. There are also targets set around the formation of community led housing groups. Through the work of the SCHH, we plan to have a minimum of 45 homes either delivered or in the delivery pipeline by 2024.
13. We have the Bexhill Community Land Trust that is looking at multiple sites for delivery in Bexhill. The SCHH have also been working with a community led housing group in Battle, alongside receiving enquiries from local groups in rural areas looking for assistance in setting up groups as well. Government have recently put further emphasis on the delivery of housing through community led schemes through the Community Led Housing Fund Revenue Programme. Our work with the SCHH and long-standing relationship with Action in Rural Sussex puts Rother in a strong position to take advantage of this.

## **Empty Homes Action Plan**

14. The Empty Homes action plan has been finalised since March 2021. An officer group is now meeting twice yearly with two meetings having taken place in March and September 2021. The action plan is being delivered and monitored through these meetings. Visits and engagement with property owners is led by the Private Sector Housing team and supported by the wider Environmental Health service. This is underpinned by appropriate data sharing with our Council Tax team to identify long term empty properties. Promotion of the Empty Homes action plan and identification of partner agencies to bring properties back into use is undertaken through the Acquisition, Transformation and Regeneration team.

## **PRIORITY 2: Rough Sleeping, Homelessness and Meeting Housing Aspirations**

### **Accommodation initiatives**

15. We purchased 4 units of accommodation in February 2021 for use within the East Sussex-wide Housing First scheme. Through the Rough Sleeper Initiative (RSI) and the Next Steps Accommodation Programme (NSAP), we are providing Housing First accommodation to former rough sleepers. Housing First is recognised as best practice in settled accommodation for individuals with high level multiple and complex needs. The support is commissioned through Seaview.
16. We have identified through the RSI a gap in provision for vulnerable females, particularly in respect of female-only accommodation. This includes the findings of an earlier Safeguarding Adults Review (SAR) which noted a lack of accommodation options for women with multiple and complex needs. The proposal made by East Sussex Housing Officer Group (ESHOG) will deliver 12 respite rooms across East Sussex in a 12-month pilot. Accommodation will be

provided by established emergency accommodation providers, who are experienced in supporting our homelessness services.

17. The RSI, housing authorities and community safety teams across Sussex have been working collaboratively to prepare for the implementation of the Domestic Abuse Act 2021. Independent Domestic Violence Advisors (IDVAs), hosted by Change Grow Live (CGL) will be co-located within the local authority housing teams to support the early identification of individuals who are experiencing domestic abuse and those at risk of it. The IDVAs will also upskill housing needs staff in providing more tailored support.
18. ESHOG's bid to the Ministry of Housing, Communities and Local Government's Accommodation for ex-Offenders (AFO) scheme was successful. The aim of the project is to improve access to the private rented sector for ex-offenders who have left prison within the last 12 months. We have been awarded funding of £255,000 over 2021/22 and 2022/23. The AFO will provide funding for additional tenancy sustainment services (to be delivered through the Rapid Rehousing Pathway service) and dedicated tenancy sustainment and landlord incentive grants. This project will complement the work which is already underway through East Sussex Trailblazers and the RSI, as well as the new housing solutions role within the prison service which is jointly funded by the five local authorities.

### **Temporary Accommodation Purchases**

19. We are currently undergoing a procurement process for a 6-month pilot to deliver support to client's in Rother-owned temporary accommodation, with an emphasis on accessing the private rented sector. We currently have 6 RDC owned properties (5x 3 bedroom and 1x 2 bedroom) and are in process of purchasing three other buildings consisting of 9 units of accommodation to complement our 4 Housing First units.

### **New support services**

20. East Sussex County Council, in partnership with the five local housing authorities has identified a preferred provider for the new Housing Related Floating Support service. The contract has been awarded to [BHT Sussex](#) (formerly Brighton Housing Trust), who are an experienced local provider. The Evaluation Panel was impressed by the high quality of the bids tendered. The new service will begin on 23 November 2021 after an 11-week transition period. The service will offer a single, integrated model, providing support to all adults on a countywide basis. Information on any changes to the referral process will be circulated prior to the new service starting.
21. We have also re-commissioned the Bexhill & Rother Homelessness Unity Group (HUG) to deliver the Bexhill Safe Space at St Barnabus Church, Sea Road, Bexhill. HUG has remained active throughout the pandemic providing support, advice and assistance to rough sleepers and the wider street community and support the Council to reach and provide housing to some of our most vulnerable residents.

### **Multi-Agency work**

22. East Sussex Housing Officers Group (ESHOG) is currently undergoing a restructure. The aim of the restructure is to develop a number of specialist sub-groups that facilitate greater partnership working across housing development and homelessness support services. The sub-groups will continue to be governed by the ESHOG Executive Group that will continue to lead in the strategic coordination of housing and homelessness services between wider sectors, with Rother being represented by the Head of Service Housing and Community.
23. ESHOG have developed a pan-Sussex bid to the Changing Futures Programme to review the network of services that support those experiencing multiple disadvantages, including homelessness and domestic abuse. Vulnerable females have been identified within our bid as high priority for the first phase of the programme. Through the Changing Futures programme we will review and improve the pan-Sussex governance and service structures that exist. The Sussex proposal has received a grant allocation of £4,425,000 over three years to deliver this programme
24. The inaugural meeting of Rother Homelessness Strategy Group will be taking place in December 2021. The purpose of the group will be to bring together a range of partner services to feed into the content of this strategy action plan as we seek to continuously improve it through regular review and scrutiny. The group will also be an opportunity for strategic leads in Rother to share information and service updates; and support one another to coordinate our services effectively around shared objectives.

### **PRIORITY 3: Improving the quality and suitability of existing housing and new build housing**

#### **Improving Private Sector Accommodation**

25. For the first quarter of this year, due to the pandemic, officers were unable to inspect properties and tenants were reluctant to allow builders to enter to carry out repairs. This led to higher complaints over the summer, which are traditionally quieter months. We are working to reduce waiting times and prioritising the most urgent cases.
26. In 2020/21 a total of 111 inspections under the Housing Health and Safety Rating System (HHSRS) were undertaken of residential properties across the district. As of the end of August 2021 there had been a further 25 inspections undertaken for 2021/22. These inspections have included 75 temporary accommodation dwellings
27. The Warm Home Check service provides energy efficiency advice and financial advice around heating. The scheme is run by East Sussex County Council and households are encouraged to self-refer to the scheme. This scheme is promoted and discussed during the HHSRS inspections. Numbers of households that self-refer are difficult to be certain of, but are believed to be around 119 for 2020/21

#### **Conclusion**

28. As a local authority with limited housing stock and no housing management services, we are dependent on a range of partner organisations to help us achieve the strategic housing priorities we set for the district. The progress and

success of many of the achievements included in this report, is testament to the strength of partnership working in Rother and ongoing commitment from all stakeholders to improve the quality of life for our residents, notwithstanding the considerably challenging impact on services due to the COVID-19 pandemic.

29. The Strategy is now in the third year since adoption, and already a significant amount of progress has been achieved to date. To support the continued progress and achieve all three priorities included in The Strategy, it is recommended that the updates and changes included in the Implementation and Delivery Plan are agreed, and the annual review and reporting of the Strategy continues.

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Appendices:	A - Housing, Homelessness and Rough Sleeper Strategy, Improvement Delivery Plan B - Summary of Targets Achieved
Relevant previous Minutes:	C19/59
Background Papers:	Housing, Homelessness and Rough Sleeping Strategy 2019-2024 <a href="#">Housing-Homelessness-and-Rough-Sleeping-Strategy.pdf (rother.gov.uk)</a>
Reference Documents:	None

**Minutes of the Overview and Scrutiny Meeting – 22 November 2021****OSC21/33. REVIEW OF THE HOUSING HOMELESSNESS AND ROUGH SLEEPING STRATEGY (2019-2024)**

Members received the report of the Director – Place and Climate Change and the Head of Service Housing and Community which provided an update on the progress made towards achieving the Housing, Homelessness and Rough Sleeping Strategy (2019-2024)'s three strategic priorities. The outcome of the full review could be found in the updated Improvement Delivery Plan (IDP) attached at Appendix A to the report. Members' attention was brought to some of the key highlights from the IDP achieved during 2020/21.

**PRIORITY 1: Increasing the Supply of Housing**

Despite issues resulting from the COVID-19 pandemic, significant progress had been made on Alliance Homes (Rother) Ltd (AH) developments, with the first scheme of the Blackfriars development programme due to deliver 200 homes towards the total delivery of 335 new homes committed to in the medium-term Business Plan, at least 70 of which would be affordable homes of mixed tenure to include affordable rent and shared ownership. The Council had entered into contract with Breheny to undertake delivery of the neighbourhood road; subject to final sign-off of pre-planning commencement conditions, work on the road would be starting in the current year. Construction of housing was expected to begin in early 2022, with the final homes completing during 2023.

The Council was actively seeking to broaden the range of Registered Providers (RP) of affordable housing operating in Rother, alongside the increased resource being put into AH to deliver at least planning policy compliant levels of affordable housing. Additional further resource had been allocated to increase delivery of Community Led Housing (CLH). The number of RPs who were expressing interest in Section 106 developments in the district had been increased (the majority of affordable housing units were currently being provided through Optivo) and a target of six RPs had been set to deliver affordable housing across the district.

The CLH scheme in Icklesham, being led by the Icklesham Parish Community Land Trust with support from the Sussex Community Housing Hub (SCHH), would provide 15 homes for local people. Through the work of the SCHH, the Council planned to have a minimum of 45 homes either delivered or in the delivery pipeline by 2024.

The Empty Homes action plan had been finalised in March 2021 and an officer group was meeting twice yearly. Visits and engagement with property owners was led by the Private Sector Housing team and supported by the wider Environmental Health and Housing Needs services, underpinned by appropriate data sharing with the Council Tax team to identify long term empty properties.

## **PRIORITY 2: Rough Sleeping, Homelessness and Meeting Housing Aspirations**

The Council purchased four units of accommodation in February 2021 for use within the East Sussex-wide Housing First scheme. Through the Rough Sleeper Initiative (RSI) the Council were providing Housing First (HF) accommodation to former rough sleepers. HF was recognised as best practice in settled accommodation for individuals with high level multiple and complex needs. The support was commissioned through Seaview.

Through the RSI, a gap in provision for vulnerable females, particularly in respect of female-only accommodation had been identified. The proposal made by East Sussex Housing Officer Group (ESHOG) would deliver 12 respite rooms across East Sussex in a 12-month pilot. In addition, the RSI, housing authorities and community safety teams across Sussex had been working collaboratively to enable the early identification of individuals who were experiencing domestic abuse and those at risk of it.

ESHOG's bid to the Ministry of Housing, Communities and Local Government's Accommodation for ex-Offenders (AFO) scheme was successful; East Sussex Councils had been awarded funding of £255,000 over 2021/22 and 2022/23. The aim of the project was to improve access to the private rented sector for ex-offenders who had left prison within the previous 12 months.

The Council currently owned six temporary accommodation (TA) properties and were in the process of purchasing three other buildings consisting of nine units of accommodation to complement the four HF units.

ESHOG had developed a pan-Sussex bid to the Changing Futures Programme to review the network of services that supported those experiencing multiple disadvantages, including homelessness and domestic abuse. The Sussex proposal had received a grant allocation of £4,425,000 over three years to deliver this programme.

## **PRIORITY 3: Improving the quality and suitability of existing housing and new build housing**

For the first quarter of the year, due to the pandemic, officers were unable to inspect properties and tenants were reluctant to allow builders to enter to carry out repairs. In 2020/21, a total of 111 inspections under the Housing Health and Safety Rating System (HHSRS) were undertaken of residential properties across the district. As of the end of August 2021, there had been a further 25 inspections undertaken for 2021/22, which included 75 TA dwellings. The Warm Home Check service, run by East Sussex County Council, was promoted and discussed during the HHSRS inspections, provided energy efficiency advice and financial advice around heating.

Members were given the opportunity to ask questions and the following points were noted during the discussions:

- the recruitment of external AH Board Members had recently been approved to grow existing expertise and skills for robust governance. Approval from full Council would be sought before any appointments made;
- Rother owned sites had yet to be transferred over to AH;
- affordable homes at the Blackfriars site would be a 60/40 ownership split;
- it was recommended and agreed that future reviews of the Housing, Homelessness and Rough Sleeping Strategy (2019-2024) be split into a review of Priority 1 (housing supply) and a separate review of Priorities 2 and 3 (homelessness/rough sleeping and accommodation quality). The proposal would enable a fuller and more detailed scrutiny of each respective priority. The Strategy itself could not be split;
- it was recommended and agreed that suitable Council-owned sites to accommodate pre-fabricated buildings be explored to be used as TA;
- Members raised concerns at the build-out rates across the district;
- discussions were taking place with Optivo regarding their 'staircasing' policy in the context of shared-ownership products;
- the nature of TA had changed to provide more supportive living in order to assist clients to live independently; and
- investment had been made with partners of the Safer Rother Partnership in officers working with offenders prior to leaving prison to secure accommodation and employment.

The Strategy was now in the third year since adoption, and already a significant amount of progress had been achieved to date. The progress and success of many of the achievements was testament to the strength of partnership working in Rother and ongoing commitment from all stakeholders to improve the quality of life for residents.

