

## Overview and Scrutiny Committee

Date and Time - **Monday 22 January 2024 – 6:30pm**

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

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

P.N. Osborne (Chair), Mrs V. Cook (Vice-Chair), J. Barnes (MBE), Mrs M.L. Barnes, S. Burton, C.A. Clark, B.J. Coupar, C.A. Creaser, M.C. Legg, C.R. Maynard and S.B. McGurk, plus one vacancy.

**Substitute Members:** F.H. Chowdhury, N. Gordon, P.J. Gray, C. Pearce, J. Stanger

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## **AGENDA**

### **1. MINUTES**

To authorise the Chair to sign the Minutes of the meeting of the Overview and Scrutiny Committee held on 20 November 2023 as a correct record of proceedings.

### **2. APOLOGIES AND SUBSTITUTES**

The Chair to ask if any Member present is substituting for another Member and, if so, to declare his/her name as substitute Member and the name of the absent Member.

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

To consider such other items as the Chair decides are urgent and due notice of which has been given to the Head of Paid Service by 12 Noon on the day of the meeting.

### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

To receive any disclosures by Members of disclosable pecuniary interests / other registerable interests / non-registerable interests in matters on the agenda and the nature of any interest and details of any dispensations obtained. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

### **5. DRAFT REVENUE BUDGET 2024/25 PROPOSALS (Pages 3 - 76)**

### **6. KEY PERFORMANCE INDICATORS 2024/25 (Pages 77 - 84)**

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**For all enquiries – please contact [louise.hollingsworth@rother.gov.uk](mailto:louise.hollingsworth@rother.gov.uk) (Tel: 01424 787815)**

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

7. **NEW HOUSING ALLOCATIONS POLICY** (Pages 85 - 196)

8. **WORK PROGRAMME** (Pages 197 - 198)

Lorna Ford  
Chief Executive

Agenda Despatch Date: 12 January 2024

**Rother District Council**

<b>Report to:</b>	Overview and Scrutiny Committee
<b>Date:</b>	22 January 2024
<b>Title:</b>	Draft Revenue Budget 2024/25 Proposals
<b>Report of:</b>	Duncan Ellis – Deputy Chief Executive and S151 Officer
<b>Ward(s):</b>	All
<b>Purpose of Report:</b>	To receive the draft Revenue Budget 2024/25 and to submit this to Cabinet for approval.
<b>Officer Recommendation(s):</b>	It be <b>RESOLVED</b> : That the comments of the Overview and Scrutiny Committee be considered by Cabinet when setting the 2024/25 Draft Revenue Budget at its meeting on 5 February 2024.

**Introduction**

1. The Council is required to set a balanced budget each year. The Local Government Finance Act 1992 requires the Council to estimate revenue expenditure and income for the forthcoming year from all sources, including contributions from reserves, to determine its net budget requirement.
2. This report updates Members on the second phase of the budget process (following Cabinet's approval of the Medium Term Financial Strategy (MTFS) 2024/25 to 2027/28 on 6 November 2023), which is to prepare the draft Revenue Budget for 2024/25 by outlining the predicted financial position and the key issues Members need to consider.
3. Members will note that the 2024/25 budget requires £0.626m (£2.4m 2023/24) from Usable Revenue Reserves to deliver the Council's services. Appendix A details the summary draft revenue budget for 2024/25 and an update on the future year forecasts, Appendix B gives summary information for each service area and Appendix C details the main changes from the 2023/24 Budget. Appendix D summarises the Council's updated capital programme, Appendix E covers a summary of the budget consultation responses and Appendix F includes proposals for new Council Tax premiums.
4. All budgets are shown at "Net Operational Expenditure Levels" and exclude support service recharges. This ensures Members are provided with a clear identifiable core cost for each service.
5. This report also contains an update in relation to recent legislative changes to Council Tax in relation to premiums for empty properties and second homes.

**Budget Assumptions**

6. The following assumptions were made when calculating the draft budget:

- a. **Inflation** – Non-pay budgets have been set on a cash limited basis, with a 0% increase applied, except for contracts where specific indices are relevant, (see paragraph 25 below);
- b. **Salaries** – an increase of 2% has been applied, with effect from September 2024 and an allowance of 4.5% has been assumed for staff turnover based on an analysis of previous years. Should a further 1% be added to the pay award this would equate to an additional cost of just over £0.1m for a full year;
- c. **Transfers** – the use of transfers between existing budgets has been applied to enable funding is re-directed to priority areas;
- d. **Income** – where applicable, income budgets have been increased in line with the fees and charges proposed by Cabinet on the 6 November 2023;
- e. **Interest rates** – where relevant, the prevailing Public Works Loan Board (PWLB) rates will be used for capital appraisals (currently c5%);
- f. **Investment Returns** - returns on investment have been calculated using the following rates:
  - i. Bank current & deposit accounts up to 5.35%;
  - ii. Investments with other institutions/local authorities – up to 4.50%; and
  - iii. Property Fund investments – 4.00%.
- g. **Council Tax Base** - numbers are based on the latest December 2023 forecast and assumes a collection rate of 98.3%.

## Local Government Finance Settlement

- 7. The draft Local Government Finance Settlement (LGFS) was announced by the Government on the 18 December 2023 and applies to 2024/25. It does not give the Council any indication of funding streams beyond next year and is again a further single year settlement. The Government had previously committed to undertake a Fair Funding review and a reset of the business rates system, but this was not addressed as part of this Spending Review. However, it has reaffirmed its commitment to do this in the next Parliament.
- 8. Each year, the Government sets the Council’s Core Spending Power (CSP) as part of the LGFS. The CSP is a measure of the resources available to local authorities to fund service delivery. It sets out the money that has been made available through the LGFS. The table below shows that the 2024/25 CSP is £12.9m (£12.3m 2023/24), which is an increase of £0.6m equating to 5.1% (£0.9m or 5% in 2023/24).

	<b>£ M</b>
<b>Core Spending Power (CSP) 2023/24</b>	<b>12.3</b>
Consisting of:	
Settlement Funding Assessment (SFA)	2.6
Compensation for under-indexing the Business Rates multiplier	0.4

Council Tax	8.4
Other grants	0.9
<b>Total</b>	<b>12.3</b>
Settlement Funding Assessment (SFA)	0.1
Compensation for under-indexing the Business Rates multiplier	0.1
Council Tax	0.3
New Homes Bonus Grant (NHB)	(0.1)
Services Grant	(0.1)
Funding Guarantee Grant	0.3
<b>Core Spending Power 2024/25</b>	<b>12.9</b>

9. The SFA consists of the Council's share of business rates income and Revenue Support Grant (RSG). The baseline funding figure of £2.7m is an increase of £0.1m from 2023/24 and there is also an increase of £0.1m due to the freezing of the business rates multiplier taking this support to £0.5m. This brings the total SFA to £3.2m but because the expected share of business rates income comfortably exceeds £3.0m, the Council yet again will not receive an RSG. The LGFS did explicitly state though that local authorities would not be expected to make a payment to the Department for Levelling Up, Housing & Communities (DLUHC) for a 'negative RSG'. It is important to note that the Central Government assessment of the Council's CSP has only increased by £1.0m since 2015/16, which only represents an 8% increase over the entire nine-year period. Other key points that directly impact on the Council are discussed in paragraphs 10 to 16.
10. **Business Rates** - As mentioned in paragraph 7, the Business Rate baseline reset, which was originally planned for 2020, has been delayed again until the next Parliament. The risk of a redistribution of business rates away from the Council still exists, but no assumptions have been included in the five-year forecast. The small Business Rates Multiplier for 2024-25 will remain frozen again at 49.9p, but councils will be compensated for any reduction in income because of this decision. Finally, the Government has committed to reimburse councils for any negative impact on its business rates income arising from the implementation of the 2023 revaluations.
11. **East Sussex Business Rates Pool** - Further to Cabinet's decision on 6 November 2023 to continue its participation in the East Sussex Business Rates pool, DLUHC has written to the Council to approve the arrangement for 2024/25.
12. **Revenue Support Grant** – DLUHC has increased the overall RSG in line with Consumer Price Index inflation, however as explained in paragraph 9, the Council effectively has a negative RSG. Members will note that DLUHC has confirmed, in common with previous years, councils will not be required to pay over negative RSG.
13. **Council Tax setting** – The Council can increase its Council Tax by the higher of 3% or £5. Members could decide to set a higher increase but would need consent via a local referendum. A 3% increase would yield approximately £38k more than an increase of £5. The draft Revenue Budget assumes that the Council will increase Council Tax by the maximum allowed, which is 3% in this case. The Council will need to ensure that it remains within this limit, including any Special Expenses. An estimated increase to about £204.56 (£198.60 2023/24) for an average Band D property is anticipated and this will be

confirmed in phase three of the budgeting process, which will be reported to Cabinet on 5 February 2024. This is subject to agreement by Full Council on 26 February and including growth would generate c£0.368m extra income.

14. **Council Tax (other preceptors only)** – Whilst not directly impacting on the Council, Members may wish to note that the LGFS also included council tax setting flexibilities for precepting authorities. These are outlined below:
  - a. County Councils with social care responsibilities can again set an adult social care precept of up to 2% per year on top of their 3% allowance for general expenditure (so a total of 5%), without a referendum;
  - b. Council Tax referendum principles continue **not** to apply to town and parish councils meaning there are no limits on their increases. However, the Government has indicated that it will review the decisions taken by these authorities when considering referendum principles in future years;
  - c. Fire and Rescue authorities are subject to a 3% referendum principle on Band D bills; and
  - d. Police and Crime Commissioners are subject to a £13 referendum principle on Band D bills.
  
15. **The Council Tax Base** - The 2024/25 base has been calculated at 39,197.50 and shows an increase of 676.70 Band D equivalents since December 2022. The main reasons for the change are as follows:
  - a. an increase of 355.0 in chargeable dwellings;
  - b. a continued post-Covid reduction in the take up of the Council Tax Reduction Scheme, which has increased the base by 82.6;
  - c. an increase in the number of eligible Discounts, which has decreased the base by (6.2); and
  - d. estimated growth and associated discounts, and other minor changes, which have increased the base by 245.3.
  
16. **Other announcements** – In 2022, the Government announced that local authorities would benefit from a significant new funding stream in relation to the ‘Extended Producer Responsibility for packaging’ (pEPR) scheme. Various Government departments, including DLUHC, were to assess the impact of additional pEPR income on the relative needs and resources of individual authorities, with a view to implementing new fees in October 2024. This has now been rescheduled to October 2025. With the details of the new scheme being unknown at this time, no additional income has been factored into these estimates for 2025/26 and future periods.

### **Non-Specific Revenue Grants**

17. As outlined in the table in paragraph 8, the Council will receive several government grants and further information is given in paragraphs 18 to 23.

18. **New Homes Bonus (NHB)** – This grant was paid to encourage councils to develop housing growth in their area. It has, however, been under review for several years but to date there has been no proposed replacement. For 2023/24, the Council was allocated funding of £226k and a further round of payments has been announced as part of the 2024/25 LGFS. The Council's allocation for the next financial year is £136k.
19. **Rural Services Delivery Grant** – This grant remains unchanged at £72k.
20. **CSP Minimum Funding Guarantee** – As per the previous year, in response to the inflationary pressures facing local authorities, DLUHC have continued to repurpose the Lower Tier Services Grant and combined it with NHB legacy payments to form the Minimum Funding Guarantee Grant. The Council's allocation is £778k for 2024/25 (£461k 2023/24).
21. **Services Grant** – The Council's allocation is £15k in 2024/25, which is £81k less than 2023/24.
22. **New Burdens Grants** – From time to time the Council receives funding for the net additional costs of new burdens placed on it by the Government. In 2023/24, the Council will receive an allocation of £32k to implement the requirements of the Elections Act 2022 and an unspecified grant to administer the impact of the Business Rates revaluations, for which £20k was included in the budget. We are still awaiting further details regarding any allocation for 2024/25.
23. **Other grants** – the Benefits Administration, Local Council Tax Support and Homelessness Prevention grants do not form part of the CSP calculation and are still subject to confirmation. This will be reported to Members during phase three of the budget setting process.

## **Review of Cost Pressures**

24. In the MTFs forecast reported to Cabinet on 6 November 2023, Members were advised of several cost pressures that may affect the Council's budget. These have been reviewed as part of the second phase of the budget process and are discussed in paragraphs 25 to 31 below.
25. **Contractual Inflation** – The base budget has been revised upwards by £628k to allow for inflationary increases on service contracts such as waste and cleansing. While inflation continues to drop from the historic Consumer Price Index (CPI) levels of 11.1% seen last October to 3.9% as at November 2023, this is still significantly higher than the 0.4% seen in February 2021. Current projections anticipate the rate of inflation to continue to reduce towards the Bank of England target rate of 2% over the course of the next year.
26. **Homelessness** – Members will be aware of the ongoing pressure around the spiralling costs of temporary accommodation (TA), not only locally but nationally. As reported through the budget monitoring process throughout the year, the 2023/24 budget has seen additional pressure in relation to TA costs of more than £0.5m. This is despite numerous initiatives to help to try and manage the cost of this demand led pressure, including the acquisition of 36 housing units to use for this purpose. We are forecasting that the pressure will continue to grow in 2024/25 so we have included additional budget provision of

£0.8m to help manage this pressure. This will take the TA budget to just under £2m next year, which means it will have tripled over the last four years.

27. **External Audit fees** – Following a national procurement exercise, the external audit costs have increased on average by 151%. We have therefore had to increase the 2024/25 budget by £54k for the main audit fee and a further £18k for the benefits audit.
28. **Net Financing Costs** – As Members will be aware, there is currently a fundamental review of the capital programme being undertaken to ensure that capital schemes remain affordable and continue to deliver the outcomes originally anticipated. The capital programme has experienced significant pressures over the preceding year, key pressures include:
- the negative impact of inflationary pressures on materials and build costs;
  - rental income levels not keeping pace with build costs;
  - significant increases in Public Works Loan Board (PWLB) borrowing rates which are currently around 5% (these were around 2% just two years ago); and
  - availability of contractors to deliver the schemes, reducing competition.
29. Based on the assumption that where schemes do progress, they will at least break even, the forecast net financing costs for 2024/25 are forecast to deliver a net income of just under (£0.2m). This is comprised of investment income of c(£1.3m), borrowing costs (interest) of c£0.6m and MRP (Minimum Revenue Provision) which represents the amounts the Council must set aside to repay the principal debt) of c£0.5m. This is however still under review.
30. Whilst the high interest rates impact negatively on the Council's borrowing requirements, the plus side is that income from treasury investments has increased. The Council's Treasury advisers predict that the Bank rate is likely to peak between 5.50% and 6%.
31. Members should note however, that these estimates continue to be extremely sensitive to changes in interest rates and capital expenditure cash flows. Therefore, the need to review larger and more complex schemes on an individual basis for affordability must remain in place. As these reviews are completed, recommendations will be made to Members regarding future delivery.
32. **Staffing Costs** – The salaries budget has been calculated from first principles and has resulted in an overall cost increase of £0.4m from the revised 2023/24 budget, which is in line with original expectations. The main changes are as follows:

Growth*	£0.3m
Pay award/increments	£0.4m
Regrades 2023/24	£0.1m
Vacancy/turnover savings @c4.5%	(£0.4m)
<b>Total</b>	<b>£0.4m</b>



(\*includes provision for new Monitoring Officer and fixed term posts funded from MTFs reserve, Homelessness Prevention Grant etc)

Discussions have been ongoing for several years regarding whether the Council should join the National Joint Council (NJC) for local government pay, rather than setting the pay award independently which is the current position. A full report will need to be considered regarding the pros and cons of such an approach so that all the risks and opportunities can be fully explored but it is recommended that this review does not take place until the Council is on a more sustainable financial footing and is making contributions back into reserves rather than using reserves to help balance the budget. Based on present forecasts that occurs during the 2026/27 financial year.

33. **Non-Pay inflation** – Due to the current budget pressures, non-contractual inflation has not been added to future years budgets, which will be cash limited.

### Fit for the Future workstream savings

34. As reported within the 2024/25 MTFs, due to the budget pressures being experienced for not only the 2023/24 financial year but also the years following, the Council has had to fundamentally review what services it provides and how they are provided to try and identify savings to help achieve a balanced, sustainable, resilient budget for future years. While the Council has previously attempted to deliver savings under the Financial Stability Programme (FSP), the programme unfortunately has a history of under-delivery, with less than 20% being delivered over the last two years.
35. Given the Council's financial position, it is important that any savings plan delivers for the future, so it is therefore necessary to re-focus and re-prioritise delivery of the savings plan. The medium-term sustainability of the Council's financial position is vital and underpins our new 'Fit for the Future' financial resilience programme. The main workstream areas are summarised below.



