

Cabinet

- Date and Time - **Monday 12 June 2023 – 6:30pm**
Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
-

Councillors appointed to the Committee:

Councillor D.B. Oliver (Leader), C.A. Bayliss (Deputy Leader), S.M. Prochak, MBE (Deputy Leader), T.J.C. Byrne, S.J. Coleman, K.M. Field, A.K. Jeeawon, R.A. McCourt, A. Rathbone Ariel and H.L. Timpe.

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meeting held on 27 March 2023 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. ROLE AND FUNCTIONS (Pages 3 - 8)

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

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Rother District Council putting residents at the heart of everything we do.

7. **CLIMATE CHANGE STEERING GROUP** (Pages 9 - 12)
8. **ENFORCEMENT OF ENVIRONMENTAL OFFENCES** (Pages 13 - 20)
9. **NET ZERO PLEDGE FOR UK100 MEMBERSHIP** (Pages 21 - 24)
10. **DRAFT REVISED ALLOCATIONS POLICY FOR PUBLIC CONSULTATION
- REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE**
(Pages 25 - 112)
11. **PERFORMANCE REPORT: FOURTH QUARTER 2022/23 - REFERENCE
FROM THE OVERVIEW AND SCRUTINY COMMITTEE** (Pages 113 - 126)

Lorna Ford
Interim Chief Executive

Agenda Despatch Date: 2 June 2023

Rother District Council

Report to:	Cabinet
Date:	12 June 2023
Title:	Cabinet – Role and Functions
Report of:	Lorna Ford - Interim Chief Executive
Cabinet Member:	Councillor Oliver
Ward(s):	-
Purpose of Report:	To provide an outline of the role and functions of the Cabinet.
Decision Type:	Non-Key
Officer	
Recommendation(s):	It be RESOLVED : That the report be noted.
Reasons for Recommendations:	For all Councillors, not just those serving on Cabinet, to understand the role and functions of Cabinet as part of the induction process.

Introduction

1. As part of the 2023 Member Induction process a report outlining each of the pertinent Committee's roles and responsibilities is being presented to the first meeting of each formal Council Committee in the new municipal year. This will aid both newly elected Members to understand the differing roles and responsibilities of the various elements which make up the decision-making structure at Rother and provides returned Members with a useful reminder.

Decision Making Structure at Rother

2. In accordance with the Local Government Act 2000, the Council has operated an Executive Leader and Executive Cabinet with Scrutiny model of decision-making governance structure since November 2001. The 2011 Localism Act has since provided the opportunity for Councils to return to a committee-style form of governance should they and the local community so chose. Furthermore, in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007, the Council adopted the provisions of the "strong leader" Executive Leader and Executive Cabinet model, the key features being:
 - The Leader of the Council is elected for a four-year term at the first post-election annual Council meeting.
 - The Leader's term of office ends on the day of the post-election annual meeting four years later (i.e. it runs for four years from the first annual meeting following the whole council elections to the next annual meeting following the whole council elections – provided they are re-elected).

- The Leader can only be removed from office by a resolution of the Council. If the Council passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office, or at a subsequent meeting.
- Two or more (up to a maximum of 10) Councillors of the authority must be appointed to the Cabinet by the Leader who will also determine the size of Cabinet within the statutory minimum and maximum.
- The Leader is responsible for the allocation and discharge of all executive functions (i.e. what Cabinet portfolios will exist, how they will be allocated and delegations etc).
- A Deputy Leader with the power to act in the Leader's absence must be appointed (and may also be removed) by the Leader. The Deputy Leader of the Council must be a Member of the Cabinet. It is noted that two Deputy Leaders have been appointed during the 2023/24 civic year.

Role and Responsibilities

3. The Cabinet makes all decisions on behalf of the Council, excluding those which by law it is unable to make, such as those in relation to regulatory functions, principally Planning and Licensing and those that have been delegated to officers. All other decisions, providing that they are within the approved Policy and Budget Framework set by the full Council, are taken by the Cabinet.
4. In order to clarify the role between the Overview and Scrutiny Committee and Cabinet, a flow chart of decision making showing which matters come before Cabinet and/or Scrutiny and in what order would be developed. The need for this had emerged from the Scrutiny Improvement Review undertaken in 2022.

Cabinet Meetings

5. The Cabinet is scheduled to meet 11 times per year (each month save for August), at times to be agreed by the Leader; currently meetings of Cabinet are usually held on a Monday at 6:30pm. Additional meetings are also sometimes called to facilitate matters that require an urgent decision, prior to the next available meeting or the reconsideration of an item called in by the Overview and Scrutiny Committee.

Confidential Meetings

6. In accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, all meetings of the Cabinet, and any committees or sub-committees thereof, are held in public except in limited prescribed circumstances where meetings can be closed and confidential items discussed. The majority of decision making is in the public domain with very little being designated as confidential in accordance with the regulations.
7. If the Council is minded to hold a Cabinet meeting or part thereof to consider a confidential matter in private, the Council has to give 28 calendar days' clear notice; this is to allow the public to make representations about why the meeting should not be held in private session. The notice has to be made available at the Council's offices and published on the Council's website and be sufficiently worded so that the nature of the item to be discussed is clear and to whom representations can be made.

Cabinet Decision Making

8. Meetings of the Cabinet are conducted in accordance with the Executive Procedure Rules at Part 4 of the Constitution. The Council Procedure Rules, which apply to all other meetings of the Council, do not apply to meetings of the Cabinet.
9. Under the “strong leader” model, the Leader is able to allocate decision-making powers to individual Cabinet Members, although this has not been implemented at Rother District Council. Currently, all Cabinet decisions are made collectively, by all Members of the Cabinet, unless delegated to officers. Under the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, any executive decisions made by officers under delegated authority must be recorded in writing and made available to the public at the Council’s offices and on the website as soon as reasonably practical.
10. Cabinet is able to take three types of “decision” at its meetings, namely:
 1. **Recommendations to Council** – these are decisions which fall outside of the current budget and policy framework and require full Council approval and are referred to the next full Council meeting for determination.
 2. **Executive Decisions** – these are the decisions of Cabinet which have been resolved and will come into force on the expiry of five clear working days, following publication of the Minutes, subject to the call-in procedure (see paragraph 10 below).
 3. **Urgent Decisions** – these are decisions which the Chair of Council has agreed can be taken as a matter of urgency if any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public’s interests. These decisions are therefore not subject to the call-in arrangements. These decisions are reported to the next available full Council meeting for information.

Call-in of a Cabinet Decision

11. Cabinet Minutes are usually published on the Council’s website within two/three days following each meeting and notification is sent to all Members via email, with a direct link to the Minutes. A five-day call-in period then operates in which time the Chair of the Overview and Scrutiny Committee (OSC) or any two non-executive Members of the Council, one of whom must have been physically (not just remotely) present at the Cabinet meeting in question can request that a Cabinet Executive decision be called-in. This decision is then held in abeyance until the conclusion of the call-in procedure.
12. Details of the call-in procedure can be found in the Constitution, Overview and Scrutiny Procedure Rule 16, but essentially the OSC must meet within 5 days of the call-in request and one option is to refer the matter back to the Cabinet for reconsideration. The date and time of the OSC meeting is agreed between the Head of Paid Service and the Chair of the OSC.
13. The operation of both the call-in and the urgent decision procedure are subject to an annual report to Council, via the OSC. During the last administration only

one Cabinet decision was subject to the call-in procedure by the Overview and Scrutiny Committee.

Steering Groups

14. During the last administration the Cabinet created several Steering Groups, made up of both Executive and non-Executive Members to work on various topics, with agreed terms of reference and report back to Cabinet. These Groups are distinct from the Overview and Scrutiny Task and Finish Groups as they originate from Cabinet and can have both Executive and Non-Executive Members appointed to them.
15. The Steering Groups that operated under the last administration were the Climate Change Steering Group, Community Governance Review Steering Group, Community Infrastructure Levy Steering Group and Constitution Review Steering Group. All but the Climate Change Steering Group were disbanded once their tasks were complete; as Members may be aware, the Climate Change Steering Group is to be made into a formal Committee of the Council in due course.

Cabinet Agenda – what business?

16. Executive Procedure Rule 10 dictates what business will be conducted at each meeting of the Executive. As well as including basic requirements such as to agree the Minutes of the last meeting, it also ensures that reports from the OSC are considered.
17. The Leader of the Council can put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet or an officer in respect of that matter. The following can also request that items are placed on the Agenda:
 - a. Any member of the Cabinet.
 - b. The OSC or the Council.
 - c. Any Member of the Council with the Leader's agreement.
 - d. The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Head of Paid Service to call such a meeting in pursuance of their statutory duties.

Forward Plan of Key Decisions

18. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Council must publish a document, known as the "Forward Plan of Key Decisions" to cover a period of four months, beginning with the first day of any month. It is prepared on a rolling four-month basis. The Forward Plan contains matters which the Leader believes will be the subject of a key decision (as well as non-key decisions) to be taken by the Cabinet, officers, area Committees or under joint arrangements in the course of the discharge of a Cabinet function during the period covered by the plan.
19. The purpose of the Forward Plan is to provide both members of the public and Members of the Council with early notice of when Key Decisions (or non-key decisions) are going to be taken by the Cabinet. This enables appropriate consultation with relevant stakeholders etc.

20. A Key Decision is one to be made by either the Cabinet or an officer and is likely to result in significant expenditure or savings (in excess of £100,000) or to have significant effects on those living or working in an area comprising two or more wards. Further information / details are to be found in Part 4-2 of the Constitution, Access to Information Rule 13.

Attendance and Speaking at Cabinet by non-Cabinet Members

21. All Members of the Council can attend all meetings of the Cabinet, both open (non-confidential matters) and closed (confidential matters).
22. The Cabinet is the decision-making body of the Council. It is not an opportunity for further debate and cross examination of officers by other Members present at meetings of the Cabinet. The Executive Procedure Rules state that:
- “With the agreement of the Leader the following may speak at Cabinet meetings:
- (a) any Member of the Council (who is not a member of the Cabinet) for the purpose of speaking to an item, the inclusion of which the Member has requested and the Leader has agreed;
 - (b) any Member of the Council (who is not a Member of the Cabinet) present at a meeting may address the Cabinet on any matter on the Agenda; and
 - (c) the Chair of any OSC for the purpose of presenting a report of the Scrutiny Committee to the Cabinet.”

Broadcasting of Cabinet Meetings

23. At the current time all meetings of Cabinet are live-streamed via the Council’s website and the recording made available for up to 6 months, following which it is available via YouTube. The recording of an item of business (or part of an item of business) which is considered in private in accordance with the Access to Information Rules contained within Part 4-2 of the Council’s Constitution will not be made publicly available.

Conclusion

24. It is hoped that non-Executive Members and Members newly appointed to the Cabinet will benefit from this summary report of the role and function of the Cabinet.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No
Interim Chief Executive:	Lorna Ford		
Report Contact Officer:	Lisa Cooper, Democratic Services Manager		
e-mail address:	01424 787813		
	lisa.cooper@rother.gov.uk		
Appendices:	None		
Relevant previous Minutes:	None		
Background Papers:	None		
Reference Documents:	Rother District Council Constitution		

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Rother District Council

Report to:	Cabinet
Date:	12 June 2023
Title:	Climate Change Steering Group
Report of:	Ben Hook, Director – Place and Climate Change
Cabinet Member:	Councillor Field
Ward(s):	-
Purpose of Report:	To reconvene the Climate Change Steering Group and appoint Members thereto.
Decision Type:	Non-Key
Officer	
Recommendation(s):	It be RESOLVED : That the Climate Change Steering Group be reconvened and the Members be appointed thereto.
Reasons for Recommendations:	To reappoint the Climate Change Steering Group to enable it to continue its focus on the Council's Climate Change agenda.

Introduction

1. Following the District Council elections in May and the formation of a new administration, Cabinet is requested to reconvene the Climate Change Steering Group (CCSG).

Background and considerations

2. In September 2019, full Council passed a motion declaring a 'Climate Emergency' and made a carbon neutrality commitment for Rother District with a target date of 2030 (Council Minute C19/38 refers).
3. At the subsequent Cabinet meeting, the cross-party CCSG was established, comprising seven Members and appointments made thereto; with two Cabinet Members and five non-Cabinet Members appointed. Steering Groups are established by Cabinet and can comprise both Cabinet and non-Cabinet Members.
4. Attached at Appendix A are the current Terms of Reference (ToR), which have been updated to reflect the additional role of monitoring the communication strategy for the enforcement of environmental offences agreed by Cabinet in February 2022 (highlighted). The ToR state that the Group will be chaired by the Lead Member for Environment and Transport; this will require amendment as this Portfolio role no longer exists (highlighted).

5. It was agreed to hold one meeting of the CCSG every six months in public, with informal, closed meetings more frequently to allow for officer progress reports in between formal meetings.
6. Since its establishment it has met on 16 occasions, with the last nine, being informal.
7. It is noted that whilst there is a desire to designate the CCSG as a formal committee of the Council, this would bring the formality and legal obligations in terms of local authority meeting administration and more time is needed to consider these matters in full.
8. In the meantime, it is therefore requested that the Cabinet reconvenes the CCSG and appoints Members thereto, in accordance with the current ToR. A review of the ToR can be undertaken when due consideration is given to the status of the CCSG in the coming months.
9. Members of the CCSG during the last administration and who have been returned to office are as follows:

K.M. Field, S.J. Coleman, P.J. Gray, P.N. Osborne and S.M. Prochak, MBE.
10. Following the appointments to Cabinet, it is noted that three Cabinet Members are former Members of the CCSG. Should all three wish to continue on the CCSG, the ToR will require amendment.
11. Cabinet is asked to reconvene the CCSG and appoint Members thereto.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No
Interim Chief Executive:	Lorna Ford		
Report Contact Officer:	Lisa Cooper, Democratic Services Manager 01424 787813		
e-mail address:	lisa.cooper@rother.gov.uk		
Appendices:	None		
Relevant previous Minutes:	CB19/49 CB19/76 CB21/89		
Background Papers:	None		
Reference Documents:	None		

Rother District Council

**CLIMATE CHANGE STEERING GROUP
TERMS OF REFERENCE****1. Purpose**

On 16 September 2019 Full Council passed a motion declaring a 'Climate Emergency' and made a carbon neutrality commitment for Rother District with a target date of 2030. The Climate Change Steering Group has been established by Cabinet to develop, plan and initiate the steps that the Council will need to take to meet this highly ambitious target.

2. Objectives

- To produce an action plan or strategy that is designed to ensure that the operations of the Council are carbon neutral by 2030.
- To agree and monitor a set of Key Performance Indicators to ensure that the Council meets its carbon neutral objective by 2030.
- To identify relevant existing powers that the Council may exercise, and any additional powers to be requested from Central Government, that could be used to encourage carbon neutrality throughout the district.
- To identify which policies, strategies and working practices of the Council might require amendment, and to outline a timescale for reviewing these.
- Identify and consult with existing external bodies and partnerships; and make recommendations on new partnerships that should be established to help achieve the 2030 target.
- Identify citizens across Rother who are climate champions for their communities and to use them to inform on ideas to implement locally.
- To investigate all possible sources of external and internal funding, including the Council's Community Infrastructure Levy's Climate Emergency Bonus Fund and match funding to support this commitment.
- Investigate what Rother District Council can do to minimise the emission of gases other than CO₂ which adversely affect climate change.
- To present a pre-consultation draft action plan to Council for consideration no later than 24 February 2020, including recommendations for next steps and resource requirements.

3. Scope

For the purposes of this initiative, the operations of the Council are considered to be any action taken by the Council either institutionally or through its Members, staff, volunteers, and contractors in the discharge of its duties.

In developing the action plan the Steering Group will need to consider the existing carbon footprint of the Council, existing and emerging carbon reducing technologies, opportunities for change in institutional and personal behaviour, the impact of Council property assets, and the likely financial cost and resource requirements for meeting the 2030 target.

The Steering Group will also consider wider issues related to climate change over which the Council might wield influence, but do not directly contribute to our own carbon footprint.

The Steering Group will also monitor the communications strategy in relation to the Environmental offences – Fixed and Civil Penalty Notices.

4. **Membership and Structure**

The Climate Change Steering Group will be a cross party group of seven Members. The Group will be chaired by the Lead Member for Environment and Transport and will consist of one other Executive Member and five non-Executive Members, reflecting a broad political balance.

5. **Meetings**

The Steering Group will meet regularly, the frequency, time and venue to be decided by the Members in liaison with officers. Meetings will be open to the general public and Members may also wish to organise public engagement events as part of the action plan development.

Rother District Council

Report to:	Cabinet
Date:	12 June 2023
Title:	Enforcement of Environmental Offences
Report of:	Richard Parker-Harding, Head of Environmental Services, Licensing and Community Safety and Deborah Kenneally, Head of Neighbourhood Services
Cabinet Member:	Councillor Timpe
Ward(s):	All
Purpose of Report:	To seek approval to continue with the concessionary agreement with NES Ltd, to carry out the enforcement of environmental offences.
Decision Type:	Key
Officer Recommendation(s):	It be RESOLVED : That the concessionary agreement with NES Ltd, to carry out the enforcement of environmental offences be continued.
Reasons for Recommendations:	To maintain the current level of enforcement for environmental offences, to improve the quality of the local environment and the lives of residents impacted by such offences.

Introduction

1. The Council has employed a private company, NES Ltd, to carry out the enforcement of certain environmental offences, including dog fouling, littering, fly-tipping (unauthorised disposal of waste) using a concession agreement, which started at the end of August 2022.
2. NES Ltd employ uniformed staff to patrol the district, authorised by the authority, identifying offences, and issuing fixed penalty notices (FPNs). The service includes the prosecution of offenders who fail to pay an FPN, which is a statutory requirement. The company have recruited residents to work in Rother.
3. The company is contracted by numerous councils, including Canterbury, Malling and Tonbridge in the South East and Torbay, Devon. It also carries out limited promotional work, for example giving out dog waste bags and cigarette butt pouches and supporting litter picks.
4. The Council receives an income from NES Ltd of 30% of the FPNs paid. This money is used to pay for promotional activity, the removal of graffiti, waste and cleaning bus shelters etc.

Enforcement before August 2022

5. When the Council received complaints or reports about fly-tipping (unauthorised disposal of waste), Contract Compliance Officers (Neighbourhood Services) visited and checked if there was any evidence, where the waste originated from, before arranging for Biffa to clear the waste. On the few occasions when evidence was found, the matter is referred to Environmental Services for further investigation.
6. There are two possible offences, the “duty of care” offence by the householder or business (where the waste originated from) or the “unauthorised disposal of waste” offence by the actual fly-tipper. The first offence is easier to prosecute, the second much more difficult because the householder or business are unable or unwilling to identify the fly-tipper. In addition, on occasions, members of the public identify or film fly-tippers, but they are normally reluctant to provide evidence.
7. The Council works with Sussex Police, Trading Standards and the Environment Agency a few times a year, to carry out vehicle stops to check whether waste carriers have a permit – Operation Taurus.
8. Without the NES concessionary agreement, the Council does not have the resources to carry out regular patrols to detect littering and dog fouling offences unless there is reliable evidence that the offence occurs at a specific place, regularly at the same time.

Fixed Penalty Notices (FPN)

9. The payment of a FPN for an offence committed means the Council cannot prosecute for that offence. Nobody should pay a FPN if they believe they have not committed an offence.
10. The monetary value of FPNs for each offence was set by the Council. These rates cannot be reduced in any circumstances, they are fixed. If the Council wanted to change the values, then it would have to procure the agreement again, as the procurement and the 30% income received by the Council is dependent on these FPN rates. The Government’s intention is to substantially increase the maximum rate of FPNs.
11. Persons issued by a FPN can make representations to NES if they believe the FPN should not have been issued. NES can cancel the FPN issued, and a small number are cancelled, depending on individual circumstances not known at the time when the FPN was issued.
12. It is not legally possible for FPNs to be paid in instalments. If there are administrative reasons, the time to pay the FPN is often extended by NES Ltd for example if NES Ltd have delayed responding to a representation. In addition, FPNs cannot be reduced in cases of financial hardship, only the Courts have the discretion to do this.

Business Waste

13. The agreement includes NES staff visiting businesses to check if they have waste disposal contracts in place. All businesses should have such contracts. Business waste should not be entering the domestic waste stream, as the collection and disposal of domestic waste is borne by the Council taxpayer.

Officers have been surprised by the number of businesses who were unaware of the law. Businesses that cannot produce waste transfer notes are given seven days to produce the documents and failure to do so results in a FPN being issued. [Business waste – Rother District Council](#)

Bexhill Town Centre

14. The Council provides a daily, Monday to Friday, domestic waste collection service in the early morning. Residents are advised to put their waste out for collection between 06:30 and 07:00 Monday to Friday only. Persons leaving domestic waste on the pavement outside these hours can be issued with a FPN. Since the introduction of NES patrols, domestic and commercial waste is rarely being left on the pavement during the day, which was unsightly and hazardous. Withdrawing these patrols is very likely to result in the return of the practice of people leaving out waste on the pavements all day.