**RESOLVED:** That:

- 1) Cabinet be requested to agree that the 'targets achieved' as listed in Appendix B to the report be removed from the Improvement Delivery Plan and replaced with the proposed new/amended targets at Appendix A to the report with revised outcomes included;
- 2) the progress made against the Housing, Homelessness and Rough Sleeping Strategy included in the Improvement Delivery Plan (Appendix A to the report) be noted;
- 3) future reviews of the Housing, Homelessness and Rough Sleeping Strategy (2019-2024) be split into a review of Priority 1 (housing supply) and a separate review of Priorities 2 and 3 (homelessness/rough sleeping and accommodation quality); and
- 4) suitable Council-owned sites to accommodate pre-fabricated buildings to be used as temporary accommodation, be further explored.

(When it first became apparent, Councillor Barnes declared a Personal Interest in this matter as Vice-Chairman and Company Executive

Director for Alliance Homes (Rother) Ltd. and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(When it first became apparent, Councillor Clark declared a Personal Interest in this matter as Company Executive Director for Alliance Homes (Rother) Ltd. and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Overview and Scrutiny Committee Agenda Item 5).

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PRIORITY 1: INCREASING THE SUPPLY OF HOUSING					
Objective	Action	Outcome and Timeframe	Target	Head of Service/ Lead	November 2021 update
1.1 Increase the development of housing	<ul style="list-style-type: none"> <li>Purchase land for development and/or develop new housing on Council owned surplus land (where feasible) for those in housing need; for market, private rent, affordable rent, low cost market options, including shared ownership</li> <li>Purchasing, developing and/or facilitating the delivery of 'stalled' sites that are vital to the delivery of affordable housing, using Compulsory Purchase Orders (CPO) as a last resort where other options have failed</li> <li>To acquire in partnership, or develop where appropriate, council owned temporary accommodation provision to meet the varied needs of homeless households in Rother</li> <li>To support ESCC and registered housing providers in meeting the needs of those requiring supported housing, for example older people, care leavers, people with mental health issues.</li> <li>Development and Site Allocations document (DaSA)</li> <li>Local Plan Review (2019-2034) To provide housing as required by the Local Housing Needs Assessment under the</li> </ul>	<u>Outcome 2:</u> Bring forward Blackfriars site and other suitable sites for housing.	<p>Start on Site to be achieved on at least 5 council owned sites by 2024</p> <p>To deliver at least 334 homes by the end of 2024/25</p>	ATR	<p>Action to achieve target in progress</p> <p>Blackfriars update; Outline planning consent achieved (October 19) HIF grant increased to £8.7 Million (December 19) Commission of architects complete to progress reserved matters application to be submitted in November 2020 Procurement of road contractors currently out to tender to appoint by January 2021 Land assembly of adjoining sites is underway Development of houses must begin onsite by 2021/22 in accordance with the HIF contractual milestones</p> <p>Cabinet authority granted to progress planning applications on two further council owned sites to include Cyprus Place, Rye and Old Lydd Road, Camber. Designs are now at pre planning stage Reserved matters application being progressed in respect of King Offa Way, Bexhill.</p> <p>Targets have been revised to align with the Alliance Homes (Rother) Limited Business Plan 2020 –</p>

	<p>NPPF</p> <ul style="list-style-type: none"> <li>Provide a monthly report to the Council's Scrutiny and Planning Committees, covering the number of planning approvals, and development compared to the Local Plan target.</li> </ul>				<p>2023. Targets to be reviewed annually in line with the Alliance Homes (Rother) Ltd Business Plan and Development Programme</p>
		<p><u>Outcome 3:</u> Increase provision of affordable housing through council led development on a year by year basis</p>	<p>Indicative supply target for 2021-2022 totals 106 affordable homes</p>	<p>ATR and S&amp;P</p>	<p>Working towards the following annual targets: To date 61 units have been delivered. The target for 2021/22 is still expected to be met unless further COVID restrictions or other unforeseen issues limit on-site activity</p>
		<p><u>Outcome 5:</u> Increase supported housing options to meet identified needs</p>	<p>Work with partners to commission 100 units of supported accommodation for homeless households with support needs through acquisition and leasehold agreements by March 2024</p> <ul style="list-style-type: none"> <li>March 2022 – 20 units</li> </ul>	<p>H&amp;C</p>	<p>RDC has purchased 4 units of Housing First accommodation and we have been successful in securing funding to secure four more units.</p> <p>We currently have 6 RDC owned properties for use a temporary supported accommodation and are in process of purchasing 9 units of accommodation.</p> <p>Work with the Council's Large Scale Voluntary Transfer (LSVT) to deliver Housing First units,</p>

			<ul style="list-style-type: none"> <li>• March 2023 – 50 units</li> <li>• March 2024 – 100 units</li> </ul>		<p>supported by the RSI.</p> <p>Total: 21 units</p> <p>ESCC accommodation-based support services have commissioned 20 units of accommodation for young people and those with mental health needs.</p>
		<p><u>Outcome 7:</u> Local Plan Annual Housing Target</p>	<p>484 dwellings per annum</p>	<p>S&amp;P</p>	<p>We are currently awaiting publication of the 2020/21 Housing Land Supply position statement. The latest figures available are still those from the position statement published in November 2020. The new statement is due for publication in November 2021</p>

<p>1.2 Community led housing (CLH)</p>	<ul style="list-style-type: none"> <li>Continue working with the Sussex Community Housing Hub (SCHH), Parish and Town Councils and community groups in identifying suitable sites, including exception sites, and supporting the delivery of community led housing</li> <li>Service Level Agreement in place to secure services from Sussex Community Housing Hub for 4 years from October 2021</li> </ul>	<p><u>Outcome 1: Delivery of CLH housing</u></p>	<p>At least two community led schemes delivered by 2022/23</p> <p>A minimum of 45 community led homes across Rother delivered or in the pipeline of delivery by 2024</p>	<p>ATR</p>	<p>Action to achieve target in progress</p> <p>2 schemes in progress totalling up to 38 affordable dwellings to include Cemetery lodge Bexhill and Main Road Icklesham</p>
				<p>ATR</p>	<p>Action to achieve target in progress</p> <p>Authority given for officers to explore the use of a council owned site at Fairview as a community led development. A housing needs survey is now being commissioned. Other potential CLH schemes are being explored to include Blackfriars</p> <p>Guestling &amp; Pett housing needs survey undertaken and initial meeting held with community to explore CLH in Guestling. This could be on the Fairview site</p> <p>Progress of community led schemes is limited to the willingness of volunteers to form a group and progress a project. Targets and target dates have been amended to</p>

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		<p><u>Outcome 2:</u> An increase in the number of groups supported to deliver CLH</p>	At least four groups established in the Rother District as CLH groups by the end of 2024	ATR	<p>Action to achieve target in progress</p> <p>Two CLTs established in Rother to date.</p> <p>Ongoing advice and assistance provided by the Sussex Community Housing Hub to establish new groups delivered via the SLA.</p> <p>Further CLH group in development in Battle and initial meetings taken place in other areas to undertake CLH</p> <p>Establishment of community groups is limited to the willingness of volunteers to form a group and progress a scheme. Targets and target dates have been amended to reflect current progress</p>
1.3 Improve development partnerships	<ul style="list-style-type: none"> <li>Strengthen partnerships with registered providers development and planning partners to streamline the delivery of housing.</li> </ul>	<p><u>Outcome 1:</u> Joint protocol between Housing partners, Planning and legal</p>	In place by April 2022	ATR	<p>Action to achieve target in progress</p> <p>Draft protocol complete.</p>

		teams			<p>This action is currently on hold and will be progressed in conjunction with the Peer Review of the Planning service.</p> <p>Target date amended accordingly.</p>
<p>1.4 Increase housing supply by bringing empty homes in the district back into use</p>	<ul style="list-style-type: none"> <li>Put in place an action plan which would set out a number of methods for bringing into use empty homes, from contacting owners and offering incentives to increasing council tax on long term empty properties and the use of compulsory purchase orders (CPOs)</li> </ul>	<p><u>Outcome 2</u>: Delivery of action plan</p>	<p>Action taken against 5 empty properties a year from 2020/21</p>	<p>ESL&amp;CS</p>	<p>Action to achieve target in progress</p> <p>Prosecution action taken against one property during 2020/21 so far.</p>

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PRIORITY 2: ROUGH SLEEPING, HOMELESSNESS AND MEETING HOUSING ASPIRATIONS					
Objective	Action	Outcome and Timeframe	Target	Head of Service/Lead	November 2021 update
2.1 Reduce homelessness by improving the provision of housing related support	<ul style="list-style-type: none"> <li>Design and deliver initiatives to improve the provision of employability and tenancy readiness support for people in housing difficulty and promote greater opportunities to sustain and access suitable long-term housing solutions (subject to funding availability).</li> <li>Work with specialist providers to enable the delivery of accommodation-based support services that meet the needs of vulnerable groups unable to access general needs accommodation.</li> <li>Work with commissioning and delivery partners to expand the provision of housing related floating support services to assist households to sustain existing accommodation or access new accommodation which meets their housing needs.</li> </ul>	<p><u>Outcome 5:</u> Increase the number of adaptations made to the homes of disabled people to support them to sustain their accommodation through the provision of DFGs.</p> <p><u>Outcome 6:</u> New RP managed supported temporary accommodation is delivered in Rother.</p> <p><u>Outcome 7:</u> <u>The present level of floating support in East Sussex is sustained or increased</u></p>	<p>By April 2022 – 150 DFGs completed annually</p> <p>Deliver 12 new supported temporary accommodation units by March 2023.</p> <p>The existing level of floating support available in Rother is increased.</p>	H&C	<p>Action to achieve target in progress</p> <p><u>2020/21</u> COVID has caused reduction of DFGs (only 87 DFGs were completed) due to no community clinics – these are re-opening.</p> <p><u>2021/22</u> April-October 2021 we have completed 57 grants, spent £700,000 and approved £1.2million spend.</p> <p>We have agreed a service specification with local RP and social investors to bring forward 12 units in Bexhill</p> <p>ESCC and local housing authorities have commissioned a new floating support provider to deliver the Home Works Service until 2031.</p>