36. As part of the production of the MTFs forecasts in November, a detailed budget review took place to identify efficiencies, savings, and additional income to help support frontline services, to balance the budget, and make the Council's future

financial position as resilient as possible. The draft proposals totalled £3.3m, with the efficiencies, income and savings identified coming from several areas as follows:

- Shared services
- Investment income
- Digital transformation and IT
- Various operational savings – travel, subsistence, conferences etc.
- Contract savings from retendered contracts
- Additional income from increased annual demand – car parks, planning etc.
- Increased fees and charges
- Devolution

37. Following more detailed work on the proposals, total savings of £3.1m have now been included within the provisional budget figures and are summarised within the table below. This is slightly lower than the original forecasts by £0.2m.

<b>Savings update as at January 2024</b>	<b>24/25 MTFS</b>	<b>24/25 Draft budget</b>	<b>Variance</b>	<b>%</b>
Operational improvements and efficiencies	(732)	(639)	(93)	87%
Treasury Management Activities	(1,069)	(1,069)	0	100%
Service reconfiguration/efficiencies/fees & charges	(1,539)	(1,441)	(97)	94%
	<b>(3,340)</b>	<b>(3,150)</b>	<b>(190)</b>	<b>94%</b>

38. Of the £3.1m identified, £2.5m has been directly allocated within the relevant budget codes to support the monitoring and delivery of the proposals and to support accountability. The balance of the £0.6m can be seen within the General Fund Summary (Appendix A under the 'Fit for the Future' line) and represents savings from potential shared services and service efficiencies from the Council's digital agenda. Once the detail of these proposals has been developed, these will also be built in directly against the relevant service codes.

### **Usable Revenue Reserves**

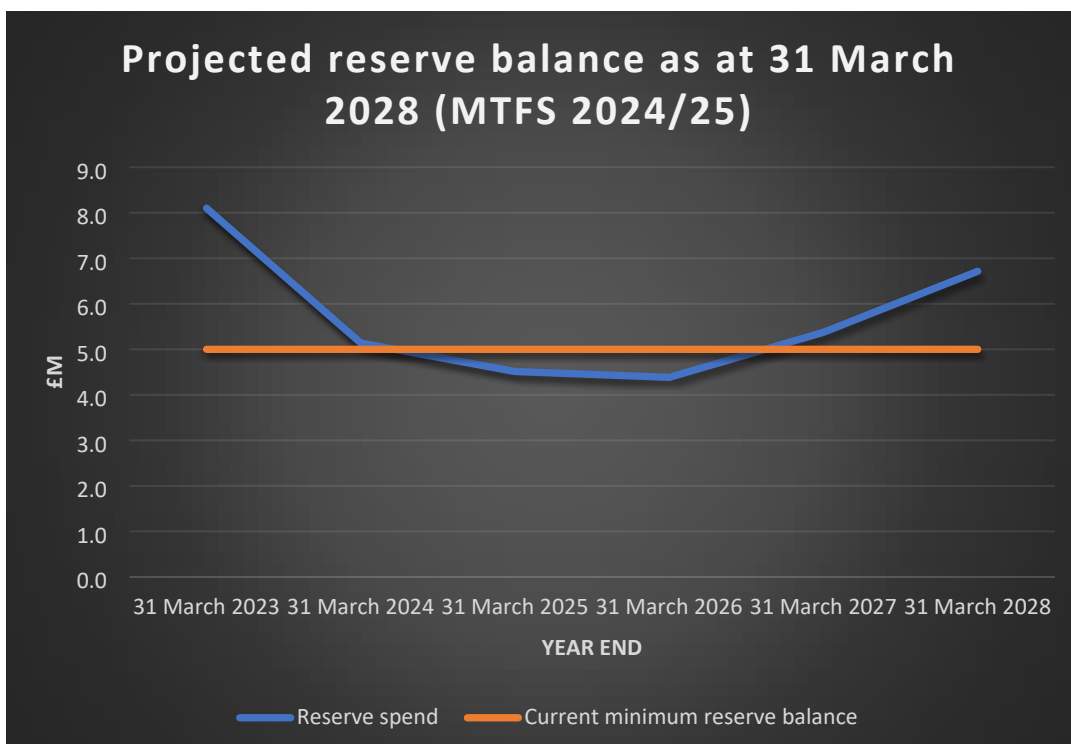
39. The Council held several 'useable' revenue reserves as at 31 March 2023 (£12.8m) which fall within one of the following categories:

- General Reserve (revenue) - £5.0m
- Earmarked Reserves (revenue) - £4.1m
- Ringfenced Reserves (revenue) - £3.7m

40. The *General Reserve* is held for two main purposes:

- to provide a working balance to help cushion the impact of uneven cashflows and avoid temporary borrowing; and
- a contingency to help cushion the impact of unexpected events or emergencies (such as Covid).

41. As part of setting the budget each year the adequacy of all reserves is assessed along with the optimum level of General Reserve that we should hold. The optimum level of the General Reserve considers a risk assessment of the budget and the context within which it has been prepared. The level as set for the 2024/25 financial year is £5m.
42. *Earmarked Reserves* provide a means of building up funds to meet known or predicted liabilities and are typically used to set aside sums for things such as funding one-off restructuring costs. The Council also holds contingency reserves to reduce the impact on Council Tax payers of future uncertain events such as business rate appeals.
43. *Ringfenced Reserves* are reserves where funding is allocated for a specific or technical accounting purpose and can only be spent in line with the purpose of that funding and cannot be used to support wider council expenditure unlike our earmarked reserves. Several specific grants are held within these reserves, such as any balance remaining from Disabled Facilities Grants (DFG's).
44. Use of reserves to balance a budget provides only a short-term solution as the funds can only be used once. They can however be used to smooth the impact of funding gaps over the short to medium term and to allow for planning and implementing projects and work streams that will deliver a longer-term financial benefit through reduced costs and/or additional income, such as those proposed below through the Council's new 'Fit for the Future' programme.
45. As outlined above the balance of usable revenue reserves as of 1 April 2023 stood at £12.8m. However, the balance of the remaining earmarked reserves, which can be used to help balance the budget, equals £3.1m (excluding the £1.0m NNDR volatility reserve).
46. The budgeted use of reserves for the 2023/24 financial year was originally £2.2m including contributions to capital. However, the quarter 2 budget monitoring report was projecting an increase to just under £3.0m due to the significant budget pressures being experienced during the current financial year as reported as part of the budget monitoring process, particularly in relation to demand led pressures such as temporary accommodation costs. If this does not improve before the year end this only leaves a forecast balance as of 1 April 2024 of £0.2m (excluding the NNDR volatility reserve).
47. However, based on the updated forecasts for future years the revised position is as outlined below, with reserves currently forecast to dip down slightly below the current recommended minimum level in 2024/25 and 2025/26 before replenishing reserves from 2026/27 onwards based on the current saving and income projections.



48. The draft Revenue Budget for 2024/25 proposes the use of just over £0.6m (£2.2m originally budgeted for 2023/24) from Usable Revenue Reserves which will reduce Reserves to £4.5m by 31 March 2025. There is a further reserve requirement of 30.1m in 2025/26 before contributions of (£1.0m) in 2026/27 and a further (£1.3m) in 2027/28 which would take reserve levels back up to around £6.7m).
49. The Council does have access to the £1.0m business rates volatility reserve which is a reserve that the Council could reallocate, so this reserve could be reduced to £0.5m with a £0.5m contribution to the 2024/25 budget deficit to maintain the General Fund Reserve level at £5.0m.
50. In their 2021 report '[Lessons from Recent Public Interest Reports](#)', Grant Thornton (GT) discussed financial sustainability of local authority finances. Their view was that 'councils who have, throughout the period of grant reduction, recognised and been committed to maintaining adequate reserves, have not only continued to provide strong services but have also put themselves in a position to ride out the current pandemic storm.'
51. They went on to say that 'maintaining sound reserves is absolutely vital and a key indicator of sound financial governance. It should be at the heart of all medium-term financial plans. In our view, general fund reserves (including earmarked general fund reserves) should be a minimum of 5% of net spending and arguably should be somewhere between 5 and 10%. This level of reserves will provide councils with a vital cushion.'
52. One of their key recommendations was that reserves needed to be at least 5% of net General Fund expenditure flexed upwards to consider the macro-economic and local risks the Council faces.
53. Even if we use the highest 10% level as recommended, based on the current projected Net Cost of Service figures over the next 4 years the minimum reserve levels would be as follows:

<b>GT recommended reserve levels vs current projections</b>	<b>2024/25 Budget</b>	<b>2025/26 Budget</b>	<b>2026/27 Budget</b>	<b>2027/28 Budget</b>
	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>
<b>Net Cost of Services</b>	<b>14,747</b>	<b>14,661</b>	<b>14,105</b>	<b>14,361</b>
10% reserve contingency	(1,475)	(1,466)	(1,410)	(1,436)
Actual reserve levels currently forecast	(4,540)	(4,412)	(5,403)	(6,742)
<b>(Surplus)/deficit</b>	<b>(3,066)</b>	<b>(2,946)</b>	<b>(3,992)</b>	<b>(5,306)</b>

54. As can be seen from the table above, even at the projected lowest levels are reserves are forecast to be around £3m higher than the maximum recommended GT level, increasing to over £5m in by 31 March 2028. It is however the view of the Chief Finance Officer, that the GT recommended levels are not sufficient given the current economic climate, inflationary levels experienced over recent years and ongoing demand led service pressures and that reserves in the region of £4m are more reasonable. This will however be subject to final review and assessment as part of the Council Tax setting report which will include and individual appraisal by the s151 officer on the robustness of the estimates and the recommended reserve levels at that point.
55. Based on the Council's current budget forecasts reserves are currently forecast to be about 31% of the Council's Net Revenue Expenditure by the end of 2024/25 and this is forecast to increase to 47% by the end of 2027/8. Members should also note that in the context of this Council's budget setting process, Reserves means Usable Revenue Reserves.
56. Whilst one of the Council's corporate objectives was to achieve Financial Stability by the end of 2025/26 and so end the revenue budget's reliance on Reserves, the current financial crisis has made this significantly more difficult to achieve. The LGFS does little to alleviate the problem and there is an expectation on the part of Government that councils will use their Reserves to fund revenue expenditure. The Council has limited ability, however, to access useable revenue reserves without falling below the current recommended £5m limit. Implementation of the Fit for the Future programme is therefore fundamental to achieving a balanced medium term position.

## **Capital Programme**

57. As outlined above (see Net Financing Costs), there is currently a fundamental review of the capital programme being undertaken to ensure that capital schemes remain affordable and continue to deliver the outcomes originally anticipated. The Net Financing Costs section outlines some of the challenges that the programme is facing which has led to the need for the review.
58. The capital programme can be found within Appendix D and has been updated for spend to date in the current financial year, along with projected expenditure through until 31 March 2024. Budgets have then been profiled over future years based on these projections. As several of the schemes are currently undergoing review, the budgets have been kept at the same levels while the review work is concluded (rather than any budgets being removed at this stage), and any impacts will be dealt with by separate reports as required.

59. There are no new proposals or capital growth items included within the updated programme, except for any recent Committee decisions regarding capital investment and budget levels, such as the Blackfriars infrastructure scheme increase.
60. The gross capital budget is £202m with £33m having been spent in prior years leaving a balance of £169m to be spent in the current and future financial years, with a forecast of £20m for 2023/24 and the remaining £149m scheduled between 2024/25 and 2028/29. This is however subject to the ongoing capital programme review and business case re-appraisal.
61. Again, as outlined above, the capital financing assumptions/MRP charges assume that where schemes do progress, they will at least break even. There is no new borrowing assumed over and above that already included within the current programme.
62. **Capital consultation** - At the end of December, DLUHC announced two related consultations on options for additional capital flexibilities, and the changes to the MRP regulations and statutory guidance. The main principles of these consultations are as follows:

*Final consultation on changes to MRP regulations and statutory guidance*

This relates to the final consultation on changes to the MRP regulations and statutory guidance. The key principles focus around adequate provision for borrowing through MRP charges and the potential use of capital receipts to offset these charges. [The consultation can be found here](#), and will run until 16 February.

*Additional capital flexibilities*

At the provisional settlement, DLUHC announced that they would engage with local authorities to explore and develop options for additional capital flexibilities. The focus is around two key themes:

- **Supporting invest-to-save activity.** Increasing the flexibilities to use capital receipts and borrowing to finance the costs of transformation and efficiency projects.
- **Local management of budget pressures.** Providing greater flexibilities on the use of capital receipts, including the scope to meet general budget pressures, and potential additional flexibilities where the proceeds relate to the sale of investment properties.

This consultation has now been launched as a call for views, the closing date is 31 January 2024 and [can be found here](#).

63. Option 1 within the ‘additional capital flexibilities’ consultation is considering the potential use of capital receipts to fund general revenue cost pressures, although the focus seems to be around certain pressures, such as TA. There are, however, several caveats to this potential proposal, with a condition that the authority must put in place and commit to delivering an efficiency plan to reduce costs, with a defined payback period on any capitalised spend. The intent is that any use of the flexibility must be part of an overall plan to move

back to financial sustainability within the Medium Term Financial Plan. This would also be subject to the availability of capital receipts.

64. It should however be noted that, as with any consultation, this is all subject to change and as with all proposals the devil will be in the detail once any proposals are finalised. As such and given the deadlines for both the consultation response and the committee schedule for setting the budget and council tax levels for next year, it is very unlikely that the Council will see any benefit from these proposals at this stage. Subject to whatever is finally agreed however, this is something that could be reviewed and considered as part of the 2024/25 budget monitoring process and future year forecasts.
65. Officers are currently reviewing the guidance and will be submitting responses by the required deadlines.

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

66. The Collection Fund will be reviewed during the third phase of the budget process and reported to Cabinet at the 5 February 2024 meeting.

### **Budget Consultation**

67. The budget consultation closed on 17 December 2024, the details of which are contained within Appendix E. The Council has a statutory duty to consult on its annual budget setting and on any substantial change proposed for a service before it makes a decision. In general terms respondents were supportive of the proposals. The key results were as follows:
68. **Who responded** - We had 694 individual responses from residents, visitors and local organisations, business, charities, clubs, and other bodies. In terms of context this is by far the highest level of response the Council has ever had to a budget consultation, so the various engagement methods employed this year (My Alerts, videos, social media, press etc) have obviously been beneficial. The previous year's consultation only received 126 responses, so this year has seen a fivefold increase. On a recent East Sussex County Council budget briefing it was reported that they had received around 2,000 responses for their equivalent consultation. We also received a related petition signed by over 1,800 members of the public. Our thanks go to all who participated.
69. **Council Tax** - Most respondents support to some extent the Council increasing Council Tax to help fund services.
70. **Public Toilets** - Most respondents agreed with the 13 sites selected to remain open. Devonshire Square was the most supported location for re-opening. In addition, there was strong feeling that Pett Level should be open due to the lack of alternatives in the area and its increasing popularity for visitors. In third place is the Mount Street Car Park public toilets in Battle because they are more centrally located and to support tourism. There is a lot of support to keep all public toilets open. If devolving is a solution, then town and parish councils were a popular choice. Some form of local business scheme was a frequent suggestion.
71. **Grounds Maintenance** - The public said that 42% of them would be negatively affected by a cut in grounds maintenance. There were concerns that a

deterioration in appearance would have a negative economic impact especially on tourism, the impact on physical safety and how accessible the sports facilities would be if taken over by a single club.

72. **De La Warr Pavilion Concessionary Grant** - Only 14% of residents would be affected by removing the concessionary grant. There were concerns about a reduction in use by community groups, the effect on those groups in carrying on and what impact having fewer events would have on the viability of the Pavilion and the local economy and tourism.
73. **Fees and Charges** - There is majority agreement, to some extent, in raising some fees and charges.
74. **Priority Services and Functions (Grouped)** - The highest priority was devolving services to retain them, in second place was supporting services for vulnerable people.