Camber

15. This summer NES staff will be patrolling Camber during busy weekends. Hopefully this will reduce littering, which is a source of annoyance to local residents and costly for the Council to clear.

Complaints about NES staff

16. Some complaints have been received by the Council about the conduct of NES staff, which have all been investigated. NES staff wear bodycams which record video and audio images when they are interacting with the public. When a complaint has been made officers have viewed these recordings. On every occasion we have concluded that the NES employee was assertive but not aggressive or abusive, often in the face of abuse themselves. It may be that members of the public are unused to be confronted by an enforcement officer in person and therefore object to being spoken to and asked their name and address, it is a legal requirement to do so.
17. Given the very high number of FPNs issued since September, it is inevitable that some will have been issued in error, particularly by a new member of staff. In addition, it is an aspect of this type of “on the spot” or immediate enforcement that NES officers are given very limited discretion. This is balanced by the ability of the public to make representations to other NES staff, who can review the case and cancel the FPN if appropriate. In a very few cases, the Council has intervened to ask FPNs to be cancelled, if there are particular local circumstances that made the issuing of a FPN inappropriate, for example bespoke waste collection arrangements.

Prosecutions

18. The agreement with NES Ltd includes the use of a private Solicitor to carry out prosecutions, if authorised by the Council. It is important that people who do not pay a FPN are prosecuted. At the end of March 2023, 16 prosecutions had commenced. We have asked NES to increase the number of prosecutions.

Costs to the Council

19. Using a concessionary agreement, there are no costs to the Council, as these are met from the income received by the company by issuing FPNs. The Council receives an income of 30% of the FPNs paid, which can be used for

the removal of graffiti, waste, cleaning bus shelters etc. There are management costs associated with monitoring the contract and dealing with customer complaints

Procurement

20. Provision was made to review the contract at 12-month intervals to determine whether to continue or procure a new contract for a longer period.

Government Policy

21. Government policy is to reduce anti-social behaviour including a crackdown on littering and fly-tipping: [Action plan to crack down on anti-social behaviour and restore pride in communities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/action-plan-to-crack-down-on-anti-social-behaviour-and-restore-pride-in-communities.pdf):
- *Increasing the punishment for those who graffiti, litter or fly tip with fines of up to £500 and £1,000– council league tables will be published for fly tipping, and we will work with the Office for Local Government to increase transparency and improve accountability on antisocial behaviour outcomes.*
22. As the Council has already devoted time and resources in tendering and entering into a concessionary agreement (including an income for the Council) it would be premature not to continue with this beneficial agreement for another two years.

Conclusion

23. The employment of a private company has substantially increased the number of environmental offences detected, the number of FPNs issued and prosecutions commenced. This accords with Government policy. High impact enforcement has significantly improved litter and waste being left in Bexhill town centre. The income received by the Council has been used to remove graffiti and waste. There is the option to extend the agreement for another year, to a maximum of three years.

Crime and Disorder

24. Effective enforcement of environmental offences supports controlling crime and disorder in the district.

Environmental

25. Effective enforcement of environmental offences improves the local environment and reduces the negative impact of unauthorised waste disposal (fly-tipping) on land and water. Income received from FPNs is used to pay for environmental improvements e.g. graffiti removal.

Financial

26. Contained within existing estimates.

Human Rights

27. Article 2: Right to life - not applicable
Article 3: Freedom from torture etc - not applicable
Article 4: Freedom from slavery and forced labour - not applicable
Article 5: Right to liberty and security - not applicable

Article 6: Right to a fair trial - complies
 Article 7: No punishment without law - complies
 Article 8: Respect for private and family life - not affected
 Article 9: Freedom of thought, belief and religion - not affected
 Article 10: Freedom of expression - not affected
 Article 11: Freedom of assembly and association - not affected
 Article 12: Right to marry - not affected
 Article 14: Right to be free from discrimination - not affected

Protection of property: not applicable
 Right to education: not applicable

Legal

28. A company given a concessionary agreement must abide by all relevant Government guidance and codes of practice. Relevant regulations must be complied with, including GDPR and the Public Contract Regulations 2015. The Council's own procurement rules would be adhered to. Any prosecutions undertaken by the provider must be in accordance with the necessary statutory framework.

Risk Management

29. As predicted, the Council received negative publicity and criticism for issuing FPNs for littering through discarding cigarette butts and fly-tipping at recycling sites etc. There was an initial high number of complaints. Officers and NES management have adapted the service where possible to minimise negative publicity. Withdrawing the service could also attract a negative response from those residents who want enforcement of environmental offences, particularly dog fouling.

Equalities and Diversity

30. Equality monitoring is undertaken. This shows more men than woman are issued with FPNs. As persons from routine and manual occupations are more likely to smoke cigarettes, it is likely that this group may be issued with more FPNs but no data is collected. FPNs can be issued to persons over the age of criminal responsibility (10 years). NES policy is to only issue FPNs to adults.

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

Interim Chief Executive: Lorna Ford

Report Contact Officer: Richard Parker-Harding

Telephone Number: 01424 787551

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Minutes: CB46/06, CB21/88 and CB21/89

Appendix: Appendix A-NES Activity, Past Activity and Expenditure

Background None
Papers:

Reference [Code of practice for litter and refuse: Part 1A - effective enforcement](#)
Documents: [\(publishing.service.gov.uk\)](#)

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2019>

Appendix A

NES Activity 2022/23

	October	November	December	January	February	March	TOTAL
FPNs issued	186	215	182	278	178	229	1268
FPNs cancelled	1	1	19	32	17	29	99
DoC Business	3	6	28	12	5	20	74
DoC-Domestic	0	0	0	0	2	0	2
Fly-tipping Business	3	6	15	10	11	10	55
Fly-tipping-Domestic	7	21	71	49	17	34	199
Littering-black bag-Domestic	0	0	0	0	0	7	7
Littering-black bag-Other	0	0	0	0	0	2	2
Littering-cardboard box	0	0	0	0	0	9	9
Littering-small box	0	0	0	0	0	3	3
Littering-cigar	1	0	0	1	2	2	6
Littering-cigarette butt	149	157	56	149	88	103	702
Littering-coffee cup	0	0	0	0	0	1	1
Littering-other	2	2	0	3	8	2	17
Littering-packaging	0	1	1	6	20	11	39
Littering-printed literature	0	0	0	1	18	2	21
Littering-rolled up cigarette	19	19	10	45	0	15	108
Dog Fouling	2	1	0	2	2	2	9
Dog Exclusion Zone	0	0	1	0	2	3	6
Dogs on leads	0	1	0	0	3	3	7
Issued in Bexhill	63%	73%	59%	81%	89%	83%	75%
Issued to Male	60%	59%	54%	59%	60%	55%	58%
Issued to IC1	87%	85%	59%	82%	86%	84%	81%
Issued to unknown ethnicity	5%	8%	33%	10%	3%	6%	11%
RDC Income received / £	4995	4950	5,754	4767	9009	5760	35235

Fixed Penalty Notices Issued between January 2019 and December 2021

Fly-tipping	2
Waste-duty of care offence	1
Waste- no permit	1
Non-compliance Community Protection Notice	2
Non-compliance Public Spaces Protection Order	1
TOTAL	7

Expenditure- October to March

	£
Graffiti removal	4865
Waste removal	1600
Bus stop cleaning	1145
Signs	1021
TOTAL	8631

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Rother District Council

Report to: Cabinet

Date: 12 June 2023

Title: Net Zero pledge for UK100 Membership

Report of: Ben Hook, Director - Place and Climate Change

Cabinet Member: Councillor Rathbone Ariel

Ward(s): All

Purpose of Report: To progress the Council's membership to the UK100

Decision Type: Non-Key

Officer

Recommendation(s): **Recommendation to COUNCIL:** That the Net Zero Pledge be approved and adopted and the Council's membership of UK100 be confirmed.

AND

It be **RESOLVED:** That subject to Council approval, the Director – Place and Climate Change be granted delegated authority to sign the pledge and agree the on-going requirements to ensure Rother District Council's ongoing UK100 Membership.

Reasons for

Recommendations: Membership of UK100 signals the Council's intent to do its fair share in reducing both direct and indirect emissions. Membership also provides resources for both Members and officers.

Introduction

1. UK100 is a network of local authorities who have pledged to get to Net Zero by 2030 for council operations and 2045, at the latest, for area-wide emissions.
2. Membership is free and benefits include support, guidance and knowledge sharing.
3. Membership also signals the Council's intent to do its fair share and influence district-wide emission reduction.
4. In 2019, the UK Government passed legislation to bring all greenhouse gas emissions to Net Zero by 2050. This was to align with the commitments in the Paris Agreement to limit global warming to 1.5 degrees.

5. Evidence from the Intergovernmental Panel on Climate Change (IPCC) AR6 report (2023) demonstrates global warming is likely to exceed 1.5 degrees with the existing policies and laws currently in place.
6. Ambitious action is required to limit global warming and reduce greenhouse gas emissions.
7. Local authorities play a crucial role in achieving the UK's Net Zero greenhouse gas emissions target. Through policies and partnerships, local authorities have a strong influence over more than a third of emissions in the local area.
8. In September 2019, Rother District Council declared a climate emergency and made a climate pledge.

“Rother District Council pledge to do what is within our powers, to make Rother District carbon neutral by 2030, taking into account both production and consumption emissions.”

9. UK100 Mission Statement:
 - a. UK100 is a network of highly ambitious local government leaders, which seeks to devise and implement plans for the transition to clean energy that are ambitious, cost effective and take the public and business with them.
 - b. UK100 supports decision-makers in UK towns, cities and counties in their transition to Net Zero. It is the only network for UK local leaders focused solely on climate, clean energy and clean air policy.

Membership Benefits

10. The UK100 network meets twice a year to discuss activities and advocacy. In addition, there are issue-specific events aimed at different levels (leaders, cabinet members and officers).
11. UK100 make multiple announcements throughout the year to celebrate new leaders and councils who have joined. A Communications toolkit/ media pack is provided.
12. Membership of UK100 supports local authorities in fulfilling their commitments to tackling the climate emergency and delivering local Net Zero.
13. UK100 facilitates dialogue with national politicians, amplifying the voices of local leaders via collective advocacy.
14. Membership enables knowledge sharing including meetings, webinars, roundtables, workshops and promoting best practice.
15. The organisation can provide tailored insights, evidence and recommendations on the challenges and solutions to local Net Zero, inviting members to inform and participate in research.
16. UK100 connects local leaders with world-leading business and industry to help local authorities plan and implement the solutions needed to reduce emissions locally.

17. Membership demonstrates the collective ambition, commitment, and ability of elected local leaders to deliver Net Zero.
18. Members also have access to members only programmes and services including briefings on research and publications.
19. Members representing rural authorities can join the UK100 Countryside Climate Network (CCN). This is a sub-group of UK100 network members whose authority covers predominantly rural areas.
20. The CCN hold quarterly meetings for Leaders or elected Cabinet Member representatives to participate in.
21. The pledge is not legally binding.
22. There is no membership fee.

Membership Requirements

23. To become a member of UK100, the Council must sign and adopt the following Net Zero Pledge:

“As local leaders across the UK, we recognise our responsibility to tackle the climate emergency and take bold action towards Net Zero.

We will continue to lead the UK’s response to climate change, acting sooner than the government’s goal by making substantial progress within the next decade to deliver Net Zero. We will use our experience and achievements to advocate to the UK Government in order to accelerate the delivery of ambitious local climate action. With greater powers and funding, we would go further.

We commit to do everything within our power and influence to rapidly reduce our greenhouse gas emissions and work with our residents and businesses to bring our wider communities’ emissions in line with Net Zero as soon as possible.

We pledge to understand our impact on climate change, prioritise where action needs to be taken and monitor progress towards our goals. We will reduce our emissions at source and limit the use of carbon offsets as part of the global effort to avoid the worst impacts of climate change.

We are closer to the people who live and work in our communities, so we have a better understanding of their needs. This means we can collaborate with them to build consensus for the solutions we need to transition to a Net Zero society that delivers multiple benefits and is fair, just and works for everyone.”

24. The pledge includes the following commitments:
 - a. The Council sets an ambitious Net Zero target for greenhouse gas emissions of 2030 for Council operations and at the latest, 2045 for area wide emissions.
 - b. The Council should report their carbon emissions annually for scope 1 and 2 both for Council and district emissions.

c. The Council should commit to limiting the use of offsets, and if used, to be as local as possible.

25. The Council meets the criteria for membership and the pledge aligns with the Council's Climate Emergency declaration made in 2019.

Conclusion

26. UK100 membership will provide support and resources for Members and officers.

27. In joining the UK100 network, the Council is reaffirming its commitment to Net Zero.

Environment

28. UK100 membership will support the Council's climate ambitions.

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
Risk Management	No	Exempt from publication	No

Interim Chief Executive:	Lorna Ford
Report Contact Officer:	Lucie Bolton, Environment Strategy Officer
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Appendices:	None
Relevant Previous Minutes:	N/A
Background Papers:	None
Reference Documents:	None

Rother District Council

Report to:	Cabinet
Date:	12 June 2023
Title:	Housing Allocation Policy
Report of:	Joe Powell – Head of Service, Housing and Regeneration
Cabinet Member:	Councillor McCourt
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee (OSC) meeting held on 5 June 2023, regarding proposed changes to the Housing Allocation Policy. The report and recommendations as presented to the OSC are reproduced below and the Minutes of that meeting will follow and (Appendix D) should be read in conjunction with this report.
Decision Type:	Key

Overview and Scrutiny

Recommendation(s): It be **RESOLVED:** That the draft Consultation Questionnaire and the draft Housing Allocations Policy be approved for consultation with residents and wider stakeholders.

Introduction

1. The new draft Housing Allocations Policy (HAP) (Appendix A) provides a transparent framework for the effective and equitable allocation of social housing in the Rother District. It has regard to the statutory guidance as set out in s.196 of the Housing Act 1996 and the Localism Act 2011. In addition, the purpose of the HAP is to support Corporate Plan Priority to reduce the housing list, as well as the objectives of the Housing, Homelessness & Rough Sleeping Strategy 2019-24.
2. The overall aim of the HAP is to provide a framework for the equitable, effective and accountable allocation of social housing. Social housing is in very limited supply and accounts for only 10% of the total housing stock in Rother; this percentage is below the national average of 17%. Therefore, only those in the highest housing need, with a local connection to the area are likely to obtain social housing.
3. The demand for social housing continues to exceed supply, with the Council receiving on average 60 new housing register applications every month. There are a total of 2,053 households on the register which compares to only 218 available properties last year. This means that over 90% of households were unsuccessful in bidding for properties, of the 10% that were, the majority were homeless households to whom the Council owed the main housing duty.

4. Members will also be aware that since the COVID-19 pandemic there has been a significant increase in the number of households presenting to the Council as homeless, resulting in higher numbers of temporary accommodation (TA) placements, and associated costs. The revised HAP offers new approaches to the way in which social housing is allocated to provide a greater focus on the prevention of homelessness through the award of higher priority for households threatened with homelessness. In addition, the Council proposes to afford itself greater control in the allocation of social housing to those households whose needs are particularly urgent due to certain circumstances surrounding their homelessness, as well as their health or housing conditions.

HAP Development

5. The current HAP was written in 2014 and subsequently reviewed in 2019. The revised HAP approved in 2019 was never formally implemented. There were several reasons for not fully adopting the 2019 HAP, including disruption to the service caused by the COVID-19 pandemic as well as more recent changes to the management of the Housing Needs and Solutions teams.
6. In developing the new draft of the HAP, a market research exercise was conducted where officers examined the policies of several other local authorities, under guidance from our Specialist Advisor within the Department for Levelling Up, Housing and Communities (DLUHC). The exercise helped us identify areas of good practice to support the development of a policy that better enables us to achieve our Corporate Plan priority to reduce the number of households on the Housing Register. We then held a multi-agency stakeholder collaboration event in which we reviewed the research undertaken and collaborated with one another to develop the draft HAP.
7. The purpose of the officer-led review and stakeholder collaboration event was to ensure that the draft HAP continues to meet its objectives effectively. The main objectives of the revised HAP are to:
 - continue to provide a transparent and clear method of awarding priority for social housing that meets the needs of local residents, particularly the most vulnerable;
 - ensure compliance with statutory obligations and changes in legislation, particularly regarding eligibility and the Homeless Reduction Act (2017);
 - reduce the number of clients on the housing register from its current total of 2072, in accordance with the stated Corporate Plan Priority, and the Housing, Homelessness and Rough Sleeper Strategy 2019-2024;
 - reduce the use of TA through improved homelessness prevention; and
 - ensure that households identified as having urgent housing needs due to their health or housing conditions are suitably prioritised.

Consultation

8. The Council is obliged to consult local residents and other stakeholders on the proposed changes within the new draft HAP so these can be revised, refined and adjusted to best meet the needs of the community. The draft Consultation Plan can be found at Appendix B. The consultation will run for 8 weeks and will launch in June or July 2023. The Consultation Plan includes a table of the main

stakeholders that will be targeted, as well as the means by which they will be invited to contribute.

9. The consultation will invite stakeholders to complete a questionnaire that aims to capture feedback on the draft HAP, in a format that will allow us to assess levels of satisfaction with the proposals. The draft HAP Questionnaire can be found at Appendix C. The consultation responses will then be reviewed and adjustments will be made in collaboration with a core stakeholder group and the Portfolio Holder for Housing. We will then return to Council with a finalised HAP for formal adoption in the late summer 2023.

Changes to the Policy

10. The remainder of the report summarises for Members the main changes proposed within the new draft HAP and the reasons for these changes.

Prioritising households in most need

11. The draft HAP introduces a new 'Emergency Need' category. Households in this category will be afforded the highest priority as social housing has been deemed as the only viable option for them. All other housing allocations will be made utilising a Choice Based Lettings (CBL) system, which exists now, wherein households are prioritised in either Band A, B, C or D according to their level of housing need. Households are invited to bid for property that becomes available, which is then allocated according to the highest priority. The new Emergency Need category will provide greater flexibility than the current system, that is comprised of an exclusively Choice Based Lettings system, particularly in situations where there is an urgent or immediate need to provide assistance to relieve homelessness. The added flexibility for allocating housing to those most in need will allow the Council to better prevent homelessness and rehouse urgently those with exceptional health circumstances or experiencing severe levels of disrepair.
12. The next significant change to the draft HAP is to remove eligibility for the Housing Register to those who do not reside in the district. There are several proposed exemptions to this, including those who can evidence a need to either provide care and support to a family member or receive it; additional exemptions include care leavers, those requiring specialist hospital treatment and those who work in the district but are not resident. There are currently 509 households on the register who are not Rother residents and whose only local connection to the area is through a family member; it would significantly reduce the number of households on the register as well increase the chances for those remaining if these were removed.
13. To ensure that allocations are made to applicants with an identified housing need, all households currently in Band D – on the basis that they have no identified housing need - will be removed. There are 184 clients who have no other housing need other than a preference for sheltered accommodation. The proposed change means that applicants who are adequately housed and have no housing need will be removed, in line with the strategic aims of the HAP. The change will also reduce the number of clients on the Housing Register and therefore increase the chances for those remaining on it.

14. We propose to amend the current savings and income threshold to ensure that only applicants who do not have the resources to resolve their own housing situation are permitted to join the Housing Register. Instead of a fixed income threshold, household incomes will be assessed to establish whether it is reasonable for them to afford alternative accommodation in the private rented sector. As a guide, spending less than 32% of one's income in rent / mortgage payments would exclude a household from being eligible. The proposed changes also reduce the permitted savings threshold (currently £24,000) in line with capital sums for Universal Credit purposes which is currently £16,000. The Council will disregard disability payments for former members of the armed forces following discharge, Disability Living Allowance (DLA) payments, Personal Independent Payments (PIP) and applicants with significant mobility issues so this does not adversely affect their opportunity to find suitable accommodation.