<p>2.2 Reduce homelessness through closer joint working</p>	<ul style="list-style-type: none"> <li>• Establish regular local multi-agency homelessness forum to design, deliver and monitor homelessness prevention measures</li> <li>• Restructure ESHOG to provide additional capacity to support partnership working across housing, development and homelessness services</li> <li>• Review eviction protocols and procedures with social landlords and private letting agents operating in Rother</li> <li>• RE-commissioned Homeless Unity Group (HUG) to improve community provision of rough sleeper support services</li> <li>• Work with Social Care and Health partners to develop a whole –system approach to supported housing delivery that meets the range of housing related support needs in</li> </ul>	<p><u>Outcome 5:</u> Improve access to the PRS for ex-offenders and provide additional tenancy sustainment services</p> <p><u>Outcome 6</u> Levels of homelessness are minimised</p>	<p>By January 2022 Commission specialist service to work with ex-offenders</p> <p>Sustain the number of homeless applications at existing levels and reduce the number of TA placements</p>	<p>H&amp;C</p>	<p>Action to achieve target in progress</p> <p>Working with county partners to commission a service to provide Accommodation for Ex-Offenders (AFO)who have recently left prison</p> <p>Number of TA placements is reducing; however, the longer-term impact of COVID19 on the number of homeless applications is emerging.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 33</p>	<p>across the county.</p> <ul style="list-style-type: none"> <li>• Create systems change through a pan-Sussex governance structure (Changing Futures)</li> <li>• Deliver the Accommodation for Ex-Offenders (AFO) project to support people who are leaving prison, and those who are homeless after leaving prison within the last 12 months, access accommodation in the private rented sector.</li> </ul>	<p><u>Outcome 7:</u> Improve service level care pathways for all Changing Futures service users with Multiple Complex Needs</p> <p><u>Outcome 8:</u> New ESHOG structure to meet regularly to ensure that partners work closely together across sectors</p>	<p>25 successful engagements in Year 1</p> <p>Quarterly meetings to be held</p>	<p>Regular meetings led by Adult Social Care safeguarding team to review and develop support pathways for people with Multiple Complex Needs</p> <p>Initial ESHOG subgroups are being created</p>
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<p>2.3 Reduce Homelessness</p>	<ul style="list-style-type: none"> <li>• Review options that improve access to the private rented sector through closer partnership working with private landlords, to include:             <ul style="list-style-type: none"> <li>○ Guaranteed Rent Scheme</li> <li>○ Loans for rent in advance and deposit</li> <li>○ Leasing</li> </ul> </li> <li>• Improve the accessibility of the Housing Needs Service and its integration with related services through greater co-location, home visits and improved referral pathways under Duty to Refer</li> <li>• Deliver effective social housing allocations through the implementation of a revised Housing Allocations Policy for Rother and by adjusting Rother Local Plan to prioritise the type of affordable housing delivered for those in Band A</li> </ul>	<p><u>Outcome 1:</u> Performance review of new prevention measures completed and recommendations for future initiatives made by Nov 2022</p> <p><u>Outcome 2</u> Homelessness prevention rates increase</p> <p><u>Outcome 3</u> New Allocations Policy is operational</p>	<p>To deliver 100 tenancies per annum increasing to 200 tenancies per annum by 2024.</p> <p>To prevent 500 evictions through positive interventions per annum</p> <p>Reduce the Rother Housing list from 1600 (as at December 2019) to 1200 by end 2023</p>	<p>H&amp;C</p>	<p>Additional Targets to be monitored:</p> <p>A business case for leasing has been adopted by Council and the Rother Tenant Finder service continues to prevent homelessness despite COVID temporarily disrupting access to the private rented sector.</p> <p>We expect to achieve 50 tenancies this year due to COVID disruption</p> <p>The new Allocations Policy is on-track to be live in early 2022.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 35</p>	<ul style="list-style-type: none"> <li>Develop a mediation service to sustain tenancies</li> </ul>	<p><u>Outcome 4:</u> Home visits carried out post-COVID-19 March 2022</p> <p><u>Outcome 5:</u> New mediation service commissioned by November 2022</p>			<p>Home visits are undertaken within DFG, UKRS, RTF but capacity in Housing Needs service is too low presently.</p> <p>Consulting with partners to commission mediation service</p>
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<p>2.4 Reduce rough sleeping through the development of a countywide rough sleeping accommodation pathway</p>	<ul style="list-style-type: none"> <li>• Work with the voluntary sector to explore options for creating a street homelessness centre/hub in Bexhill, which improves the accessibility of services to rough sleepers, with outreach available to all areas of</li> </ul>	<p><u>Outcome 1:</u> Recommission Safe Space in April 2023</p>	<p>50 people with multiple complex needs accessing housing needs and assessments through the hub per year from 2021/22</p>	<p>H&amp;C</p>	<p>Recommissioned service so target to be monitored</p> <p>Each quarter approximately 30 individuals pass through the Safe Space</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 37</p>	<p>Rother</p> <ul style="list-style-type: none"> <li>Work across local authority boundaries with housing, health and social care partners to expand the East Sussex Rough Sleeping Initiative, delivering services targeted at those experiencing multiple complex needs who are rough sleeping or at high risk of rough sleeping</li> </ul>	<p><u>Outcome 2:</u> Secure 3 year funding agreement for the RSI from DLUHC April 2022</p>	<p>30 individuals prevented or relieved from rough sleeping during 2021/22 with the target reviewed annually relative to demand.</p>	<p>H&amp;C</p>	<p>Target to be monitored annually</p> <p>38 former rough sleepers were accommodated during 2020/21 (Target was 30)</p> <p>32 former rough sleepers accommodated in the first half of 2021/22, four of which are in Housing First accommodation (1.1 Outcome 5)</p>
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2.5 Improve the delivery and accessibility of support and advice services to better meet housing needs.	<ul style="list-style-type: none"> <li>• Improve staff training, to ensure front line officers, partners and Members are aware of the range of support available as part of the Anti-Poverty Strategy aim to improve the promotion of services.</li> <li>•</li> <li>•</li> <li>•</li> <li>• Continue to improve the triage of homeless applicants to enable greater levels of self-service and improve service accessibility</li> <li>• Put in place interventions that increase household incomes and improve tenancy access through raising the training and employment aspirations of those on low incomes - particularly those of young people and single parent households.</li> <li>• As part of the development of the Anti-Poverty Strategy development improve the accessibility of housing and homelessness advice services to local people.</li> </ul>	<u>Outcome 3:</u> The new Housing Needs triage service is operating within the customer service team March 2022	Ensure 100% of enquiries are processed and appropriate support given in line with legislation	H&C	Target to be monitored annually  The housing needs team is now funding 1 FTE in the customer services team to triage and advise homeless cases
		<u>Outcome 4:</u> Review remote access pilots in The Pelham and Rye Food Bank March 2022	Have six remote access points in place by November 2022	H&C	Rye Foodbank pilot is in place with the Pelham to join shortly.
		<u>Outcome 5</u> Live, Work Thrive project continues to be funded by RDC via the CHART Programme  <u>Outcome 6:</u> Develop an Anti-	40 people supported into employment and tenancy readiness per year	H&C	COVID19 has reduced the rate of referrals to the CHART scheme; however, we are now seeing an increase.  Progressing towards being achieved:
			Strategy presented		

		Poverty Strategy and deliver with LSP partners December 2022	to cabinet in June 2022		Inaugural meeting for planning the strategy with partners was held in November 2021 and an action plan is being developed with that group
2.6 Support households to meet their housing aspirations – in particular, home ownership	<ul style="list-style-type: none"> <li>Put in place new initiatives which support households to access suitable and affordable housing, whether that be affordable rented, sub-market rent, shared ownership or other home ownership options</li> </ul>	<p><u>Outcome 1:</u> Research feasibility of provision of a mortgage scheme to assist households into home ownership</p> <p><u>Outcome 2:</u> Action plan setting out additional tenure access initiatives</p>	Action plan in place by November 2022	Assistant Director, Resources H&C	<p>Action to achieve target in progress</p> <p>COVID has delayed progress on this action and we will be setting up an internal working group to develop plan.</p> <p>Shared ownership continues to form part of the development objectives and s106 agreements</p> <p>Time of delivery has been adjusted.</p>

PRIORITY 3: IMPROVING THE QUALITY AND SUITABILITY OF EXISTING HOUSING AND NEWBUILD HOUSING					
Objective	Action	Outcome and Timeframe		Head of Service: ATR	November 2021
3.1 Reducing fuel poverty	<ul style="list-style-type: none"> <li>Explore the opportunity of introducing affordable warmth methods of construction on any residential developments taken forward by the Council</li> <li>Working with registered providers to explore the opportunity for introducing affordable warmth methods of construction on all affordable housing</li> </ul>	<u>Outcome 1:</u> Modern Methods of Construction and high energy efficiency standards considered for all council led development, where possible	To incorporate Modern Methods of Construction (MMC) on all council led delivery where feasible from 2021  Aim to achieve Housing Quality Mark (HQM) level 3 minimum on all council led housing schemes where feasible from 2021	Head of Service: ATR	Action to achieve target in progress  This is being actively progressed at the design stage of the Reserved Matters application for Blackfriars.  MMC and HQS is under consideration for all council led housing projects being progressed under Priority 1 (Outcome 2)  Outcome 1 and targets have been updated accordingly
		<u>Outcome 2:</u> Modern Methods of construction used for all housing provider developments of affordable housing (excluding s106 sites) where possible	Modern Methods of Construction (MMC) considered for all registered provider and community led housing developments from 2020-21 where feasible.  To grant CHF for at least one community led		Head of Service: ATR  Action to achieve target in progress  Through a Register Provider Forum (Wealden Rother & Hastings) RDC continues to explore opportunities (including new funding opportunities) to incorporate MMC and improved energy efficiency standards (with the exception of s106

<p>Page 41</p>			<p>housing scheme per annum, where sustainable forms of construction and renewable energies are proposed</p>	<p>sites).</p> <p>The eligibility criteria for the councils Community Housing Fund (CHF) priorities new housing schemes where community groups are employing sustainable/modern methods of construction</p> <p>The Outcome and new targets have been updated accordingly</p>
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<p>3.2 Improving the quality of housing in the private rented sector</p>	<ul style="list-style-type: none"> <li>Put in place measures which would target poor rented sector homes for improvement, particularly in wards of higher deprivation.</li> </ul>	<p><u>Outcome 2:</u> Deliver a range of measures to improve private sector property conditions in Rother</p>	<p>5 homes a year improved because of licensing or statutory notices being served</p> <p>A minimum of 5 properties will be assessed per annum under the HHSRS system, to include temporary accommodation where required</p> <p>At least 5 referrals per annum to ESCC Warm Home Check service</p>	<p>ESL&amp;CS</p>	<p>These targets should be monitored each year</p> <p>In 2020/21 a total of 111 inspections under the Housing Health and Safety Rating System (HHSRS) were undertaken</p> <p>As of the end of August 2021 there had been a further 25 inspections undertaken for 2021/22</p>
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<p>3.3 Modern methods of construction</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 43</p>	<ul style="list-style-type: none"> <li>• Explore the opportunity to introduce modern methods of construction on any residential developments taken forward by the Council</li> <li>• Working with registered providers to explore the opportunity to introduce modern methods of construction, for example timber framed kits, for all affordable housing developments</li> </ul>	<p><u>Outcome 2:</u> Modern methods of construction used for all registered provider developments (excluding s106 sites), where possible</p>	<p>from April 2020</p>	<p>ATR</p>	<p>Action to achieve target in progress</p> <p>RDC continues to explore opportunities to work with RP's and community led housing groups to deliver sustainable forms of constructions on all schemes where it is feasible to do so (with the exception of s106 sites).</p> <p>Future monitoring of this Action will be included under <b>Outcome 2</b></p>
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<p>3.4 Increase the number of affordable homes built to NDSS and accessible and adaptable standards</p>	<ul style="list-style-type: none"> <li>Implementation of new planning policy requirements (Policy DHG4 and Policy DHG3) from the emerging DASA</li> </ul>	<p><u>Outcome 1:</u> All affordable homes to be built to the NDSS &amp; M4 (2) <sup>1</sup></p> <p><u>Outcome 2:</u> 5% of affordable housing to be built to M4 (3) Category 3, wheelchair accessible delivery<sup>1</sup></p>	<p>2 homes built to wheelchair standards per year from April 2020</p>	<p>ATR</p>	<p>Target needs top be continually monitored</p> <p>1 x 3 bed house at Preston Hall Farm and 1 x 3 bed house at Banky Fields Ticehurst built to wheelchair standards during 2020.</p> <p>For noting. Schemes delivered onsite during 19/20 and 20/21 combine different standards before the adoption of the Development and Site Allocations Plan (DaSA) policies. To include homes built to Lifetime Homes (LTH) standards and the council's own wheelchair brief. These standards have now been abolished and superseded by Building Regulations, incorporated in the adopted DaSA as per the notes below.</p>
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<sup>1</sup> \*NDSS – The Government introduced the ‘Technical housing standards – nationally described space standard’ in March 2015, which are nationally recognised space standards \*M4 (2) Category 2 and M4 (3) Category 3 is included in The Building Regulations (2010) Approved Document ‘M’. This legislation relates to the accessibility and adaptability of new homes. M4 (3) specifically relates to reasonable provisions being made in the home for wheel chair users.

**Key:**

ATR	Acquisitions, Transformations & Regeneration
H&C	Housing & Communities
S&P	Strategy & Planning
ESL&CS	Environmental, Health, Licensing & Community Safety

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<b>Table 1: Summary of Targets Achieved</b>			
<b>PRIORITY 1: INCREASING THE SUPPLY OF HOUSING</b>			
<b>Objective</b>	<b>Target Achieved</b>	<b>Date</b>	<b>Head of Service/Lead</b>
1.1 Increase the development of housing	<u>Outcome 1:</u> Set up framework enabling purchasing or developing of new homes		ATR
	<u>Outcome 3:</u> Increase provision of affordable housing through council led development on a year by year basis		ATR & S&P
	<u>Outcome 4:</u> Increase in temporary accommodation within Rother District	20/21	H&C
	<u>Outcome 6:</u> Adoption of the Development and Site Allocations Plan (DaSA)		S&P
	<u>Outcome 8:</u> More effective monitoring of delivery against Local Plan targets		S&P
1.4 Increase housing supply by bringing empty homes in the district back into use	<u>Outcome 1:</u> Empty Homes Action Plan in place	20/21	ESL & CS
<b>PRIORITY 2: ROUGH SLEEPING, HOMELESSNESS AND MEETING HOUSING ASPIRATIONS</b>			
<b>Objective</b>	<b>Target Achieved</b>		<b>Head of Service/Lead</b>
2.1 Reduce homelessness by improving the provision of housing related support	<u>Outcome 1:</u> Relevant support services available to those in temporary accommodation	19/20	H&C
	<u>Outcome 2:</u> Employability and tenancy readiness initiatives set up and in place for those in temporary accommodation (subject to funding availability)	20/21	H&C
	<u>Outcome 3:</u> Work with ESCC to recommission appropriate floating housing support service	20/21	H&C
2.2 Reduce homelessness through closer joint working	<u>Outcome 1:</u> Local multi-agency forum	19/20	H&C

	in place with the objective of delivering and monitoring delivery of the strategy		
	<u>Outcome 2:</u> Rough sleeping support services in place (through Health & wellbeing centres and floating support where possible)	19/20	H&C
	<u>Outcome 3:</u> Revised countywide accommodation pathway delivered with ESHOG partners	19/20	H&C
	<u>Outcome 4:</u> Eviction protocols in place with main social landlords and lettings agents	19/20	H&C
2.3 Reduce Homelessness	<u>Outcome 1:</u> Social Lettings agency in place	19/20	H&C
	<u>Outcome 2:</u> Performance review of new prevention measures completed and recommendations for future initiatives made	20/21	H&C
	<u>Outcome 3:</u> Home visit procedure in place	20/21	H&C
	<u>Outcome 4:</u> Duty to refer protocol in place	19/20	H&C
	<u>Outcome 5:</u> Co-location options explored, and proposals agreed	20/21	H&C
2.4 Reduce rough sleeping through the development of a countywide rough sleeping	<u>Outcome 1:</u> Agree proposals for street homelessness hub	20/21	H&C
	<u>Outcome 2:</u> New rough sleeper pathway delivered with health and social care partners	19/20	H&C
2.5 Improve the delivery and accessibility of support and advice services to better meet housing needs.	<u>Outcome 1:</u> Communications plan in place	20/21	H&C
	<u>Outcome 2:</u> New self-service Housing Needs Service triage system in place June 2019	19/20	H&C

	<u>Outcome 3:</u> Project plan for 'raising aspirations' initiative agreed and funding agreed by March 2020.	20/21	H&C
<b>PRIORITY 3: IMPROVING THE QUALITY AND SUITABILITY OF EXISTING HOUSING AND NEWBUILD HOUSING</b>			
<b>Objective</b>	<b>Target Achieved</b>		<b>Head of Service/Lead</b>
3.2 Improving the quality of housing in the private rented sector	<u>Outcome 1:</u> Review of existing service provision completed		ESL&CS
	<u>Outcome 2:</u> Deliver a range of measures to improve private sector property conditions in Rother		SL&CS
3.3 Modern methods of construction	<u>Outcome 1:</u> Modern methods of construction used for all council led development, where possible		ATR
3.4 Increase the number of affordable homes built to NDSS and accessible and adaptable standards	<u>Outcome 1:</u> All affordable homes to be built to the NDSS & M4 (2)		ATR
	<u>Outcome 2:</u> 5% of affordable housing to be built to M4 (3) Category 3, wheelchair accessible delivery <sup>1</sup>		ATR

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## Rother District Council

**Report to:** Cabinet

**Date:** 10 January 2022

**Title:** Carbon Baseline Approach for the Council’s Activities

**Report of:** Ben Hook – Director – Place and Climate Change

**Cabinet Member:** Councillor Field

**Ward(s):** All

**Purpose of Report:** To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 22 November 2021, regarding Carbon Baseline Approach for the Council’s Activities. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix A) should be read in conjunction with this report.