### **Council Tax premiums**

75. A large part of the Council Tax legislation is mandatory on all billing authorities within England. Discounts such as single person discounts, disregards and exemptions are set by statute with no discretion allowed. However, there are an increasing number of areas where each council may determine the type and levels of charge to be made.
76. Following the introduction of the Levelling Up and Regeneration Act 2023 (which gained Royal Assent on 26 October 2023), there are opportunities for the Council to consider changes to our approach relating to certain discretionary areas to improve outcomes for residents. Full details of which are contained within Appendix F.
77. The changes provided by the Levelling Up and Regeneration Act 2023 essentially fall into two distinct parts namely:
  - (a) to bring forward the period from two years to one year when an unoccupied and substantially unfurnished dwelling (empty dwelling) can be charged a premium of 100%. All other empty dwelling premiums remains unchanged; and
  - (b) to enable the charging of a 100% premium for any dwellings which are:
    - no one's sole or main residence; and
    - substantially furnished.
78. When determining its policy, each billing authority must decide the level of charge (or discount) by 31 March prior to the financial year in which it wants to introduce the changes.
79. The Council is therefore required to determine the level of any discounts or premiums which will apply in its area and a decision is required to be made by Full Council under Section 11A, 11B and the new S11C of the Local Government Finance Act 1992. Once determined, the resolution of the Council will need to be published in at least one local newspaper(s) within 21 days of the decision.



80. Should the Council be minded to support the proposed changes to empty properties, this could be introduced from April 2024. However, in relation to the second homes premium, Section 11C (3) of the act requires that the first decision to impose this class of premium must be taken at least 12 months before the financial year to which it would apply. This premium would therefore not take effect until the 2025/26 financial year.

## **Outcomes**

81. The expected outcomes of the proposed changes are as follows:
- a) taxpayers will be encouraged, through the changes in discounts and the implementation of the premiums, to bring empty properties into use and to revert the use of second homes to primary residences;
  - b) the reduction of empty homes and second homes within the district in line with the Council's Empty Homes Action Plan; and
  - c) potential increased Council Tax income from empty homes and second homes.

## **Conclusion**

82. The Council's financial outlook has significantly deteriorated over the last two years due to economic uncertainty, the cost-of-living crisis, increasing demand led pressures from areas such as TA and increasing inflation. Its ability to deliver a balanced budget is now even more dependent on strong financial management and the delivery of the Fit for the Future financial resilience programme. Resources may also need to be reorganised to deliver the priorities and objectives of the new emerging Corporate Plan.
83. It is essential, therefore, that the Council maintains a suitable level of Reserves and continues to operate within the approved budget each financial year to prevent further unplanned calls on reserves. Failure to do so will impact on the Council's ability to meet its statutory obligations and will result in Members having to make more difficult decisions around the provision of local services.

## **Implications**

### **Financial Implications**

84. The financial implications are detailed within the body of the report.

### **Legal Implications**

85. The Council is legally required to set a balanced budget each year. The final decisions will be made by full Council on 26 February 2024 when the budget is approved, and the Council Tax is set but at the current stage there are no concerns regarding the Council's ability to balance the 2024/25 budget.

### **Human Resources Implications**

86. There are no Human Resource implications for the proposals within this report.

## Other Implications

87. A detailed risk assessment on the budget has already been undertaken as part of the work on the MTFS and draft budget proposals which went to Cabinet in November 2024, along with a sensitivity analysis. The relevant appendices are 5 and 6 and the report can be accessed [here](#).
88. The external consultation is detailed separately within the body of the report along with the analysis of the results, which is contained within Appendix E.

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

Chief Executive	Lorna Ford
Report Contact Officer:	Duncan Ellis, Deputy Chief Executive and S151 Officer
e-mail address:	Duncan.ellis@rother.gov.uk
Appendices:	Appendix A - Draft Revenue Budget – 2023/24 to 2027/28 Appendix B - Revenue Budget Summary - Cost of Services Appendix C - Main changes in net cost of services between 2023/24 and 2024/25 Appendix D – Updated Capital Programme Appendix E – Summary of consultation responses Appendix F(a) – Council Tax premiums proposals Appendix F(b) – Council Tax empty homes and second homes premiums policy Appendix F(c) - Council Tax premiums equality impact assessment
Relevant Previous Minutes:	None.
Background Papers:	Local Government Settlement 2024/25 (draft December 2023) Medium Term Financial Strategy 2024/25 – 2027/28
Reference Documents:	None.

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

	2023/24 Budget (updated) £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)	2027/28 Budget £ (000)
<b>Departmental Budgets</b>					
Chief Executive	3,000	3,170	3,056	2,935	2,892
Deputy Chief Executive	4,827	4,860	4,852	4,845	4,842
Director Place & Climate Change	8,573	7,495	7,352	7,201	7,147
<b>Total Cost of Services</b>	<b>16,400</b>	<b>15,525</b>	<b>15,261</b>	<b>14,982</b>	<b>14,881</b>
Net Financing Costs	(166)	(166)	430	461	621
Contract and Income Inflation	0	0	(113)	(116)	82
Financial Stability Programme (FSP)	(200)	0	0	0	0
Fit for the Future - savings projections/service pressures	0	(611)	(917)	(1,223)	(1,223)
<b>Net Cost of Services</b>	<b>16,034</b>	<b>14,747</b>	<b>14,661</b>	<b>14,105</b>	<b>14,361</b>
Special Expenses	(751)	0	0	0	0
Business Rates - retained share	(4,699)	(4,709)	(4,851)	(4,996)	(5,146)
Non-Specific Revenue Grants (Government)	(1,157)	(1,394)	(1,337)	(1,371)	(1,406)
Council Tax Requirement (Rother only)	(7,650)	(8,018)	(8,345)	(8,728)	(9,149)
Collection Fund (Surplus)/Deficit	0	0	0	0	0
<b>Total Income</b>	<b>(14,257)</b>	<b>(14,121)</b>	<b>(14,533)</b>	<b>(15,095)</b>	<b>(15,701)</b>
<b>Funding Gap</b>	<b>1,777</b>	<b>626</b>	<b>128</b>	<b>(990)</b>	<b>(1,339)</b>

## Revenue Budget Summary 2024/25 - Cost of Services

<b>Department</b>	<b>2024/25 expenditure £(000)</b>	<b>2024/25 income £(000)</b>	<b>2024/25 net £(000)</b>
<b>Chief Executive</b>	<b>3,349,890</b>	<b>(179,830)</b>	<b>3,170,060</b>
Chief Executive	374,270	0	374,270
Chief Finance Officer (S151)	1,602,160	(10,000)	1,592,160
Democratic Services	678,280	(1,500)	676,780
Human Resources	695,180	(168,330)	526,850
<b>Deputy Chief Executive</b>	<b>24,856,046</b>	<b>(19,996,284)</b>	<b>4,859,762</b>
Corporate Policy & Projects	450,760	(33,945)	416,815
Corporate Programme & Improvement	138,460	0	138,460
Deputy Chief Executive	343,820	0	343,820
Digital & Customer Services	1,883,850	(67,000)	1,816,850
Environmental Services, Licensing & Community Safety	1,093,580	(410,580)	683,000
Internal Audit	162,930		162,930
Revenues & Benefits	20,782,646	(19,484,759)	1,297,887
<b>Director Place and Climate Change</b>	<b>19,523,626</b>	<b>(12,028,663)</b>	<b>7,494,963</b>
Climate Change Strategy	125,360	(6,230)	119,130
Director - Place & Climate Change	119,750		119,750
Housing	5,089,154	(2,608,164)	2,480,990
Neighbourhood Services	9,524,080	(4,709,200)	4,814,880
Planning Development Management	1,723,820	(1,333,500)	390,320
Planning Policy	615,990	(50,000)	565,990
Regeneration	2,325,472	(3,321,569)	(996,097)
<b>Grand Total</b>	<b>47,729,562</b>	<b>(32,204,777)</b>	<b>15,524,785</b>

## Main movements between Cost of Services

	(£000)
Updated Cost of Service - 2023/24	16,400
Draft Cost of Service - 2024/25	15,573
<b>Net increase/(decrease) in Cost of Service</b>	<b><u>(875)</u></b>
Temporary accommodation costs	562
Temporary accommodation purchases - cost recovery	(203)
Housing admin recovery of costs (DFGs)	(140)
Waste contract inflation	152
Planning agency staff for pre-planning app (PPA) support	101
Car park charges	(729)
Grounds maintenance savings	(280)
Garden bin and bulky waste income	(360)
Additional planning income - government changes	(235)
Additional planning income - PPA	(137)
Other miscellaneous changes	394
<b>Total</b>	<b><u>(875)</u></b>

	Total Scheme Budget	Prior year spend	2023/24 Revised Budget	2024/25 Forecast	2025/26 Forecast	2026/27 Forecast	2027/28 Forecast	2028/29 Forecast
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)
<b>Acquisitions, Transformation and Regeneration</b>								
<b>Other Schemes</b>								
Corporate Document Image Processing System	120	33	1	86	0	0	0	0
Rother Transformation ICT Investment	386	269	40	77	0	0	0	0
Community Grants	1,446	636	130	240	110	110	110	110
Development of Town Hall Bexhill	856	856	0	0	0	0	0	0
Rural England Prosperity Fund	604	0	110	494	0	0	0	0
Ravenside Roundabout	200	0	0	200	0	0	0	0
UK Shared Prosperity Fund	253	0	33	220	0	0	0	0
CIL Scheme 1 Village Hall Energy Project	500	17	142	341	0	0	0	0
<b>Property Investment Strategy</b>								
Beeching Road Hotel and Foodstore Development	15,000	396	30	14,574	0	0	0	0
PIS - Beeching Park Estate	435	0	435	0	0	0	0	0
PIS - Beeching Road 18-40 (Creative Workspace)	1,235	1,235	0	0	0	0	0	0
Barnhorn Green GP Surgery and Industrial Development	9,741	1,486	528	7,727	0	0	0	0
<b>Housing Development Schemes</b>								
Community Led Housing Scheme - CHF	327	327	0	0	0	0	0	0
Blackfriars Housing Development - infrastructure only	21,000	6,416	6,148	7,424	759	253	0	0
RDC Housing Company Ltd Investment (RDC loans)	79,923	2,620	2,465	41,535	7,000	0	26,303	0
Development of council owned sites	270	57	4	209	0	0	0	0
King Offa Residential scheme	805	146	213	446	0	0	0	0
Mount View Street Development - Housing	4,535	4,493	42	0	0	0	0	0
Community Led Housing Schemes - Cemetery Lodge	200	0	0	200	0	0	0	0
Camber, Old Lydd Road	395	27	35	333	0	0	0	0

	<b>Total Scheme Budget</b>	<b>Prior year spend</b>	<b>2023/24 Revised Budget</b>	<b>2024/25 Forecast</b>	<b>2025/26 Forecast</b>	<b>2026/27 Forecast</b>	<b>2027/28 Forecast</b>	<b>2028/29 Forecast</b>
	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>
<b>Housing and Community Services</b>								
De La Warr Pavilion - Capital Grant	388	275	59	54	0	0	0	0
Bexhill Leisure Centre - site development	396	318	0	78	0	0	0	0
Fairlight Coastal Protection	291	74	11	131	75	0	0	0
Disabled Facilities Grant	16,229	6,098	1,893	1,738	1,625	1,625	1,625	1,625
Sidley Sports and Recreation	857	857	0	0	0	0	0	0
New bins	1,175	518	157	125	125	125	125	0
Bexhill Promenade - Protective Barriers	48	48	0	0	0	0	0	0
Housing - Temporary Accommodation Purchase	12,476	5,364	5,824	1,288	0	0	0	0
Bexhill Promenade - Shelter 1	59	59	0	0	0	0	0	0
Bexhill Promenade - Outfall pipe	200	9	191	0	0	0	0	0
Bexhill Leisure Centre - refurbishment	200	110	17	73	0	0	0	0
Bexhill Leisure Centre and Rye Swimming Pool - dilapidations	110	0	0	60	50	0	0	0
Micro Woods Community Grants	27		0	27	0	0	0	0
Community Orchards Grants	49		0	49	0	0	0	0
Capital - Sidley House Open Space Improvements - Parks LUF	75	4	71	0	0	0	0	0
Egerton Park CPT	122	0	54	68	0	0	0	0
Camber Sands Welcome Centre	944	0	200	744	0	0	0	0
LTA Tennis Court Refurbishment - Egerton Park	105	0	105	0	0	0	0	0
<b>Strategy &amp; Planning</b>								
Payments to Parishes - CIL	211	40	85	86	0	0	0	0

	<b>Total Scheme Budget</b>	<b>Prior year spend</b>	<b>2023/24 Revised Budget</b>	<b>2024/25 Forecast</b>	<b>2025/26 Forecast</b>	<b>2026/27 Forecast</b>	<b>2027/28 Forecast</b>	<b>2028/29 Forecast</b>
	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>	<b>£ (000)</b>
<b>Resources</b>								
ICT Infrastructure Replacement Programme	137	137	0	0	0	0	0	0
New website development	31	23	8	0	0	0	0	0
Invest To Save initiatives (Financial Stability Prog)	391	45	12	334	0	0	0	0
Planning Software (Invest to Save)	359	0	0	359	0	0	0	0
LUF De La Warr Pavilion Project LUF Grant	24,088	9	759	3,853	12,655	6,812	0	0
Capital - LUF Programme	0	0	0	0	0	0	0	0
LUF Heart of Sidley Programme	3,095	2	242	2,436	415	0	0	0
Battle Train Station	1,000	0	0	0	1,000	0	0	0
Sedlescombe Traffic Calming Measured	74	0	0	0	74	0	0	0
Battle Sports Pavilion	400	0	0	400	0	0	0	0
Air Quality(Pollution) Monitor	29	0	0	29	0	0	0	0
Boiler replacements at admin buildings	95	0	95	0	0	0	0	0
<b>Total Capital Programme</b>	<b>201,892</b>	<b>33,001</b>	<b>20,144</b>	<b>86,038</b>	<b>23,888</b>	<b>8,925</b>	<b>28,163</b>	<b>1,735</b>

**Funded By:**

Capital Receipts	2,100	60	50	0	0	0
Grants and contributions	9,735	8,353	14,523	7,587	1,625	1,625
CIL	227	1,770	1,321	850	0	0
Borrowing	4,614	33,667	884	378	125	0
Capital Expenditure Charged to Revenue	1,003	453	110	110	110	110
Borrowing and Loan for Rother DC Housing Company Ltd Section 106	2,465	41,535	7,000	0	26,303	0
	0	200	0	0	0	0
<b>Total Funding</b>	<b>20,144</b>	<b>86,038</b>	<b>23,888</b>	<b>8,925</b>	<b>28,163</b>	<b>1,735</b>



## 2024 Budget Consultation: Summary Report

### Why the Council Consults on its Budget

89. The Council has a statutory duty to consult on its annual budget setting with local businesses and business groups. In addition, it is long established custom and practice to consult the residents, as payers of Council Tax, and a cross-section of community groups and organisations. In addition, the Council has a statutory duty to consult on any substantial change proposed for a service.

### What the Council was consulting on

90. The Council focussed the consultation on some of the options it wished to consider to help fill a £3.8 million in the 2024/25 budget:
- The proposed rise in Council Tax by the statutory maximum amount allowed by local authorities;
  - Reducing service provision for public toilets, grounds maintenance and cutting the de la Warr Pavilion concessionary grants budget and
  - Increasing fees and charges where the Council has the control to do so.
91. We provided the public with links to various information, such as the Medium Term Financial Strategy 2024/25 to 2027/28, to support the consultation process and this can be found below.

### How We Consulted and Who was invited to Respond

92. We identified that the following groups would be impacted by the proposed budget. Firstly, there is a statutory requirement to consult with local businesses and representatives of the business community. In addition, we identified that we wished to hear from and sent an invitation to take part to:
- Council Tax-payers and residents or visitors using services where changes are proposed;
  - Town and parish councils;
  - Representative voluntary groups, clubs and other organisations that work with people experiencing sickness or disability, using recreation and sporting facilities in our parks and other green spaces, experiencing poverty or deprivation, minority ethnic groups, or having an interest in the environment, conservation and heritage of the area; and
  - Our Rother Local Strategic Partnership membership who includes representatives from the voluntary sector, Sussex Police, local and regional NHS and public health, East Sussex Fire and Rescue, East Sussex County Council, our main local housing association and so on.
93. The opportunity to consult was communicated through social media (Facebook and X, formerly Twitter), through media releases and two articles in the My Alerts emails sent to over 37,800 residents' email addresses. Three video interviews with Councillors were also provided as part of this.
94. An invitation to consult was sent by email to seven business organisations (such as the Chambers of Commerce). Invitations to consult were sent to 47 local voluntary groups, charities and organisations representing the categories

above. We also emailed the 22 members of the Rother Local Strategic Partnership. In addition, we sent a consultation invitation to 18 sports clubs and local organisations that use our parks and recreation grounds, which was sent to 35 committee members, coaches, or other representatives in total.