Reduce TA use and prevent homelessness

15. The new HAP proposes to award priority to those at risk of homelessness and to whom the Council would owe a main homelessness duty if their homelessness was not successfully prevented. To qualify for the priority, applicants would have to be fully engaged with the Council and be completing the tasks outlined within their Personalised Housing Plan (PHP), which is designed to support applicants to secure alternative accommodation in the private rented sector. The change would also prevent vulnerable households, including those with children from the detrimental psychological and emotional impact of becoming homeless and being placed into emergency accommodation.
16. The current HAP awards households that are accepted as homeless and in TA the highest priority. It is felt that this approach can sometimes incentivise homelessness as a route to social housing. The new draft HAP introduces a lower level of priority for accepted homeless households in TA (Band B). Placing clients in a lower band may increase the length of time it will take them to be rehoused into social housing; however, experience in other local authorities is that the measure reduces the number in TA overall as becoming homeless is removed as an expedited route to accessing social housing.
17. It should be noted that the draft HAP will allow the Council to put homeless applicants who are in TA into the Emergency Band after six months, provided they are fully engaging with support and have exhausted all other options to secure accommodation in the private rented sector, for example. This will continue to allow the Council to secure social housing for those in TA, if required.
18. The new draft HAP introduces a priority for households who make their own TA arrangements rather than accessing TA. This would apply to applicants who received an outright possession order or eviction notice through no fault of their own. The household would also have to be fully engaged with the Council and be completing the tasks outlined within their PHP. The change will incentivise households to make their own temporary housing arrangements and reduce the Council's costs on TA, storage and removals. It would also prevent vulnerable households, including those with children, from the detrimental psychological and emotional impact of being placed into emergency accommodation. The Council will undertake rigorous checks to ensure that the

safety of households is always prioritised. The Council will not encourage any accommodation arrangements to be made where any safeguarding concerns exist. The Council will liaise with statutory external agencies to manage any identified risk.

Support for former rough sleepers

19. The Council has secured funding for accommodation through the Next Steps Accommodation Program (NSAP) and Rough Sleeper Accommodation Program (RSAP). The Council now operates a Housing First scheme, providing supported accommodation to former rough sleepers. Under the terms of the funding, clients are only able to reside in the accommodation for a maximum of two years. It is therefore necessary to award a Band A priority on the to clients who have demonstrated they have the independent living skills to move into independent accommodation, so that vacancies can be created within the Housing First scheme.

Encourage clients to accept private rented accommodation

20. It was suggested, following a recent service review from the DLUHC. that the Council could do better at incentivising homeless households to accept housing offers in the private rented sector. It was suggested that many councils allow homeless households that accept a private rented accommodation offer to remain on the housing register. We are therefore proposing to allow such households to retain a Band C following their accepting a private rented accommodation offer. The Council assisted 75 clients into the private rented sector during the last financial year, although it is not envisaged that all of these would want to join the Housing Register.

Reduced priority for non co-operation

21. Following the introduction of the Homeless Reduction Act (2017), there is a statutory requirement for applicants to take the necessary, agreed steps, in their PHP to resolve their housing situation. Where applicants deliberately refuse to co-operate with their PHP, then their priority on the Housing Register could be reduced to Band D for six months. Clients who are vulnerable to the extent it is not reasonable to expect them to co-operate would not be affected. The new measure will encourage clients to take the reasonable steps as set out in their PHP which could prioritise other types of housing, such as the private rented sector or supported accommodation. It will penalise those who deliberately refuse to actively engage in resolving their homelessness.

Medical priority and unsatisfactory housing conditions

22. The Council is required by law to award *reasonable preference* to people with medical needs that make their current accommodation unsuitable. In addition, local authorities must provide reasonable preference to those in unsatisfactory housing conditions due to overcrowding, or significant disrepair, for example. The new draft HAP does not propose to make significant changes to these categories.

Conclusion

23. A review of the current HAP has been undertaken in collaboration with wider stakeholders and the Portfolio Holder for Housing and a new draft HAP

produced. The new draft HAP has allowed Council officers to revisit its criteria for allocations and the changes proposed will allow it to continue to respond to increases in demand for social housing more effectively, while also improving the efficiency and transparency of its allocations. The Council is obliged to consult local residents and other stakeholders on the proposed changes so these can be revised and adapted to meet the needs of the community. It is recommended, therefore, that the draft HAP, Consultation Plan and Consultation Questionnaire be approved for consultation with residents and wider stakeholders.

Equalities

24. An equality impact assessment (EIA) has been completed and a further one will be required following public consultation. A copy of the EIA can be provided upon request.

Financial

25. The Council's budget for the use of TA continues to increase. The new draft HAP changes have a greater focus on homelessness prevention which aim to reduce the use of TA and therefore reduce costs.

Legal

26. Local authorities are required to have an allocation scheme (policy) determining priorities for the allocation of accommodation and the procedures to be followed. In the exercise of their functions under Part 6 of the Housing Act 1996, local authorities must have regard to statutory guidance issued by the Secretary of State. In determining how to prioritise between applicants, a local authority must give reasonable preference to those categories of people set out in section 166A(3) of the Housing Act 1996. The new draft HAP is with the Council's legal team for comment and input.

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

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Appendices:	Appendix A RDC Housing Allocations Policy Appendix B RDC Housing Consultation Plan Appendix C RDC Consultation Questionnaire Appendix D OSC Minute Extract – TO FOLLOW
Relevant previous Minutes:	CB19/15, OSC19/49, CB19/90, C19/69
Background Papers:	-
Reference Documents:	-

**Extract from Minutes of the Overview and Scrutiny Meeting – 5 June 2023 – TO
BE ADDED AFTER THE OSC MEETING**

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ROTHER DISTRICT COUNCIL HOUSING ALLOCATIONS POLICY

Version 1.0

Caroline Wakefield

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1.Introduction

This is Rother District Council's Allocations Policy which explains the rules and procedure by which 'Qualifying Persons' are able to join the housing register and how social housing is allocated.

The Council transferred its housing stock in 1996 via a large-scale voluntary transfer (LSVT) and retained nomination rights with a number of Housing Associations in the district. Social housing makes up roughly 9.7% of the total housing stock in the district which compares to 17.4% nationally.

Due to demand, significantly outweighing supply, the Council must ensure that properties are allocated to those most in need and this policy will ensure it is carried out in a transparent and equitable way.

The largest housing association in the district is Southern Housing with whom the council has 100% nomination rights to new build housing stock and 75% to re-lets. The list of other housing associations in the area can be found in **Appendix A**.

The Council is part of the East Sussex wide Choice Based Lettings Scheme called Homemove. Properties which are made available via Homemove will be advertised and eligible applicants will be able to bid for properties they wish to be considered for. This policy details the process by which these and other types of properties are allocated.

2.Policy Aims

In the Rother District the demand for affordable housing outweighs supply, this policy provides a framework by which these properties can be allocated, with the following aims:

- Ensure the allocation of social housing contributes towards socially, economically and demographically balanced communities
- Maximise the use of social housing stock in the district
- Assist Rother District Council and its partners in meeting statutory duties, particularly in relation to ensuring reasonable preference to priority groups
- Reduce temporary accommodation use
- Prevent people becoming statutorily homeless
- Allocate social housing fairly in an open and transparent way
- Minimise property void periods
- Promote social inclusion
- Promote and achieve equality of opportunity

Due to the shortage of social housing in the district the Council will work with households to explore all suitable housing options where appropriate, including private rented accommodation.

3. Equalities

The Council will ensure its policies and practices are non-discriminatory and will promote equality by preventing and eliminating discrimination on the grounds of race, disability, gender, age, sexual orientation, religion, pregnancy, or marriage status. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. The Council's aim is to create an environment where equality is at the heart of everything we do.

The impact of this policy on the diverse range of groups within our community will be monitored to ensure it promotes equality to everyone. In order to achieve this, all applicants will be asked to provide details of their circumstances and any personal information when they apply to join the housing register.

To ensure that vulnerable groups are not disadvantaged in applying to the housing register, the Council will offer assistance to complete the online form if the applicant is unable to use a computer and has no friend, relative or advocate assisting them. When this is not possible the Council may refer the applicant to an outside organisation who will assist the applicant to submit an application.

4. Legal Framework

The Housing Act 1996 (Part VI) and the Localism Act 2011 requires local authorities to have an allocations policy for determining priorities and for defining the procedure to be followed in allocating accommodation.

This policy has been designed to address these requirements and gives due regard to the 'Allocation of accommodation: Code of guidance for local housing authorities in England'.

An allocation of accommodation within the Housing Act 1996 (Part VI) is when the local authority selects a person to be either:

- a secure or introductory tenant of accommodation held by the authority
- nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- nominates a person to be an assured tenant of accommodation held by a Private Registered Provider (or Registered Social Landlord in Wales) (s.159(2))

This policy does not apply to assignments, mutual exchanges, succession of tenancies or temporary decants. In each of these instances, neither the Council nor any of the other Housing Association Landlords are required to identify a new tenant for the relevant property or properties from Rother District Council's Housing Register.

This policy also has regard to the statutory requirements as set out in Part VI of The Housing Act 1996 (as amended by the Homelessness Act 2002) as well as the legislation, regulations and Government guidance in **Appendix B**:

5. Confidentiality Statement & Personal Data

All applications will be dealt with in a confidential manner. Information held under the scheme will not be disclosed to any third party, except where:

- Rother District Council is satisfied that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as (but not limited to) Housing Association Landlords, and other agencies
- Rother District Council is permitted to disclose the information under data protection Legislation; and/or
- There is another lawful requirement in law to make such disclosures.

Applicants to the Housing Register are also entitled to request details of information that has been used to assess their application. Requests must be submitted in writing.

For more information regarding how the Council uses personal data, please see the privacy notice at: [Privacy Policy – Rother District Council](#).

6. Statement of Choice

Rother District Council is committed to providing applicants with the greatest choice possible in the allocation of social housing, within the rules set out in the policy, to ensure they go to those in greatest need.

There may be some instances where the Council may not be able to offer a choice due to specific needs for rehousing such as area or type of property. This policy will detail the circumstances when that may apply.

The Council will operate a direct let system for households assessed as having an emergency need for rehousing, as set out in the policy, and all other allocations will be made via Choice Based Lettings.

It is important to recognise that the demand for some property types and areas will be greater. Applicants will need to consider their own housing need against the availability of properties in a specific area.

7. Access to Personal Files

An applicant is entitled to see the entry on the Housing Register relating to them and receive a copy of the details held. An applicant will be notified of any status or priority change to their entry on the Housing Register.

8. Members of the Council, Staff & Relatives

8.1 Applications

Any housing register applicant, including existing housing association tenants, must tell the council when they apply to the housing register if they are:

- An elected member of the Council; or
- A council member of staff; or
- A board member of a partner social landlord; or
- A relative of any of the above

All applications in any group set out above will be identified on the council's computer systems to show their status under this section of the Allocations Policy.

Where an applicant fails to disclose the above information but it subsequently comes to the council's attention, the Housing Register application will be cancelled.

8.2 Lettings

The approval of a Council's Housing Manager is required for any lettings made to all applicants in any group set out above.

9. Advice & Information

The Council will ensure that housing advice and options information is freely available to everyone in the District on how to apply for housing.

In addition, the Council will signpost applicants, where appropriate, to other statutory and voluntary services that may help resolve their housing situation together with other realistic housing solutions.

Information will also be provided that gives applicants an indication as to the likelihood and timescales for obtaining social housing in the District.

10. Who can join the Housing Register

10.1 Eligibility

In accordance with s160ZA of the Housing Act 1996 the council is only able to allocate accommodation to persons deemed eligible. This relates to a person's immigration status and whether they are habitually resident in the UK.

Applicants that are subject to Immigration Control will be eligible for assistance if they fall within one of the category of persons prescribed as eligible by the Secretary of State.

A person who is not subject to immigration control will be ineligible if they fall within one of a number of classes of people prescribed by the Secretary of State in regulations. If deemed ineligible, an applicant must be informed of the decision and the grounds for it.

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

Details of the eligibility regulations can be found in **Appendix C**.

10.2 Joint tenancies

Under s.160ZA(1)(b), the council must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However, where two or more people apply and one of them is eligible, the council may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

10.3 Existing Tenants

The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Registered Provider. Most transferring tenants fall outside the scope of the allocation legislation (s.159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of s.160ZA(5).

10.4 Qualifying Persons

The Council is only able to allocate accommodation to applicants that are defined as 'qualifying persons' within the meaning of s160ZA(6) of the Housing Act 1996 and have a housing need.

Details of the qualifying criteria which includes age and local connection can be found in **Appendix D**.

11 Who can't join the Housing Register

11.1 Non-Qualifying Persons

Applicants will be considered not be eligible to join the housing register and would be considered as a 'non qualifying person' if they meet any of the following criteria. Please see **Appendix G** for definitions of each group.

- a) Unacceptable behaviour
- b) Financial resources
- c) Homeowners
- d) Deliberately worsening own circumstance
- e) False statements and withholding information
- f) Prison
- g) Council & housing related debt

11.2 Notifying applicants who can't join the register

The Council will notify an applicant in writing of any decision that they are:

- ineligible for an allocation of accommodation under s.160ZA(2) or (4), or
- not a qualifying person under s.160ZA(7).

The notification will explain the reason(s) the applicant does not meet the criteria set out above.

If an applicant advises that they have difficulty in understanding the implications of the decision they can request the decision is also explained to them verbally.

Where a notification is not received by an applicant, it can be treated as having been given to them, if it is made available at the Council's office for a reasonable period (7 days).

An applicant can request a review of the decision they are not eligible, or a qualifying person provided it is made within 21 days of the date they were notified. For more information please see **Requesting a Review**.

12 How to Apply for Housing

12.1 Application process

Applicants wishing to join the housing register, including existing housing association tenants, will need to complete the pre-assessment form using the link below.

The form will determine whether an applicant is eligible to join the register and successful applicants will be taken through to the online form.

Successful applicants will be required to upload supporting documents within 21 days of their application.

<https://www.sussexhomemove.org.uk/onlineform/>

For more information on the required documentation see **Appendix H**.

12.2 Assistance with making an application

If an applicant has difficulty in completing the pre-assessment form due to a disability, learning disability, illness, age, not speaking English as a first language, or any other reason that might make it harder for them then assistance can be provided. In these cases, applicants will be required to contact Customer Services on 01424 787000 who will be able to sign post and provide further assistance.

12.1 Who can be included on an application

An applicant can only include, as part of their application, members of their immediate family who live with them (or it is reasonable to expect would live with them) or other people who have an extenuating need to live with them. These include:

- a. Applicant's spouse, civil partner or a person with whom the applicant resides as their spouse or as if they were civil partners.
- b. Dependent children (children under 16, and children aged 16-18 who are in, or about to begin, full time education or training or who for other reasons are unable to support themselves and who live at home) who live with the applicant or who might reasonably be expected to live with them, where the applicant is the parent or guardian and is in receipt of Child Benefit. Applicants with contact arrangements for children will not normally be eligible for family type accommodation where the children have accommodation available to them with the other parent or guardian.
- c. Any other non-dependent adult who can demonstrate they are normally permanently resident with the applicant or have a clear need to be so. This will not include lodgers or anyone subletting from the applicant but will include students living away in Halls of Residence with a separate rent liability during term time.

- d. Dependent Relatives – a relative who has joined or needs to join the household because they are unable to live independently will be included on the application only if there are no other housing options. Evidence from an appropriate social care professional will be required.
- e. A carer can be included on the application where it can be demonstrated that;
 - i. a live-in carer is essential on a 24 hour, daily and continuing basis; and
 - ii. a live-in carer has been identified and has moved in with the household or is ready to do so when accommodation is made available; and
 - iii. if the applicant were to claim Housing benefit the extra bedroom would be awarded, in conjunction with Housing Benefit regulations.

Receipt of Carers allowance does not necessarily mean that it is necessary for the carer to live with the person being cared for. In all cases, regardless of whether or not the carer is in receipt of carer's allowance, it will be necessary for the applicant to provide evidence that they receive disability benefits and supporting medical evidence to show the need for a live in carer.

12.2 Who can't be included on an application

The following individuals cannot be included on an application.

Family members not currently living with the applicant

The Council will not include in Housing Register applications, any family members who are not resident in the UK at the time an application is submitted. These household members will only be considered once the family has been reunited in the UK and can clearly demonstrate that the family member added to the application for social housing is residing in the UK lawfully.

Others who cannot be included on an application

- Family members who already have an existing housing application
- People sharing a property who are not in a relationship with the applicant

The council will determine whether it is reasonable for a household member to be part of an application.

12.3 Change in circumstance

All applicants are required to notify the council within 28 days of any change of circumstance which may affect their qualification to join the register or their priority for housing.

A change of circumstance may include but is not limited to;

- A change of address for the applicant or any other person on their application
- Any additions to the family / household or any other person joining the application
- Any member of the family / household who has left the accommodation

- Any change in income, assets or savings
- Any change to the applicant or a member of the household's immigration status
- Any change in residential status, for example you become a homeowner and were previously tenant
- Any convictions or involvement with unacceptable behaviour as set out in 8.1 (a)

Applicants are required to log on to their account on the [Sussex Homemove - Home](#) website and click on 'Have your circumstances changed'. This may also include uploading supporting documentation if appropriate.

Please be advised that applications will be suspended until the Council has reviewed and assessed the information provided.

Once an application is re-assessed it is important to note that, in line with the policy, priority can be reduced as well as increased.

Where the Council believes that information about the applicant's personal circumstances have been withheld or misleadingly presented, the Council reserves the right to withdraw any offer of accommodation made.

12.4 Annual renewal

All applicants will be required to re-register their application every year. Applicants will be advised when they are required to re-register. Failure to respond to the request to re-register will result in the application being cancelled. The Council reserves the right to ask for additional supporting information that is required to re-assess an application.

12.5 Existing social housing tenants

Any housing association tenant living in the district, provided they have a local connection, can apply for a move to another home within Rother. These applicants will be classed as transfer cases.

In all transfer cases the tenant's conduct and rent history will be taken into account in determining their suitability for an offer of accommodation.

Applicants seeking a Mutual Exchange should contact their landlord directly for further information.

Details of the largest mutual exchange service called Home Swapper can be found here [HomeSwapper](#).

13 How are Applications Assessed

13.1 Assessment

An applicant will be required to provide all supporting information as set out in **Appendix H** before their application can be assessed.

Assessments will be made based on the **suitability of an applicant's current accommodation**.

Applicants will be assessed as either Homeseekers or Transfer Tenants. Transfer Tenants will be applicants currently residing in a housing association property. Homeseekers will be all other applicants.

Once all of the evidence required has been received applicants will be notified in writing of their priority band, assessed bedroom need, priority date and right to request a review.

Applicants who do not meet the 'qualifying person' criteria will also be written to explaining the reason(s) why.

The council aims to assess all applications within 40 days once all of the required evidence has been received.

Until all of the required evidence is received applications will remain in 'pending' and applicants will be unable to access the scheme.

In certain circumstances the Council may need to verify information that has been provided or clarify aspects of an application. The Council may, at its discretion, carry out a home visit.

13.2 Applicants homeless or threatened with homelessness

If an applicant indicates that they are homeless or threatened with homelessness they will be sent a link so they can be referred to the Council's Housing Needs service.

It is important that applicants who are homeless or threatened with homelessness seek advice and assistance at the earliest opportunity.

The Council will work with these clients to explore all available options to prevent homelessness where possible.

Alternatively those homeless or at threat of homelessness can refer themselves using the following link [Homelessness or at risk of being homeless – Rother District Council](#).

If an applicant has difficulty in completing the link due to a disability, learning disability, illness, age, not speaking English as a first language, or any other reason that might make it harder for them then assistance can be provided. In these cases, applicants will be required to contact Customer Services on 01424 787000 who will be able to signpost and provide further assistance.

13.3 Homeless households in temporary accommodation

If an applicant who is on the register is subsequently provided with suitable temporary accommodation that meets their need, then they will be reassessed in accordance with the priority bands (**Appendix J**).

13.4 Bedroom entitlement

An applicant's bedroom entitlement is determined by the Local Housing Allowance (LHA) criteria, **Appendix I** details how many bedrooms a household would be entitled to and the property size they can be considered for.

When assessing an applicant's current accommodation please be advised a second reception room will be considered available for use as a bedroom.

For larger households who require four or more bedrooms, the lack of this type of accommodation means that an offer of accommodation may not be achievable.

13.5 Additional bedroom

The Council recognises there may be situations where an additional bedroom will be required.

Applicants requesting an extra bedroom for a child, a non-dependent or their partner can only be considered where the household member is unable to share a bedroom on medical grounds and the additional bedroom can be afforded by the household.

This will need to be formally agreed by the an Independent Medical Advisor appointed by the council and having taken advice from the Council's Housing Benefit department or the Department of Work and Pensions where housing costs are paid by /universal Credit. Only applicants where the need for an extra bedroom is agreed by both parties will one be awarded. Please see **Appendix I** for more details on additional bedroom criteria.

In application's where there has been a relationship breakdown and there are shared custody arrangements/court order for children, in the vast majority of cases an additional bedroom will not be awarded where the child has accommodation available with the other parent/guardian.

If anyone in the applicant's household is pregnant, we will only recognise a bedroom need once the baby is born. Whether the household will be entitled to an additional bedroom will be determined by the criteria in **Appendix I**.

14 How Priority is Awarded

Applicants will be placed into a priority band that reflects their level of need following assessment.

Urgent Need band – Applicants placed in this band will be made a direct offer of accommodation and will not bid via Homemove.