**Decision Type:** Non-Key

**Officer Recommendation(s):** It be **RESOLVED:** That the carbon baseline data should be set from the 2019/20 financial year and that data related to scopes 1, 2, and where possible, 3 be included in the baseline set.

**Purpose of Report:** To update Members on the approach to be used to establish a Carbon Baseline for the Council’s activities.

### Introduction

1. In September 2020, the Rother Environment Strategy was adopted. One of the priorities is to become an ‘Environmentally Friendly Council’. This report informs of the approach to be taken to establish a Carbon Baseline for the Council’s activities to assist the Council in meeting its ambitious carbon zero target.

### Type of Emissions – Scopes 1,2 and 3

2. The Greenhouse Gas Protocol (<https://ghgprotocol.org/>) identifies three types of emissions, referred to as Scopes 1, 2 and 3 and are reported as carbon dioxide equivalents:

Category	Description	Explanation
Scope 1	Direct emissions from sources owned or controlled by Rother District Council.	Emissions from boilers within Council buildings and vehicles. Councils have direct control over these emissions.

Scope 2	Indirect emissions from the generation of energy purchased by Rother District Council.	Emissions from purchased electricity.
Scope 3	Indirect emissions that result from the other activities that occur in the supply chain of the Council's activities.	Emissions are not something that we directly control, they occur when we buy a product or service and emissions are produced elsewhere. They can be more difficult to determine accurately.

Table 1: Emission category

3. It is proposed to use a framework for the calculation of greenhouse gas used by the Council, such as the one developed by Local Partnerships/Local Government Association ([Greenhouse Gas Accounting Tool - Local Partnerships](#)). The benefits of this include standardising how emissions are measured and reported to enable a consistent, sector-wide benchmark.
4. The reporting of carbon emissions is voluntary for public sector organisations. However, the ability to record, assess and report upon emissions will directly assist the Council in its transition to meeting its ambitious carbon zero target. Furthermore, a future change in regulations may mean compulsory reporting for all emission scope categories.

### Council's Baseline

5. It is recommended to use 2019/20 as the baseline year. Collecting data, where possible of direct emissions generated from the Council's own operations from an assessment of electricity, gas and water usage and business travel. It is intended to include the outsourced services of leisure, waste collection and grounds maintenance services within Scope 3, however, this will depend on the data available.
6. Carbon emissions generated by the tenants of assets within Council ownership where the responsibility for the payment of the utility bills lies with the tenant will be excluded from our asset baselining. These are included within districtwide emission calculations and their inclusion would be double counting.
7. Our approach to improve the energy efficiency of our Asset portfolio, will be reviewed within our Asset Management Plan, due to be finalised by December 2022. This will also contribute to the landlord requirements to meeting the Minimum Energy Efficiency Standard (MESS) Energy Performance Certificate (EPC) in the future.
8. As noted in Table 1 above, Scope 3 emissions can be more difficult to calculate accurately. We will work to capture the data required from a review our activities within the Scope 3 categories and report on these emissions. As our data capture is refined and updated, we will amend our baseline where we can.
9. It is anticipated to have our baseline emissions for Scope 1, 2 and some Scope 3 activities no later than 31/03/2022. We intend to recruit a Climate Change Project Officer who will review the baseline data, further scope 3 activities, including data capture, and progress projects to reduce our carbon emissions.

## Conclusion

10. The emissions will be calculated using the agreed framework on an annual basis and be reported through the Environment Strategy update to the Overview and Scrutiny Committee via our Climate Change Steering Group. It is important that the Council is aware of its own emissions to inform future policy decisions and to demonstrate progress towards carbon zero. Furthermore, it is imperative that the Council sets an example to the wider area by demonstrating what it is doing to achieve Net Zero.
11. This report sets our intended approach to be used to establish a Carbon Baseline for the Council's activities.
12. Members are requested to consider this approach and pass any recommendations for action to Cabinet for consideration.

## Financial Implications

13. Costs to undertake an energy/carbon efficiency review of the Council's Asset portfolio may be required. Additional resource may be required for improvements to the energy/carbon efficiency of buildings, including the installation of innovative technology to improve performance and future projects identified.

## Environmental Implications

14. Establishing a carbon baseline for the Council's activities will enable the Council to monitor progress against its ambitions to be carbon Net Zero by 2030.

Other Implications	Applies	Other Implications	Applies
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
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Appendices:	Appendix A – OSC Minutes 22.11.21
Relevant previous Minutes:	C20/37: Consultation Report – Draft Rother District Council Environment Strategy (CB20/20).

**Minutes of the Overview and Scrutiny Meeting – 22 November 2021****OSC21/38. CARBON BASELINE APPROACH FOR THE COUNCIL'S ACTIVITIES**

Members received the report of the Director – Place and Climate Change, which provided details of the proposed approach to be taken to establish a Carbon Baseline for the Council's activities to assist the Council in meeting its ambitious carbon zero target.

The Greenhouse Gas Protocol identified three types of emissions, referred to as Scopes 1, 2 and 3 and were reported as carbon dioxide equivalents (further details were provided in Table 1 within the report).

It was proposed to use a framework for the calculation of greenhouse gas, such as the one developed by Local Partnerships/Local Government Association, the benefits of which included standardising how emissions were measured and reported to enable a consistent, sector-wide benchmark.

It was recommended to use 2019/20 as the baseline year. Data would be collected, where possible, of direct emissions generated from the Council's own operations from an assessment of electricity, gas and water usage and business travel. It was intended to include the outsourced services of leisure, waste collection and grounds maintenance services within Scope 3 (indirect emissions that result from the other activities that occur in the supply chain of the Council's activities), but would be dependent on the data available. Carbon emissions generated by the tenants of assets within Council ownership, where the responsibility for the payment of the utility bills lay with the tenant, would be excluded from the asset baselining, as they were included within the districtwide emission calculations.

The approach to improving the energy efficiency of the Council's Asset portfolio would be reviewed within the Asset Management Plan, which was due to be finalised by December 2022. This would also contribute to the landlord requirements to meeting the Minimum Energy Efficiency Standard Energy Performance Certificate in the future.

It was anticipated that baseline emissions for Scope 1, 2 and some Scope 3 activities would be in place no later than 31 March 2022. The Council intended to advertise the post of a Climate Change Project Officer before the end of the year, who would review the baseline data, further scope 3 activities, including data capture, and progress projects to reduce carbon emissions. The emissions would be calculated using the agreed framework on an annual basis and be reported through the Environment Strategy update to the Overview and Scrutiny Committee, via the Climate Change Steering Group.

**RESOLVED:** That:

- 1) the report be noted; and

- 2) Cabinet be requested to agree that the carbon baseline data should be set from the 2019/20 financial year and that data related to scopes 1, 2, and where possible, 3 be included in the baseline set.

(Overview and Scrutiny Committee Agenda Item 10).

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## Rother District Council

<b>Report to:</b>	Cabinet
<b>Date:</b>	10 January 2022
<b>Title:</b>	Updated Local Planning Enforcement Plan
<b>Report of:</b>	Myles Joyce, Development Manager
<b>Cabinet Member:</b>	Cllr Jonathan Vine-Hall
<b>Ward(s):</b>	All
<b>Purpose of Report:</b>	To seek Member approval for the adoption of the updated Local Enforcement Plan
<b>Decision Type:</b>	Non-Key
<b>Officer</b>	
<b>Recommendation(s):</b>	<b>Recommendation to COUNCIL:</b> That the updated version of the Local Planning Enforcement Plan be approved and adopted.

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## Introduction

1. The Rother District Council (RDC) Local Enforcement Plan acts as a guide for how RDC Planning Enforcement Service investigates allegations of unauthorised development within RDC.
2. Consistent with the National Planning Policy Framework (NPPF) it is an enforcement plan which sets out to describe how they investigate proactively alleged planning breaches. The current local Enforcement Plan was approved and adopted by full Council in July 2016.
3. However, since that time a number of factors have made the current plan increasingly outdated notably:
  - Updates to the NPPF in 2019 (twice) and 2021
  - Adoption of Rother DC Development Management Policies (DaSA) 2019
  - The COVID-19 pandemic and changes to ways of working
  - A notable and sustained increase in complaints about unauthorised planning breaches received
  - A recent change in the scheme of delegation allowing officers to draft and prepare Notices in consultation with Legal Services.
4. Accordingly, it is considered that an updated plan should be prepared to be more responsive to customer needs, clearly prioritise cases by nature of alleged planning breach and contain service and indicative timescales for investigation and where expedient action as well as describe when matters are in other bodies control and timescale. In addition, visual aids and the

inclusion of a Planning Enforcement 'toolkit' would serve to fully inform customers of the service and what it would do and not do and to what timescales.

5. The draft Enforcement Plan attached has been developed by looking at good practice for other local planning authorities and has been subject to feedback from officers and Planning Committee members. That feedback has been taken on board and has been incorporated where possible into the final draft which is before you for decision.

### **Analysis**

6. The option is to consider that the revised Local Enforcement Plan is sufficiently up to date and will provide clear and concise guidance to customers with regard to any potential planning enforcement complaint and provide links to relevant further information and contacts.

### **Options**

7. Do nothing - this would mean the Planning Enforcement service continuing with an out of date Local Enforcement Plan which does not accurately reflect the service provided and provides out of date information with regard to relevant legislation and guidance.
8. In addition, the existing Local Enforcement Plan was adopted when caseloads were much lower and demands on the service were somewhat less urgent. The updated Local Enforcement Plan also takes account in changes to how matters are investigated and the changes brought about by COVID-19 pandemic.
9. With website improvements a key part of the Planning Service review, the updated Local Enforcement Plan would concur with this process as well as respond to changes to the Council website pages within which it is housed.
10. Accordingly, the do nothing option is considered to be inappropriate and sub optional with regard to the ongoing review of the Planning Service.

### **Conclusion**

11. The current Local Enforcement Plan is five years old and during the time that has elapsed a number of changes in terms of legislation, local planning policies, the COVID-19 pandemic and its impact and a sustained increase in complaints received have occurred. Accordingly, it is considered that the Local Enforcement plan is no longer fit for purpose.
12. The proposed updated plans draws on current good practice and current working practices as well as up to date legislation and planning policies to both set out how the Planning Enforcement services manage investigating alleged planning breaches proactively but also what it can and cannot do including when some factors may be beyond its control.

13. In addition, the revised Local Enforcement Plan provides appendices which should assist visually with setting out the investigation and action processes and the 'toolkit' of powers at the Service's disposal.

### **Financial Implications**

14. Minimal resources as formal enforcement action is discretionary and the revised report will be uploaded onto the website if adopted. It is not considered that any wider financial implications will arise as a result of the adoption of this Local Enforcement Plan.

### **Legal Implications**

15. The scheme of delegation has recently been amended to allow officer to undertake all formal action in consultation with the Council's Legal Services. It is considered this revised Local Enforcement Plan will assist with the timely taking of formal enforcement action where expedient to do so.

### **Human Resources Implications**

16. No human Resource Implications are anticipated as a result of this revised Local Enforcement Plan.

### **Crime and Disorder**

17. It is considered that this revised Local Enforcement Plan will assist in a more efficient and consistent planning enforcement service which will include dealing with breaches of planning control which are or become criminal offences.

### **Environmental and Sustainability**

18. It is considered that this revised Local Enforcement Plan will assist in a more efficient and consistent support of National and Local Planning Policy Guidance, at the heart of which is sustainable development.

### **Risk Management**

19. It is considered that this revised Local Enforcement Plan will assist in a more effective way to prioritise and deal with investigations both initially and on ongoing, avoiding undue delays and managing expectations.