## **Respondents to the Consultation**

95. We received a range of responses through various contact channels.
96. We received 584 completed online questionnaires from residents with a further 16 completed online questionnaires from members of the public that either visit or work in the district.
97. There were 60 specific responses regarding only public toilets sent through emails, online Contact Us forms, handwritten notes and printed letters that were either posted or handed into council offices.
98. There were eight completed online questionnaires and four emailed responses from local organisations that are in the local charity and voluntary sector or residents' associations. This includes an email from East Sussex County Council's Communities, Economy and Transport department.
99. A further eight responses came from seven local sports clubs by way of our online questionnaire and an email.
100. We had four responses from respondents who said that they represented a business or business organisation, but their businesses were not named.
101. In total, seven parish councils responded to the consultation by email or posted returned questionnaires. A further three respondents said that they were responding for a parish council but did not name their parish council and are probably parish councillors answering as residents.
102. This gives us a total of 694 individual responses.
103. In addition, during the consultation period the Council received petitions in relation to public toilets, signed by 1,857 individuals. We have not recorded how many were residents and how many were visitors.
104. The signed, printed petition sheets are headed as follows:  
  
*'We need Devonshire Square toilet and others to remain open as it's against our Human Rights, for the elderly, people with disabilities and families.'*
105. Most but not all the documents included an additional sentence.  
  
*'Public toilets must be taken seriously by politicians and local councils and be treated as essential infrastructure in local towns.'*

## **Demographic Breakdown of Residents Who Responded**

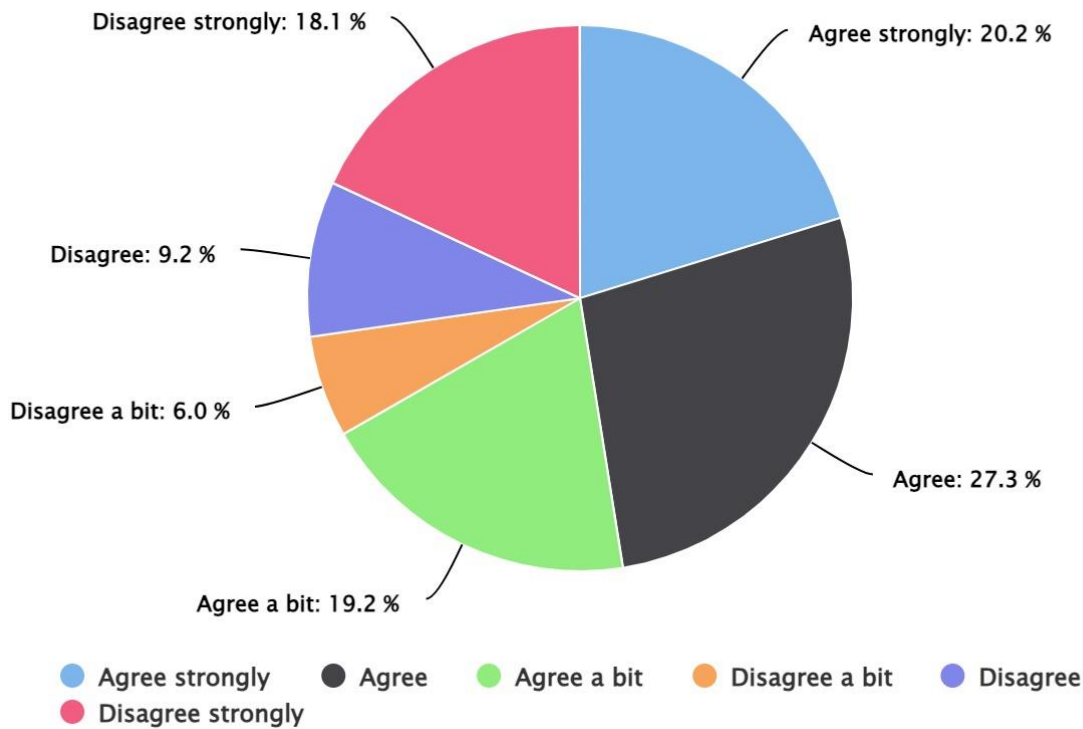
106. The following information was only asked of those using the online survey. We can only extrapolate volunteered information from correspondence.
107. Of the total responses:

- 45% were from Bexhill (47.7% of Rother's population);
  - 8% from Battle (7.5% of Rother's population);
  - 6% of respondents were from Rye (5% of Rother's population);
  - The remaining 41% were residents from rural Rother living in the villages or countryside;
  - In addition, we have identified that 27 of the 60 emails regarding public toilets (only) were from Rother residents. This is based on their supply of an address, a statement that they are a resident of a place in Rother or similar clear indication of residency.
108. We had 46% male respondents, 48% female respondents, 1% trans respondents and 5% preferred not to answer the question.
109. In age groups, only one person was under 18 but this consultation was not targeted at under 18s. We had 3% aged 18 to 34 and this age group was significantly under-represented with not enough people to do any analysis by this age group. However, 22% were aged 35 to 54, 26% were aged 55 to 64 and 45% were aged 65 to 79. We had 4% of respondents over the age of 80 but this is not a large enough sample for analysis by this age group.
110. 70% of respondents were not disabled and 20% were disabled. The remaining 10% respondents did not wish to answer this question.
111. 85% of respondents were White British. A further 3% were another category of White ethnicity. We have 0.3% who were gypsy or travellers. In addition, 1% were from a mixed ethnicity or background, 0.3% were from a Black ethnicity and 0.3% were from an Asian ethnicity. 10.1% prefer not to say their ethnic background. People from non-White ethnicities continue to be a bit under-represented compared to Rother's population.
112. Visitors provided the same information, but the sample is too small for analysis purposes unless we combine residents and visitors' responses together.

## **Results to Key Questions**

### **Raising Council Tax**

113. We asked respondents their views on raising the Council Tax by £5.94 a year for a Band D property. We asked, in the current financial circumstances, if respondents agreed or disagreed it is appropriate to increase Council Tax to help continue to fund services?
114. Members of the public answered with a combined 48% that either agreed or agreed strongly, with a total of 67% agreeing to some extent. So, more than two in every three residents agreed to some extent. The remaining 33% disagreed to some extent with 18% disagreeing strongly.



115. The same question was asked to local organisations, parish councils, etc. Only three parish councils responded to this question, and all agreed, two responses from businesses agreed and two disagreed, seven sports organisations answered this question and six agreed and one disagreed, while seven other organisations answered this question and they all agreed.
116. Bexhill Heritage stated that they ‘reluctantly support the proposed Council Tax increase’.

### Public Toilets

117. The analysis below is based on the Council’s consultation exercise. There is separate consideration of the petition received in respect of public toilets at the end of this appendix.

### Support to Keep Open 13 Sites

118. We asked all respondents which of the 13 sites we had kept open during the trial closure should remain open (until other arrangements were in place) or should close and be replaced by another site. There was strong majority support that all the 13 public toilet sites should remain open from all members of the public.
119. The site with least support is Camber West Car Park (old toilet block), with 29% saying close and replace with another. In addition, 29% said Lucknow Place Car Park (Rye) should close and be replaced with another site. In third place is Bexhill Cemetery, at 27.5% saying they should close.
120. The most supported sites are Camber Central Car Park (90%), Battle Market (89%), Winchelsea Beach (89%) and Rye Station Approach (89%).

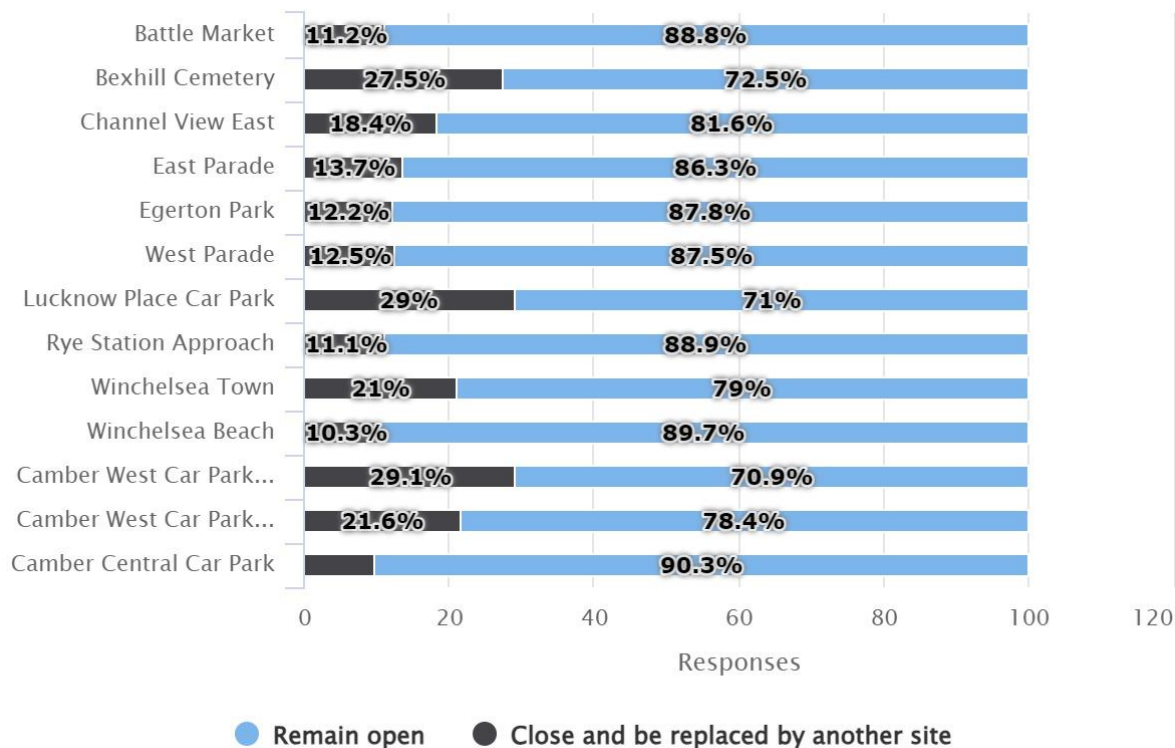


Figure 1 Members of the Public: sites to remain open to close/replace

121. **Bexhill in Bloom** responded that Bexhill Cemetery and Channel View East could be closed and replaced with other sites, the remainder to remain open. Bexhill Old Town Preservation Society answered that East Parade site could be closed and placed with another site.
122. We have emails on behalf of the **Beach Hut Owners Group** for East Parade supporting the continued opening of the East Parade site. The main arguments are:
- Around 80 beach huts pay the Council around £600 a year to approximately totally £50k a year to use their huts all year round;
  - The toilets are crucial for proper use and enjoyment of the huts;
  - Considering what is paid it is wrong of the Council to close the toilets; and
  - East Parade is used by many walkers and cyclists and beach visitors, so toilets are needed all year. It is a busy and vibrant place, used for leisure, pleasure, promoting mental and physical health.
123. **Winchelsea Residents Association** wrote in support of the retention of public toilets in Winchelsea. Their main arguments were:
- It is unfair to ask residents to state the case for local needs and vote negatively for other locations. This should not regress into a numbers game, rather a fair and rational assessment;
  - The town is not large, but it receives thousands of visitors to the heritage area as well as the school and shop and a full programme of events;
  - The centre of the town is on the 1066 walk promoted by the County Council, with new information points;
  - Visitor numbers are increasing;
  - The area attracts a significant number of elderly people and children who reasonably expect toilets to be available;

- f. There are no alternatives other than the current public toilets, the pub toilets are customers only and not suitable for large numbers. Winchelsea is isolated from other public toilets, the closest to the town being 1.5 miles at Winchelsea Beach and a difficult journey; and
- g. Previous experience of temporary closures has results in visitors abusing nearby spaces, near to the recreation ground and path to and from the primary school and the bus shelter. This was a risk to public health.

124. **Bexhill Heritage** said ‘clean, safe, and fully operational public toilets are, understandably, regarded as an entitlement by our visitors and residents alike. Those toilets that the Council suggests should remain open in Bexhill represent a minimum acceptable provision for the town, especially so given Bexhill’s age profile. We note that the Council hopes that the remaining toilet facilities will be maintained to a higher standard than at present. This will be important. We also note that the Council wishes to devolve responsibility for public toilets in Bexhill to the Town Council. It is disappointing that negotiations to affect this transfer of responsibility have seemingly failed to achieve a satisfactory outcome. We urge the Council to redouble its efforts in this matter and seek mediation as necessary. It is urgent and residents are being let down.’

### **Alternative Sites Proposed to Close That Should Be Open**

- 125. We asked if respondents would like to suggest an alternative site instead of, or to be exchanged for, the 13 proposed sites and 103 members of the public had an alternative to suggest.
- 126. Of those using the questionnaire, we had 45 respondents saying that they would like to have Pett Level open, with 19 respondents wanting to keep open Devonshire Square (Bexhill) with 10 respondents suggesting Little Common Roundabout.
- 127. Through other correspondence there are seven responses for all Rother facilities to be open, 45 references to open any closed facilities in Bexhill and four requests to open all facilities in Battle. For specific sites the combined count, without including the general support for all sites or all sites in Bexhill or Battle, is as follows:

Mount Street car park	9
Cooden Sea Road	6
Devonshire Square	34
Little Common Recreation Grnd	0
Little Common Roundabout	11
Manor Barn	12
Norman’s Bay	1
Polegrove Bowling	2
Polegrove Grandstand	4
Sidley Car Park	2
Strand Quay	2
Gun Gardens	4
Pett Level	48
Sedlescombe	4

- 128. In addition, there was the petition to open Devonshire Square and the petition to open all public toilets. Devonshire Square was re-opened by Bexhill Town

Council under temporary arrangements before this report was written. Therefore, arguments in favour of opening Devonshire Square are available on request but are not included in this report.

129. The following represents the main arguments from the public in favour of opening the sites in the trial closure:

130. **Pett Level:**

- a. Remote, no other facilities nearby like shops, cafes, that could be used as an alternative;
- b. Nearest available public toilets at Winchelsea Beach, located between Winchelsea Beach and Hastings Country Park, longer distance than Camber beach where three public toilets will remain open;
- c. Charges at Camber have driven more use of Pett Level beach, acting as overflow to Camber on busy days;
- d. Large volume of people use this site, busy all year, popular hiking route, SSSI, visited by many local school children, large school groups, used by swimmers, used by dog walkers, used by delivery and bus drivers, tradesmen and motorists, residents;
- e. Closure will lead to misuse of other locations;
- f. Risk to women, females, children and disabled;
- g. Nearby beach side café has no toilets;
- h. 5 toilets in Bexhill and 4 in Camber but Pett Level used all year round and no other in vicinity so no logic in closing;
- i. Greater numbers of visitors as now significant tourist destination: ample on-street parking, beach, submerged ancient forest, geological interest, promenade, lifeboat house with events;
- j. During lockdown, with toilet closures, village became polluted, use of bushes, gardens, boats, drives, beach, sea, will be repeated. Health and environmental issues;
- k. Businesses are not always open, won't let non-customers use toilets;
- l. Local businesses will suffer if remove facilities;
- m. Busier than Winchelsea Town, town and beach have other toilet facilities and pub and other commercial places;
- n. Pett Lifeboat constantly asked if visitors can use toilet but operate with shared septic tank and can't provide facility;
- o. New Beach Club is members only and won't allow public to use facilities; and
- p. Discriminating against disabled people not easily mobile. Current disabled facility dirty, disgusting, contaminated.

131. **Manor Barn:**

- a. Only facility in Old Town, no other public facilities in area, better geographical spread of facilities;
- b. Important for people working on their allotments, as otherwise time on site is limited;
- c. I use it. Easier to use. Constantly in use;
- d. Lights are left on even if closed; and
- e. Usually used disabled toilets and many now closed that usually use in Bexhill. Chronic illnesses mean need to use toilets when out and about.

132. **Little Common Roundabout:**

- a. Necessary due to bus stop. Used by bus drivers, who need somewhere to go;
- b. Only option in Little Common. Bexhill has other options, LC does not;
- c. Well used by public. High footfall. Heavy use;
- d. Busy A259. Used by drivers as well as local shoppers;
- e. Older demographic;
- f. Limited options near Little Common; and
- g. Disability with flare-ups out of the blue, thought of being caught out whilst shopping in Little Common just too much to bear, not able to go there since closure.