In most instances applicants will only be placed into this band where they have had difficulty in accessing accommodation in the private rented sector, despite genuine repeated attempts. Applicants in this band will be made **one offer** of accommodation.

Band A, B, C and D Applicants placed in these bands will be bid for properties via Homemove (Choice Based Lettings).

Please see **Appendix J** for details of the priority bands

14.1 Reasonable preference categories

In awarding priority to applicants, the council is required by s166A(3) of the Housing Act 1996 (as amended) to give '**reasonable preference**' to the following groups of people:

- a) people who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)
- b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)10
- c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- d) people who need to move on medical or welfare grounds, including grounds relating to a disability, and
- e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)

The reasonable preference for the above groups of people will be reflected in the priority bands, **Appendix J**.

14.2 Additional preference for Armed Forces and Urgent Need

The Council is required by s166A(3) of the Housing Act (as amended) to give additional preference to;

Members of the Armed and Reserve Forces

- former members of the Armed Forces
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

It is also advised in s166A(3) of the Housing Act 1996 (as amended) that the council give **additional preference** to the groups of people in **11.1** who have an **urgent** housing need;

- those who need to move urgently because of a life-threatening illness or sudden disability
- families in severe overcrowding which poses a serious health hazard
- those who are homeless and require urgent rehousing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti social behavior or domestic violence.

Priority for the above groups will be reflected in **Appendix J**.

14.3 Restricted persons

Applicants should not be given reasonable preference under paragraph (a) or (b) of s.166A(3) if they would only qualify for reasonable preference by taking into account a 'restricted person' within the meaning of Part 7 (s.166A(4)). A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK or has leave which is subject to a 'no recourse to public funds' condition (s.184(7) of the 1996 Act).

14.4 Medical priority

Medical priority is only awarded in circumstances where a move to alternative accommodation would significantly improve the health or quality of life of the applicant or a member of their household.

Medical priority is not awarded because an applicant has a medical condition but only where there is a clear and adverse link between the current accommodation and the health of the applicant or member of the household. Some applicants with medical conditions will not be awarded any medical priority despite the seriousness of their condition if the Council considers that they already reside in accommodation which is

suitable for their needs or that the Council is unable to provide accommodation that is more suitable for their needs.

14.5 Applying for medical priority

Applicants wishing to apply for medical priority must complete the medical section of the online form. Applicants wishing to apply for medical priority after their application has been assessed must request a Medical Assessment Form from the Homemove team www.rother.gov.uk/housing/social-housing/ .

All applicants must send in all supporting information that they wish to be considered – see **Appendix K** for a list of documents to provide.

Applicants are advised that if they are waiting for reports or supporting information, not to submit their medical assessment until they can submit all the supporting information they wish to be considered.

A GP's letter, on its own, which simply states the applicant's medical condition and their wish to move does not constitute proof of a medical need to move.

14.6 Assessing medical priority

An Officer from the Housing Needs team will assess all medical information provided in relation to the applicant's housing situation. Where the Council considers appropriate the officer will send the medical information to an Independent Medical Advisor arranged by the council for assessment. Applicants will be advised of the decision in writing.

Once a medical assessment has taken place, another one cannot be requested until a 6-month period has elapsed, unless evidence is provided that there has been a **significant** change in the health circumstances of the applicant or a member of their household included in their application.

If an applicant makes repeated requests for medical priority to be assessed, then the council reserves the right to charge for the cost per assessment. If following assessment an applicant is awarded medical priority they will be placed into one of the priority bands and notified in writing.

14.7 Welfare priority

Priority awarded on welfare grounds will cover a wide range of needs, including the need to:

- Provide a secure base from which a care leaver can build a stable life.
- Provide a secure base from which a person who is moving on from a drug or alcohol recovery programme can build a stable life.

- Provide accommodation for former rough sleepers who are ready to move on from the Next Steps Accommodation Programme (NSAP) and Rough Sleeping Accommodation Programme (RSAP) properties which are time limited. Evidence will need to be provided that applicants are able to live independently or with low level support.
- Provide accommodation, with appropriate care and support, for those who could not be expected to find their own accommodation, such as young adults with learning disabilities who wish to live independently in the community. The Council will work collaboratively with East Sussex County Council in these circumstances.
- Provide or receive care or support – this would include foster carers, those approved to adopt, or those being assessed for approval to foster or adopt, who need to move to a larger home in order to accommodate a looked after child or a child who was previously looked after by a local authority.

14.8 Mobility groups

Applicants with medical issues will be assessed to determine if they have mobility issues and/ or require a certain type of property.

Properties suitable for applicants with mobility needs or who require adaptations will be advertised with a mobility classification as below and priority will be given to those with a matching need.

Mobility Group 1 – Typically suitable for a person who uses a wheelchair full time, i.e., indoors, and outdoors. The property will provide full wheelchair access throughout.

Mobility Group 2 – Typically suitable for a person with restricted walking ability and for those that may need to use a wheelchair some of the time. The property will have internal and external level or ramped access, but some parts of the property may not be fully wheelchair accessible.

Mobility Group 3 – Typically suitable for a person able to manage two or three steps, may use a wheelchair but not full time, or may be unable to manage steep gradients. The property may have adaptations to assist people with limited mobility.

Properties will also be advertised with notes where the potential for adaptations or further adaptations exists and any further restrictions applicable.

Where a disabled applicant applies for accommodation that does not meet his or her access needs the Council will take into account whether it is reasonable and practicable to adapt that property to meet the applicant's housing need.

On occasion, accommodation offers may be withdrawn from a case where the housing need would not be met.

Applicants with mobility needs will be prioritised for ground floor or lifted accommodation, where appropriate, and for bungalows.

14.9 Unsatisfactory housing conditions

The Homemove team may refer an application to the Council's Private Sector Housing Team, Environmental Health Service where there are major issues with regards to the condition of the applicant's existing property or an applicant raises issues of disrepair or statutory overcrowding.

A case will only be referred if the person agrees to work with the Private Sector Housing Team, Environmental Health Service and any recommendations that are made. These referrals will require the Private Sector Housing Team to make contact with the relevant landlord or managing agent who is responsible for the property. Any applicant who withholds consent for the Private Sector Housing Team, Environmental Health Service to contact the landlord or agent will not be eligible for a banding assessment under this policy.

No additional priority for issues such as damp and mould can be awarded without the case first being assessed by the Private Sector Housing Team, Environmental Health Service and the Council will only award additional priority where this is recommended.

The Private Sector Housing Team will use the Housing Health & Safety Rating System (HHSRS) to check hazards within a property which could affect your or a member of your household's health.

Further details on the HHSRS and how to report disrepair issues to the Council can be found using this link www.rother.gov.uk/environmental-health/private-rented-housing/housing-standards-safety-and-disrepair/

Following an inspection of the applicant's property if there is any required intervention and there is no prospect of this being completed within six months the applicant will be placed into the appropriate band as detailed in **Appendix J**.

If the Private Sector Housing Team, Environmental Health Service has assessed the property as uninhabitable, the Housing Needs Team will treat the household as homeless and determine what duties are owed in accordance with part VII of the Housing Act 1996 (as amended).

14.10 Priority date

Successful applicants will be given a priority date which, in most circumstances, will represent the date they were placed into their priority band. Available properties will be allocated to the bidder in the highest band of priority with the earliest priority date.

The priority date for homeless applicants owed the main housing duty (s193(2)) will be the date they initially presented to the council and were owed either the prevention or relief duty (whichever is the earliest).

Exceptions

Applicants placed in Band A, Homeless Prevention may have their priority backdated 6 or 12 months provided they are engaging with the Council and adhering to the terms of their Personalised Housing Plan (PHP).

If an applicant's priority band changes, then their priority date will be amended as follows:

- **Moving down into a band you have been in previously:** your priority date will become the date that applied when you were last in that band.
- **Moving down a band into a band you have not previously been in:** the priority date will be the original application date.
- **Moving up to a higher band** the priority date will be the date when an applicant is assessed as requiring a higher band.

15 How the scheme works

15.1 Sussex Homemove

Sussex Homemove (also known as the Housing Register) is the choice-based lettings scheme that Rother District Council uses to advertise social housing properties available in Rother.

Applicants can use Sussex Homemove if they are an existing tenant seeking a transfer within the district or a home seeker applying for the first time. The scheme covers all the available housing association homes, including sheltered housing.

Further information on the scheme can be found here www.sussexhomemove.org.uk

15.2 Exceptions

Sussex Homemove does not include vacancies for the following accommodation:

- Extra Care housing
- Specialist Supported housing
- Shared Ownership housing
- Properties allocated via the Emergency Band

See **Appendix A** for more details on Extra Care housing, Specialist Supported Housing or Shared Ownership.

15.3 Finding a home

All available properties are advertised fortnightly on the Sussex Homemove website: www.sussexhomemove.org.uk

The adverts will give information about each vacant property. Properties will be advertised for transfer applicants or home seekers, or both with other eligibility criteria for the property, including:

- The minimum and maximum number of persons in the household
- If there are age limits for households
- The mobility group, if applicable
- Rent and where applicable service charge
- If it is a social or affordable rent
- If persons require a care or support need
- Whether pets are allowed
- Whether the scheme is a sheltered property and any age criteria
- Whether the property is adapted
- If the property has a local lettings agreement or local lettings plan

Details on the icons used in the property adverts and what they mean can be found on the Sussex Homemove website above.

15.4 Bidding for properties

Applicants can bid (express an interest) on up to 3 properties every bidding cycle.

Bids can be made online (www.sussexhomemove.org.uk) using the unique reference number provided on your acceptance letter.

There are computers available at the Bexhill library and a tablet which can be accessed by customer at Bexhill Town Hall where applicants can log onto the Homemove website to place bids.

All bids are checked against the eligibility and qualification rules, for example age restrictions or size of property. Bids from applicants who are ineligible or do not qualify will not be considered.

The final shortlist position is only set once the bidding cycle finishes and will be the same regardless of what time or day the bids are placed in the bidding cycle.

Except in the case of an Emergency Band allocation an applicant who does not bid will not be considered for a property.

15.5 Auto bidding

The Council recognises that some applicants will not be able to bid for themselves and may not have a friend or family member that can help.

An applicant can request auto - bidding by contacting Customer Service on 01424 787000.

Where applicants are set up on auto-bid the computer automatically place bids on the three properties which the applicant has the greatest chance of success for. Homeless Applicants will also be placed on auto bidding in most circumstances to help maximise their chances of resolving their housing issue. For further detail please see below.

15.6 Homeless applicants

All homeless applicants who are owed the following duties will be placed on auto bidding, see **13.5**;

- 190(2) – eligible for assistance, homeless, in priority need and intentionally homeless
- 193(2) – eligible for assistance, homeless, in priority need and not intentionally homeless
- 195(2) – the prevention duty owed to persons who are eligible for assistance and threatened with homelessness
- 189(b) – the relief duty owed to persons who are eligible for assistance and homeless

15.7 Sheltered housing

Age limits for schemes vary but this type of accommodation is generally for applicants aged 55 or over who wish to retain their independence but may prefer a smaller, easier to manage, self-contained home.

Most sheltered housing provides a 24 hour alarm system for emergencies and some may have an on call warden or communal social areas for activities e.g. coffee mornings.

In exceptional circumstances younger applicants with recognised medical needs who would benefit from this type of accommodation may be considered.

15.8 Extra Care housing

Extra Care schemes provide staff cover 24 hours per day and all applicants are required to have a personal care need in order to be considered.

The waiting list for these schemes are managed by East Sussex County Council Adult Social Care and applicants will need to have an assessment by this service to determine suitability for the scheme. For further information [Extra care housing | East Sussex County Council](#) .

16 Shortlisting

16.1 Shortlisting criteria

Once the bidding cycle closes a shortlist of eligible applicants will be generated by the system. The Council will then consider the following criteria in order when determining an allocation:

- a. Local connection – for shortlisting, the district has been separated into three parish clusters. Applicants will be given priority for the vacancy if they have a local connection to a parish within the cluster where the vacancy lies. Vacancies in Bexhill will be available for all applicants regardless of where their local connection to the district lies. See **Appendix F** for details of the parish clusters.
- b. Priority band for housing.
- c. Priority date (date band status awarded).
- d. Disability and medical needs and the type of vacant property.
- e. Exception site schemes – section 106 local connection homes. Local exception site homes, built in accordance with planning policy (on exception sites), can only be let in accordance with the rules of their individual legal agreement, these will always require applicants to have the correct local connection.
- f. Disabled adapted homes.
- g. The property is deemed to be a sensitive let.
- h. If the nomination will make best use of the housing stock in the district.

16.2 Exceptions

Homeless applicants owed the main housing duty / applicants in the Emergency Band / applicants in Homeless Preventions bands will not be required to meet this criteria in order to ensure applicants in the most severe housing need are not prevented from securing accommodation due to local connection or the shortage of social housing in certain parishes.

Mobility Needs - Where a property has been advertised to give preference to a mobility group priority will be given to applicants assessed as requiring this type of accommodation over those applicants without any recognised mobility needs. Bungalows will also be prioritised for applicants with mobility needs in most instances.

Medical priority - Applicants with particular housing needs or who have been awarded medical priority due to being resident in unsuitable accommodation can bid for general needs housing but the Council reserves the right not to nominate the applicant where it has reason to believe that the property would have an adverse effect on the health, welfare or safety of the applicant or member of their household.

Adapted properties – There is an acute lack of adapted properties for disabled households in the Rother area. In order to make the best use to the housing stock available the Council will prioritise disabled applicants in housing need, if a vacant property is suitable to meet their needs, regardless of local connection to the Parish or Ward local connection (with the exception of Section 106 properties) or priority band.

The Council will consider applicants with a disability or medical need in relation to:

- a.the type of adaptations within an existing property, or
- b.the ability to easily adapt an existing property
- c.the availability of adapted housing stock in the area

Please see **Appendix L** for details of how new build adapted properties are allocated.

The Council may also decide to not to nominate an applicant for a property where it would not make best use of the housing stock or to ensure mixed and sustainable communities.

16.3 Withdrawn properties

A housing association may withdraw a property after it has been advertised. This could be because it was advertised in error or that it requires major work before it can be re-let.

16.4 Local lettings plan

The statutory basis for the use of local lettings plans is Section 166A (6)(b) of the 1996 Act; this allows local authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, in order to achieve a wide variety of housing management and policy objectives. In partnership with social landlords, the Council occasionally uses local lettings plans (LLP) to respond to local conditions.

The following are examples of criteria that could be used in LLPs covering an area or new build housing scheme:

- Age restrictions
- Giving priority to transfer applicants with a positive tenancy history
- Giving priority to working households where there is already a concentration of tenants/residents with tenancy support needs
- Giving priority to residents with a local connection to the area (in particular villages where community sustainability is a concern).

The following conditions will apply to an LLP:

- They may be developed to meet the particular needs of a local area

- There must be a clear, evidence based need, for example, to deal with recurring anti-social behaviour issues, or to meet rural needs and create more sustainable communities.
- They will set out how applicants will be prioritised for the housing relevant to the LLP
- Equality impact assessment will be completed.

The use of local letting plans will usually be considered during the planning process for new build housing schemes and will be consulted on separately. Any local lettings plan which is agreed subsequently to the adoption of this Policy, having been agreed after consultation, will be appended to this document in future updates.

17 Nominations

17.1 Making an offer

Once the shortlist is complete up to three applicants will be nominated for a property, only those who have been successful will be contacted.

The Housing Association will invite one or more of the nominated applicants to view the property, in order to minimise delays they may arrange multiple viewings.

It is important that applicants update the council with any changes to their contact details.

The successful applicant will be offered the property and asked to sign the tenancy or make a decision to accept the property within an agreed time limit.

Applicants can only be nominated to one property per bidding round. If an applicant is top nominee for more than one property the council will determine which property they are nominated for.

17.2 Failure to respond to an offer

If an applicant fails to respond to a written offer of accommodation within the timescales specified, without good reason, they will be considered to have refused that offer of accommodation and it will be offered to the next nominee.

17.3 Refusing an offer

Homeless applicants – applicants to whom the council owes a full housing duty (s193(2)) or are made a ‘final offer’ of accommodation will be made **one** suitable offer. They will be advised in writing that the council will be discharging its duty as well as explaining their right to review the suitability under s202 of the Housing Act 1996 (as amended). If an applicant refuses a property and their review is subsequently

unsuccessful they will be placed into Band D.

We would encourage all applicants to accept an offer of accommodation before requesting a suitability review in order to ensure they are not rendered homeless.

Emergency Band – applicants placed into the Emergency Band will be made **one** suitable offer of accommodation. If the offer is subsequently refused then they may have the band removed, their application reassessed and be expected to bid for further properties.

All other applicants – applicants who refuse 3 offers in a 12 month period will have their housing need reviewed and it could lead to their application being suspended or cancelled.

17.4 Homeless applicants in temporary accommodation

Applicants in temporary accommodation will be expected to move at short notice once the Housing Association has agreed a tenancy start date.

The Council is unable to extend temporary placements past the tenancy start date unless there are exceptional circumstances which are agreed in advance by a Rother District Council Housing Manager.

17.5 Housing Association pre-tenancy checks

Successful applicants will have to undergo pre-tenancy checks with the Housing Association before being offered a tenancy. This will include an affordability check as well as checks on an applicant's tenancy history.

A housing association may refuse an applicant if, for example, there is a housing related debt or an inability to manage a tenancy.

The Council will work with the Housing Association to try and overcome any potential issues however in some instances this may not be possible, and they may refuse an applicant.

An applicant will be notified in writing by the Housing Association and can request a review of their decision. The Housing Association may request the applicant take certain steps, such as addressing historic rent arrears or engaging with certain services, in order to be considered for future properties.

17.6 Sensitive lets

A Housing Association may sometimes identify a property as a sensitive let. This means there may be specific criteria attached to the property to meet a wider objective. In these cases, priority may be awarded to an applicant who meets the specific criteria. These properties will normally be advertised as such.

17.7 Waiting times

When each property advertised has been successfully allocated, the banding and registration date of the successful applicant will be made available on the website. This information will enable applicants to determine their prospects of success in obtaining housing, and to estimate how long they are likely to have to wait to obtain such housing.

In addition, the Council also publishes information on waiting times for different bands on our website.

18 Removal from the Housing Register

An applicant will be removed from the register in the following circumstances;

- The applicant no longer meets the local connection criteria
- An applicant is successfully rehoused into social housing
- An applicant fails to respond to the annual renewal
- An applicant becomes ineligible for assistance due to change in their immigration status
- An applicant no longer meets the qualifying criteria
- An applicant or an adult member of their household becomes a non-qualifying person
- An applicant who moves and fails to complete change of circumstance form within 28 days, provided they still have a housing need.
- The applicant has been evicted from social or private rented accommodation due to rent arrears and has not reduced the arrears, to an acceptable level, at the discretion of the Housing Needs Manager
- An applicant who has not placed a bid within the first 12 months where there has been suitable accommodation to bid on.

Any applicant removed from the housing register will be notified of the Council's decision in writing and the reasons for it. Applicants will also be advised of their right to request a review / appeal of the decision.

19 Requesting a Review

An applicant has the right to a review in the following circumstances;

- Any decision about facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them; and

- Any decision as to whether they are eligible or qualify for an allocation.
- Any decision with regard to priority of housing need.

The applicant should put in writing to the Council, within 21 days of their decision, their request for a review of a decision made by the Council, with details of the reason for the review request.

An Officer not involved in the original decision, will consider the facts of the case and decide whether or not to reverse or uphold the original decision.

We will advise applicants in writing of the outcome of the review within 28 days. The 28 days begins from the receipt of the review.

An applicant will be advised of their right to seek independent advice and other remedies.

Decisions made under Part VII of the Housing Act 1996 (Homelessness) will be decided in accordance with the legislation and its guidance.

The Council needs to retain some flexibility in order to deal with exceptional circumstances and reserves the right to apply its discretion when establishing eligibility and/or priority for housing.

20 Complaints

Any applicant wishing to make a formal complaint about any aspect of their application must follow the Council's formal complaints procedure that can be found on the Council's website at www.rother.gov.uk/accessing-council-services/customer-complaints-process.

Appendix A - Housing Providers

Housing Associations

- Clarion www.clarion.com
- English Rural Housing Association www.englishrural.org.uk
- Five Villages Housing Association www.fivevillages.org.uk
- Hastoe Housing Association www.hastoe.com

- Southern Housing Association www.shgroup.org.uk
- Orbit Housing Association www.orbit.org.uk
- Sanctuary Housing www.sanctuary-housing.co.uk
- Sussex Housing & Care www.sussexhousing.org.uk

All nominations and lettings dealt with under this policy are for social and affordable rented properties, however, single nomination agreements are in place for Extra Care housing and these are dealt with by East Sussex County Council - Adult Social Care Services. The current schemes dealt with in this way are:

- The Orangery, Bexhill
- St Bartholomew's Court, Rye Foreign

East Sussex Supported Accommodation Single Allocations Agreement

The Council is part of a county wide Single Allocations Agreement in which it retains nomination rights but allows them to be managed under the terms of the agreement. It uses a fair and transparent points based system delegated to the Supported Accommodation Co-Ordinator.