### **Consultation**

20. It is considered that this revised Local Enforcement Plan will assist in clarifying when customers should expect to be contacted and updated and where this is not likely or reasonable to expect contacts and updates.

<b>Other Implications</b>	<b>Applies?</b>	<b>Other Implications</b>	<b>Applies?</b>
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	Consultation	Yes
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	Yes		

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Report Contact Officer:	Myles Joyce, Development Manager
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Appendices:	Appendix A Draft Enforcement Plan
Relevant Previous Minutes:	N/A
Background Papers:	None.
Reference Documents:	Current Local Enforcement Plan NPPF (2021) NPPG (2014)



# Local Enforcement Plan 2022



**Planning & Environmental Enforcement Team**

January 2022

## Foreword

This Local Enforcement Plan was approved and adopted by Rother District Council on XX/XX/2022.

Development can directly impact everyone, be that at home or the workplace. While most development is carried out in accordance with the necessary approvals and allowances and conditions, there are instances where it is not, such as a homeowner building an extension beyond the original planning permission.

This is where local councils have a role to play to ensure these rules are followed and take appropriate action when they are not. This document is Rother District Council's Local Planning Enforcement Plan (the Enforcement Plan), which sets out the powers available to it to ensure all developments comply with the Town and Country Planning Acts and other relevant legislation.

Rother District Council is the responsible Local Planning Authority (LPA) for the enforcement of planning control within the District. The planning system protects the environment and ensures that development takes place in accordance with national regulatory requirements and planning policy. It also ensures that development is planned and managed in order to achieve social, economic and environmental objectives.

The Council's planning enforcement team has wide ranging powers to be exercised in the public interest where a breach of planning control is under consideration. This responsibility is very important and is essential to ensure confidence in the planning system.

Further information about the Council's planning enforcement polices and how to report planning breaches is available online: <https://www.rother.gov.uk/planning-and-building-control/planning-enforcement-team>

## Introduction

1. Rother is an attractive and safe place to live. It benefits from a blend of some of the most beautiful countryside and coastline in South East England and contains the historic market towns of Battle and Rye, the Victorian/Edwardian seaside town (and administrative centre) of Bexhill and many picturesque villages.
2. The importance of the environment is evidenced by the extent of the district, some 82%, is designated as 'Area of Outstanding Natural Beauty' (AONB), while a further 7% of the district not in the AONB is either nationally or internationally designated for its nature conservation value. Rother also has a number of Conservation Areas and a significant number of listed buildings.
3. The Pevensey Levels straddling the south western boundary of the district is a 'Ramsar' site, designated for its international importance as a wetland habitat. In the south east, a 'Special Protection Area' (SPA) between Dungeness and Pett Level is of European importance for wild birds, while an area between Dungeness and Winchelsea Beach is designated as a 'Special Area of Conservation' (SAC), in recognition of its flora and fauna. In addition there are significant areas between Dungeness and Pett Level, including parts of the East Guldeford Levels that are either 'Proposed Ramsar' and/or 'Proposed SPA' extensions.
4. Rother District Council has a commitment to protect and enhance the environment for the benefit of all residents and businesses in the area. The council can enforce this commitment by exercising its powers as a local planning authority and take action against breaches of planning control.
5. The council aims to operate its planning enforcement service in a fair, timely, consistent and open manner so that Rother can be protected and enhanced as a great place to live and work.

## Service Aims

### *Standards*

- To operate the planning enforcement service in accordance with the published service standards, which set out the level of service and performance the public and businesses can expect. We will regularly review these standards taking account of the views of stakeholders.

### *Openness*

- To provide information and advice in plain language on the policies and procedures of the service, and to communicate this mainly by electronic means whilst giving access for all. Confidentiality will be maintained for complainants.

### *Partnership*

- To work with the community on compliance with planning controls on the basis that prevention is better than cure, and to ensure that our efforts are coordinated with other enforcement agencies within and outside the council.

### *Helpfulness*

- To provide a courteous and efficient service with appropriate publicised contact points.

#### *Feedback about the service*

- To operate the council's compliments, suggestions and complaints procedure in an accessible, effective and timely manner.

#### *Proportionality*

- To exercise the planning enforcement powers of the council on an individual case by case basis of the expediency and public interest, before taking action. The council has a wide range of planning enforcement powers but must act in accordance with national policy and guidance.
- If the council considers that a breach of planning control has occurred, officers must then decide whether or not this is sufficiently harmful as to require action to be taken in the public interest, having regard to the facts of the case. At one end of the scale, if no or little harm is identified, the matter could be treated as a 'technical breach' with no further action to be taken, or a planning application might be invited to 'regularise' the situation. At the other end of the scale, where it is assessed that serious harm has occurred, a formal notice might be served and other formal steps considered.

#### *Consistency*

- To use the council's planning enforcement powers in a fair and consistent manner.

#### *Effectiveness*

- To protect and enhance Rother District Council by active and responsible use of the full range of enforcement powers.

## The Legislative and Policy Context

6. Paragraph 59 of the National Planning Policy Framework 2021 states:

*“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”*

7. The Government has published National Planning Practice Guidance (March 2014). This notes that Local Planning Authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan, where it is not part of the development plan.
8. The main planning policies relevant are those contained in the development plan; the Rother Core Strategy Local Plan (2011-2028) and the subsequent Development and Site Allocations Local Plan (2019). Those policies relating to public amenity; the High Weald AONB; Conservation Areas and Listed Buildings will be particularly relevant. National advice should also be taken into account and of particular relevance will be the National Planning Policy Framework and National Planning Practice Guidance.
9. The Council has the responsibility for taking whatever enforcement action is necessary within its area as the Local Planning Authority. The Council has powers to investigate and take action to remedy breaches within the relevant legislation and regulations including the Town and Country Planning Act 1990 (as amended), the Planning (Listed Building and Conservation Areas) Act 1990, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the Localism Act 2011 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
10. The Localism Act 2011 inserted into the Town and Country Planning Act 1990 powers to restrict tactics that were seen as abuses of the planning system, such as twin tracking an appeal against an enforcement notice, limiting applications for retrospective approval where an Enforcement Notice has been issued, the power to apply to remove time limits for deliberately concealed breaches as well as penalties and increased powers in relation to fly-posting and graffiti.
11. The Council can consider the use of powers under the Proceeds of Crime Act 2002 to appropriate all assets gained by owners and occupiers through the non-compliance of an enforcement notice should it be in the public interest to do so.

### *Enforcement & Listed Buildings*

12. A separate legislative regime exists for enforcement matters relating to Listed Buildings; carrying out unauthorised works to a listed building is a criminal offence

and individuals can be prosecuted.

13. Section 38 of the Planning (Listed Buildings and Conservation Areas Act) 1990 enables the LPA to issue a listed building enforcement notice where unauthorised works have been carried out to a listed building and where they consider it expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest.
14. Under section 9 of the Planning (Listed Buildings and Conservation Areas Act) 1990, it is an offence to carry out works that require listed building consent without such a consent being obtained. Not all works require listed building consent, only demolition or works of alteration or extension that affect the character of the building as a building of special architectural or historic interest. It is also an offence to fail to adhere to a condition on a listed building consent.
15. The offence is committed by the person who carried out the works (including for example a builder) and by anyone who caused them to be carried out (e.g. someone instructing a builder). It is not a defence to say that the fact that the building was listed was not known.
16. It is a defence to proceedings to show that works to the building were urgently necessary in the interests of health and safety or for the preservation of the building; they were the minimum necessary and temporary works of repairs, support or shelter were not practicable; and, notice in writing justifying the works was given to the local authority as soon as reasonably practicable.

#### *Enforcement and the Natural Environment: Protected Trees & High Hedges*

17. Tree Preservation Orders (TPOs) are made by a local authority to protect important trees that significantly contribute to the amenity of an area. Consent from the local authority before carrying out any work to a tree protected by a TPO, including minor pruning is required. It is an offence to carry out work to a protected tree without permission, subject to some exemptions.
18. Under Part VIII of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012, anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from the local planning authority is guilty of an offence and may be fined.
19. There is also a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order. This duty also applies if a tree subject to a woodland TPO removed because it is dead or presents an immediate risk of serious harm. The local planning authority may also impose a condition requiring replacement planting when granting consent under an Order for the removal of trees. The authority can enforce tree replacement by serving a 'tree replacement notice'.
20. The authority's main consideration should be the [amenity value](#) of the tree. In addition, authorities [must](#) pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Separate from a TPO, consent can also be required to undertake works to trees within a

conservation area where they are not protected by a TPO.

21. This does not apply for cutting down, topping or lopping or uprooting of a tree whose diameter does not exceed 75 millimetres; or the cutting down or uprooting of a tree, whose diameter does not exceed 100 millimetres, for the sole purpose of improving the growth of other trees (eg thinning as part of forestry operations). In either case, the diameter of the tree is to be measured over the bark of the tree at 1.5 metres above ground level.
22. Since 1 June 2005 the Council has powers under Part 8 of the Anti-Social Behaviour Act 2003 to adjudicate on disputes over high hedges. These matters are dealt with by Legal Services in associated with the Tree Officer. A link for reporting relevant complaints is attached under paragraph 22.
23. As set out in earlier paragraphs, much of the administrative area of Rother is protected landscape, and particular attention will be paid to alleged breaches of planning control within such areas

## Identifying and reporting unauthorised development

24. The type and frequency of enforcement issues are wide ranging in Rother District. They vary from very minor technical breaches of the regulations which are not in the public interest to pursue, through to substantial development such as the carrying out of unauthorised earthworks or the establishment of industrial uses which are having a seriously harmful effect on amenity.
25. To report an alleged breach of planning control, a complainant is required to complete the online form. The online form can be found at: <https://www.rother.gov.uk/planning-and-building-control/planning-enforcement-team/alleged-breaches-of-planning-control>
26. Information on reporting a High Hedges complaint can be found at [High Hedges – Rother District Council](#)
27. The complaint will be recorded and acknowledged, so long as the minimum required information of address and location is provided. Complaints made based on sound planning issues will be investigated, while non-planning related matters where there is a potential breach of other legislation will be referred onto relevant regulatory authorities, where it is not a civil matter between individuals or landowners.
28. Civil matters are private matters between the respective parties and can include loss of value to property, competition with other businesses, land ownership and boundary disputes or breaches of covenant.
29. An assessment is then made as to the nature and degree of harm of any breach in relation to relevant planning policy, legal context and the need for remedial action. Following this assessment, the Council will consider how to proceed with the investigation.
30. Anonymous complaints about a third party will not be investigated. The identity of persons reporting suspected breaches will be treated as confidential by Councillors and officers of the Council. If a member of the public wishes to be anonymous then they must go through either their local Ward Councillor or Parish Council.
31. Planning enforcement operates to protect the public interest. It is not the purpose of the planning system to protect the private interests of one person against the activities of another. Action must be based on sound planning grounds and be proportionate to the harm caused by the breach. Local opposition to, or support for, an unauthorised development will not be given weight unless that opposition or support is founded upon valid planning reasons.
32. The Council will only take formal enforcement action when expedient to do so. Formal enforcement action will not be instigated solely to regularise trivial breaches of planning control. In taking formal enforcement action, the Council will be prepared to use all the enforcement powers available, but the action taken will be commensurate with the seriousness of the breach.

## Enforcement priorities

33. Planning Enforcement Officers receive a high number of complaints regarding allegations of breaches of planning control every year. It would be impossible to investigate and pursue all of these allegations with equal priority so it is essential to use Council resources to maximum effect. Therefore, each case is prioritised according to the seriousness of the alleged breach and the degree of harm being caused.
34. The aim is that the Council response is fair and proportionate to both the context and the nature of the breach. Complaints will be prioritised on receipt based on what appears to be their significance on receipt and initial background checking in accordance with the enforcement priorities. Priority will be reassessed and kept under review through the lifetime of the investigation.
35. All communication will be in plain language. All decisions and use of investigatory powers will be recorded. The Council will look for and consider any alternative solution to formal action if it achieves a satisfactory conclusion to a reported breach of planning control.
36. Enforcement cases may require repeat site visits, negotiation, and formal action before the breach is resolved. When these occur, Enforcement Officers will strive to keep original complainants informed of progress and indicate arrangements for this in the initial response letter.
37. After the first site visit and/or during the investigation process, the Officer will consider whether it is necessary to re-consider the prioritisation of the complaint.
38. This delegated function to take action or not after the investigation stage is exercised by the Development Manager, the Development Management Team and where appropriate in association with the Council's Legal Services.
39. With regard to the procedure for dealing with complaints, these arise from a variety of sources, including members of the public; Councillors; Parish Councils and officers of the Council. Once a complaint is received an initial assessment will be made as to whether it is a breach and then the seriousness of the alleged breach. If it is decided not to investigate any further the person who brought the matter to the Council's attention will be informed.
40. With regard to the remainder of the complaints, an acknowledgement letter will be sent within **7 working days** of receipt and the initial assessment which may require a site visit will be undertaken within 2, 10 or 20 working days of receipt depending on the seriousness of the breach. After the initial assessment a decision will be made within 3 months of receipt as to whether or not planning permission is necessary for the development. More details of the prioritisation of cases and their attendant timescales can be found in **Appendix 1**.