133. **Mount Street, Battle:**

- a. Not at the far end of town, more central to shops, other toilets too far away for shoppers and tourists;
- b. Tourist town, not feasible to operate with only one public toilet. Tourists expect more facilities. Tourists have taken long journeys;
- c. Well used and better choice than Market Square, better than remote market square toilet;
- d. Pivotal to local community;
- e. Damaging to High Street businesses; and
- f. Causes person with prostate cancer and side-effects resulting in frequent, urgent need, great difficulty and distress, especially after driving 15-20 minutes to Battle and needing toilet when arrive, can't hold on long enough to walk to Market Square.

134. **Cooden Sea Road:**

- a. Only access to toilet for train travellers, no loos in station;
- b. Major beach, near beach, for visitors;
- c. Hotel doesn't allow use of theirs;
- d. Gents not open for over a year, disabled toilet has to be used, pumps outside prevent access to any of loos;
- e. Bike riders, dustmen, postman, tourists all use this more than some of the proposed toilets; and
- f. Many elderly residents rely on these facilities.

135. **Polegrove Grandstand:**

- a. Keep at least one open between the Polegrove and East Parade. Other toilets too far away;
- b. Don't close any of them. Lobby Government for more money;
- c. Hundreds of people walk their dogs each day, people work there; and
- d. Too much vandalism in the park.

136. **Rye Gun Gardens:**

- a. Many people ask about a toilet in St Marys Church and are directed to the Gun Garden.

137. **Sedlescombe:**



- a. Not enough toilets available in villages; and
  - b. Give some thought to taxi drivers out in the country and need this convenience, as does the flex bus that is based in the village.
138. **Polegrove Bowling:**
- a. Covers both ends of the park; and
  - b. Older residents are bowlers, have different needs, only needed in summer.
139. **Sidley Car Park:**
- a. Has no public toilets at all; and
  - b. Many elderly people, residents, rely on these facilities.
140. **Strand Quay:**
- a. Town centre location. Better location than Station Approach;
  - b. For elderly and disabled. Many elderly must wait for bus and need a toilet to use; and
  - c. Current high usage, particularly by elderly and those using Rother car parks at Strand and Gibbets Marsh.
141. **Normans Bay:**
- a. No other seafront public toilets from Pevensey Bay to Bexhill except Normans Bay;
  - b. Increased footfall due to coastal path;
  - c. A lot of day visitors to beach in summer months – families, elderly;
  - d. Health hazard – during Covid, using beach, side of road, in village, using underwear and socks as toilet paper and discarded on beach; and
  - e. Disabled visitors to beach requiring facilities with some urgency.
142. Please note that there were 5 comments about keeping open all the listed public toilets listed for closure. Also, several suggestions to adopt a scheme where businesses have some form of compensation or incentive to provide public toilets.
143. Organisations responded as follows.
144. **Bexhill Old Town Preservation Society** would keep Manor Barn open. Their reasons were: 'It's good if visitors are encouraged to visit the historic Bexhill Old Town area and provision of these toilets is helpful for tourists as well as for those using the remaining few local shops and businesses. The toilets are situated in the Manor Gardens Car Park so adjacent to the Manor Gardens which attract many visitors as well as tourists, some of whom travel to the area by public transport. The toilet at Bexhill Train Station is not open to the general public.'
145. **Strandliners** (local charity or voluntary group) would keep open Pett Level because 'Public toilets near green and blue spaces (parks and beaches) are invaluable to local Rother residents health and wellbeing. Many schools and groups use Pett Level toilets when visiting. Strandliners regularly hold events at Pett Level for adults and young people, RSPCA Mallydams Wood use the toilets for their groups. If there were no toilets at Pett Level there may be less

beach visitors, ensuring health and wellbeing is reduced for Rother residents, or there will be more people caught short and using bushes, trees, rocks etc. It is not a better choice, it is another toilet that should remain open with the others.'

146. **East Sussex County Council's** Project Officer – Bus Service Improvement Plan raised the access to public toilets that are needed by bus drivers. 'An issue that has arisen is the reduced (indeed closed) toilet facilities available to bus drivers. Unlike train drivers they do not have one on-board. It is something people don't tend to think of. They can of course use depots, but with extended routes and more early morning and evening services will not always be close to one. Such access impacts their health and well-being which of course has a knock-on impact on bus services. A key means of tackling climate change is to reduce vehicle numbers and emissions and one bus can take 70 cars off the road. We appreciate that budgetary pressures has led to closures of lavatory facilities. What we were wondering is if they would be scope for drivers to access facilities using radar keys? If an additional lock is added for security, we could look at how we manage those keys for drivers as well.'
147. A committee member of **Sidley Martlets Bowls Club** would open Polegrove Bowling public toilets because there are 'already 2 sites available on Bexhill sea front and this alternative would be for those using the Polegrove.'
148. **Fairlight Parish Council** asked for Pett Level toilets to be open. Their reasons were:
- a. Whilst some public toilets particularly those in the towns may be closed without leaving members of the public without access to toilets due to commercial outlets or public venues in the vicinity, this is not the case in rural areas. In Pett Level for instance, there are no public houses or cafes within easy walking distance. The nearest public house or eating establishment is a walk of 1 mile with an ascent of 169 feet. There is a café (Eater's at Pett) at Pett Level which has only one porta-loo and this is not available for non-customers;
  - b. Many Fairlight residents enjoy the walk from the village to Pett Level either to be able to have a picnic on the beach or have a cup of tea as provided by Pett Church free of charge at all times or an ice cream from the ice cream van in good weather, or enjoy the other attractions of Pett Level including the Lifeboat station with events such as fetes, the submerged forest, many fossils on the beach and the Military Canal;
  - c. This area is also part of the coastal path and there are many footpaths for people who wish to come to the area, to enjoy the beach and the scenery. Some of these have travelled a moderate distance, and the area is populated by many retired people. There, can be considerable crowds in the summer, with overflow from Camber meaning Pett Level is now "discovered";
  - d. This closure is marked as a trial, but there is no evidence of how the trial will be evaluated. This could be by monitoring the number of people who are forced by their bodies to seek a secluded spot to relieve themselves, or by an increase in unsavoury smells coming from some areas of the beach and land around. We knew during covid when the lavatory was shut what it was like – and that is bad; and
  - e. Fairlight Parish Council urges you to recognise that an area such as Pett Level which is popular all year round especially of sunny winter days needs public toilets more than an urban area where alternative toilets are available.

The toilets at Pett Level are an essential local resource which Rother needs to continue to fund to maintain the amenity of the area.

149. **Salehurst and Robertsbridge Parish Council** already have a long-term lease for the car park and toilets. They had some specific comments on public toilets in rural villages. 'We specifically object the closure of public toilets as a cost-saving measure which wholly disregards the wishes and needs of the local population. In Salehurst & Robertsbridge, the village car park and toilets are leased on a long-term basis from RDC and we agree that this arrangement should be replicated wherever possible, with a one-off financial incentive where appropriate and affordable. We regard the longstanding argument about the freehold of toilet blocks to be irrelevant under these circumstances.'

### **Other Organisations or Venues Better Placed to Provide Public Toilets**

150. We asked respondents which other organisations or venues they thought would be better placed to provide public toilets in their area, given that Rother District Council cannot provide them. The responses from the public were:

- RDC should provide all, should not close any, best choice to provide, etc
- Don't need public toilets anyway – already other venues
- Town councils and parish councils
- Portakabin company
- Libraries
- Heart of Sidley
- Restaurants, cafes, pubs, e.g. Wetherspoons
- Sports clubs – football, cricket, bowls, depending on location.
- Supermarkets
- Private company
- East Sussex County Council
- A charity
- Local businesses (unspecified)
- de la Warr Pavilion
- Places of worship
- Old Town Preservation Society
- Town Hall, other council buildings
- Rye Partnership
- National Trust, English Heritage
- Transport providers
- Shopping precincts and centres
- Multiple suggestions related to charging for the service as an alternative to closure

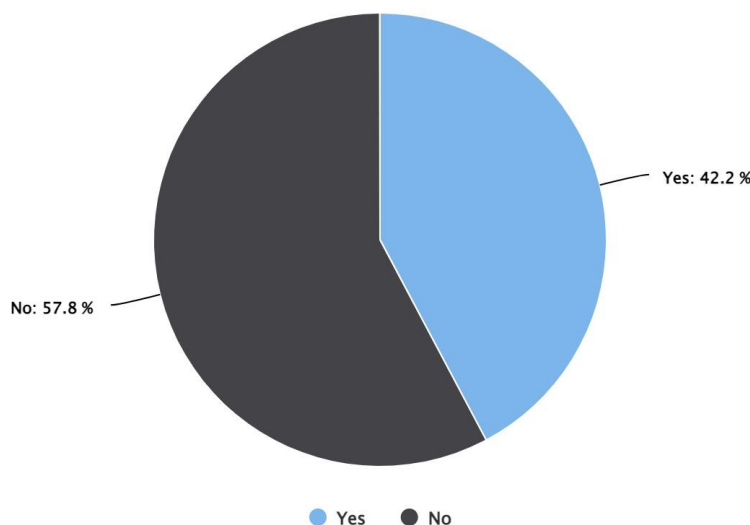
151. There were four local organisations that named town or parish councils, two of the sports clubs mentioned a town council, one sports club thought no one else would want to provide the facilities and one sports club said it remained the responsibility of RDC. Bexhill Athletic Football Club already have the key to the facility at Sidley Recreation Group and are happy to keep these open during events on site and close them when they leave. However, this was a short term arrangement until the takeover of the pavilion and toilets by Heart of Sidley.

152. **Battle Town Council** said Battle Town Council is currently considering devolvment and is awaiting further information from Rother District Council to allow this discussion for decision.
153. **Rye Town Council** said that they were best placed to provide public toilets in Rye.
154. **Icklesham Parish Council** replied that Icklesham Parish Council are keen to take on responsibility for both the toilets in Winchelsea Town and Winchelsea Beach and have been in discussions with Rother regarding this for some time. As RDC are aware, both buildings are in a terrible state of repair and the Parish Council are currently taking steps to ensure that this is a viable option for the Parish Council.
155. **Crowhurst Parish Council** replied that they did not know of any other organisation that can afford to keep them open other than RDC.

## Other Savings Proposals

### Grounds Maintenance Contract Reductions

156. We asked respondents if they would be negatively impacted by reductions to the grounds maintenance contract. For the general public, 42% said that they would be affected. However, 58% said they wouldn't be affected.



*Figure 2 Public responses, affected by changes to grounds maintenance*

157. Here are some key points made about impact:
- Living next to public space hugely overgrown;
  - Reduces ability to play sports at reasonable cost, reducing number of people who can play. Higher subscriptions on members. Falling player numbers. Affordability for those on low incomes and young people;
  - Contractor must be taking advantage so should bring back in-house;
  - Mental health benefits diminished;
  - Using play parks for children, unable to use due to grass;
  - Already getting shabby or unkempt, unattractive reduction in aesthetics, Seafront gardens overrun with rats in recent years probably cost for removal

- nearly as much as maintenance, general decline, more downward spiral, scruffy town;
- g. Attractiveness to visitors impacts local economy/businesses/shops, business failure leads to empty shops, job losses;
  - h. Pride, negative attitude;
  - i. Difficult to walk when disabled;
  - j. Blocks view of roads, verges overgrown has impact on drivers and safety;
  - k. Fewer activities for young people could lead to more vandalism and ASB;
  - l. Parks and open spaces valuable for many living in flats or no outdoor space;
  - m. Loss of safety in using pitches;
  - n. Have to use volunteers to maintain pitches/greens, parks;
  - o. Could destroy clubs under pressure to find money;
  - p. Increase in hay-fever allergies;
  - q. Increase in dog fouling;
  - r. Tarmac over verges instead, no cutting, no blocked drains; and
  - s. Discourages use of parks, greens, community spaces, restricts access.
158. **Bexhill Old Town Preservation Society** replied that ‘there are three historic sites in Bexhill Old Town which would be detrimentally affected: Manor Gardens, Barrack Hall Park and Barrack Road Memorial Gardens. The Manor Gardens, with their Grade II listed Manor House "ruins" are beautifully kept by the current contractor and this is often remarked upon by visitors. The Gardens have been inspected and played their part in the South and South East in Bloom Competition where Bexhill has won gold twice. They have many regular visitors and can be used as a backdrop for events when hired from Rother District Council. Barrack Hall Park is an historic area which formed part of the large camp of the King's German Legion on their arrival from Hanover in the early 19th century. Some years ago Bexhill Old Town Preservation Society gave a large sum of money to Rother District Council so that the Park could be redesigned and to ensure a moratorium on building development on the site for 125 years. Barrack Hall Park has also been listed in "Fields in Trust". The Barrack Road Memorial Gardens were a cemetery, the resting place of troops of the King's German Legion and some local people. There is a new commemoration board in the Gardens, recently installed by the Bexhill Hanoverian Study Group and part funded by Bexhill Old Town Preservation Society.’
159. **Bexhill in Bloom** said that their ‘volunteers would have to work harder to maintain certain areas in Central Bexhill. We need more volunteers, but people, especially older people are looking for work. Bexhill Town Council should take on some responsibility. Maybe cheaper to employ your own gardeners, as Hastings have done. That way you have direct control and dedicated area support.’
160. **Rother Ramblers** replied that ‘the excellent work carried out by the grounds maintenance teams enhances the areas making it more attractive for residents and visitors. It encourages and supports wildlife and its habitats. Some of the areas are peaceful and help with mental health and wellbeing.’
161. **Winchelsea Residents Association** said there would be a loss ‘of proper facilities especially for school children’.
162. **Bexhill Heritage**, as part of their response, expressed that they are ‘concerned about reductions in expenditure for the maintenance of parks and open spaces

and for the facilities they contain. Such a policy will inevitably erode civic pride and is likely also lead to an increase in vandalism as people might be tempted to take the view that 'nobody seems to care so why should we?' Egerton Park is justifiably popular with everyone. Allowing it to 'run down' will be a very significant blow, especially to children and families. Actively seek to identify and secure alternative sources of funding to support the delivery of some of these services? We strongly recommend that the Council applies a more gradual tapering to the proposed 'public realm' budget reduction while, at the same time, making even more strenuous efforts to persuade local organisations and groups to take further responsibility for parks, open spaces and leisure buildings. Bexhill Heritage is willing to hold discussions with the Council to this end. We are confident that other local organisations would also be prepared to step forward. We also urge the Council to identify and secure alternative sources of funding. Again, talks with the Town Council should be high on the agenda.'

163. All the sports organisations that responded agreed that they would be affected by changes to grounds maintenance. Their comments are as follows:
164. **Sidley Martlets Bowls** club facilities are enjoyed by c70 bowling members and by a further c1,000 bowlers each year from around the district, local towns and villages and touring teams. As well as a form of gentle exercise and some competitive activities, bowls is recognised as a great way of reducing social isolation. The annual cost of maintaining a bowls green is relatively expensive at about £11,000pa.' 'XXX. It might be better for clubs to take over the maintenance as long as some provision is made for low-income families to be able to still use the facilities.'
165. We are **Bexhill Athletic Football club**. We currently provide football training and competitive matches for around 110 people, aged between 14 - 55 years of age. The benefits of physical activity on mental and physical health is unquestionable, however we provide a preventative service to many vulnerable children, promoting fair play and sport education. The planned changes will adversely affect our club, as without the pitches being maintained we would not have facilities to provide the activities that we do. We have submitted a proposal to RDC and Heart of Sidley - confirming our willingness to take on the maintenance of the football pitch - common practice amongst many grass roots clubs in the UK and a precedent which has been set by sports clubs such as Rye Rugby Club, We do not see why or what interest the Heart of Sidley would have in running this facility or taking control of the management of the pitches, when our club is the primary user of the pitch. We propose that, alongside the maintenance of the pitch, we would control all of the bookings - ensuring the we make space for community events which we are aware take place several times per year and events which the Heart of Sidley would wish to add throughout the year.
166. The **Little Common Ramblers Cricket Club** replied that 'finding equipment and volunteers will be onerous financially. This could destroy many cricket clubs.'
167. I am a member of **Little Common Cricket Club** - it would mean that we have to take on the grounds ourselves, we are fortunate in that we have volunteers passionate about putting time in to improve the club. However, we currently

don't have the equipment or storage facilities required to be able to do this, this would come at some cost to us which makes things very difficult.