There are currently 15 East Sussex Supported Accommodation schemes commissioned to receive referrals via the Single Allocations Agreement. These are provided by:

- Brighton Housing Trust
- Sanctuary Supported Living
- Salvation Army Housing Association
- YMCA Downslink Group (DLG)
- Peabody Housing

The Council also has nomination rights to YMCA DLG Transitional Housing which provides affordable and safe accommodation to young adults in housing need.

Former Rough Sleeper Accommodation

Twelve units of move on accommodation provided for a maximum of two years as part of the Next Steps Accommodation Programme (NSAP) and Rough Sleeping Accommodation Programme (RSAP).

Appendix B - Legal Framework

This policy meets the requirements and has regard to the following legislation, regulations and Code of Guidance:

1. Statutes

- The Housing Act 1996
- The Homelessness Act 2002

- The Equality Act 2010
- The Localism Act 2011
- Homelessness Reduction Act 2017

2. Regulations

- Allocation of Housing (Procedure) Regulation 1997; SI 199/483
- Allocation of Housing (England) Regulations 2002; SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 (as amended)
- Allocation of Housing (Qualification Criteria for Armed Forces) (Armed Forces)(England) Regulations 2012; SI 2012/2989
- The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
- Allocation for Housing (Qualification Criteria for Right to Move) (England) Regulations 2015; SI 2015/967
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989

3. Codes of Guidance

- Allocation of Accommodation: Guidance for Local Authorities for Local Housing Authorities in England (DCLG 2012);
- Providing Social Housing for Local People: Statutory Guidance on Social Housing Allocations for Local Authorities in England (DCLG, December 2013)
- Right to Move: Statutory Guidance on Social Housing Allocations for Local Housing Authorities in England (DCLG, March 2015)
- Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or other types of Temporary Accommodation (MHCLG, November 2018)
- Homelessness Code of Guidance For Local Authorities 2018.

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

Appendix C - Eligibility Regulations

Persons from abroad

A person may not be allocated accommodation under Part VI of the Housing Act 1996 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act.

There are two categories for the purposes of s.160ZA:

- (i) a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and 11
- (ii) a person from abroad other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

Persons subject to immigration control

The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

The provisions of section 7(1) of the Immigration Act 1988 and the Asylum and Immigration Act 1996 have been saved for the purpose of housing legislation to protect the rights of EEA citizens, and their family members, who have citizens' rights pursuant to the Withdrawal Agreement. This will ensure that EEA citizens, and their family members, who

1) have acquired limited leave to enter and remain in the UK (also known as pre-settled status) by virtue of Appendix EU of the Immigration Rules ("the EU Settlement Scheme"); or

2) were frontier working in the UK prior to 31 December 2020. will continue to be treated as 'persons not subject to immigration control' in the instances where they would previously have been, so that their eligibility can be judged on the basis of Regulation 4 of the Eligibility Regulations as was the case prior to 31 December 2020.

EEA citizens, and their family members, who have been granted indefinite leave to enter or remain (also known as settled status) under the EU Settlement Scheme, do not need the savings to apply to them.

Their eligibility should be judged on the basis of Class C of Regulation 3 of the Eligibility Regulations, as is the case for persons subject to immigration control who have been granted indefinite leave to remain.

The following categories of persons do not require leave to enter or remain in the UK:

- (i) British citizens
- (ii) Certain Commonwealth citizens with a right of abode in the UK

- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area.
- (iv) By operation of the savings provisions referred to in the paragraph above, EEA citizens, and their family members, who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement, i.e. those who were residents and exercised a right to reside in the UK derived from European Union law or any provision under section 2(2) of the European Communities Act 1972, and those who were frontier working, before 31 December 2020. Whether an EEA citizen (or family member) has exercised a particular right to reside in the UK or rights to be treated as a frontier worker will depend on their circumstances, at that particular time. For example, whether the EEA citizen is, for the purposes of the Immigration (European Economic Area) Regulations 2016 (SI 2016/1052) ('the EEA Regulations') (as preserved by the savings provisions) a jobseeker, a worker, a self-employed person and so on.
- (v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

For the purpose of this guidance, 'EEA citizens' means citizens of any of the EU member states, and citizens of Iceland, Norway, Liechtenstein and Switzerland.

Any person who does not fall within one of the four categories above will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see below).

Persons subject to Immigration Control who are eligible for an allocation of social housing

Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control **are eligible** for an allocation of accommodation:

- i) a person granted refugee status: normally granted 5 years' limited leave to remain in the UK;
- ii) a person granted exceptional leave to enter or remain in the UK granted outside the provisions of the Immigration Rules; and whose leave to enter and remain is not subject to a condition requiring them to maintain and accommodate themselves, and any person who is dependent on them, without recourse to public funds. Exceptional leave to remain now usually takes the form of 'discretionary leave';
- iii) a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter or remain and will be regarded as having settled status. However, where indefinite leave to enter or remain was granted as a result of an

- undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation, the applicant must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later – in order to be eligible. Where the sponsor has (or, if there was more than one sponsor, all of the sponsors have) died within the first five years, the applicant will be eligible for an allocation of accommodation;
- iv) a person who has humanitarian protection granted under paragraphs 339C – 344C of the Immigration Rules;
 - v) a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Act, such leave granted under paragraph 276BE (1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds;
 - vi) a person who is habitually resident in the Common Travel Area and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules;
 - vii) a person who is habitually resident in the Common Travel Area and who has Calais leave to remain under paragraph 352J of the Immigration Rules. (Effective from 1 November 2018);
 - viii) a person who is habitually resident in the Common Travel Area and who has limited leave to remain in the UK as a stateless person under paragraph 405 of the Immigration Rules;
 - ix) a person who has limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland' by virtue of Appendix EU of the Immigration Rules;
 - x) a person who has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British Citizen (Overseas) of the Immigration Rules, who is habitually resident in the Common Travel Area, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds;
 - xi) a person who has been granted leave by virtue of the Afghan Relocations and Assistance Policy or the previous scheme for locally-employed staff in Afghanistan; and
 - xii) a person with leave to enter or remain in the United Kingdom who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021 and who is not subject to a condition of no recourse to public funds and has not been given leave to enter or remain as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation. However, a person who was sponsored will be eligible for housing assistance if the applicant has been resident in the Common Travel Area for 5 years since the date of entry (or the date of the sponsorship undertaking, whichever is later) or their sponsor(s) have died.

- xiii) a person in the UK who left Ukraine in connection with the Russian invasion on 24 February 2022 and had resided in Ukraine immediately before 1st January 2022, and who has been granted leave in accordance with Immigration rules made under section 3(2) of the Immigration Act 1971.
- xiv) A person in the United Kingdom who has limited leave to remain granted in accordance with Appendix Ukraine Scheme of the immigration rules pursuant to an application made by that person from within the United Kingdom.

Other persons from abroad who may be ineligible for an allocation

By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- (i) a person who is not habitually resident in the Common Travel Area (subject to certain exceptions - see paragraph below);
- (ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the 'EEA Regulations';
- (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations;
- (iv) a person whose only right to reside in the UK is a derivative right to reside to which they are entitled under regulation 16(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 16(5) of those Regulations;
- (v) a person whose only right to reside in the Common Travel Area is a right equivalent to one of those mentioned in sub-paragraph (ii) to (iv) above.

Habitual Residence Test

The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident.

Appendix D - Qualifying Criteria

Age

Applicants must be aged 16 or over but under 18's will only be offered accommodation in the following circumstance: Anyone over 16 with a proven local connection and a housing need can join the housing register, although they will not usually be offered a permanent tenancy until they are 18. If there is an urgent housing need, a further assessment will be carried out and the most suitable accommodation to meet their individual needs will be considered. An offer of accommodation will only be made if the Council is satisfied the applicant:

- a. Is able to live independently.

- b. Is able to sustain a tenancy;
- c. Can show appropriate support is in place;
- d. Has an appropriate adult to hold the tenancy in trust until the applicant is 18;
- e. Can show the housing association they have an appropriate adult or agency acting as guarantor; and
- f. Can show the housing association they have an identified package of support available to them, or can be offered supported housing; or g. Is suitable for a supported housing scheme until ready for move-on into independent living. Lone parents aged between 16 and 18 will not be allocated an independent tenancy without appropriate support being in place.

Local Connection

Applicants must meet one of the following local connection criteria. Local connection means that the applicant or a person who might reasonably be expected to reside with them is:

Residence

- The applicant or joint applicant has lived in the district, by choice, in their only home for a period of at least three years out of the last five years. Applicants will be awarded local connection to the parish cluster where this applies. See **Appendix D**. Please note residence will not count where an applicant has lived on a caravan site that does not have planning approval for permanent occupation.

Family

Applicants whose only local connection is through family will only be eligible for band D. These applicants will be considered for new build housing schemes where there are specific planning or local connection requirements.

- The applicant or joint applicant has close relatives who reside in a parish or ward in the Rother area as their only or principal home and have done so for at least the previous five years. Close relatives are defined as parents, adult children or brothers or sisters, including corresponding step relationships. Applicants will be awarded local connection to the parish cluster where this applies.
- Relatives who are not considered to grant a local connection are grandparents, grandchildren, aunts or uncles, carers and non-adult children. These persons will only be used to establish a local connection where the Council considers that it is necessary for the applicant to be accommodated within the parish or ward in order to provide or receive medical or social care to/from the relative and at the discretion of the Council.

Employment

- The applicant or joint applicant has permanent paid employment (or a confirmed offer of such in the district). This must be for a minimum of 16 hours per week but will not include seasonal or temporary contracts.
- A person carrying out work on a self-employed basis must be able to demonstrate that on average they work at least 16 hours per week and the majority of the work carried out is undertaken within the district. Applicants must be able to demonstrate that their work is not marginal or ancillary.
- Local connection will be awarded to the parish cluster where the majority of this employment is carried out.

Local Connection exceptions

The local connection criteria will not apply to the following groups of people;

- **Applicants owed ‘prevention’ or ‘relief’ duty** by the council. If that duty is discharged applicants will only be able to remain on the register if they meet one of the other local connection criteria or exceptions.
- **Members of the Armed Forces and former Service personnel**, where (a) the application is made within five years of discharge (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- **Domestic Abuse** – Where an applicant is fleeing domestic abuse and those placed into a refuge or temporary accommodation in the district. Applicants will be referred to the Housing Options team to ensure they receive the appropriate specialist support and that relevant duties are met under the Homeless Reduction Act (2017). Following enquiries and assessment by the Housing Options team the appropriate level of priority will be determined. Applicants who are subsequently allocated accommodation will receive the same security of tenure they previously fled.
- **Care Leavers** - If an applicant is (or was) a ‘child in care’ and has been placed in the district by an out of district care authority, the applicant will qualify under local connection providing they have been resident in the district for three out of the last five years.
- **Asylum seekers** who have been dispersed to the district by the National Asylum Support service (NASS) and whose status changes to that of refugee, or asylum seekers who have been awarded exceptional or indefinite leave to remain whilst living in the district.
- **Right to Move** – If an applicant is an existing social housing tenant and they need to move to the district to avoid hardship and need to move to take up an offer of work. The council will consider the following factors: the distance/travel time between home and work, transport links, length of contract, employment opportunities more locally. **See Appendix D.**

- **Care & Support** - If an applicant needs to move to the borough to give or receive support from a close family member (for these purposes immediate family encompasses a parent or parents, a child or children, a sibling or siblings or other relationship where it can be demonstrated there is a genuine need to give or receive support). Such family members must have been resident for a minimum period of one year.
- **Fleeing violence** – If an applicant is assessed as having an urgent (emergency) need due to imminent risk of abuse, harm or racial or homophobic harassment, extreme anti-social behaviour, vulnerable witnesses or any other significant and/or immediate need to move to more suitable alternative housing accommodation, where a move to social housing is the only suitable accommodation option.
- **Exceptional Circumstances** - you have been assessed as having an exceptional housing need, but do not otherwise meet the local connection criteria, and would qualify for an Emergency Band. At the discretion of the Housing Needs Manager.

Please see **Appendix G** for evidence required to establish a local connection.

Appendix E - Right to Move

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) ('the qualification regulations 2015') came into force on 20 April 2015. These provide that local authorities must not disqualify certain persons on the grounds that they do not have a local connection with the authority's district. Specifically, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166A(3) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district or need to move to take up

an offer of work.

This will ensure that existing tenants who are seeking to move between local authority areas in England in order to be closer to their work, or to take up an offer of work (hereafter referred to together as 'work related reasons'), will not be disadvantaged.

In order to qualify for an exemption of the local connection criteria the following will be taken into account in assessing if an exemption applies. The Right to Move qualification regulations 2015 (statutory guidance on social housing allocations for local housing authorities in England 2015) only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

Short-term Work

In determining whether work is short-term, the following are relevant considerations:

- Whether work is regular or intermittent (This is likely to be particularly relevant in the case of the self-employed)
- The period of employment and whether or not work was intended to be short-term or long-term at the outset
- If a contract of employment that was intended to last for less than 12 months would be considered to be short-term.

Marginal Work

The following considerations would be relevant in determining whether work is marginal:

- The number of hours worked. If less than 16 hours a week could be considered to be marginal in nature. This is the threshold below which a person may be able to claim Income Support and the threshold for a single person's entitlement to Working Tax Credit. The fact that a tenant only works 15 hours a week, for example, may not be determinative if they are able to demonstrate that the work is regular, and the remuneration is substantial.
- The level of earnings.

Ancillary

Ancillary work must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded for the purposes of this policy.

A further relevant consideration would also be whether the tenant is expected eventually to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer. A person who seeks to move to Rother to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local are also excluded from the right to work

Voluntary work

Regulations exclude voluntary work. Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

Apprenticeship

The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

Genuine intention to take up an offer of work

Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the local authority's satisfaction that they have a genuine intention to take up the offer.

Verification and evidence

In all cases the Council will want verification and evidence that the work or job-offer is genuine and therefore the following documentary evidence will be required:

- A contract of employment
- Wage or salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- Tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible), P60 or other information related to the employment.
- A formal offer letter and letter of acceptance.
- The employer to verify the position.
- Letters should be on company headed paper.

Applicant must qualify for an allocation under the right to move both at the time of the initial application and when considering making an allocation. This means that proof will have to be provided that the person's circumstances have not changed. Any applicant that is suspected of attempting to supply false or misleading statements in order to obtain accommodation with the Council commits an offence and may be prosecuted. If a property is allocated following false or misleading statements a person may face eviction. Section 166A provides that the Council must frame the housing allocations policy to ensure that reasonable preference is given to move to the area, where failure to meet that need would cause hardship to themselves or others. Reasonable preference for the Right to Move Scheme has been set within the priority bands.

Appendix F - Local Connection Parish Clusters

Housing applicants in local parishes must be housed in accordance with their needs and the availability of the existing social housing stock. In some parishes few homes become vacant so the Council must make sure it makes the best use of the available social housing stock to house those in the most housing need. For the purposes of this policy vacancies in Bexhill-on-Sea will be available to all applicants and is not defined as a parish cluster. The parish clusters are as follows:

Battle Parish Cluster

Battle	Netherfield	Bodiam
Ashburnham	Ewhurst	Penhurst
Brightling	Catsfield	Crowhurst
Dallington	Mountfield	Whatlington
Salehurst	Westfield	Sedlescombe

Rye and Rye Rural Parish Cluster

Rye	Brede	Camber
East Guldeford	Guestling	Icklesham
Fairlight	Iden	Beckley
Northiam	Peasmarsch	Pett
Playden	Rye Foreign	Udimore

Ticehurst & rural including

Burwash	Etchingam	Hurst Green	Ticehurst
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Appendix G - Non Qualifying Applicants

Applicants will be considered non qualifying applicants and be ineligible to join the register if they meet any of the following criteria;

a) Unacceptable Behaviour

Applicants will not be accepted on to the register where it is determined that the applicant, or a member of their household, who may reasonably be expected to reside with them have been;

Examples of unacceptable behaviour include but are not limited to:

- Subject to an injunction under the Anti-Social Behaviour, Crime and Policing Act 2014 or an Anti-Social Behaviour Order (ASBO) or equivalent
- Cautioned or convicted of a nuisance, anti-social or violent offence
- Conduct likely to cause serious nuisance, annoyance or harassment to neighbours.
- Committing violent or anti-social behaviour, or domestic, racist, homophobic, transphobic or any other abuse
- Fraudulent behaviour to obtain accommodation
- Serious damage or neglect of a property by the tenant or household members
- Where a landlord has obtained a possession order under Schedule 2 of the Housing Act 1988 under grounds 13, 14 and 17.
- An applicant or a member of their household has been verbally abusive towards, threatened or assaulted any Council staff member

b) Financial Resources

Applicants who's monthly rent or mortgage payments are less than 32% of the total household income will not be eligible. In addition, applicants who have savings totalling more than £16,000, (unless it is their only source of income), will not be eligible. The Council will disregard disability payments for former members of the armed forces following discharge, Disability Living Allowance (DLA) payments, Personal Independent Payments (PIP) and applicants with significant mobility issues. Those owed reasonable preference as described in 14.1 under the policy would be exempt from this financial threshold.

c) Homeowners

Applicants that own or part own a property that the Council considers they could reasonably reside in (even if they are not currently living in it) or where if the property were sold, the equity could be used to purchase alternative suitable accommodation elsewhere in the district (applicants over the age of 65 will be considered eligible if their current home is not suitable for their needs and they need to move into sheltered accommodation).

If an applicant owns a share in a property but is unable to live there, for example as a result of a relationship breakdown, the Council will consider if the value of the share is above the savings limit of £16,000. The Council will consider this to be above the threshold for financial resources, regardless of any other outstanding debts and the applicant will not qualify.

In certain circumstances where a homeowner has specific medical needs the Council will take into consideration the supply of accommodation suitable for the applicants specific needs and if the applicants housing need can be met in the Rother area. Where the Council agrees to assist a homeowner with rehousing the applicant will be expected to place their property on the open market.

If an applicant is a homeowner who is fleeing domestic abuse then a referral will be made to the Housing Options team to ensure they receive the appropriate specialist support and that relevant duties are met under the Homeless Reduction Act (2017). Following enquiries and assessment by the Housing Options team a decision will be made as to whether the applicant is eligible to join the housing register.

d) Deliberately worsening own circumstance

Where the Council is satisfied that an applicant has either acted unreasonably or has deliberately worsened their housing circumstances, in the last 12 months, in order to qualify for a higher priority or to qualify for the register, then the applicant will not qualify to join the register for a period of 12 months. Examples of this include but are not limited to:

- Selling a property that is affordable and suitable for the applicant's needs
- Moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.

An applicant can also be considered as having worsened their own circumstances if they refuse an offer of suitable accommodation made to relieve (under section 189B) or prevent homelessness (under section 195).

e) False Statements and withholding information

Ensuring all the information provided is true and accurate is the responsibility of the applicant. Verification checks will be undertaken at the point of offer to confirm the information on the application form is correct and up to date.

It is a criminal offence for applicants knowingly or recklessly to give false information; or to knowingly withhold information. It can carry a fine and in separate civil proceedings can lead to the loss of any accommodation let as a result of Rother District Council relying on that false information.

This Scheme falls within the provisions of Part VI of the Housing Act 1996. Section 171 of the Act states:

A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part:

- (a) they knowingly or recklessly make a statement which is false in material particular, or
- (b) they knowingly withhold information which the authority has reasonably required them to give in connection with the exercise of those functions.

Where false information is found to have been given, the applicant may also be disqualified from the Housing Register on the grounds of unacceptable behaviour for a period of 12 months.

Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

f) Prison

Applicants who are in prison will not be eligible to join the register. In accordance with the Homeless Reduction Act (2017) the prison or probation service should complete a duty to refer prior to an individual's release. The council will then make statutory enquiries to determine what duties are owed and their eligibility to join the register.

g) Council & housing related debt

Applicants with social housing or Council related debt in arrears in excess of £600 will be ineligible until evidence has been provided that the debt has been paid or the applicant has maintained a payment agreement for at least the last six months. Applicants with outstanding debts with our housing association partners are likely to be rejected for properties by the housing association until the debt has been paid in full. Exceptional circumstances may apply.

Appendix H - Documentation Required

Applicants will be required to provide the following information in order that their application can be assessed.

Proof of name change via Deed Poll

A copy of marriage certificate (if name is different from birth certificate or passport)

Proof of Identification – For applicant and each member of the household

One from Group 1 or two from Group 2

Or

Or one from List B for non UK, European Economic Area (EEA) or Swiss National applicants

List A - Group 1

A UK passport (current or expired)

A passport or passport card (current or expired) showing the holder is an Irish citizen

A passport or other travel document (in either case, whether current or expired) of non UK resident

An immigration status document (current or expired) containing a photograph issued by the Home Office.