41. If planning permission is required a decision will be taken as to whether to:
  - a. Take no further action and recommend case closure
  - b. invite a planning application (only if permission is likely to be granted),
  - c. advise them to take remedial action to achieve a satisfactory negotiated outcome with the interested parties within a practical timescale
  - d. take enforcement action in respect of those breaches that are unreasonably harming amenity or the environment, having regard to the development plan and any other material considerations.
42. This 'action stage' will follow up on the above matters after suitable timescales. These timescale are indicative and may vary considerably depending on the nature, complexity and severity of the planning breach, the negotiated outcome required or the details to be submitted for the submission of retrospective planning permission.
43. More detail of this is set out in a simple flowchart of the investigation process and likely timescales which is attached as **Appendix 2**.
44. To ensure the efficient use of resources, customers will be updated after the initial acknowledgement of their case at the assessment stage and at the stage of any further actions as well as at closure stage. Where matters go to an appeal to the Planning Inspectorate a letter of consultation will be sent as part of this separate process. It is important customers are aware that repeated requests for updates outside of these stages are unlikely to be responded to.
45. The wide range of enforcement powers or Planning Enforcement 'toolkit' available to Planning Enforcement Officers is set out in more detail in **Appendix 3**.
46. If enforcement action has been taken the Council has the power, under Section 70c of the Town and Country Planning Act 1990, to refuse to determine a retrospective application for planning permission for the breach. This power, introduced in April 2012, helps to prevent owners frustrating the enforcement process.
47. The Planning Enforcement Team can also consider whether a breach once established is 'intentional unauthorized development'. This is a material planning consideration should formal enforcement action be taken and a potentially aggravating factor should an offence be committed as a consequence.
48. The Planning & Environmental Enforcement Team will continue to develop cross cutting work with other Divisions. This should enable resources to be focused on matters that are having a serious effect on the environment and quality of the District.
49. In carrying out investigations regard will be had to the Human Rights Act 1988; Police and Criminal Evidence Act 1984; the Equality Act 2010; Criminal Procedures and Investigations Act 1996 and the Regulation of Investigatory Powers Act 2000.

## **When is an investigation is complete?**

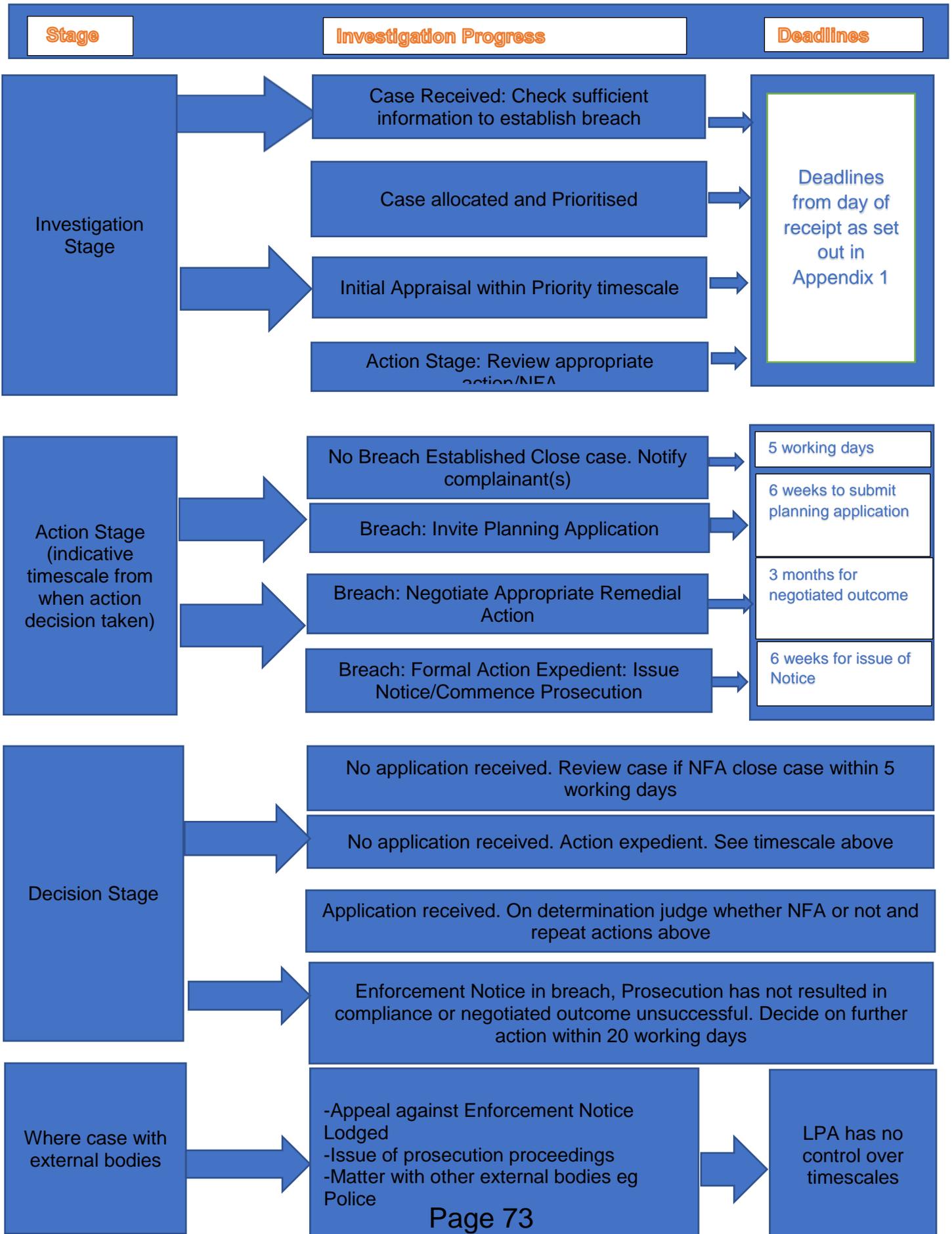
50. We would consider that an investigation is complete when one of the following points has been reached:
- the investigation identifies that no breach in planning control has occurred or that due to the passage of time that no action can be taken;
  - an alleged breach of planning has been identified but then resolved by negotiation;
  - a planning application or other form of application has been submitted and approved following the investigation;
  - a breach in planning control has been identified, including when an application has been requested but not submitted, and it is not considered expedient to take formal action; or
  - formal action has been taken through issuing a relevant enforcement notice
51. Prior to taking formal enforcement action or closing a case as not expedient, it is necessary to assess the harm resulting from any unauthorised development.
52. Further investigation may be necessary when formal enforcement action has been taken where for instance:
- a right of appeal has been exercised against a Notice and new information relevant to the case comes to light;
  - a Notice is issued and not complied with or another criminal offence under the Planning Acts has occurred, a decision is made involving the Council's legal advisors to assess whether it is in the public interest to take formal action; and/or
  - a compliance check needs to be undertaken in relation to an existing enforcement notice.

## Appendix 1: Prioritisation of Enforcement Cases

Priority	Description of alleged breach	Initial Assessment deadline from receipt	Decision deadline from receipt
1 High	<ul style="list-style-type: none"> <li>• Unauthorised demolition, partial demolition or significant alteration of a building that is essential to retain the character of a Conservation Area or to the open countryside</li> <li>• Unauthorised works to a Listed Building</li> <li>• Serious harm to the amenity of a Conservation Area</li> <li>• Unauthorised works to trees covered by a Tree Preservation Order or in a Conservation Area</li> <li>• Serious unauthorised ground works in the High Weald AONB, Ramsar' sites, 'Special Protection Area' (SPA) and 'Special Area of Conservation' (SAC)</li> </ul>	2 Working Days	3 months
2 Medium	<ul style="list-style-type: none"> <li>• Breach which results in serious demonstrable harm to the amenity of the Neighbourhood</li> <li>• Unauthorised development in a designated area eg AONB. Conservation Area</li> <li>• Source of significant public complaint</li> </ul>	10 Working Days	3 months
3 Low	<ul style="list-style-type: none"> <li>• Non-Compliance with planning conditions Unauthorised development which is not the source of significant public complaint</li> <li>• Erection of Advertisements</li> <li>• Untidy Land</li> </ul>	20 Working days	3 months
4 No action	<ul style="list-style-type: none"> <li>• Non planning matters</li> <li>• Anonymous service requests</li> <li>• Service request where investigation by another department, agency or organisation is more appropriate</li> </ul>	7 Working days	7 Working days

- **Case priority may change throughout the lifetime of the investigation**
- **Decision deadline on whether to close, to negotiate an outcome, to invite a planning application or take enforcement action without first inviting a planning application**

## Appendix 2: Timescales and Procedure of an Enforcement Investigation



## **Appendix 3: The Planning Enforcement Toolkit**

1. The main options to tackle possible breaches of planning control are:

### **No formal action**

2. Early engagement is important, and the landowner may take immediate action when advised of the issue. Where a breach of planning control is on council owned land, or on land where a covenant controls the issue, such breaches are most effectively addressed through estate management or landlord control.

3. The Planning Policy Guidance (PPG) paragraph 011 states that local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- in their assessment, the local planning authority considers that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

4. An outstanding breach of control may affect the sale and marketing of a property and nothing in this plan should be taken as condoning a clear and willful breach. However, the balance of public interest varies from case to case.

### **Invite Retrospective planning application**

5. The PPG advises that where the LPA considers that an application is the appropriate way forward to regularise the situation, the owner and occupier should be invited to apply under Section 73A of the Town and Country Planning Act 1990 without delay. It cannot be assumed that permission will be granted – the application will be considered in the usual way after consultation, and an enforcement notice may be issued in relation to other elements of the development. The PPG advises that a person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event – either by an application under Section 73A or by means of an appeal. The LPA may decline to determine a retrospective planning application if an enforcement notice has previously been issued.

### **Planning Contravention Notice**

6. This can often be the first formal step in resolving a breach of planning control. It is a discretionary procedure to gather further information regarding breaches of planning control. The notice may advise of a date, time and place at which any offer made by the recipient of the notice to apply for planning permission, refrain from carrying out operations or activities or undertake remedial works will be considered by the authority. An opportunity to make such representations must be made. This is not available for breaches of listed building control or protected trees. It is an offence to fail to complete or return a notice within 21 days or provide false or misleading information referring to these rights.

Where a Planning Contravention Notice has been served this will be recorded on the Local Land Charges register. A failure to complete or return a notice within 21 days is an offence, as is providing false or misleading information on the notice'. Convictions currently carry a maximum fine not exceeding £1,000.

## **Section 330 of the Town and Country Planning Act 1990**

7. This power is also used to obtain information but usually in cases where the Council has sufficient details about the activities being carried out but requires further information concerning ownership. It involves serving a formal notice on occupiers and/or persons with other interests in the premises or land. As with PCNs above, it is an offence to fail to comply with the requirements of the notice within the period set for its return or to make false or misleading statements in reply. Convictions currently carry a maximum fine not exceeding £1,000.

### **Rights of Entry**

8. The Town and Country Planning Act specifies the purposes for which entry to land including buildings may be authorised, namely to ascertain or determine:

- whether there is or has been any breach of planning control;
- whether any of the LPA's powers should be exercised;
- how such power should be exercised;
- whether there has been compliance with any requirement arising from earlier enforcement action.

9. A record should be made of the inspection with appropriate photographs. Entry to a dwelling house cannot be demanded as a right unless 24 hours' advance notice has been given to the occupier. Where entry is refused or obstructed it is possible to apply to the Magistrates' Court for a warrant to allow entry. The PPG refers to these rights. There are complementary provisions in the Planning (Listed Buildings and Conservation Areas) Act relating to heritage assets.

### **Breach of Condition Notice**

10. This notice can be used where conditions imposed on a planning permission have not been complied with. It is mainly intended as an alternative to an enforcement notice for remedying a breach of condition, but may be served in addition to an enforcement notice, perhaps as an alternative to a Stop Notice. It can only be challenged by judicial review. Following the end of the period for compliance, a "person responsible" who has not ensured full compliance with any conditions and any specified steps will be in breach of the notice and guilty of an offence. The PPG refers to these rights.

### **Enforcement Notice**

11. The notice may be served up to four years after substantial completion of building operations or ten years after a change of use or breach of condition. These time limits do not prevent enforcement after the relevant dates in particular circumstances. An enforcement notice should enable every person who receives a copy to know exactly what, in the LPA's view, constitutes the breach of planning control and what steps the LPA requires to be taken to remedy the breach.

12. An enforcement notice may "under enforce", by stipulating lesser requirements than full compliance. The recipient must take the specified steps set out in the notice within a set time period. Failure to comply with the notice is a criminal offence. There is a right of appeal, which suspends the notice from coming into effect; however, a Stop Notice may be issued. The LPA can prosecute for failure to comply with an enforcement notice as well

as using default powers. The PPG refers to these rights.

### **Planning Enforcement Order**

13. Where there has been deliberate concealment of a breach of planning control, the LPA may apply to the Magistrates' Court for a Planning Enforcement Order (PEO). Where a PEO is granted, the LPA will have 1 year and 22 days to serve an enforcement notice, beginning on the day that the order is granted, irrespective of how long ago the breach first occurred. The 4 year and 10-year periods for immunity will not apply in cases of a concealed breach. An application for a PEO must be made within 6 months of the LPA becoming sufficiently aware of the breach to justify enforcement action being taken. A Magistrates' Court may only make a PEO if it is satisfied that the breach has been deliberately concealed. There is no definition of what deliberate concealment means in practice. The PPG refers to these rights.