168. **Bexhill United Ladies FC** will be impacted catastrophically by the devolution of facilities to Bexhill United FC/Little Common FC without safeguarded provision for equal access to facilities. XXX. The Council were able to enable booking. If fair, affordable and equal access is not mandated as part of the devolution, women and girl's football will be adversely impacted in Rother either through having no access to facilities or potentially being priced out. As a stand-alone, self-funded Women's and Girls Club (the only one in East Sussex, let alone Rother) we focus on increasing and maintaining participation, with a not-for-profit approach. This is only possible if facilities are available. Whilst men's clubs can make provisions for girls/women, there are countless examples where women's/girls football is the first section to be cut depending on committee personnel or club funds. Football is fun, improves self-esteem, creates new friendships– and like all sport, it plays a key role in combating obesity, particularly in teenagers. It also positively impacts mental health. It is imperative we are able to continue to offer participation opportunities. Including Bexhill United LFC in the devolution arrangements will likely unlock funding. There are other grassroots men's clubs who will face the same issues Bexhill United Ladies FC will if they are also not afforded the opportunity to be involved in the devolution.
169. The town and parish councils answered as follows:
170. **Battle Town Council** will be adversely affected by the number of complaints received. Also by loss of amenity at children's play area due to long grass, litter and hidden debris.
171. Now that RDC has no presence in the town, **Rye Town Council** is often the first port of call for complaints about services provided by other bodies - frequently RDC or ESCC. A reduction in the standard of grounds maintenance is likely to result in the Town Hall staff spending more time responding to complaints. The service reduction proposed will have an adverse impact on the appearance of the public realm, reducing residents sense of 'pride of place' and might deter visitors from returning to the town - affecting negatively the local economy.
172. Not applicable: all of the green spaces within **Icklesham Parish** are managed by the Parish Council.
173. **Salehurst and Robertsbridge Parish Council** replied that the council 'believe that grounds maintenance can be devolved to parish and town councils where appropriate but only if the responsibilities and costs are fully explained and calculated. Local councils should have the right to refuse to take on these responsibilities if they feel they will not be financially viable.'

#### **De La Warr Pavilion Concessionary Fund**

174. We asked respondents if they would be negatively impacted by removing the de la Warr Pavilion's concessionary fund. This is a grant fund given to local community groups to help them afford to rent the Pavilion for their events. The public said that 14% of them would be impacted.

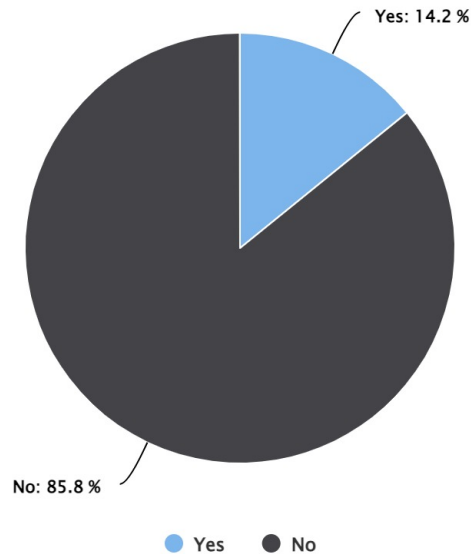


Figure 3 Public Response on Negative Impact if Removed DLWP Concessionary Fund

175. At this point, some respondents misunderstood the meaning of the word concession and thought it was related to concessionary ticket prices, but these two issues are unrelated and therefore those comments are not included. Comments on the impact or removal of the fund were:

- a. Needed, otherwise the space becomes an elite space, which is wrong. Essential the building is used by all the community and as often as possible. A landmark site which all should be able to access and use;
- b. If decision jeopardises the Pavilion, it would be a disaster for Bexhill as jewel in crown. Combined with other cuts would contribute to spiral of dereliction;
- c. Worry the DLWP will be open less often;
- d. Reduced events would result in fewer visitors. Less people paying for parking and using local shops, reduction in income;
- e. Local groups should be encouraged to be part of the success of DLWP and have reasonably priced access to such an iconic facility, because DLWP is a huge local asset and contributor of thriving restaurants and cafes. Key area for Bexhill tourism;
- f. This is a prestige building and should be maintained, maintain it as considerable people attend the events. Worried building fabric might suffer;
- g. Reduces the range of events available in the area. Certain events like summer sing and productions by amateur groups would not be put on, leaving both casts and audiences without a focus. Loss of local art group displays. Losing much loved activities. Stops local community groups providing free or low cost events, workshops, etc. to anyone from the District. DLWP probably won't have much to offer;
- h. Fewer reasons to visit and buy coffee, cake, gifts;
- i. Unfair question – many people in Rother will not be impacted by this but the people who will be should have a strong voice;
- j. Ask all groups this will affect before removing;
- k. Would raise ticket and other prices. Will be too expensive for many local residents;
- l. Heritage is important;
- m. Relatively small amount of funding is a lifeline to local groups and provides financial support to iconic building;



- n. Community groups could not afford to use the theatre. Narrows the groups entitled to use DLWP. Some worthwhile community groups would fold. Community groups need a hand up to feel their sense of worth and support in what they do, it's only £12k but is appreciated by such groups;
- o. As an active member of BAW we have two exhibitions a year in The Studio of the DLWP. The most recent in the foulest weather on 4 November attracted approaching 300 visitors during the day. As the only viable seafront venue this is vital; there is no hall available in the town centre and we rely on 'passing trade' for visitors;
- p. Bexfest very beneficial to Bexhill, over 10,000 people of all ages visit the town from 2021. Rising cost of hire of DLWP has made hiring the venue unattainable. Without these events, or help with costs, events will struggle, and the tourism will become obsolete. We need to keep supporting local events and festivals within the area;
- q. No impact as not the only venue in Rother and long way from many people's homes, limited in what it can offer, not people friendly, seems to be cashless, phone isn't answered, received a lot of government money in any case;
- r. Why should local and young up and coming talent not get a chance to perform in a wonderful venue. They are our future. For each child on stage will be bring family, neighbours, friends to see them, each person spending and increasing profits for everyone; and
- s. Less chance to see local artists perform.

176. **Battle Town Council** said that Battle residents may be affected by this.

### **Increasing Fees and Charges**

177. We asked respondents how much they agree or disagree that the Council should put up some fees and charges to help fund services. The public responded that 41% either agreed or strongly agreed and a total of 68% agreed to some extent.

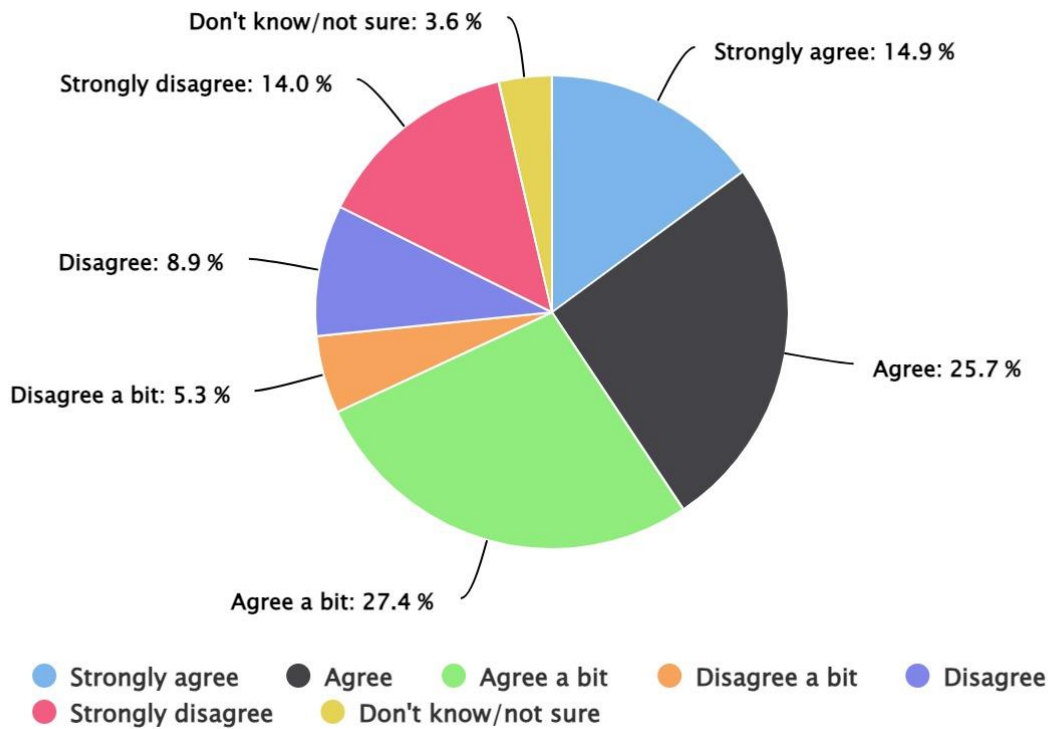


Figure 4 Public on Putting Up Fees and Charges in line with inflation

178. Responding organisations that gave a view on this question all agreed to some extent to raising fees and charges with two exceptions. Bexhill and Rother Homeless Unity Group disagreed and one response from an unnamed business disagreed.

### Priority Services and Functions

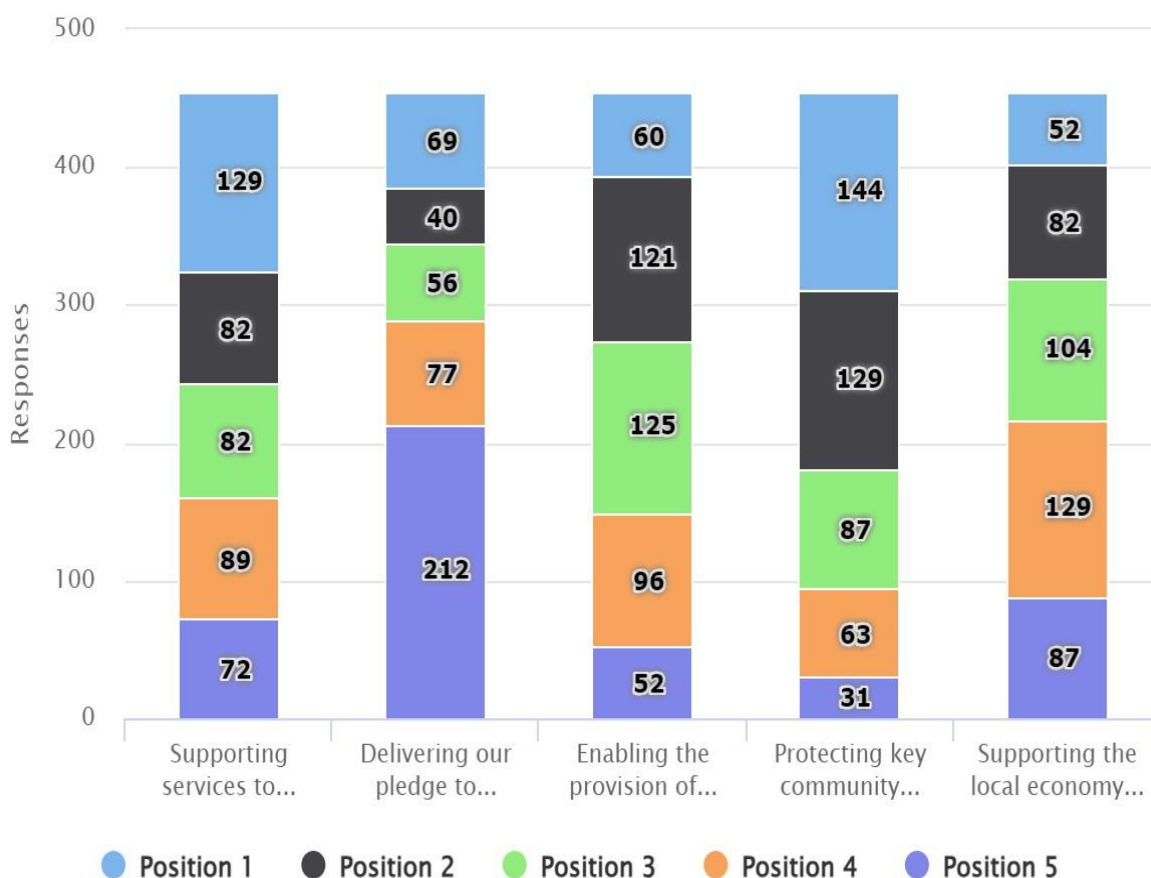
179. We asked respondents to put five groups of services and functions into priority order. They were asked to place them in order from 1 (top priority) down to 5 (lowest priority). These were as follows:

- Delivering our pledge to become a carbon neutral organisation by 2030 (this involves improving energy efficiency of buildings, investing in renewable energy and more sustainable ways of running our vehicles);
- Protecting key community facilities and services by devolving them to parish/town councils or sports/community organisations (this includes public conveniences and maintaining parks, gardens and sports pitches to current standards);
- Enabling the provision of leisure facilities and working with partners to improve health and wellbeing outcomes (including sports centres);
- Supporting the local economy (through support for cultural and heritage facilities, tourism, and regeneration projects); and
- Supporting services to vulnerable people (such as funding to the community voluntary sector to provide advice and support to those struggling with the cost of living).

180. Members of the public clearly placed as a top priority the functions of protecting key community facilities and services by devolving them to parish/town councils

or sports/community organisations, with 32% selecting this as their top priority and a further 28% saying that this was their second priority.

- 181. The second priority was supporting services to vulnerable people, funding voluntary sector to provide advice and support to those struggling with the cost of living. Here 28% of respondents selected this as their first priority and a further 18% selected it as their second priority.
- 182. The third priority was enabling the provision of leisure facilities and working with partners to improve health and wellbeing outcomes (including sports centres). Although only 13% had this as their top priority, it is balanced by 27% having it as their second priority. In addition, 28% had it as their third priority.
- 183. The fourth priority was supporting the local economy through support for cultural and heritage facilities, tourism and regeneration projects. Only 12% of the public had this as their first priority and 18% had it as their second priority. A further 23% selected it as a third priority and 28% selected it as their fourth priority.
- 184. For 47% the lowest priority was delivering a carbon neutral organisation by 2030, energy efficiency of buildings, renewable energy, and more sustainable ways of running vehicles. A further 17% selected it at position 4.



- 185. Responding organisations rated the following as their top two priorities:
- 186. **Bexhill and Rother Homeless Unity Group** – selected supporting services to vulnerable people as their top priority and enabling the provision of leisure facilities as their second priority.

187. **Bexhill in Bloom** selected supporting services to vulnerable people as their top priority and devolving services to other organisations as their second priority.
188. **Rother Voluntary Action** selected supporting services to vulnerable people as their first priority and becoming a carbon neutral organisation as their second priority.
189. **Strandliners** selected becoming a carbon neutral organisation as their first priority and devolving services to other organisations as their second priority.
190. **Friends of Ancient Monuments and Museum** selected supporting services to vulnerable people as their first priority and devolving services as their second priority.
191. **Rother Ramblers** selected devolving services as their first priority and enabling the provision of leisure facilities as their second priority.
192. **Winchelsea Residents Association** selected supporting services to vulnerable residents as their first priority and devolving services as their second priority.
193. Two sports club representatives selected supporting the provision of leisure facilities as their first priority. Three sports club representatives selected supporting services to vulnerable people as their first priority. Three sports club representative selected devolving services as their first priority.
194. Two of the businesses (unnamed) selected supporting the local economy and one selected supporting services to vulnerable people as their first priority.
195. **Battle Town Council** selected delivering a carbon neutral organisation as the first priority and supporting services to vulnerable people as the second priority.
196. **Rye Town Council** selected supporting services to vulnerable people as the first priority and enabling the provision of leisure facilities as the second priority.
197. **Crowhurst Parish Council** – selected delivering a carbon neutral organisation as the first priority and supporting services to vulnerable people as the second priority.