A certificate of registration or naturalisation as a British citizen

A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Landlord Checking Service.

List A – Group 2

A birth certificate issued in the UK

An adoption certificate issued in the UK

A birth certificate issued in the Channel Islands, the Isle of Man or Ireland

An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland

A letter which issued by a government department or local authority no longer than three months before the date on which it is presented

A letter from an acceptable professional

A letter from an employer

A letter from a Police force in the UK no longer than three months before the date on which it is presented

An identity card or document issued by one of HM forces

A letter from the prison service

A letter issued no longer than three months before the date on which it is presented by an officer of the National Offender Management Service in England and Wales

A current full or provisional photo card UK driving license

A certificate issued no longer than three months before the date on which it is presented, by the Disclosure and Barring Service.

A letter, or a screen shot of an electronic document, issued no longer than three months before the date on which it is presented, by HM Revenue and Customs, the Department of Work and Pensions

A letter issued by a further or higher education institution in the UK

List B – Time Limited documents

A current passport or travel document

A current immigration status document issued by the Home Office

A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey or the Isle of Man

A document issued by the Home Office confirming an application for leave to enter or remain

A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain.

A passport of a national of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who is a visitor to the UK

Evidence if adding children to an application

A Child Benefit award letter or

A Tax Credits award letter or

A Joint Court Order which confirms the custody arrangements for your child or alternatively a Solicitor's Letter that confirms the extent to which you look after your child.

Proof of pregnancy – GP / hospital letter or maternity certificate

Evidence of Local Connection by virtue of residence

Address history of applicant and all household members for the last 5 years

Address history of all close relatives that meet the criteria for the last 5 years

Evidence of Local Connection by virtue of employment (all applicants must provide confirmation of their actual place of work as this maybe different from the wage slips or the letter from employer)

A copy of the employment contract or

A confirmed letter of employment or

Last 3 months wage slips

Self-employed - Accounts for the last 12 months including two recent invoices and where they are registered

Evidence of current tenure (whichever is applicable)

A copy of the tenancy agreement & current rent statement

A copy of the licence agreement

A letter confirming current living arrangements – if living with friends or family

Most recent mortgage statement and valuation dated within the last months

Confirmation of tied accommodation

Proof of address - two required

Utility Bill - dated within the last 4 weeks

Benefits award letter - dated in the last 4 weeks

Bank statement – dated within the last 4 weeks showing current address

Council Tax statement – dated within the last 6 months

Mortgage statement – dated within the last 6 months

Letter from official body e.g. NHS, School, Social Services etc within the last 4 weeks

Proof of income - provide all that are relevant

Last 3 months pay slips (if paid monthly)

Last 5 weeks pay slips (if paid weekly)

Benefit award letter

Details of any payments from an Occupational Pension

Evidence of savings and capital – all household members over the age of 18

Last 3 months bank statements for all accounts held

Evidence of homelessness or threat of homelessness

Eviction notice from landlord or letting agent

Letter from friend or family asking you to leave – giving reasonable notice

Mortgage possession paperwork

Appendix I - Bedroom Entitlement

The table below details who is entitled to bedroom in accordance Local Housing Allowance (LHA) rules

Single Person/couple	1 bedroom
Two children under 16 of the same sex	1 bedroom
Two children under 10 of the same or opposite sex	1 bedroom
Any other child or person aged 16 or over who is part of the household	1 bedroom
An overnight carer	1 bedroom

The table below details the property size a household will usually be considered for;

Household size	Properties usually considered suitable
Single person	Studio flat, 1 bedroom property
Single person over 55	Sheltered studio or 1 bedroom property or bungalow*
Couple	1 bedroom property
Couple over 55	Sheltered 1 or 2** bedroom property or bungalow*
Pregnant woman with no other children	1 or 2 bedroom property
Family with one child	2 bedroom property
Family with two children	2 or 3 bedroom property
Family with three children	3 or 4 bedroom property
Family with four children	3 or 4 bedroom property
Family with five or more children	4 or 5 bedroom property

*Preference for bungalow's will be given the applicants who have a medical need for this type of accommodation as assessed by the Council's Independent Medical Advisor.

**Applicants over the age of 55 will only be considered for a two bedroom property where this has been awarded by the Council's Independent Medical advisor and agreed by the Council's Housing Benefit team.

Appendix J - Priority Bands

Emergency Need Band – Applicants in this band will be made one direct offer

Applicants will only be placed in the Emergency Need band if they meet at least one of the criteria below and it has been determined that social housing is the only suitable type of accommodation.

Emergency Need Band – Direct offer

Severe housing conditions - applicant considered as being in severe housing need as a result of housing conditions presenting an immediate threat of serious injury or if life threatening as assessed by the Private Sector Housing Team.

Welfare - applicant is required to move on from care/supported housing/ NSAP/RSAP accommodation from authorised partnership schemes (**Appendix A**) where the applicant has been assessed as ready to move to independent living, and where a move on report has been provided. Applicants will only be eligible for this band if they have been unsuccessful in bidding in band A for more than 3 months.

Exceptional homeless households – accepted homeless households who have severe difficulty in accessing accommodation in the private rented sector, have been in temporary accommodation for 6 months or more, have engaged with council to exhaust all other options and have no housing related Council debt.

Hospital discharge – applicants who are ready to be discharged from hospital and their accommodation has been assessed by an Occupational Therapist as permanently unsuitable.

Adapted property – transfer applicant releasing a property already adapted for a disabled person.

Domestic Abuse – applicants fleeing domestic abuse who have been assessed under s189A of the Housing Act 1996 as (amended) and it has been determined they can't return to their property and cannot be accommodated in refuge or temporary accommodation.

Permanent decant - applicants in a social housing property who need to be moved permanently because there is an urgent, immediate need for major repair or redevelopment of their home and they have been unsuccessful in band A for or 6 months.

Medical (severe & immediate) - awarded after advice from the Council's medical advisor or county council occupational therapist, where there is an severe/immediate need to move and where the housing conditions are having a severe and immediate adverse effect on the medical condition of the applicant or member of the current household and the property cannot be adapted. For example; significant risk of falls, unable to access essential facilities, layout prevents delivery of essential services (evidence required from social care provider).

Significant risk – applicants who are homeless and require immediate rehousing as a result of fleeing violence or threats of violence, including intimidated witnesses, where it has been assessed that social housing is the only suitable option. Might be due to but not limited to race, gender, sexual orientation, mental

health, physical disability, learning disability, age, religion, domestic abuse, or harassment by a current partner, former partner, or associated persons. Requires written evidence from the Police or other public protection agency.

Exceptional reasons – for example, a public health emergency such as a pandemic. Cases to be agreed by the Head of Housing.

Band A – Very High Priority (Choice Based Lettings)

Serious Housing Conditions - applicant living in accommodation that has been deemed by Private Sector Housing or the Environmental Health department as containing a “category one” environmental hazard (in accordance with the HHSRS) and the property owner is unable or unwilling to remedy the defects within three months.

Welfare - applicant is required to move on from care / supported / rough sleeper accommodation from authorised partnership schemes where the applicant has been assessed as ready to move to independent living, and where a move on report has been provided.

***Under Occupation** – transfer applicants residing in the district who are under occupying family sized accommodation.

Medical (Urgent priority) - awarded to applicants where there is a need to move and the housing conditions are having a significant adverse effect on the medical condition of the applicant or member of the current household. This may include where there are significant difficulties with access to essential facilities within the property and/or access to the property.

Homeless making own arrangements - applicant has received an outright possession order / notice of eviction from the court through no fault of their own and has fully engaged with the council to prevent homelessness. This applies only to applicants who the council would owe the ‘main duty’ (s193(2)) to and have chosen not to move into temporary accommodation.

Homeless prevention - applicant has been served with a valid Section 21 notice through no fault of their own, are owed the relief or prevention duty and it has been determined the Council would owe the ‘main duty’ (s193(2)). In order to be considered applicant must be fully engaged with the Council and their Personalised Housing Plan to prevent homelessness. At the discretion of the Housing Needs Manager applicants may also have their priority date backdated by 12 months.

Homeless prevention - applicant living with friends/family, is threatened with homelessness, owed a prevention or relief duty and it has been determined the Council would owe the ‘main duty’ (s193(2)); They must have been resident with friend/family for at least 12 months prior to the birth of their child or application (and can evidence this), and is forced to share their bedroom or sleeping area with their dependent child who is over 6 month old. In order to be considered applicant must be fully engaged with the Council and their Personalised Housing Plan to prevent homelessness. At the discretion of the Housing Needs Manager applicants may also have their priority date backdated by 6 months. Council will need to be satisfied there is no evidence of collusion between family members to gain additional priority. Where this is found applicants will be treated as deliberately worsening their own circumstances and placed into band D.

Permanent decant - applicants in a social housing property who need to be moved permanently because there is an urgent, immediate need for major repair or redevelopment of their home.

Overcrowding – applicants lacking two or more bedrooms unless evidence exists that shows the overcrowding is deliberate. This also includes applicants who have exclusive use of one room but share kitchen or bathroom facilities with non-family members and lack two or more bedrooms. This does not include temporary accommodation. Maybe subject to a home visit.

Fleeing violence/harassment/abuse – applicant or member of household who following assessment is at risk of serious and persistent violence/harassment/abuse that will be improved by alternative accommodation and all other options have been explored. Might be due to but not limited to race, gender, sexual orientation, mental health, physical disability, learning disability, age, religion, domestic abuse, or harassment by a current partner, former partner, or associated persons. Requires written evidence from police or other appropriate agency.

*Applicants who are under occupying family sized accommodation will be awarded band A for a period 12 weeks. If at the end of this period there have been no suitable properties to bid on then this will be extended for a further 12 weeks. If an applicant has been bidding on suitable properties and has not been successful, then this period will also be extended. If an applicant has not been bidding and there have been suitable properties to bid on then the reasons for this will be reviewed, this may result in their priority being reduced.

Band B – High Priority (Choice Based Lettings)

Accepted Homeless Households – applicant to whom the council has accepted the main housing duty (s193(2)), are residing in temporary accommodation provided by the council and have no housing related council debt.

Medical (High Priority) – awarded to applicant where it is assessed their medical condition may be improved by re-housing. This would also apply where it is established that the ability to cope with the medical condition may be improved by re-housing even where it is unlikely that the condition itself may be improved.

Welfare – applicant or a member of their household who has a learning disability and wishes to live independently, this decision will be based on an assessment made by the Learning Disabilities Team / applicant has been approved by Children's Services to adopt or foster a child and is lacking a bedroom in their property / applicant has completed drug/alcohol residential rehab and has no other accommodation available to them and is at risk of relapse.

Overcrowding – applicant lacking a bedroom unless evidence exists that shows the overcrowding is deliberate or overcrowded because two people who are both over the age of 12 months are forced to share a bedroom which is less than 110 square feet (or a studio or bedsit where the sleeping area is less than 110 square feet) This does not include temporary accommodation. Maybe subject to a home visit.

Insecurely Housed - applicant is homeless within the meaning of part 7 of the Housing Act 1996 (as amended) but not owed the main duty and has no fixed address and is staying with friends or relatives in at least 2 different addresses (this will need to be verified).

Armed / Reserve Forces - former members of the Armed Forces serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service / bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner / serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

Unsatisfactory Housing Conditions - applicant living in accommodation that has been deemed by Private Sector Housing or the Environmental Health department as containing one or more “category two” environmental hazards (in accordance with the HHSRS) and the property owner is unable or unwilling to remedy the defects within three months.

Band C – Medium Priority (Choice Based Lettings)

Homeless Prevention - applicant is living in private rented accommodation and was assisted into an assured shorthold tenancy with help from the council as a way of preventing or relieving homelessness (including those who have escaped domestic abuse from outside the District).

Intentionally Homeless - applicants who are homeless within the meaning of part 7 of the Housing Act 1996 (as amended) but to whom the homelessness relief duty or the S193(2) main homelessness duty are not owed (for example applicants who have been determined not be in priority need or have been found to be intentionally homeless)

Welfare – applicant who needs to move to a particular locality in the authority’s area where failure to do so would cause hardship. This could be, but is not restricted to, a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up particular employment, education or training opportunity.

Right to Move – applicant who has been assessed under the exception to local connection for ‘Right to Move’.

Band D – No preference (Choice Based Lettings)

Refused Main duty or Final Offer of accommodation – applicant has refused a suitable offer of accommodation in discharge of the main housing duty (s193(2)) or a ‘final offer’ of accommodation in accordance with the Housing Act 1996 (as amended) will be placed into this band for 6 months.

Deliberate or unreasonable refusal to cooperate with PHP – applicant who has been assessed by the Council as deliberately or unreasonably refusing to cooperate with their Personalised Housing Plan will be placed into this band for 6 months.

Family Local Connection – applicant who’s only local connection is via a close family member (mother, father, brother, sister) who resides in the District and has done for a continuous period of at least 5 years. Will only be considered for new build schemes in accordance with any Local Lettings Plan.

Deliberately worsened own circumstance – applicant who the Council has determined has deliberately worsened their own circumstance e.g.; deliberate overcrowding or collusion in order to gain greater priority will be placed into this band for 6 months.

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Appendix K - Medical Priority & Additional Bedroom

Medical priority will only be awarded where it can be evidenced that the applicant's health, or a member of their household, is being adversely affected by their current accommodation. The list below is not exhaustive but highlights the need and evidence required.

Please do not include appointment letters as these do not evidence a medical need.

Housing Need	Evidence (one or more of the following)
<p>Mobility/access to property e.g.; applicant or member of household uses mobility aids or wheelchair, have difficulty accessing the home and/or the community and adaptations can't be made</p>	<ul style="list-style-type: none"> • Report from an Occupational Therapist which details why the current property is not suitable and what accommodation is required to meet the need • Report from a GP or specialist which details current diagnosis, symptoms, prognosis, treatment and why the current property is not suitable
<p>Physical Health e.g.; applicant or member of the household has a chronic illness such as asthma, COPD or arthritis which is being made worse by current housing conditions</p>	<ul style="list-style-type: none"> • Report from a GP or specialist detailing current diagnosis, symptoms, prognosis, treatment and how the current property is making the condition worse And if appropriate • Confirmation from the Council's Private Sector Housing team that any defects or hazards cannot be rectified within 3 months
<p>Mental Health e.g.: applicant or member of the household has a diagnosed mental health condition where the current property is having a significant impact on their health.</p>	<ul style="list-style-type: none"> • Report from a Psychiatrist or Community Psychiatric Nurse (CPN) which details how current property is adversely affecting their health.
<p>Behavioural Issues e.g.: applicant or member of the household has a diagnosed behavioral condition where the current property is having a significant impact on their health.</p>	<ul style="list-style-type: none"> • Report from a medical specialist detailing how their current accommodation is adversely affecting their health

Additional Bedroom

Housing Need	Evidence
<p>Applicant/partner/child is disabled and requires a non-resident carer to provide overnight care</p>	<p>Must be in receipt of :</p> <ul style="list-style-type: none"> • A Social Care Assessment to show that you need permanent and substantial overnight care on a regular basis <p>And one of the following:</p> <ul style="list-style-type: none"> • care component of DLA at the higher or middle rate and copy of the decision letter • attendance allowance (non-resident carer condition)/attendance allowance at the higher rate (can't share a bedroom condition) • daily living component of personal independence payment (PIP) • armed forces independence payment
<p>Foster Care</p>	<p>If the applicant (or their partner, if they claim universal credit as a couple) is an approved foster carer and has;</p> <ul style="list-style-type: none"> • has a foster child living with them. or • is between placements and has fostered a child in the last 12 months, or • became an approved foster carer in the last 12 months <p>There must be a 'spare bedroom' in the home in order for an additional bedroom to be allowed. Only one extra bedroom is permitted regardless of the number or sex of foster children in the applicant's household</p>
<p>A child who cannot share a bedroom due to a disability</p>	<ul style="list-style-type: none"> • Report from a medical specialist detailing why they are unable to share • care component of DLA at the higher or middle rate • attendance allowance at the higher rate (can't share a bedroom condition)

	<ul style="list-style-type: none"> • daily living component of personal independence payment (PIP)
Applicant/partner who are unable to share due to a chronic medical condition	<ul style="list-style-type: none"> • A report from a medical specialist confirming why they are unable to share and the risk to the other household member
Applicant or a member of the household who has a severe disease or disability and requires extra space for life sustaining equipment to promote independence in the home	<ul style="list-style-type: none"> • Long term medical equipment such as home dialysis machine, mobile hoists, hospital beds • A report from a specialist that confirms there is insufficient space for the equipment in applicant's current property
Applicant or member of their household has severe behavioural problems where sharing bedrooms places other household members at significant risk	<ul style="list-style-type: none"> • A report from a medical specialist outlining why separate bedrooms is required to alleviate the situation
A member of the household is transitioning and are unable to share a bedroom with other family members who are the same gender as they identify with. This is particularly relevant if this person is undergoing gender re-assignment surgery.	<ul style="list-style-type: none"> • A report from a medical professional or psychiatrist confirming the situation
A child, up to the age of 16, in the household who has a severe or profound learning difficulty, with a presentation of behavioural or emotional difficulties who exhibits sexually exploratory behaviour or other inappropriate behaviour of a serious nature.	<ul style="list-style-type: none"> • A report from a consultant psychiatrist outlining the situation and confirming the risk to other household members

Appendix L - Allocation of New Build Adapted Properties

1. Housing Development will use the Locata reporting system to identify Mobility 1 & 2 cases at the planning stage, in addition to direct nominations referred by the Housing Needs team/DFG team. This information will be used to evidence the need for a wheel chair adapted property on a particular scheme, to be built to Building Regulations M4 (category 3)
2. Once a scheme is on site Housing Development will email the Housing team/DFG team confirming details of the wheel chair dwelling/s coming up, within 6-8 months prior to completion of the scheme.
3. The information required by Housing Needs from Housing Development will include; Dwelling type, bed size and location of the site.
4. Housing Needs will send out a letter to all those applicants registered in Mobility 1 on the housing register allowing a minimum of 2 weeks to 28 days' notice to respond by.
5. If there is no response the same letter may be sent out to Mobility 2 cases allowing a minimum of 2 weeks to 28 days to respond by.
6. Where we receive more than one response back, allocations will be prioritised based on; Mobility level, banding, medical needs, homelessness status, and date registered on the housing waiting list.
7. Where no response has been received from the offer letters or the property is not deemed suitable to meet the needs of the individual (and cannot be reasonably adapted during the build process to meet these needs). The Allocations team reserve the right to make a direct nomination at any point from the end of the notice period. This property may also be advertised on Choice Base Lettings to the wider register, or used to provide temporary accommodation for a given period.
8. Only applicants being allocated/considered for the wheel chair property will be contacted directly by Housing Needs Team for further information, to include where possible an up to date Occupational Therapist (OT) report.
9. The Housing Association will be required to produce an advert on Locata, informing the Housing Needs team so that the nominated applicant can be formally made a direct offer on the Locata system.

10. Housing Development will be responsible for liaising with the appropriate Housing Association Development team and Housing OT until the property is ready to occupy.

11. Housing Development will update Rother's Allocations team once the property is ready to occupy and the housing register application will then be cancelled on Locata accordingly.

*All properties built to Building Regulations Part M4 (category 2 – accessible & adaptable) will be advertised via Locata in the normal way, with additional information provided in the advert indicating that the property may be suitable to those with mobility needs.

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Appendix M - Glossary of terms

<p>Anti- Social Behaviour (ASB)</p> <p>The Antisocial Behaviour, Crime and Policing Act 2014 defines ASB as:</p> <ul style="list-style-type: none">(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,(b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or(c) conduct capable of causing housing-related nuisance or annoyance to any person
<p>Bidding cycle</p> <p>A bidding cycle is the period you have to bid upon a property which has been advertised on Sussex Homemove. You can choose to "bid" on any property that meets the criteria established when your place on the housing register has been confirmed. The bidding cycle runs from 00.01am on Thursday to 23.59 the following Wednesday</p>
<p>Choice Based Lettings</p> <p>Most council and housing association homes are now let through local choice-based lettings (CBL) schemes rather than allocation through a local council. This allows you to make choices about which properties you would like to bid on.</p>
<p>Direct lets</p> <p>Direct lets are homes which we, with agreement from the social landlord partner, allocate directly to an applicant, usually in the Urgent Need category of the Housing Register.</p>
<p>Local lettings plan</p> <p>A local lettings plan (LLP) is an additional criterion for a specific area, estate or block of apartments. It means that the LLP properties affected will be allocated in a different way to the usual approach.</p>
<p>Shared ownership</p> <p>A system by which the occupier of a dwelling buys a proportion of the property and pays rent on the remainder, typically to a housing association.</p>
<p>Social inclusion</p> <p>Social inclusion is the act of making all groups of people within a society feel valued and important.</p>
<p>Social Landlords</p> <p>The general name for not-for-profit housing providers approved and regulated by Government through Homes England. The vast majority of registered social landlords are also known as housing associations.</p>
<p>Transfer applicant/transfer tenant</p> <p>A transfer applicant or tenant is the name given to a housing register applicant who is already a housing association tenant.</p>

Void periods

A void period is the period of time that a property is empty before a new tenancy is assigned.