### **Stop Notice**

14. This notice can be used in conjunction with an enforcement notice where the breach of planning control is causing irreparable and immediate significant harm. A Stop Notice should only be served in exceptional circumstances, when the effects of the unauthorised activity are seriously detrimental to the amenities of adjoining occupiers or the surrounding area. Furthermore, if the related Enforcement Notice is quashed on appeal for a matter not related to the planning merits, the Council may be liable to pay compensation for any financial loss resulting from the issuing of the Stop Notice. The PPG refers to these rights.

### **Temporary Stop Notice**

15. These take effect immediately from the moment they are issued, and last for up to 28 days. A Temporary Stop Notice would only be issued where it is expedient that the activity or development should cease immediately. The requirements should prohibit only what is essential to safeguard the amenity or public safety in the vicinity of the site, or to prevent serious or irreversible harm to the environment in the surrounding area. Like with a Stop Notice above, there are limited grounds for compensation where a Notice is found to be defective. The PPG refers to these rights.

### **Listed Building Enforcement Notice**

16. The PPG notes that the Listed Building Enforcement provisions are in Sections 38-46 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the enforcement provisions relating to the demolition of an unlisted building in a conservation area ("relevant demolition") are in the Act. A Listed Building Enforcement notice can be served against unauthorised works that damage the character and/or fabric of a listed building. There is no time limit in which such an enforcement notice can be served.

17. There are no time-limits for issuing listed building enforcement notices or for when enforcement action may be taken in relation to a breach of planning control with respect to relevant demolition, although the length of time which has elapsed since the apparent breach may be a relevant consideration;

- carrying out work without the necessary listed building consent, or failing to comply with a condition attached to that consent, whereby such works materially affect the historic or architectural significance of the building, is an offence whether or not an enforcement

notice has first been issued;

- carrying out work without the required planning permission for relevant demolition or failing to comply with a condition attached to that planning permission is an offence under Section 196D of the Town and Country Planning Act 1990.

18. Listed Building Consent and planning permission for relevant demolition are not granted retrospectively. A person who is found to carry out unauthorised works that affect the character of the listed building or relevant demolition in a Conservation Area can be prosecuted, and imprisoned for a term not exceeding 6 months, or fined up to £20,000.

## **Injunction**

19. This may be done in the most serious cases, generally where irreparable harm is being done or is apprehended, or where other actions have been or would be ineffective. Section 187B of the Town and Country Planning Act applies where the LPA considers it expedient to restrain actual or apprehended breaches of planning control. Section 44A of the Planning (Listed Buildings and Conservation Areas) Act is a parallel provision in respect of Listed Buildings. The Magistrates' Court may grant an injunction against a person whose identity is unknown, but LPAs will need to identify, to the best of their ability, the person against whom the injunction is sought. The following may be used in support of the authority's submission to the Court:

- photographic evidence of the persons concerned;
- affidavit evidence by the LPA officers;
- reference to chattels (e.g. registered vehicles) known to belong to, or be used by, that person;
- other relevant evidence (such as a name by which the person is commonly known).

20. There are significant costs involved in bringing such an action and it can only be justified in extreme cases. Defendants risk imprisonment if they do not comply with a court order.

## **Unauthorised Advertisements**

21. It is an offence for any person to display an advertisement in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Council will consider whether or not to prosecute in either the interests of amenity or public safety.

22. In situations where an advertisement is displayed with deemed consent, the Council can still require its removal by issuing a Discontinuance Notice. Such a notice, against which there is a right of appeal, can only be issued to remedy a substantial injury to local amenity or if there is a danger to members of the public.

23. In addition, the Council can serve a Removal Notice under S225 of the Act. Once served, the Council can, at its discretion, take direct action to remove authorised advertisements and recover the costs from the landowner. There is a right of appeal to the Magistrates Court on the following grounds:

- that the display structure concerned is not used for the display of advertisements in contravention of regulations under section 220;
- that there has been some (material) informality, defect or error in, or in connection with, the notice;
- that the period between the date of the notice and the time specified in the notice is not

reasonably sufficient for the removal of the display structure;

- that the notice should have been served on another person.

24. If the notice is not complied with, the LPA is empowered to enter the land, carry out the works and recover the cost from the owner in a similar manner to carrying out works under an enforcement notice. The Council may also prosecute for non-compliance.

### **Direct Action or “Default” Action**

25. This may be used in the most serious cases where irreparable harm is being done and where other actions have failed. There are significant costs involved in bringing such an action and it can only be justified in extreme cases. Powers are available (in Planning legislation) to enter land and take steps required by enforcement or similar notices (e.g. Listed Building enforcement notices, Untidy Land/Section 215 Notices, Illegal advertisements with extended powers under the Localism Act, High Hedge enforcement and Section 106 Agreements.) The expenses reasonably incurred may be recovered from the person who is the owner of the land.

26. Direct action is seen as a potentially draconian power and normally a course of last resort as the Council's decision may be challenged by Judicial Review. There may be threats and the action must be well planned, organised and implemented with the utmost care. The recovery of costs in the case of works in default is also not without difficulty. The legal recovery of civil costs can be protracted and disproportionately expensive to recover.

### **Section 215 Notices**

27. From a community point of view, tidy gardens and land mean an area looks well cared for making people feel safe in that neighbourhood. If untidy sites are left, they become worse and the area starts to feel neglected and unsafe. Untidy sites are rarely dangerous to public health, but they can be an eyesore, which means it is detrimental to the local amenity.

28. Under Section 215 of the Town and Country Planning Act 1990, the local planning authority may serve a notice requiring the land to be cleaned up.

29. The power is exercisable if it appears that 'the amenity of a part of (the LPA's) area, or adjoining area, is adversely affected by the condition of land in their area' (Section 215(1)). The notice 'shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period'.

30. There is a right to appeal to the Magistrates' Court on any of the following grounds that:

- the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the LPA who served the notice, or of any adjoining area;
- the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III (the requirement to have planning permission);
- the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the LPA who served the notice, or of any adjoining area;
- the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

31. If the notice is not complied with, the LPA is empowered to enter the land, carry out the works and recover the cost from the owner in a similar manner to carrying out works under an enforcement notice. The Council may also prosecute for non-compliance.

## **Other Enforcement Powers:**

### **High Hedge Enforcement**

32. Under the terms of the Act, Councils can only consider a complaint if it satisfies the following criteria:

- it must relate to a high hedge as defined in the Act;
- the hedge must be on land that is owned by someone other than the complainant;
- it must be affecting a domestic property;
- the complaint must be made on the grounds that the height of the hedge is adversely affecting the reasonable enjoyment of the domestic property in question; and
- it must be brought by the owner or occupier of that property.

33 If a complaint has been properly made and we decide that action should be taken to resolve the complaint, we may issue a formal notice to the person responsible for the hedge, setting out what must be done and by when. This action is under the Anti-Social Behaviour Act 2003 and is known as a remedial notice. This can include long-term maintenance of the hedge at a lower height. It cannot involve reducing the height of the hedge below 2 metres, or its removal. Although we cannot require such action, the hedge owner is free to go further than the remedial notice requires. The remedial notice becomes a charge on the property and legal obligations under such a notice pass to any subsequent owners. While there is a default power for the Council to carry out works to a High Hedge, enforcement by prosecution and Court order is considered better practice.

33. There are also powers in Section 219 of the Town and Country Planning Act to carry out works required by a notice under Section 215 and then claim expenses from the owner or occupier.

**NB: Action under the High Hedges Procedure, is undertaken by the Council's Legal Services**

### **Tree Protection Enforcement: Good Planning**

34. Trees are an important constituent of the Borough Townscape/Landscape. It is, therefore, imperative that protection be afforded to them early in the planning process by ensuring consideration be given to establishing and maintaining protection areas around trees which will be robust and permanent.

### **Tree Protection**

35. Trees situated outside of the property boundary are protected by the laws regarding trespass and criminal damage. Trees may be protected by legislation enshrined in the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012, by being subject to a Tree Preservation Order (TPO) or being situated within a Conservation Area (CA). Trees may also be protected by the Forestry Act 1967, enforcement of which is vested in the Forestry Commission. In certain circumstances trees may be protected by conditions attached to a planning permission.

## **Compliance**

36. Where a permission is granted for tree works to protected trees, it is desirable for a condition to be attached requiring notice of the intended operations to enable full or part supervision by an Arboriculture or Operational Services Officer. This is to ensure understanding of, and compliance with, the terms of reference and conditions attached to any permission. Many contractors have a differing interpretation of the expected standards of work, such as British Standard (BS) 3998 'Tree Work: Recommendations', and the resulting tree works may be of inferior quality. This in turn will lead to a reduction in the value of the tree itself and of the protected tree stock of the borough. Compliance should be the starting point of any enforcement policy.

### **Specific Tree Protection**

37. Where trees are protected by a TPO, the LPAs consent is normally required prior to undertaking any works to the tree and this will require the submission of a formal application. Any consent may be subject to conditions, and there is a right of appeal to the Secretary of State against the refusal of consent or the granting of consent subject to conditions.

39. Where trees are protected by inclusion in a conservation area six weeks' notice must normally be served on the LPA of any proposal to carry out works on the tree. During the six-week period, the Authority is required to consider the need to make a Tree Preservation Order to prevent the works being carried out. If the LPA takes no action within six weeks the works may go ahead as notified.

40. Planning conditions may typically require that new trees be planted and maintained, or that existing trees be retained as part of development, usually for a minimum of five years. An application can however be made to the LPA to vary or remove a condition (such as to allow the removal of a tree). If planning conditions are not complied with, the LPA is empowered to serve an enforcement notice or breach of condition notice to secure compliance. There is a right of appeal to the Secretary of State against an enforcement notice.

41. Offences under a) and b) above: There are two offences, which apply equally to trees protected by Tree Preservation Orders and those within Conservation Areas.

a) Firstly, anyone who cuts down, uproots or willfully destroys a tree, or who lops, tops or willfully damages it in a way that is likely to destroy it, is liable, if convicted in the Magistrates' Court, to a fine of up to £20,000. If the person is committed for trial in the Crown Court, they are liable if convicted to an unlimited fine. The courts have held that it is not necessary for a tree to be obliterated for it to be "destroyed" for the purposes of the legislation. It is sufficient for the tree to have been rendered useless as an amenity.

b) Secondly, anyone who carries out works to trees that are not likely to destroy it, are liable, if convicted in the Magistrates' Court, to a fine of up to £2,500. Any proceedings for offences in this category must be brought within six months of the date the offence was committed.

42. Proving the offence: In order to bring a successful prosecution, the Authority must be able to prove that the:

- defendant has carried out, caused, or permitted works on the tree;
- tree was protected;
- tree works were carried out without the Authority's consent;
- works were not exempt works.

43. If it is claimed that works are exempt from the usual requirements of the legislation, it is for the defendant to prove, on the balance of probabilities, which exemption applies.

44. Investigation of contraventions: Incidents involving alleged contraventions of the tree protection legislation often come to light as a result of complaints received by the Council. Cases also come to light in other ways, such as during the monitoring of works on development sites or routine visits to adjacent properties.

45. When a contravention is suspected the Council will carry out an initial investigation, consisting of a check to establish whether the tree is protected and whether any consent has been granted. In most cases the Council's Arboriculture Officer will also make a site visit.

46. Potential suspects will be identified and contacted as soon as possible in the process (this may be at the time of the initial site visit). They will be asked to give their observations on the incident and any relevant background information.

47. If on receipt of this information it appears that the person in question may have committed an offence and that answers to questions may be required as evidence, they will normally be invited to the Council's offices to undertake a tape-recorded interview under caution. This will be conducted under the provisions of the Police and Criminal Evidence (PACE) Act 1984 and the relevant Code of Practice will be adhered to. In some cases, it may however be necessary to caution a suspect during a site visit. In which case this will be issued in accordance with the code of practice issued under the P.A.C.E and the suspect will be advised that he or she is not under arrest, is free to leave at any time and is entitled to legal representation.

48. The identity of any complainant will be kept confidential and not disclosed to the alleged perpetrator as far as practicable and in accordance with both the Data Protection Act 2018, implementing the GDPR and the Freedom of Information Act 2000. It will however be made clear to the complainant that if the case comes to court it is most likely that they will be required as a witness and in that case, they would not normally be entitled to confidentiality. Complainants will be kept informed of the course of the investigation and its outcome.

49. Complainants and any other witnesses will be contacted as appropriate and may be requested to provide written statements to be used as evidence in court. Witnesses will be informed that they may be required to appear in court to give evidence and be cross-examined as necessary. Suspects will be given adequate and fair opportunity to give their side of events during the course of investigations.