### **Other Issues to Consider**

198. Finally, we asked respondents if they had anything else that the Councillors should take into account before finalising the budget. This is a summary of the key points. Anything already covered in previous questions is not included. Any matter already addressed in our covering information for this consultation and any references to services and functions that are not in the control of the district council are not included.
199. The public said to take into account:
  - a. The pressures on the poorest and lower paid, large elderly and vulnerable population. Needs of older people;

- b. Reducing outreach office hours impacts residents technologically excluded and financially excluded;
- c. As the de la Warr Pavilion has just received a very large grant it should not receive any other funding or grants from the district or town council. The shortfall of £500,000 could be addressed by cutting the annual grant to the DLWP;
- d. The council needs to address empty homes, purchase them, charge more council tax. Buy homes to house homelessness. More affordable housing. Go back to owning council houses;
- e. Bring grounds maintenance and other services in-house, employ directly, sell their services commercially, Ashford Borough Council and Aspire Landscaping, invest to save. More entrepreneurial, alternative solutions;
- f. Reduce staff absences, staff sickness, invest in Planning Team, reduce staffing, stop remote or home working, answer the phone;
- g. Remove, get rid of Bexhill Town Council – costing more Council Tax, their remit was to take responsibility for some services and have yet to see what they are doing;
- h. Fees and charges, proportionate increase is okay but then shouldn't need to go cashless to save money. Put prices up;
- i. Consider the increases in planning fees;
- j. More partnership working with charities, parish councils, share services and management with other local councils;
- k. Lobby the government to increase funding to local councils;
- l. Don't be too aware of cost of living. 10.1% increase in pensions for 2023/24. May be increase in pensions of 8.5% for 2024/25 unless there is a move to stop the triple lock;
- m. More enforcement on caravan sites;
- n. Consider the rural communities as they also have elderly, disabled, vulnerable people. Spread budget around Rother;
- o. Do more consultation with local people on their opinions, on what they want;
- p. Give more opportunities to local trades/traders;
- q. Bring in more investors to the area;
- r. Provide more information about funding and cuts to back office systems as has to have an effect;
- s. Public sector workers have had below inflationary wage increases. Raising charges is going to impact;
- t. Offering assistance doesn't help those just about managing when it is getting harder each year. Don't forget the middle people, keeping their heads above water but not enough for treats and luxuries;
- u. Review contracts, re-tender contracts, make sure most cost effective, inspect contracts up to standard;
- v. Make more use of volunteers, recruit volunteers;
- w. Have more beach huts. Even on the promenade for seasonal renting.

200. A full list of comments will be made available to Council Members.

201. **Rother Voluntary Actions** added that 'where possible all effort should be taken to reduce the impacts of cuts on Rother's 3rd sector and VCE organisations and the infrastructure that supports them. Many are seeing increasing demand for their services due the Cost-of-Living Crisis (COL) as this is impacting heavily on VCSE organisations and they are supporting high numbers of vulnerable residents by delivering basic need services such as support for food poverty, mental health, families in crisis, debt advice, domestic violence, addiction, and dependency.'

202. **Rye Town Council** added ensuring that applications for external funding will, if successful, result in benefits spread across the whole of the Rother District (and not predominantly Bexhill).
203. **Salehurst and Robertsbridge Parish Council** were not specifically replying to this question. However, they had additional comments in their written response about what they would like the Council to take into account that would fit here. 'We acknowledge the considerable financial pressures being felt by RDC and note the proposals being put forward to ensure its continued solvency. We believe that if drastic measures are not taken immediately, RDC is likely to be effectively insolvent during calendar year 2024. We feel strongly that rural villages and communities should not bear the brunt of cuts being made to services. There is a widespread perception that RDC is very focused on Bexhill, as the largest populated area in the region and the one with the most electoral seats.' 'We deplore any attempts to bring party politics into the argument and District and Local Council levels. This is unhelpful and we call upon all our representatives to work together in a spirit of harmony to resolve these difficulties. Any decisions taken should be with a finite timescale for detailed review after a specific period has passed. Any alterations to services (including closures) should be regarded as temporary rather than permanent, with a view to reinstating them in less straitened times. Rightly or wrongly, people judge the performance of their local councils by what they see and not what may happen behind the scenes. Salehurst and Robertsbridge parish lies within a designated Area of Outstanding Natural Beauty, which is a major tourist attraction in its own right. We want visitors, as well as residents, to enjoy their time here and to have the facilities which they require. It is incumbent on all levels of local government to work together constructively to ensure these are maintained in rural as well as urban areas.'

## **Conclusion**

204. We would like to thank all respondents who took the trouble to take part in this consultation. The subjects were complex and contentious, and many people had to take quite a lot of time to consider all the material and their own responses.
205. We note that although we have overall support for many measures that the Council wishes to take there are many respondents concerned about the cumulative longer-term impacts on the district.

**The following is an extract from our website used to support the budget consultation process:**

## **2024/25 Budget Consultation – Financial Challenges Ahead**

**The ongoing difficult financial climate continues to put council budgets under severe pressure.**

**Inflation, increases in the cost of providing local services such as waste and**

housing, coupled with over a decade of reductions in central Government funding means that we now face a £3.8 million budget shortfall for 2024/25.

Councils in England face a funding gap of over £4 billion over the next two years and you can read more about the [Local Government Associations 'Save local services' campaign](#).

Our Lead Cllr for Housing, Ruairi McCourt, explains the budget situation in the following video.

[NOTE: We also had a video from the Leader of the Council, Cllr Doug Oliver during the first weeks of the consultation.]

## What services do we provide?

The chart below shows how the Council spends its money on the services we provide, with the gross expenditure budget for 2023/24 being £44.1m.

A large chunk of our £44 million budget is spent on our waste and recycling contract, but we also provide other local services such as support for the homeless, environmental health, leisure facilities, public toilets, street cleaning, dealing with littering, car parks and open spaces, council tax and housing benefit, and local planning applications.

These are all vital services that help support people and our economy across the district, but they all cost money to run, and we will have less money to run them.

## Proposed savings and efficiencies

We need to address our £3.8m budget gap. We are aiming to make savings over the coming years from our new Fit for the Future programme, which we should generate savings of £3.3m next year. This still however leaves us having to use £0.5m from reserves to balance the budget.

If we are not able to identify efficiency savings, extra income, or budget reductions, we will have no choice but to use more of the Council's reserves, which are rapidly reducing.

Service reductions will be a last resort, and we'll protect our resident's priorities by making efficiency savings and increasing our income wherever we can.

The survey contains questions regarding proposals for the closure of certain toilets across the district; a list of those facilities which will be impacted can be found on our [Public toilets to close on a trial basis over the winter months](#) webpage.

Similarly, there are proposals around changes to the grounds maintenance contract; however, it should be noted that many open spaces, especially those outside Bexhill, fall under the remit of the town and parish council's and will not be affected by these proposals. You can view the [list of potentially affected sites \(pdf\)](#).

## Income Increases

The current draft budget proposes increases in fees and charges where these are under the Council's control.

Our proposals help us stick to the priorities that residents, businesses, and our partners have helped us set, while helping to address the budget gap we are facing.

## Capital programme

The Council's capital programme shows what we intend to spend on purchasing new assets and improving existing ones over the next five years. Over the period of our Medium-Term Financial Strategy we plan to invest more than £150m, funded by a mix of grants, capital receipts, reserves and borrowing.

## How you can help – give your views

How do you think the Council should manage this budget challenge? You can give your views during our budget consultation from Tuesday 7 November until Sunday 17 December. You can do that online or by post (just email or phone for a paper questionnaire to be posted to your address).

We'll collate all the views we receive and report them to our main council meetings early next year. All views given will help us to decide on the best way forward – so your help will be greatly appreciated.

### Complete Survey

A print-ready copy of the Budget Consultation survey is available to download using the button below. When complete, you should post this to *Budget Consultation, Rother District Council, Town Hall, Bexhill-on-Sea, TN39 3JX*.

### Print-ready Survey (docx)

Large print and other versions of the printed questionnaire are available on request by emailing [consultations@rother.gov.uk](mailto:consultations@rother.gov.uk). Please indicate the version you require, the consultation you are enquiring about, and your postal address.

## Next steps

Over the coming months, the Council will be working on its budget for the forthcoming financial year (2024/25). We will be holding key council meetings and consulting residents, businesses, and stakeholders. At each major step in the process, we'll update you with the current news on our website and across our social media channels to keep you informed of the latest developments.

## Any further questions?

Our Budget FAQ's webpage may answer any questions you have. For more information, please see the FAQ's at the bottom of this webpage.



## Want to delve deeper into the details?

Read the full report – [Medium Term Financial Strategy 2024/25 to 2027/28 \(pages 3 to 46\)](#)

- Appendix 1: Medium Term Financial Strategy (MTFS) – General Fund Summary Forecasts (page 47)
- Appendix 2: Savings Summary (page 48)
- Appendix 3: Capital Programme (page 49)
- Appendix 4: Fees and Charges (pages 50 to 74)
- Appendix 5: Risk Assessment (pages 75 to 77)
- Appendix 6: Sensitivity and Scenario Planning (pages 78 to 80)
- Appendix 7: Extract from the Overview and Scrutiny meeting of 16 October 2023 (pages 81 to 84)

## Contact Us

Email submissions and responses should be sent to [consultations@rother.gov.uk](mailto:consultations@rother.gov.uk).

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## Frequently Asked Questions from Those Answering the Consultations

### Q1: Why is the council in such a poor financial position?

**A1:** The local government sector has seen funding increases of around 33% over the last 8 years. However, central government has focussed a significant proportion of this increase on areas such as adult and children’s social care, which are not areas that the Council has responsibility for. Our funding increase has only been based on a 2.5% increase over the same period and represents a real term cut which, when coupled with high inflation, and increasing costs of providing services, means we face one of the most challenging financial situations for many years.

### Q2: Why don't you just use reserves to plug the gap?

**A2:** In the past, we have used our reserves to help fill gaps in our budget. However, whilst this does help in the short term, the strategy is not sustainable – once reserves are spent, they are gone. If savings are not delivered and reserves continue to be used, they will fall below our recommended minimum level of £5m.

### Q2: Are you going to cut services?

**A2:** The reality of the situation we face means that we will have to change the way we deliver some services, and we may have to reduce the level of others. Budget pressures including rising costs, inflation, and years of reductions in central government funding means that we face a scenario of trying to provide the same level of service with far less money.

### Q3: What services are going to be affected by cuts?

**A3:** The Council has a legal duty to provide certain services, such as waste collection and the payment of benefits, which are often described as statutory services. There are then also a range of services which the Council can choose to deliver or not, these are called non-statutory or discretionary services, and include things such as the provision of public conveniences, cultural activities and sport and leisure facilities. Unfortunately, when reductions have to be made it is often the discretionary service areas which have to be reduced first as the statutory services are protected.

No decisions have been made, and any proposals will be worked up and subject to public scrutiny over the coming weeks and months before we finally set our budget for 2024/25 at our budget meeting in February next year.

**Q4: Does this mean you're going to increase council tax and charges?**

**A4:** We recognise that residents and businesses are struggling with the current cost-of-living crisis, so any future council tax increases, or raises in charging for services like garden waste for instance, will have to be very carefully considered before any decision is made.

**Q5: How is Council Tax divided up?**

**A5:** Although we collect your council tax, it is split between us, East Sussex County Council, the Sussex Police Crime Commissioner, the East Sussex Fire and Rescue Service and the town and parish councils. Less than nine pence in every £1 pound you pay in council tax goes towards Rother District Council services. An average household pays just 54 pence per day for all the services that Rother District Council provides.

**Q6: How much is Rother District Council's part of the Council Tax?**

**A6:** Currently, our element of the Council Tax is £198.60 which equates to £3.82 a week or £16.55 a month for Rother District Council services. A 2.99 per cent increase would add just over 11 pence per week to a Band D property, meaning that homes in Band D would pay less than 55 pence per day for over 60 services which the Council provides.

**Q7: Why can't you use the different government grants such as Levelling Up money, or Capital Programme funding to fill the void?**

**A7:** We've been extremely successful in gaining government grants for several exciting local projects, including the Levelling Up fund for the De La Warr Pavilion and Heart of Sidley initiatives, and Shared Prosperity Funding for various projects across the district. But these are ring-fenced grants that can only be used for these projects – we are not allowed to take any of the funding to use to offset budget shortfalls. We also have an ambitious Capital Programme designed to improve facilities and boost communities, but we are not allowed to use capital resources to help plug budget gaps.

**Q8: Why don't you just cut back-office management and staff costs?**

**A8:** To provide the services that the district needs, we need the right level of staff to help us. We are constantly looking to see if we can save money, reduce central costs and at the same time protect front line services. We'll continue with this strategy as we work to balance the books.

**Q9: Why don't you save money by sharing services with other councils?**

**A9:** Sharing services is already being used by the Council – for example we already share some services with Wealden District Council, and we've also proposed that some of our services are taken over by local town and parish councils. If we believe we can provide a high-quality level of service for local people at reduced costs by sharing that service, then of course we will look at that very seriously.

**Q10: Why does RDC insist on Bexhill Town Council being subject to the terms of a lease if taking over the running and maintenance of public toilets in Bexhill?**

**A10:** Assets owned by Rother District Council are generally subject to legal requirements when being operated to deliver a public service to residents.

When another body or a third party takes over the responsibility for the asset and for the delivery of the service, these legal obligations must be passed over to the third party to ensure they are upheld.

It is standard practise to agree a legal document called a licence or lease. This document makes sure that both parties are clear on their responsibilities and what is required from the service, both legally and in the running of the facility. Whether a licence or a lease is more appropriate will depend on each individual situation.

Both parties to the licence or lease agree the terms and length of period. The licence or lease will include names of the parties, obligations to hold insurance, pay utilities, health and safety aspects, start date and end date of responsibilities, details of the nature of the service, to name but a few.

The purpose is to protect all parties, especially the users of the asset or service, in the long term.

You might be interested in the minutes of the Bexhill Town Council meeting on 6 December when it discussed the recommendations of their Asset Transfer Committee. You can view the [Asset Transfer Committee minutes](#) on the Bexhill Town Council website.

**Further information on petitions received by the Council**

206. The Council received a printed document in the same bundle of papers for the manually signed petition sheets. That print out included a list of names. The printout was not labelled. We have assumed that this document was part of the petition for Devonshire Square public toilets.

207. We are aware there was an online petition on public toilets generated through the change.org website. We have not received any electronic petition material from this petition or anything identified as 'signatures' from this site unless that was the print-out referred to above.
208. Change.org provides a free petition generating and recording tool to help the public easily create and share an online petition.
209. However, the online petition has completely different wording and does not use the sentences at the head of the printed petition. What it has in common is referring to Rother, public toilets and human rights.
210. The covering or heading text (below) does not refer to any specific public toilet site.
211. It does have a photograph of a sign or notice. A member of the public familiar with Bexhill might be able to identify it as a notice, with map, placed on the Devonshire Square public toilets.
212. The online petition had the following text:

'Reopen Rother District Council Public Toilets for Human Rights'

[Photograph of sign with text: 'We apologize for any inconvenience. Rother District Council's closest alternative public toilets can be found at Channel View East, Egerton Park and West Parade, shown on the map below.' Map shows 'You are here' label on the location of Devonshire Square toilets (unnamed).]

'Why this petition matters  
Started by [name available]

As a local resident of East Sussex, I am deeply concerned about the closure of public toilets by the Rother District Council. This decision has had a significant impact on our community, particularly affecting the elderly, families and people with a wide range of disabilities who rely on these facilities. It is not just an issue of convenience but one that touches upon basic human rights and dignity.

Public toilets are more than just amenities; they are essential for maintaining public health and hygiene. According to Age UK, over 50% of older people have underlying health conditions that necessitate frequent use of toilet facilities when out in public (source: Age UK). Furthermore, around 13.9 million people in the UK have a disability (source: Family Resources Survey), many of whom may require accessible toilet facilities when away from home.

The closure has put undue stress on these vulnerable groups in our society and infringes upon their right to participate fully in community life. We believe this action by the council is short-sighted and fails to take into account the needs and rights of all residents.

We call upon Rother District Council to reconsider its decision and reopen public toilets across East Sussex immediately. Your signature can help restore this essential service for those who need it most - sign today!

## Council Tax premium proposals

213. As outlined within the main report above, following recent changes to government legislation the opportunity has arisen for the Council to consider changes to two areas which fall under the council tax legislation as follows:

- (a) To bring forward the period from two years to one year when an unoccupied and substantially unfurnished dwelling (empty dwelling) can be charged a premium of 100%. All other empty dwelling premiums remains unchanged and;
- (b) To enable the charging of a 100% premium for any dwellings which are:
  - no one's sole or main residence; and
  - substantially furnished.

## Outcomes

214. The expected outcomes of the recommendations are as follows:

- a) taxpayers will be encouraged, through the changes in discounts and the implementation of the premiums, to bring empty properties into use and to revert the use of second homes to primary residences;
- b) the reduction of empty homes and second homes within the district in line with the Council's Empty Homes Action Plan; and
- c) potential increased Council Tax income from empty homes and second homes.