Voids

Voids is the name given to a vacant property.

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ROTHER DISTRICT COUNCIL HOUSING ALLOCATION POLICY CONSULTATION PLAN 2023

Rother District Council (RDC) seeks to identify any gaps for inclusion and gather evidence of the potential impact of proposed changes to the Housing Allocations Policy. This includes understanding the strength of feeling on the changes, for existing and potential social housing tenants and local providers of social and affordable housing.

Aims of the consultation

This consultation will give the Members of RDC (the Councillors) further evidence to take into account when making a final decision on the content of the policy.

Who we will consult:

Resident target groups:

- Current and potential housing needs applicants
- Existing social housing tenants

Statutory Partners:

- Local providers of social housing where the Council has nomination rights
- Department Work & Pensions
- Mental Health Services
- ESCC
- Neighbouring local authorities

Voluntary sector partners:

- Local organisations that support vulnerable groups that could be affected by changes to the policies

Internal/other:

- Finance
- Housing Benefit & Council Tax
- Parish / Town Councils
- Customer Services
- Legal Services
- Planning

How we will consult:

GROUP	METHOD	COMMUNICATION
Benefit & Debt Advice Service	On-line Questionnaire	Via email with link to Questionnaire
Brighton Housing Trust	On-line Questionnaire	Via email with link to Questionnaire
Brighton Housing Trust – East Sussex Floating Support Service	On-line Questionnaire	Via email with link to Questionnaire
Change Grow Live (CGL)	On-line Questionnaire	Via email with link to Questionnaire
Citizen's Advice Bureau	On-line Questionnaire	Via email with link to Questionnaire
Customer Services	Request for comment	Via email, meeting if required
Department of Work & Pensions (DWP)	On-line Questionnaire	Via email with link to Questionnaire
East Sussex County Council Adult Social Care	On-line Questionnaire	Via email with link to Questionnaire
East Sussex County Council Children's Services	On-line Questionnaire	Via email with link to Questionnaire
East Sussex County Council Gypsy & Traveller Liaison	On-line Questionnaire	Via email with link to Questionnaire
Finance	Request for comment	Via email, meeting if

GROUP	METHOD	COMMUNICATION
		required
Hastings Advice & Representations Centre (HARC)	On-line Questionnaire	Via email with link to Questionnaire
Homelessness / Housing Options Clients	On-line Questionnaire	Link given to applicants during interview
Homelessness Unity Group	On-line Questionnaire	Via email with link to Questionnaire
Housing Benefit & Council Tax	Request for comments	Via email, meeting if required
Housing Register Applicants	On-line Questionnaire	Additional paragraph on all letters / emails going to new applicants
Legal Services	Request for comments	Via email, meeting if required
Mental Health Services	On-line Questionnaire	Via email with link to Questionnaire
Neighbouring Local Authorities	On-line Questionnaire	Via email with link to Questionnaire
Other Interested Residents	On-line Questionnaire	Via MyAlerts with link to Questionnaire
Parish & Town Councils	On-line Questionnaire	Via email with link to Questionnaire
Planning and Strategy	Request for comments	Via email, meeting if required
Registered Provider – Management Teams	On-line Questionnaire	Via email with link to Questionnaire
Registered Provider Tenants	On-line Questionnaire	Via relevant newsletter
Rother Voluntary Action	On-line Questionnaire	Via email with link to Questionnaire
Rough Sleeper Initiative	On-line Questionnaire	Via email with link to Questionnaire
SAFFA (Armed Forces Charity)	On-line Questionnaire	Via email with link to Questionnaire
South East Strategic Partnership for Migration	On-line Questionnaire	Via email with link to Questionnaire
Southdown	On-line Questionnaire	Via email with link to Questionnaire
Supported Accommodation Single Allocation Providers	On-line Questionnaire	Via email with link to Questionnaire
The Mediation Service	On-line Questionnaire	Via email with link to Questionnaire
Warming up the Homeless	On-line Questionnaire	Via email with link to Questionnaire

In addition to the above plan, a local press release will be communicated, in order to raise awareness of the ongoing consultation and allow all residents to have their say.

As well as through the on-line questionnaire, all consultees will be given the

opportunity to provide comments on the policy via e-mail or letter. The RDC social media accounts will provide regular reminders regarding the ongoing consultation.

Paper copies of the questionnaire will be available at the Bexhill Town Hall for those unable to take part on-line. Residents will also have access to the Help Point online computers.

Consultation will commence in Spring 2023 for a period of eight weeks.

Following the Consultation: The outcomes of the consultation will be used to formulate a draft Housing Allocations policy to present to Cabinet and full Council for adoption to cover the next five years (2023-28).

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Rother District Council is reviewing our Housing Allocations Policy and we are requesting your views on the proposed changes.

Why are we reviewing the Housing Allocations Policy?

- We are required by [Section 166A\(1\)](#) of the Housing Act 1996 to have an allocation scheme for determining priorities and for defining the procedures to be followed when allocating social housing.
- There are some areas of the current allocations policy which we feel should be amended to help us meet the objectives set out below
- We feel the proposed changes will make the policy fairer and clearer

Objectives

Overall aim of the policy:

- To provide a framework for the equitable, effective and accountable allocation of affordable housing in Rother.

The policy is designed to help us meet the following objectives:

- Ensure the allocation of social housing contributes towards socially, economically and demographically balanced communities
- Maximise the use of social housing stock in the district
- Assist the Council and its partners in meeting statutory duties, particularly in relation to ensuring reasonable preference to priority groups
- Reduce temporary accommodation use
- Prevent people becoming statutorily homeless
- Let social landlords accommodation fairly and in an open and transparent way
- Minimise property void periods
- Promote social inclusion
- Promote and achieve equality of opportunity

Q1. Do you agree with the overall aim of the policy?

Yes No

Q2. Do you agree with the objectives?

Yes No

Q3. Are there any objectives you feel should have priority?

Yes No

If yes, which objectives should have priority?

Q4. Are there any objectives you feel should not be included?

Yes No

Q5. Are there any objectives you feel are missing?

Yes No

If yes, which objectives are missing?

SECTION 2: Deliberately withholding information or providing false information

It is a criminal offence:

- to knowingly or recklessly make a statement which is false; or
- to knowingly withhold information which the authority has reasonably required an applicant to give the council in connection with dealing with their application

The Council may take action against the applicant which could result in the loss of their home and a fine of up to £5,000.

Any person found to have supplied false or misleading information will have their application cancelled.

Q6. Do you agree that the Council should take the above action in the case of an applicant deliberately withholding information or providing false information?

Yes No

SECTION 3: Eligibility and Qualification

The terms which set out eligibility to join the housing register are set out in legislation and therefore questions in this section relate only to qualification criteria, which local authorities are able set.

Applicants who meet the following criteria are able to join the housing register:

- Aged 18 or over
- Have a local connection to Rother District Council

The local connection criteria include:

- Residing in the district
- Family in the district
- Employment in the district
- Military Personnel
- Care leavers

- Fleeing violence
- Refugees

Further on the draft policy can be found here [insert link](#)

Q7. Do you agree with the qualification criteria?

Yes No

Q8. Are there any criteria missing?

Yes No

If yes, what criteria are missing?

Q9. Are there criteria included that you feel should not be included?

Yes No

If yes, which criteria should not be included?

Additionally, a person will not qualify to join the housing register if they:

- Have current Council or housing related debt
- Are currently in prison
- Have provided false or misleading information or have withheld information that has been reasonably requested
- Have caused unacceptable or anti-social behaviour
- Are a home owner or have sufficient means to afford alternative accommodation in the private sector
- Have deliberately worsened their housing circumstances

Further on the draft policy can be found here [insert link](#)

Q10. Do you agree with the disqualification criteria?

Yes No

Q11. Are there any disqualification criteria missing?

Yes No

If yes, which criteria should be included?

Q12. Are there any disqualification criteria included that you feel should not be included?

Yes No

If yes, which criteria should not be included?

Who can be included on the application

An applicant can only include as part of their application members of their immediate family.
These include:

- Applicants husband, wife, civil partner or someone with whom the cohabit
- Dependent children under 18 who live with the applicant or who might reasonably be expected to live with them, where the applicant is the parent or guardian and is in receipt of Child Benefit.
- Any other non-dependent adult who can demonstrate they are normally permanently resident with the applicant or have a clear need to do so. This will not include lodgers or anyone subletting from the applicant.
- Dependent relatives
- Live-in carers, where a live in carer is essential on a 24 hour, daily and continuing basis

Q13. Do you agree with who can be included on the application?

Yes No

Q14. Is there anyone missing?

Yes No

If yes, who else should be included?

Q15. Do you disagree with any of the above being included in the application? If so, who and why?

Yes No

If yes, who should not be included?

Additionally, the following cannot be included on the application:

- Family members not currently living with the applicant
- Family members who already have an existing housing application
- People flat sharing who are not in a relationship with the applicant

Q16. Do you agree with who should not be included on the application?

Yes No

Q17. Is there anyone missing?

Yes No

If yes, who else should not be included?

Q18. Do you disagree with any of the above not being included in the application? If so, who and why?

Yes No

If yes, who else should be included?

Qualifying Criteria – Local Connection

The qualifying criteria regarding family local connection has been amended as follows;

Applicants whose only local connection is through family will only be eligible for band D. These applicants will be considered for new build housing schemes where there are specific planning or local connection requirements.

Q19. Do you agree with the policy change?

Yes No

If yes or no please explain why

Non - Qualifying Criteria – Financial Resources

The criteria for determining whether someone has sufficient resources to resolve their own housing situation and would not qualify to join the register has been amended as follows;

Applicants who's monthly rent or mortgage payments are less than 32% of the total household income will not be eligible. In addition, applicants who have savings totaling more than £16,000, (unless it is their only source of income), will not be eligible. The Council will disregard disability payments for former members of the armed forces following discharge, Disability Living Allowance (DLA) payments, Personal Independent Payments (PIP) and applicants with significant mobility issues.

Q20. Do you agree with the policy change?

Yes No

If yes or no please explain why

Non - Qualifying Criteria - Council and housing related debt

The criteria for determining whether someone does not qualify due to Council and housing related debt has been amended as follows;

Applicants with social housing or Council related debt in arrears in excess of £600 will be ineligible until evidence has been provided that the debt has been paid or the applicant has maintained a payment agreement for at least the last six months. Applicants with outstanding debts with our housing association partners are likely to be rejected for properties by the housing association until the debt has been paid in full. Exceptional circumstances may apply.

Q21. Do you agree with the amended criteria?

Yes No

If yes or no please explain why

Priority Bands – Introduction of an Emergency Band

The policy has been amended to include a new Emergency Need band above the existing band A. Eligible applicants are made one 'direct offer' of accommodation where social housing has been deemed as the only viable option. All other allocations would be made via the same Choice Based Lettings system in revised priority bands, from A to D. The new Emergency Need category will provide greater flexibility than Choice Based Lettings allows particularly in situations where there is an urgent or immediate need to provide assistance.

Q22. Do you agree with the policy change?

Yes No

If yes or no please explain why

Emergency Need band reasons

The following Emergency band reasons have been introduced;

- Severe housing conditions
- Welfare
- Exceptional homeless households
- Hospital discharge
- Adapted property
- Domestic Abuse
- Permanent decant
- Medical (severe & immediate)
- Significant risk
- Exceptional reasons

Q23. Do you agree with the categories set out above?

Yes No

Q24. Is there a category that you feel is missing?

Yes No

If yes, which category is missing?

Q25. Is there a category that you feel should not be included?

Yes No

If yes, which category should not be included?

Further on the draft policy can be found here [insert link](#)

Band A priority – Homeless prevention

The following band A reason has been introduced in line with the Councils objective for greater homelessness prevention;

Applicant has been served with a valid Section 21 notice through no fault of their own, are owed the relief or prevention duty and it has been determined the Council would owe the 'main duty' (s193(2)). In order to be considered applicant must be fully engaged with the Council and their Personalised Housing Plan to prevent homelessness. At the discretion of the Housing Needs Manager applicants may also have their priority date backdated by 12 months.

Q26. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band A priority - Homeless prevention

The following band A reason has been introduced in line with the Councils objective for greater homelessness prevention;

Applicant living with friends/family, is threatened with homelessness, owed a prevention or relief duty and it has been determined the Council would owe the 'main duty' (s193(2)); They must have been resident with friend/family for at least 12 months prior to the birth of their child or application (and can evidence this), and is forced to share their bedroom or sleeping area with their dependent child who is over 6 month old. In order to be considered applicant must be fully engaged with the Council and their Personalised Housing Plan to prevent homelessness. At the discretion of the Housing Needs Manager applicants may also have their priority date backdated by 6 months. Council will need to be satisfied there is no evidence of collusion between family members to gain additional priority. Where this is found applicants will be treated as deliberately worsening their own circumstances and placed into band D.

Q27. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band A priority – Homeless prevention

The following band A reason has been introduced in line with the Councils objective for greater homelessness prevention;

Applicant has received an outright possession order / notice of eviction from the court through no fault of their own and has fully engaged with the council to prevent homelessness. This applies only to applicants who the council would owe the 'main duty' (s193(2)) to and have chosen not to move into temporary accommodation.

Q28. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band A priority - Former rough sleeper pathway

The policy awards band A to clients who are ready to move on from Rough Sleeper Accommodation Pathway (RSAP) or Next Steps Accommodation Pathway (NSAP) properties. This accommodation is time limited for two years and therefore enables clients to move into stable accommodation. The band reason is as follows;

Applicant is required to move on from rough sleeper accommodation from authorised partnership schemes where the applicant has been assessed as ready to move to independent living, and where a move on report has been provided.

Q29. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band A – band reasons

The following band A reasons have been introduced;

- Serious Housing Conditions
- Welfare
- Under Occupation
- Medical (urgent)
- Homeless making own arrangements
- Homeless Prevention (s21 notice)
- Homeless Prevention (friend/family eviction)
- Permanent Decant
- Overcrowding
- Fleeing Violence/Harassment/Abuse

Q30. Do you agree with the categories set out above?

Yes No

Q31. Is there a category that you feel is missing?

Yes No

If yes, which category is missing?

Q32. Is there a category that you feel should not be included?

Yes No

If yes, which category should not be included?

Further information on the draft policy can be found here [insert link](#)

Band B priority – Accepted homeless households

The current policy awards households that are accepted as homeless and in temporary accommodation band A. This can incentivise homelessness as a route to social housing. The new policy awards accepted homeless households in temporary accommodation band B. The amended band reason is as follows:

Applicant to whom the council has accepted the main housing duty (s193(2)), are residing in temporary accommodation provided by the council and have no housing related council debt.

Q33. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band B – band reasons

The following band B reasons have been introduced;

- Accepted Homeless Households
- Medical (high priority)
- Welfare
- Overcrowding
- Insecurely Housed
- Armed/Reserve Forces
- Unsatisfactory Housing Conditions

Q34. Do you agree with the categories set out above?

Yes No

Q35. Is there a category that you feel is missing?

Yes No

If yes, which category is missing?

Q36. Is there a category that you feel should not be included?

Yes No

If yes, which category should not be included?

Further information on the draft policy can be found here [insert link](#)

Band C – Homeless Prevention

The policy awards priority to applicants who are assisted by the Council into private rented accommodation as a way of preventing or relieving homelessness. The band reason is as follows;

Applicant is living in private rented accommodation and was assisted into an assured shorthold tenancy with help from the council as a way of preventing or relieving homelessness (including those who have escaped domestic abuse from outside the District).

Q37. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band C - Removal of applicant over the age of 65 with no other housing need other than Sheltered accommodation

In line with the Council's aim of assisting those in most need the following band reason has been removed;

Applicants requiring older persons sheltered o housing where there is no other housing need.

Q38. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band C - band reasons

The following band C reasons have been introduced;

- Homeless Prevention
- Intentionally Homeless Households
- Welfare
- Right to Move

Q39. Do you agree with the categories set out above?

Yes No

Q40. Is there a category that you feel is missing?

Yes No

If yes, which category is missing?

Q41. Is there a category that you feel should not be included?

Yes No

If yes, which category should not be included?

Further information on the draft policy can be found here [insert link](#)

Band D – Refused Main duty or ‘Final Offer’ of accommodation

The policy introduces band D priority for applicants who refuse a main duty (part 6) offer or ‘final’ offer of accommodation. The band reason is as follows;

Applicant has refused a suitable offer of accommodation in discharge of the main housing duty (s193(2)) or a ‘final offer’ of accommodation in accordance with the Housing Act 1996 (as mended) will be placed into this band for 6 months.

Q42. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band D - Deliberate or unreasonable refusal to cooperate with Personalised Housing Plan

The Homelessness Reduction Act requires applicants to work with the Council to take reasonable steps to resolve their housing situation. If an applicant refuses or does not reasonable co operate then they can be placed in band D for 6 months. Clients who are assessed as vulnerable would not be affected. The band reason is as follows;

Applicant who has been assessed by the Council as deliberately or unreasonably refusing to cooperate with their Personalised Housing Plan will be placed into this band for 6 months.

Q43. Do you agree with the policy change?

Yes No

If yes or no please explain why

Band D - band reasons

The following band D reasons have been introduced;

- Refused Main Duty or 'Final Offer' of Accommodation
- Deliberate or unreasonable refusal to cooperate with Personalised Housing Plan
- Family Local Connection
- Deliberately worsened own circumstance

Q44. Do you agree with the categories set out above?

Yes No

Q45. Is there a category that you feel is missing?

Yes No

If yes, which category is missing?

Q46. Is there a category that you feel should not be included?

Yes No

If yes, which category should not be included?

Auto bidding for homeless applicants

In order to ensure that homeless applicants are maximising their chances of rehousing the following groups will be placed on to auto bidding;

All homeless applicants who are owed the following duties will be placed on auto bidding,

- 190(2) – eligible for assistance, homeless, in priority need and intentionally homeless
- 193(2) – eligible for assistance, homeless, in priority need and not intentionally homeless
- 195(2) – the prevention duty owed to persons who are eligible for assistance and threatened with homelessness
- 189(b) – the relief duty owed to persons who are eligible for assistance and homeless

Q47. Do you agree with the policy change?

Yes No

If yes or no please explain why

Priority date changes

If an applicants priority date changes then it will be amended as follows;

- **Moving down into a band you have been in previously:** your priority date will become the date that applied when you were last in that band.
- **Moving down a band into a band you have not previously been in:** the priority date will be the original application date.
- **Moving up to a higher band** the priority date will be the date when an applicant is assessed as requiring a higher band.

Q48. Do you agree with the policy change?

Yes No

If yes or no please explain why

Local Lettings Plans

Local Lettings Plans allow the Council to consider direct lets to respond to local conditions. The Council will consider the use of local lettings plans in the following circumstances:

- Age restrictions (eg older persons or younger persons to provide a 'balanced community')
- Giving priority to transfer applicants with a positive tenancy history
- Giving priority to working households where there is a concentration of tenants/residents with tenancy support needs
- Giving priority to residents with a local connection to the area (in particular villages where community sustainability is a concern).

Q49. Do you agree that the Council should retain the ability to develop local lettings plans in the circumstances set out above?

Yes No

Please let us know if you have any other comments.

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Report to:	Cabinet
Date:	12 June 2023
Title:	Performance Report: Fourth Quarter 2022/23
Report of:	Lorna Ford – Interim Chief Executive
Cabinet Member:	Councillor Jeeawon
Ward(s):	All
Purpose of Report:	To consider any recommendations arising from the Overview and Scrutiny Committee (OSC) meeting held on 5 June 2023, regarding the Fourth Quarter Performance Report 2022/23. The report as presented to the OSC is reproduced below and any resulting recommendations from the OSC will be follow together with a copy of the Minutes of that meeting (Appendix C) which should be read in conjunction with this report, if necessary.
Decision Type:	Non-Key
Overview and Scrutiny Recommendation(s):	To be confirmed after the OSC meeting, if any.