### **Possible actions by Local Planning Authority**

50. The Council has a range of possible courses of action available to deal with cases of unauthorised works on protected trees. These include the following:

- initiate a prosecution (which may be for destroying the tree or for lesser works to it);
- administer a simple caution. This is a formal process whereby the perpetrator signs a statement admitting the offence and submitting to the caution. It may be referred to at the sentencing stage if the same person is ever found guilty of a subsequent offence. It may also be taken into consideration when deciding whether or not to prosecute at a later stage for another similar offence. Administering a simple caution is only an option if the

suspect admits the offence;

- require the planting of a replacement tree for each tree destroyed, under section 206 of the Town and Country Planning Act 1990 or serving a replanting direction under section 207 of the same act. This is a formal procedure to secure replacement planting, which can be invoked if the landowner does not otherwise comply with a duty to carry out replacement planting;
- informal action, such as written correspondence requesting remedial works and warning of the potential for legal action and fines if a further contravention occurs. Decisions as to what action to take will be taken in the public interest; ignorance of the law is not a credible excuse, however all relevant issues will be taken into account, with each case being dealt with individually. Prosecutions will be considered against the tests of evidential value and public interest; these will be dealt with by the Council's legal advisors. Cautions may be used in accordance with guidance from the legal section.

## **Replanting**

51. In incidents where the tree has been destroyed, a replacement tree will be replanted. This replacement would normally be planted in the planting season following the incident. In cases where this does not happen a Tree Replacement Notice (TRN) may be considered. Any replacement tree is subject to the same protection as the original tree that was lost.

## **Other Enforcement Powers regarding the condition of Listed Buildings**

52. The owners of listed buildings are under no legal obligation to maintain their property in a good state of repair; even though it is in their interests to do so. When negotiation fails, local authorities have a range of statutory enforcement powers at their disposal including section 215 Notices, Urgent Works Notices, Repairs Notices and other statutory enforcement tools and powers under the various Housing, Planning and Building Acts, to secure the future of historic buildings. At their lightest level they involve no more than the serving of formal warnings of action, but in the last resort they can lead to enforced repairs or compulsory purchase.

53. Deciding which of the available powers to employ and in what combination will always depend on individual circumstances and the professional judgment of the local planning authority. In this regard, officers will follow the guidance and protocols set out in the Historic England Guidance [Stopping the Rot - A Guide to Enforcement Action to Save Historic Buildings \(historicengland.org.uk\)](https://www.historicengland.org.uk/stop-the-rot/)

## **Repairs Notices**

54. Section 48 of the Listed Buildings Act 1990 enables local authorities to serve a Repairs Notice on the owner of a listed building, specifying those works it considers reasonably necessary for the "proper preservation of the building" and explaining the effect of sections 47 to 50 of the Listed Buildings Act 1990.

55. A Repairs Notice should be considered when a building is neglected and the need for permanent repair accumulates to the point where there is potential for serious harm.

56. Some of the key points to consider are:

- If, after a period of a minimum of two months, it appears that

reasonable steps are not being taken the authority can begin compulsory purchase proceedings under section 47. „

- A Repairs Notice does not commit the authority to proceed to compulsory purchase action and the authority can withdraw the Repairs Notice at any time.
- If the Notice is withdrawn, the authority must give Notice to the owner of the withdrawal.
- A Compulsory Purchase Order requires the Secretary of State's confirmation.

57. Section 47 of the Listed Buildings Act 1990 provides that an appropriate authority or the Secretary of State may compulsorily acquire a listed building in need of repair if it appears that reasonable steps are not being taken for its proper preservation.

58. Section 47 is a reserve power which is only to be used to ensure the long-term preservation of a listed building. Under section 47, there is a two-stage process: (i) service of a Repairs Notice; and (ii) service of a Notice of compulsory acquisition on every owner, lessee and occupier if, after the expiry of two months it appears to the appropriate authority that reasonable steps are not being taken for properly preserving the building. The compulsory purchase of a building under section 47 may not be commenced unless at least two months previously the authority has served a Repairs Notice on the owner.

### **Urgent Works Notices**

59. While there is no statutory obligation upon the owner of a listed building to keep their property in a good state of repair, (although it is usually in their interest to do so), local authorities can take action under Section 54 of the Planning (Listed Buildings & Conservation Areas Act)1990 to secure the repair of a listed building when concerned about its continued conservation, by serving an 'Urgent Works Notice'.

60. An urgent works notice is a direct way of securing repairs urgently necessary for the preservation of a building. An urgent works notice may be served where works are urgently necessary for the preservation of a listed building. An urgent works notice should generally be restricted to urgent repairs to keep a building wind and weather-proof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be consistent with achieving this objective.

61. Prior to serving such a notice, the council will notify the owner that it is considering serving an urgent works notice, to give the opportunity to undertake the necessary works within a specified timescale. If the owner declines to do so or is otherwise unresponsive, then the law allows the local authority to execute any works which appear to them to be urgently necessary for the preservation of any listed building within the district.

62. The owner must be given a minimum of seven days written notice of the local authority's intention to carry out the works and the notice must describe the proposed works. If the building is occupied the works may be carried out only to those parts not in use.

63. The cost of carrying out the works may be recovered by the local authority from the owner. Such cost may include the continuing expense of providing temporary support or shelter of the building.

## Links and Further Information

Further information on the Council enforcement function can be viewed on the following link: <http://www.rother.gov.uk/article/10192/Alleged-Breaches-of-Planning-Control>

Copy of the online Complaint Form:

<http://www.rother.gov.uk/article/10192/Alleged-Breaches-of-Planning-Control?formid=409335#form>

Guidance on Enforcement for Listed Buildings can be found on the Historic England website at: [Stopping the Rot | Historic England](#)

Guidance on works to protected trees can be found at: [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](#)



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## Rother District Council

**Report to:** Cabinet

**Date:** 10 January 2022

**Title:** Rother Built Leisure Facilities Strategy

**Report of:** Deborah Kenneally, Head of Neighbourhood Services

**Cabinet Member:** Councillor Timpe

**Ward(s):** All

**Purpose of Report:** To seek approval and funding to procure a Leisure Facility Strategist to provide a Built Leisure Facility Strategy, informed by independent market research.

**Decision Type:** Key

### Officer

**Recommendation(s):** It be **RESOLVED:** That:

- 1) £50,000 be allocated from £140,000 included in the existing Capital Programme for minor refurbishments at Bexhill Leisure Centre to:
  - I. fund the drafting of a Built Leisure Facility Strategy for Rother District Council; and
  - II. fund market research on residents' use and requirements from built leisure facilities across the district to inform the strategy; and
- 2) delegated authority be granted to the Director – Place and Climate Change to undertake all necessary actions to appoint a Leisure Facilities Strategist and market research company.

### Introduction

1. In 2008, Rother District Council (RDC), Hastings Borough Council, East Sussex County Council and Sport England jointly commissioned Capita Symonds to prepare a Leisure Facilities Strategy for Hastings and Rother (2009-2020) (Minute CB09/57 refers) that considered the leisure facility needs for the District. The Strategy made a number of recommendations to improve the offering for local residents and in meeting the deficit in provision.
2. There followed an updated assessment completed by NAA Consultants in August 2015 that did not dramatically alter the original leisure facilities strategy for the District but did include five further recommendations to the Strategy, which focused on the proposal for a new leisure centre in Bexhill.
3. There followed the establishment in the Corporate Plan 2014 of a priority regarding the 'Development of Former Bexhill High School site' as a leisure

destination which consisted of building a new leisure centre including a swimming pool, and residential housing.

4. Following a review by the Project Steering Group in June 2020, Cabinet of 27 July 2020 approved the suspension of the above project given the COVID-19 pandemic, its impact on leisure facilities and uncertainty surrounding Council finances.
5. RDC undertook to review leisure requirements in the longer-term, including the possibility of a new facility in Bexhill, as demand for leisure services and the financial climate became clearer. In the meantime, it was agreed that a new contract to maintain existing leisure services up to 31 March 2024 would be procured.
6. The new leisure management contract for Bexhill Leisure Centre and Bexhill Leisure Pool, operated by Freedom Leisure (FL), commenced on 1 April 2021 and will expire on 31 March 2024. The separate Rye Sports Centre contract, also operated by FL, expires on 31 March 2026.
7. The leisure facilities buildings in Bexhill are coming to the end of their structural 'life' and patch repairs to the current structure are no longer economical or environmentally efficient. The buildings need major refurbishment or replacement and it is therefore important that a strategy is agreed for the provision of appropriate leisure facilities for the future.
8. It is proposed that the Council appoints a strategist through a competitive procurement process to undertake a review of existing built leisure facilities across the District and provide an evidence-based proposal on a strategy that is realistic and achievable, and supports an active and healthy lifestyle across the District.

### **Strategists Brief**

9. As part of the Government's National Leisure Relief Fund, a database called Moving Communities was established by Leisure-Net to capture all relevant data via the leisure facility operators, including levels of use by participants in individual activities across Rother sites as captured by FL, and participation rates across England as a whole. This data, amongst other activities such as stakeholder surveys will be used by the appointed strategist to inform the Strategy.
10. The strategists' brief would include the following:
  - Identify and map current provision of leisure facilities including the type, quality and access for the public. This should build on previous strategy data and use Sport England Methodology and tools to comply with the Sport England Assessing Needs and Opportunities guidance.
  - Undertake a district wide survey with stakeholders, clubs, residents and groups to identify views of current provision and future needs.
  - Consult with agreed stakeholders to identify opportunities and partnerships including the NHS & Public Health, education partners, RDC officers and Members, Active Sussex and the Active Rother Partnership.

- Develop the Strategy to build on and compliment the strengths of the local area including its natural assets, built and other outdoor physical activity opportunities.
- Establish the role of physical activity in contributing to Rother communities' health and wellbeing, Rother's Public Health Strategy, Active Rother Partnership, East Sussex Healthy Weight Plan and RDC's Corporate Plan.
- Review of national and local relevant strategies and policies, including Moving Communities' trends, demographic data specific to Rother, and industry best practise.
- Review of each facility in relation to key strategic factors: meeting local need; community capacity; adjacency to/competition with other provision; financial (cost, investment, income generation); building condition; catchment areas; unmet demand; key users e.g. schools for curriculum delivery.
- Develop a Built Leisure Strategy, informed by independent market research, that includes setting out:
  - Existing provision – facilities and services.
  - Development of national and local strategic context and policy.
  - Assessment of the Rother demographic data.
  - A Needs Analysis for Rother (facilities and services, supply and demand).
  - A new Vision and Strategic Framework for Physical Activity facility provision in Rother – why, what, where, and how this links to and reflects shared priorities for Rother.
  - Delivering the Vision (this will reflect review and assessment of all other aspects of the brief), and what this means in terms of facilities, finance, timescales, resources (Interventions and Commitment).

11. High level indicative timelines in which to complete the Strategy are as follows:

- Report to Cabinet January 2022 for approval to procure leisure strategist and independent market research.
- Appoint independent market research company March 2022
- Appoint strategist March 2022.
- Draft Strategy to Overview and Scrutiny Committee May 2022 that includes findings from market research company.
- Draft Strategy to Cabinet June 2022.
- Public Consultation during July, August 2022 if required
- Analysis of the Consultation Results and Stakeholder Review.
- Report to Cabinet December 2022 for approval of Leisure Strategy proposal.

### **Market Research brief**

12. The market research brief would include the following and the results will be used to inform the strategy:

- Identify and engage with a broad spectrum of people across Rother District that accurately reflects the demographic nature of the district.
- Through using a variety of methods, which may include interviews, focus groups and sample groups, gather specific data on who are current users of leisure facilities and what they use, including Council owned sites; who are not using leisure facilities and why; what facilities current consumers and potential users would wish to have.
- Gather information on the barriers preventing people using facilities and how these may be overcome.

## **Conclusion**

13. The current contract with FL to operate Bexhill leisure facilities ends on 31 March 2024 and the Bexhill buildings need major refurbishment or replacement prior to a new contract. It is important that the Council has a realistic and achievable strategy in place to ensure continuity of provision of leisure facilities that promotes health and well-being and an active lifestyle across Rother District.

## **Financial Implications**

14. It is anticipated that the above strategy and market research work would cost in the region of £50,000 which could be funded from £140,000 included in the existing Capital Programme for minor refurbishments at Bexhill Leisure Centre.
15. On the 27 July 2020, Cabinet agreed to suspend the proposed redevelopment of the Bexhill Leisure Centre (Minute CB20/22 refers). Therefore, any recommendations arising from the strategists' report that require significant investment would be unfunded. Should Members decide to proceed with these recommendations funding would need to be identified before commencement.
16. Failure to have a strategy in place may mean further Council funding will be spent on maintaining old, inefficient buildings that may not meet the needs of residents and could mean sites cannot remain open.

## **Risk Implications**

17. There is a risk that if a Rother Built Leisure Facility Strategy is not agreed and in place there will be a delay to decisions on the future of built leisure facilities in Rother District and how they will be managed and operated in the future, and this may result in loss of service.

## **Environmental Impact**

18. Fully understanding the needs and requirements of residents in the Rother District, and then providing appropriate leisure facilities to meet these needs, is vital to support the community's health and well-being.
19. The existing built facilities are old and beyond their useful structural lifespan and no longer meet the environmental and 'climate change' aspirations of the future.

## Legal Implications

20. The Leisure Strategist and market research company will be appointed in accordance with procurement legislation.

## Equalities Impact

21. Equalities – a new strategy may improve the offering and inclusiveness of the sites, including making them more welcoming for disabled people.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendices:	None.
Relevant Previous Minutes:	CB09/57, CB20/22
Background Papers:	None.
Reference Documents:	None.

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