Introduction

1. For the financial year 2022/23, Members of the Overview and Scrutiny Committee (OSC) and Cabinet selected a set of 14 key performance indicators (KPIs). These indicators stand as a barometer of the delivery of the Council's Corporate Plan and those service areas that Members wish to scrutinise over the year. This was agreed by [Cabinet on 7 February 2022](#) (Minute CB21/80 refers). It should be noted that the committee chose a new set of indicators for 2023/24 at the [January 2023](#) meeting. The new set's first report will be about the first quarter's performance and reported later in the year.
2. For the 2022/23 financial year, the focus had been set on five themes:
 - **Housing and Communities:** four indicators to monitor delivery of the Housing and Homelessness and Rough Sleeping Strategy.
 - **Finance Performance:** three indicators to monitor significant non-tax income as a part of the Council's revenue streams.
 - **Economic Development and Poverty:** three indicators to monitor the impact of the pandemic on household incomes, council tax and business rates collection.
 - **Environment:** two indicators to monitor the Environment Strategy in relation to the proportion of household waste collected that is sent for reuse, composting and recycling and CO2 emissions.
 - **Planning:** two indicators to monitor the processing times of applications.

3. This report is a summary of the Council's performance against the five themes at the end of the fourth financial quarter (1 January 2023 to 31 March 2023) and a summary of the year. The report gives Members an opportunity to scrutinise the progress towards the Council's stated aims, outcomes and actions in the Corporate Plan and make any necessary recommendations to Cabinet for future service delivery.
4. A table of the KPI performance can be found at Appendix A. More detailed explanations or definitions on how the KPI is measured can be found at Appendix B.

Housing & Communities Summary

5. **Homelessness prevented or relieved** - The performance in Quarter 4 2022/23 was 43 preventions and reliefs, up from 33 in Quarter 3, and 29 in Quarter 1, an increase of 52% over the period. These are positive results and demonstrate that the service is moving in the right direction, post-pandemic. While there are still improvements to make, the results are testament to the hard work and dedication of front-line officers as well as the skills and expertise of the new management team that has brought in a raft of new prevention measures in the last two years. In particular, the Rother Tenant Finder service has performed very effectively in its efforts to offer landlord incentives and support for tenants to access rent in advance and deposit. We have recently recruited several new dedicated homelessness prevention officers whom we are confident will improve prevention performance further.
6. **Households in Temporary Accommodation (TA)** - The current number of households in TA is 150, up from 133 in Quarter 3 and 129 in Quarter 1. The number of TA placements overall is significant compared to the same time last year, where there were approximately 90 placements. The Council is limited in its ability to influence the various factors that increase homelessness and the number of households in TA. To this extent, councils in England are increasingly only able to minimise the increase in the number of households in TA, as opposed to reduce it. While it is challenging to accurately compare our performance on TA placement numbers to neighbouring areas, as the information is not commonly published, it should also be noted that the number of households we have in TA is just 27% the number placed by neighbouring Hastings Borough Council (550), whereas the number of homelessness presentations in Rother is 40% of that in Hastings.
7. **Average unit cost of TA** – The new measures to prevent homelessness are supported by the continuation of the Temporary Accommodation Support Scheme (TASS) that has seen the Council acquire properties for use as TA and specialist Housing First accommodation for rough sleepers. The average cost of accommodating a 3-bed household in Rother-owned TA is £6,000 per year, as opposed to £13,000 a year in the private sector, on average. The average unit cost for Quarter 4 is £1,439 up from £1,082 in Quarter 3 and against a target of £1,201. The metric is still new, and we are reviewing how it is best presented accurately. In short, the Council's invoicing processes mean that the result in Quarter 1 is artificially lower than it should be, and the result for Quarter 4 artificially higher. It is helpful therefore to review the metric annually. The average unit cost in 2021/22 was £1,092, compared to an average cost of £1,235 in 2022/23, an increase of 13%. It is relevant to note that the cost of operating RDC-owned TA and private sector TA has increased significantly

over the period, due to the increase in energy costs. To put the increase in context, according to the Office for National Statistics (ONS) in the year to March 2023 gas prices alone increased by 129%*. +

8. **Number on the Housing Register** - The number on the housing register is 2,095. The number will reduce significantly once the new process of migrating households to the new Allocations Scheme is completed within 2023. The number on the register is as much a measure of the relative inclusivity of the criteria within the Allocations Policy as it is an indicator of the level of housing need in the district.
9. **Affordable homes built** – There were 90 affordable homes completed over 2022/23. The total of all new homes built this year is 391 (final figures to be confirmed on the publication of the Housing Land Supply Position Statement). A significant improvement over last year and the first time since the beginning of the Local Plan period that we have delivered over 335 (the annualised average requirement in the Core Strategy). The improvement is mainly due to the completion of several large sites, including Preston Hall Farm, Bexhill, Barnhorn Green, Bexhill and Tollgates, Battle as well as continuing delivery on the Worsham Farm, Bexhill, site. In 2022/23 we have begun to observe that the housebuilding sector may be entering a cooling in its output, as we continue to face economic uncertainty and the impact of rising material and labour costs. We also note that Southern Housing (formerly Optivo) are not projecting significant development starting on site beyond 2023, with zero properties likely to be started in 2024. We continue to work closely with Southern Housing to maximise delivery locally; however, the Council will need to consider its strategic response to a potential slow-down in housing development in coming years. To this end, officers are beginning to review the Housing, Homelessness and Rough Sleeping Strategy with Members and wider stakeholders, for implementation in 2025.

*[Cost of living insights - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/cost-of-living)

Finance Performance

10. **Income from all assets:** The target/forecast was £1,850,000. The outturn figure for 2022/23 is £2,397,601 and includes existing investment properties prior to the PIS or those purchased from borrowed funds. The increase to the budgeted figure of c£550,000 is mainly due to the expected rental income from the Sainsbury's purchase in April 2022.
11. This is less than was reported in the third quarter report, when the estimate was £2,566,126. The expected purchased for 16-18 Beeching Park estate has not yet completed, so full rental budget of £36,000 for these properties will not be realised this year.
12. In addition, there are several units empty at Malthouse in Peasmarsh, resulting in a year end reduction in expected rents in the region of £16,000.
13. **Additional income:** The target/forecast was £107,000. The total additional income for 2022/23 is £134,124. The additional income is higher than expected due to overhead recharges to Rother Housing Company. The table overleaf shows the breakdown of each additional income that was gained each quarter.

Additional Income	22-23				
	qtr1	qtr2	qtr3	qtr4	total 22/23
Bexhill Fairground Attraction		1,750.00			1,750.00
Amherst Road rent (2nd floor)	13,550.00	13,550.00	13,550.00	13,550.00	54,200.00
Maintenance team - 3party works		1,140.00		530.00	1,670.00
Salary plus overheads recharges for Head Of Service - Housing and Communities (10%), Housing Development Manager (90%),Principal Accountant(50%) to NOV 22,Project Support Officer started 1.7.22(10%) to Rother Housing Company				139,706.79	139,706.79
TOTAL					197,326.79
FSP ELEMENT taken out of salaries					-9,000.00
FSP ELEMENT					-54,200.00
TOTAL ADDITIONAL INCOME					134,124.00

14. The **Council Tax** collection rate was at 97.66% at the end of March 2023 compared to 98.01% for the same period last year. Although collection is slightly down as a percentage of collectable debt, additional Council Tax in the region 4 million pounds has been collected. Council Tax collection has become more challenging over the past year, although, as yet, this has not been overly reflected in the recovery rates. However, this will continue to be closely monitored.
15. The **Business Rates** collection rate was 97.83% at the end of March 2023 compared to 96.99% for the same period last year. However, with the number of different reliefs available to businesses over the past few years it is difficult to compare collection year on year. The last time we had comparable reliefs available to businesses was during 2019/20 and our collection rate for 2022/23 is similar to this period.

Economic Development and Poverty Summary

16. **The number of Council Tax Reduction Scheme (CTR)** claimants has not significantly changed over the year. In total at the end of Q4 there was 6,510 CTR claimants made up of 2,791 pensioner households (43.87%) and 3,719 working age households (57.13%). The numbers continue to be closely monitored to try and identify any significant changes as soon as possible.

Environment Summary

17. **Waste and Recycling** As we reported in the previous quarter, the current waste collection system is based on collecting recycling materials co-mingled. That is collecting glass, plastic, cans and cardboard all mixed together in the resident's green bin and collected by Biffa at the resident's kerbside. The most

effective method of collecting these items accurately is at the kerbside, where the waste crews can do a superficial check on each bin for contamination. There are some locations with limited waste storage, such as Bexhill, Rye and Battle town centres, which are collected using pink recycling sacks.

18. The recycling rate is a measurement of the total volume of material collected for recycling (co-mingled recycling, garden waste) as a percentage proportion of all household materials collected.
19. Currently, we are in the process of inviting residents to renew their annual subscription for July 2023/2024. We currently have 20,714 garden waste collection subscribers. Their garden waste tonnages are included in the recycling tonnages, and so very much contributes to the overall recycling and composting percentage of collected household waste, because garden waste weighs more than dry recycling.
20. Residents also have had access to various recycling 'bring sites' across the district which offered the same co-mingling recycling facilities. Despite concerted efforts to enforce accurate use of the containers, including officer monitoring and use of CCTV and posters, these sites all suffer from excessive contamination; for example, people mixing general refuse in with the recycling. This has meant that these contaminated 'bring site' containers have had to be emptied as refuse rather than recycling which has a negative impact on our recycling rate.
21. As mentioned previously, a far better quality of material is collected at the resident's kerbside and so the 'bring sites' are gradually being phased out over a period of time. The closure of these sites is nearly complete with Ticehurst closing recently and five more left to close. These closures will encourage people to use their green containers more, and excess recycling material can be presented alongside their green container on recycling collection days, suitably contained in a clear plastic bag. There is no restriction on the amount of recycling material that can be presented on recycling collection days.
22. Alternatively, it may encourage people to use their local tips more. This will also improve the quality of recycling as tips are closely monitored by East Sussex County Council (ESCC). However, the tonnages collected will not count towards the RDC recycling percentage.
23. As we have reported previously, during COVID the general household waste tonnages increased as people shopped and worked from home. Pre-COVID (2019-2020) rates rose from 18K tonnes to 20.5K tonnes in 2021-2022. During the same pre-COVID period, recycling was at 18K tonnes and increased to 19.5K tonnes in 2021-2022. This rise is largely due to the increase in garden waste subscribers. The amount of dry recycling tonnages has remained static throughout the period.
24. The focus is to work both on improving the quality of the recycling material collected and the amount of recycling material collected.
25. For the first quarter, April 2022 to June 2022, recycling percentage was at 52.49% compared with 50.79% for the same quarter 2021/2022. For the second quarter, July 2022 to September 2022, the recycling percentage is 47.7% compared with 52.34% for the same quarter 2021/2022. The garden waste

tonnages were significantly down in the second quarter 2022 due to the drought and this had a negative impact on the overall recycling rate. Once again, this emphasises the role that garden waste plays in our overall results. For the third quarter, October 2022 to December 2022, the recycling rate was 49% which is an increase compared to the previous year's figure of 47.75%. This reflects residual waste (i.e. black bag/container waste) tonnages falling back to normal levels (pre-Covid) after the higher tonnages experienced over the Covid pandemic. The garden waste tonnages for the third quarter, October 2022 to December 2022, were also higher than the same period in 2021 which further supports this higher recycling rate.

26. Accurate recycling data is verified via a number of sources (ESCC, Biffa and other third parties) meaning that there is a delay whilst tonnages have been checked and approved, resulting in Rother recycling performance information being always one quarter behind in relation to this report.
27. A number of actions are being taken to improve recycling and re-use. As reported above, the project to close recycling 'bring sites' and divert recycling to the more effective method of residents' kerbside collections is almost complete. Campaigns using promotional banners and social media were used last summer to encourage visitors to the tourist beaches and towns to 'take their litter home with them' to aid recycling using their green bin. Further public communications are planned around reducing contamination and specifically educating residents to put recycling in containers loose and not in bags, especially not in black sacks which creates contamination.
28. The current focus being worked on across the waste partnership and ESCC is with regards to the separate kerbside collection available for the recycling of small electrical items and batteries, often termed small WEEE (Waste Electrical and Electronic Equipment). Residents are encouraged to present small electrical items such as toasters, power drills, hair dryers etc in a plastic bag on top of their bin on their collections days and Biffa will collect these items and store in them in a separate compartment on the waste vehicle. If collected separately, these items are managed and disposed by Light Brothers who are specialists in recycling these items, stripping down metal for reuse and separating out hazardous waste.
29. The above actions all make significant contributions towards the quality of recycling. But they may not necessarily be reflected in an increase in the recycling percentage rate, which this year (2022/2023) may well drop overall due to last summer's drought affecting garden waste tonnages.
30. Going forward, as we reported in the second quarter, the waste industry still waits for further directives from Government on secondary legislation regarding the impact of the UK Environment Bill on the future of recycling. The main impact will be an anticipated separate collection of food waste, expected to commence in April 2025; the introduction of 'extended producer responsibility' whereby producers are made responsible for the entire life of the packaging they introduce into the marketplace; and the 'deposit return scheme' whereby people are encouraged to return drinks containers (plastic and aluminium cans) for recycling in return for a small amount of money. A date for the introduction of these two schemes is not yet determined by DEFRA.

31. In relation to the measurement of CO2, we reported in the previous quarter that the target setting is pending the current review of the Environment Strategy. At the time of writing this report, there is no new government data to report. However, it is anticipated new figures will be available to report to the Climate Change Steering Group at its meeting in September. This information will come to the Overview and Scrutiny, as the parent committee, later in the year.

Planning Processing Summary

32. In terms of quarter 4, 100% major housing development applications were determined on time (13 weeks or agreed terms) for months October to December 2022. In the same period minor development application and other applications ranged between 78 and 96% determined in 8 weeks. Although these figures appear poorer when considered overall, in the future benchmarking against neighbouring district planning authorities could provide a better picture. However, for quarter 4 2022/23, national figures are at 87% for all majors determined in time; 83% for minors and 87% for others; 86% for all decisions.
33. Figures for the period April 2022 to February 2023, indicate some improvement with 100% of majors determined in time, between 50 to 96% of minors determined in time and between 69 to 78% of others determined (including EOT). Although, this indicates a slight improvement, it is still below the target.
34. At present, based on the above, we are working the best way we can with limited resource. However, we aim to keep this at an upward trend but with particular attention to risks. We have a risk analysis to help do this.

Conclusion

35. This report sets our performance against the agreed key performance indicators for the five themes for the fourth quarter of 2022/23 and a summary of the year's performance.
36. Members are requested to consider performance against targets or forecasts and the delivery of the council's Corporate Plan and to pass recommendations for action to Cabinet for consideration.

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

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Appendices:	A – Summary KPI Table B – KPI Definitions C – OSC Minute Extract – TO FOLLOW, IF NECESSARY
Relevant previous Minutes:	CB21/7, OSC22/35, OSC22/49,

Background Papers: None

Reference Documents: None

Summary of All KPIs

A summary of the KPI performance is set out in the table below. Performance is compared to the previous quarter result and to the same quarter the previous year.

	Status	Target	Q1 Result	Q2 Result	Q3 Result	Q4 Result	Compared to previous quarter (Q3)	Compared to Q4 2021/22 (last year)
Housing & Communities								
Number of all households in temporary accommodation		60	129	136	133	150		
Number of households on the housing register		1,200	2021	2068	2,095	2,140		
Number of affordable homes delivered (gross) (supply target: end of year)		106	43	21 YTD: 64	Q3: 16 YTD: 80	Q4: 10 YTD: 90		
Homelessness Prevented and Homelessness Relieved (new KPI)		Quarter: 30 Year: 120	Prvt: 15 Relv: 14	Prvt: 16 Relv: 14	Prvt: 16 Relv: 15	Prvt: 23 Relv: 20 Year: 133		(New in 2022/23)
Cost of temporary accommodation (new for 2022/23)		£1,201	£833	£1,585	£1,082	£1,439		
Finance Performance								
Net income from all investment assets		£1,850,000	£2,566,126	£2,566,126	£2,566,126	£2,397,601		
Additional income generation		£107,000	£54,200	£55,200	£93,846	£134,124		
Economic Development and Poverty								
Number of Council Tax reduction claimants: Total, Pensioners and Working Age		Tot: 6,960 P: 3,041 WA: 3,919	Tot: 6,556 P: 2,905 WA: 3,651	Tot: 6,548 P: 2,853 WA: 3,696	Tot: 6,452 P: 2818 WA: 3,634	Tot: 6,604 P: 2,790 WA: 3,814		
Council Tax collection rates (income received as a % of collectable debit)		98.3%	29.81%	57.13%	81.13%	97.66%		

	Status	Target	Q1 Result	Q2 Result	Q3 Result	Q4 Result	Compared to previous quarter (Q3)	Compared to Q4 2021/22 (last year)
Housing & Communities								
Business Rates collection rates (income received as a % of collectable debit)		98%	29.71%	59.17%	84.57%	97.83%		
Waste Collection								
ESCC Waste re-used, composted and recycled (reported one quarter in arrears)		54%	52.58%	47.7%	49%	Not yet due		
Carbon baseline (new for 2022/23) a) Rother District Council tCO2 b) Rother district CO2 Kt		Pending revised strategy in 2023	There is no new data yet. New, annual figures will be reported to the Climate Change Steering Group in September 2023.					
Planning Processing								
Major applications: weeks to process or calendar days to process		13 weeks or 91 days	34 wks, 2 days or 240 days	26 wks, 4 days or 186 days	17 wks & 6d: or 125 days	28 wks & 5 days or 201 days		
Minor applications: days to process		8 weeks or 56 days	26 wks, 4 days or 186 days	19 wks, 4 days or 137 days	16 wks & 5d: or 117 days	17 wks or 119 days		

Key:

- Performance on target or better than target
- Performance not on target but improving towards target
- Direction of travel better than previous quarter
- Direction of travel no change from the previous quarter
- Direction of travel better than the same quarter last year
- Direction of travel the same as the same quarter last year

- Performance not on target and getting worse
- Direction of travel worse than previous quarter
- Direction of travel worse than the same quarter last year

Notes on KPI Measurement Definitions

Number of all Households in Temporary Accommodation

1. This measurement is the number of households that the Council has placed in temporary accommodation (TA) and are resident in TA on the last day of the quarter. Mainly these are households either waiting for a decision on their application for homelessness or accepted as homeless and waiting for suitable permanent accommodation.

Average Weeks in Temporary Accommodation

2. This measurement is the average number of weeks that the households who are in TA have been living in TA.

Number of Households on the Housing Register

3. This measurement is the number of households on the housing register on the last day of the quarter. This list covers all households who have met the criteria to be able to join the register.

Additional Homes Provided

4. This measurement counts the number of all new homes in Rother, allowing for demolitions and change of use to give a net gain. This measurement monitors the delivery of the Corporate Plan outcomes to manage spatial development and the provision of affordable and decent housing stock.
5. As the Core Strategy is now more than five years old, the Local Plan target has been replaced with a Local Housing Need figure based on the standard method (until a new Local Plan is adopted).
6. This indicator has two components: the supply target and the Local Housing Need figure. The supply target is based on the projected delivery for the year, as set out in the April 2022 Housing Land Supply and Trajectory report.

Affordable Homes Built

7. This measurement is the gross number of new affordable homes that have been completed in the district. By completed we mean that the home has been built and handed over from the developer to the provider for occupation by a tenant or purchaser. The home may not yet be occupied. This measurement monitors the delivery of the Corporate Plan outcome for affordable and decent housing stock, specifically the action to support the development of affordable accommodation.
8. The indicator has two targets: the supply target and the Local Plan target. The supply target is based on anticipated delivery from planned sites that we knew about at the time of setting the target.

Number of Council Tax Reduction Claimants

9. This measurement monitors the total number of council tax reduction (CTR) claimants (working age and pensioner) in a receipt of a reduced council tax bill.

Council Tax Collection Rates

10. This measurement monitors the percentage of collected council tax as a percentage of the estimated collectable debt in the year.

Business Rates Collection rates

11. This measurement monitors the percentage of business rates collected of the estimated collectable debt in the year.

Household waste Re-used, Composted and Recycled

12. This measurement is the percentage of collected household waste sent to be re-used, recycled and composted.
13. This is based on data reported by East Sussex County Council (ESCC), which includes all waste collection streams and is reported one quarter in arrears. The target in each quarter varies, depending on the time of year, leading to an average of 52%.

Net Income from All Investment Assets

14. This measurement is forecast annual net income from investments calculated from gross income less expenditure, excluding borrowing and interest payments.
15. The Asset Income total does not include 'community' assets which might also generate an income, such as sports facilities, allotments etc.

Additional Income Generation

16. This measures additional income generation through increased or new fees for discretionary services.

Days to Process Major Housing Development Applications

17. This measurement is the average number of weeks, or calendar days, to determine 'major' planning applications from the date of receipt of the application to the date that the council made a decision. Major planning applications is a reference to major or larger housing developments.

Days to Process Minor Housing Development Planning Applications

18. This measurement is the average number of calendar days to determine 'minor' planning applications. Minor applications is a reference to smaller housing developments. It does not include changes to single homes.

**Extract from Minutes of the Overview and Scrutiny Meeting – 5 June 2023
TO BE ADDED AFTER THE OSC MEETING – IF NECESSARY.**

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