## The current situation

215. Currently, the Council has adopted the following level of discounts and premiums:

	Current policy
Second Homes No one's sole or main residence and which is substantially furnished 28-day planning restriction <sup>1</sup> (Class A)	0% discount
Second Homes No one's sole or main residence and which is substantially furnished No planning restriction <sup>2</sup> (Class B)	0% discount

<sup>1</sup> **restricted** by a planning condition preventing occupancy for a continuous period of at least 28 days

<sup>2</sup> the occupation of which is **not restricted** by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year

	Current policy
Class C (Unoccupied dwelling with is substantially unfurnished)	0% discount
Class D structural repairs (Unoccupied and substantially unfurnished) (Maximum 12 months)	0% discount
Premium - Dwellings which are unoccupied and substantially unfurnished (Empty dwellings premium) After 2 years up to 5 years of becoming empty	100% premium
Premium - Dwellings which are unoccupied and substantially unfurnished (Empty dwellings Premium) Dwellings empty between 5 years and up to 10 years	200% premium
Premium - Dwellings which are unoccupied and substantially unfurnished (Empty dwellings Premium) Dwellings empty for 10 years or more	300% premium

216. Until the legislation changed in 2013, mandatory exemptions would have been granted in place of Class C and Class D discounts giving a period of no charge for six months and twelve months respectively. Since that time, the Council, along with most other billing authorities, has removed the 'discount' available.
217. The Council charges a 100% Council Tax on empty dwellings as well as second homes.
218. Premiums were also introduced by the Government in 2013 with a view to encouraging homeowners to occupy homes and not leave them vacant in the long term. Initially premiums could only be charged at 50% but legislation was subsequently changed to allow a progressive charge to be made as follows:
- dwellings left unoccupied and substantially unfurnished for 2 years or more, up to 100%;
  - dwellings left unoccupied and substantially unfurnished for 5 years or more, up to 200%; and
  - dwellings left unoccupied and substantially unfurnished for 10 years or more, up to 300%.
219. The Council has adopted the maximum level of premium and it should be noted that premiums are charged in addition to the 100% Council Tax payable on empty premises.
220. Unfortunately, Government, together with local authorities, have still seen a rise in the number empty dwellings together with a growth in second homes. Inconsistencies in the legislation have also been identified, whereby a premium can be avoided by the taxpayer merely furnishing an empty premises, when it would become a 'second home' which currently has a maximum charge of 100%.

221. Sections within the Levelling Up and Regeneration Act 2023 have been introduced to try to address the inconsistencies and to bring more dwellings into use.

### **Changes to empty dwelling premiums (From 1 April 2024)**

222. Section 79 of the Act permits billing authorities in England to impose an empty dwellings premium after one year instead of two.
223. Section 79 (1) (a) provides that billing authorities must have regard to any guidance issued by the Secretary of State when deciding whether to implement an empty dwelling premium and it is expected that the current guidance drafted by Government in 2013 will be updated. Government is also expected to introduce regulations that will allow for some exemptions. This change will come into effect from the 2024/25 financial year.
224. In addition, Section 79 (2) of the Act provides that from 1 April 2024, a property can be charged an empty dwellings premium at 100% after one year, even if it became empty before 1 April 2024.

### **Introduction of premiums for second homes (From 1 April 2025)**

225. At present, English billing authorities may only impose an empty dwellings premium on properties that are 'unoccupied and substantially unfurnished'. This term is defined via case law, not in legislation. However, it does not cover dwellings that are no one's sole or main residence but are furnished. An empty dwellings premium could therefore not be imposed on properties that are maintained as second homes for regular use by their owners.
226. Section 80 Levelling Up and Regeneration Act 2023 inserts a new section 11C into the Local Government Finance Act 1992. This will permit billing authorities to apply a premium to properties that have no resident and are "substantially furnished". The maximum Council Tax charge in these cases would be a standard 100% charge plus, if the recommendations are accepted by Council, a premium of 100% making a total Council Tax charge of 200%.
227. There would be no requirement for a property to have been used as a second home for a fixed period before the premium can apply.
228. Section 11C (3) of the act requires that the first decision to impose this class of premium must be taken at least 12 months before the financial year to which it would apply. In effect this means that premiums of this kind will not take effect until the 2025/26 financial year at the earliest. However, it is essential that a decision is made by Council before 31<sup>st</sup> March 2024 to give the required one-year notice.
229. The Act provides that a dwelling cannot be subject to both a second homes premium and an empty dwellings premium imposed under section 11B of the 1992 Act, and that an existing empty dwellings premium would cease to apply to a property which became subject to a second homes premium.

## Exceptions from the premiums (empty homes premiums and second homes premium)

230. For information, Government issued a consultation paper entitled; Consultation on proposals to exempt categories of dwellings from the council tax premiums in England. The consultation (which has now ended), sought views on possible categories of dwellings which should be dealt with as exceptions to the Council Tax premiums.
231. The consultation proposes that there will be circumstances where premiums will either not apply or be deferred for a defined period. These are as follows:
- **Properties undergoing probate** - the Government proposes that these properties should be exceptions to both the second homes and empty homes premiums for twelve months. The exception would start once probate or letters of administration is granted. This does not affect the Class F exemption (**unoccupied property where the person who would normally pay the Council Tax has died**) or the ability for billing authorities to charge the normal rate of Council Tax following the expiry of the Class F exemption.
  - **Properties that are being actively marketed for sale or rent** - the Government proposes that this exception would apply for up to a maximum of six months from the date that active marketing commenced, or until the property has been sold or rented, whichever is the sooner. It will be essential that the Council will need to determine in its policy, what evidence will be required to support any exception.
  - **Empty properties undergoing major repairs** - time limited to six months - the Government proposes that empty properties undergoing major repair works or structural alternations should be an exception to the premium for up to six months once the exception has been applied or when the work has been completed, whichever is sooner. The exception could be applied at any time after the property has been empty for at least twelve months, so long as the Council is satisfied that the necessary repair work is being undertaken.
  - **Annexes forming part of, or being treated as, part of the main dwelling** - the Government proposes that such annexes should be an exception to the Council Tax premium on second homes.
  - **Job related dwellings** - currently, there is a Council Tax discount of up to 50% for properties which are unoccupied because the owner is required to live elsewhere for employment purposes. The discount applies where the dwelling is provided for the better performance of the duties of the employment, and it is the kind of employment where it is customary for employers to provide dwellings for employees. The Government proposes that the dwelling should also be an exception to the second homes premium. The exception will not apply to cases where someone chooses to have an additional property to be closer to work while having a family home elsewhere or where an individual is posted to a new location but maintain their previous address.



- **Occupied caravan pitches and houseboat moorings** - the Government proposes that these caravans and boats should be an exception to the Council Tax premium on second homes.
- **Seasonal homes where year-round or permanent occupation is prohibited or has been specified for use as holiday accommodation or prevents occupancy as a person's sole or main residence** - the Government proposes that properties that have restrictions or conditions preventing occupancy for a continuous period of at least 28 days in any 12-month period, or specifies its use as a holiday let, or prevents occupancy as a person's sole or main residence, should be an exception to the second homes premium.

232. It is understood that regulations or guidance (which must be followed in accordance with the Levelling Up and Regeneration Act) will be in line with the Government's proposals. In view of this, a draft Empty Homes and Second Homes Premium Policy has been produced and is detailed within Appendix f(b).

### **Safety net**

233. There may be circumstances, where the implementation of the proposed changes may cause exceptional hardship to a taxpayer. In such cases, the Council will consider applications for a reduction in liability under its Section 13A (1)(C) of the Local Government Finance Act 1992 - Reduction in Council Tax liability policy.

234. Where such an application is received, it will be considered on an individual case basis taking into account the circumstances of the taxpayer and the situation regarding the level of Council Tax charged. Should the taxpayer be aggrieved by any decision of the Council, a further right of appeal will be with the independent Valuation Tribunal.

235. The award of any S13A(1)(C) (reduction in liability) is a general fund expense and would normally be met in full by the Council. However, since the additional funds from the changes in discounts and premiums proposed in this report are shared with major preceptors, it is proposed that the cost of any award is met from the Collection Fund.

236. It is recommended therefore that the Deputy Chief Executive is authorised to agree with the major preceptors the funding of any award under S13A(1)(C) (reduction in liability) from the Collection Fund.

### **Consultation**

237. There is no statutory requirement to consult on any matters contained within this report. However, the expected outcomes of the recommendations are in line with the Councils Empty Homes Action Plan that was consulted upon in 2020.

## Financial Implications

238. Based on the Council Tax Base (October 2023 CTB1) the authority has the following number of dwellings subject to an empty dwelling premium bringing in additional Council Tax income in the region of £360k.

The premium authority charges for dwellings that have been empty for between two and five years as of 2 October 2023.

Percentage Premium	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
100	17	7	28	4	6	2	4	0	68

The premium authority charges for dwellings that have been empty for between five and ten years as of 2 October 2023.

Percentage Premium	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
200	9	3	6	0	1	1	1	0	21

The premium authority charges for dwellings that have been empty for over ten years as of 2 October 2023.

Percentage Premium	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
300	9	4	1	3	0	0	0	0	17

239. Based on current data the estimate of the number of dwellings that could become subject to an empty dwelling premium after being unoccupied and substantially unfurnished for one year is as follows.

Percentage Premium	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
100	65	45	52	41	21	8	7	1	240

240. The proposed changes to the long-term empty premium are anticipated to initially generate approximately £0.53m in additional Council Tax income. However, this is expected to reduce as more properties are brought back into use.

- East Sussex County Council (75.5%) £0.40m
- Rother District Council (8.9%) £0.05m
- Police (10.7%) £0.06m
- Fire (4.6%) £0.02m

**Total £0.53m**

241. Based on the Council Tax Base (October 2023 CTB1) the authority has the following second homes which could be subject to a second homes premium, subject to any exemption.

Percentage Discount	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
0	170	188	213	257	151	83	80	12	1,154

242. We do not currently know how any exceptions will impact these figures or indeed the impact that any changes made by property owners will have (disposal of second homes etc) but assuming 500 properties were covered by the proposed premium this would generate approximately £1.1m per annum based on current values, split as follows.

- East Sussex County Council (75.5%) £0.83m
- Rother District Council (8.9%) £0.10m
- Police (10.7%) £0.12m
- Fire (4.6%) £0.05m

**Total £1.10m**

### Legal Implications

243. The legislation that covers this report and the recommendations made is as follows:

- S11A & S11B of the Local Government Finance Act 1992;
- S11C of the Local Government Finance Act 1992 (as introduced by the Levelling Up and Regeneration Act 2023); and
- Sections 80 & 81 of the Levelling Up and Regeneration Act 2023.

244. A resolution must be passed by full Council on or before the 31 March 2024 in order for the changes to be implemented with effect from 1 April 2024. In the case of second homes premium, a resolution made on or before 31 March 2024 will allow the premium to come into force from 1 April 2025 (its earliest commencement date).

245. Where the recommendations are accepted, and a resolution made by Full Council, the decision needs to be published in at least one local newspaper.

246. Due to the changes in the legislation, the Council will be required by statute to be mindful of any guidance issued by the Secretary of State or regulations laid.

### Equalities Implications

247. There are no anticipated impacts on protected groups with this report. The proposals do, however, include the potential generating of positive outcomes for local people who are struggling to secure sustainable accommodation in the district, as more accommodation should become available. An equality impact assessment (EqIA) has been completed and can be found within Appendix F.

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# **Empty Homes and Second Homes Premium Policy 2024-25**

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## 1. Introduction and background

- 1.1 The following policy outlines the Council's approach to the levying of empty homes premium and second homes premiums.
- 1.2 Premiums were also introduced by government from 1 April 2013 with a view to encouraging homeowners to occupy homes and not leave them vacant in the long term.
- 1.3 The legislation which introduced premiums is S11B of the Local Government Finance Act 1992 (inserted by the Local Government Finance Act 2012). Premiums could only be charged on long-term empty dwellings. An empty dwelling is one which is 'unoccupied' and 'substantially unfurnished'. The definition of long-term is where the dwelling has been empty for a continuous period of at least 2 years.
- 1.4 Initially the maximum level of premium was set by government at 50% of the amount of Council Tax chargeable. Each Council could determine the level of premium up to the maximum and this is charged in addition to the amount determined by the Council as payable for an empty dwelling<sup>1</sup>
- 1.5 Certain classes of dwellings cannot be charged a premium namely:
  - a dwelling which would be the sole or main residence of a person but which is empty while that person resides in accommodation provided by the Ministry of Defence by reason of their employment i.e., service personnel posted away from home<sup>2</sup>; or
  - dwellings which form annexes in a property which are being used as part of the main residence or dwelling in that property<sup>3</sup>.
- 1.6 In 2018 the Rating of Property in Common Occupation and Council Tax (Empty Dwellings) Act allowed authorities to increase the level of premiums on empty dwellings with effect from 1 April 2019 as follows;
  - Dwellings left unoccupied and substantially unfurnished for 2 years or more, - from 1 April 2019 a premium can be levied up to 100%;
  - Dwellings left unoccupied and substantially unfurnished for 5 years or more, - from 1 April 2020 a premium can be levied up to 200%; and
  - Dwellings left unoccupied and substantially unfurnished for 10 years or more, - from 1 April 2021 a premium can be levied up to 300%.
- 1.7 It should be noted that premiums are charged in addition to the 100% Council Tax payable on empty premises.

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<sup>1</sup> Under the Council Tax (Prescribed Classes of Dwelling)(England) Regulations 2003 and amended by the Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes C & D.

<sup>2</sup> Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes E

<sup>3</sup> Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes F

- 1.8 Government, together with local authorities (including the Council) has unfortunately seen a rise in the number of empty homes together with a growth in second homes.
- 1.9 Inconsistencies in the legislation have also been identified whereby a premium can be avoided by the taxpayer merely furnishing an empty premises, when it would become a 'second home' which currently has a maximum charge of 100% with no premium.
- 1.10 In order to address these inconsistencies, and also to bring more dwellings into use, government has introduced sections within the Levelling Up and Regeneration Act 2023 (the Act).
- 1.11 This policy details the Council's approach in the charging of premiums as allowed within the new legislation.
- 1.12 The continued pressure on local authority finances (both the Council and the Major Preceptors) together with the need to encourage all owners of domestic premises to bring them back into use, makes it essential that the Council changes its approach to empty homes. The new legislation for second home premiums will encourage the use of dwellings as primary residences.

## **2. Empty homes premiums (From 1 April 2024)**

- 2.1 Section 79 (1) (b) of the Levelling Up and Regeneration Act 2023 permits the Council to impose an empty homes premium after one year instead of two years. Section 80 of the Act provides that from 1 April 2024, a property can be charged an empty homes premium at 100% after one year, even if it became empty before 1 April 2024.
- 2.2 The Council has resolved to implement the change with effect from 1 April 2024
- 2.3 The legislation requires the Council to be mindful of any guidance or further regulation in relation to the implementation of the premiums and this is detailed in Section 4 of this policy.

## **3. Introduction of premiums for second homes (From 1 April 2025)**

- 3.1 The definition of a second home for Council Tax purposes is a dwelling which has "no one resident" but is "substantially furnished".
- 3.2 Section 80 (2) of the Act inserts a new section 11C into the Local Government Finance Act 1992. This permits the Council to apply a premium on second homes. The maximum Council Tax charge in these cases would be a standard 100% charge plus a premium of 100% making a total Council Tax charge of 200%.



- 3.3 Unlike empty dwellings, there is no requirement for a property to have been used as a second home for a fixed period of time before the premium can apply.
- 3.4 As with other changes introduced by the Act, section 11C (3) requires that the first decision to impose this class of premium must be taken at least 12 months before the financial year to which it would apply. In effect this means that premiums for second homes will not take effect until the 2025-26 financial year at the earliest.
- 3.5 The Council has resolved to charge second home premiums and has given the required notice.
- 3.6 The Act provides that a dwelling cannot be subject to both a second homes premium and an empty homes premium imposed under section 11B of the 1992 Act, and that an existing empty homes premium would cease to apply to a property which became subject to a second homes premium.

#### **4. Exceptions from the premiums (empty homes premiums and second homes premium)**

- 4.1 At the time of writing this policy, government has issued a consultation (which has now ended), seeking views on possible categories of dwellings which should be dealt with as exceptions to the Council Tax premiums. Regulations are expected to cover the exceptions for both empty homes premium, and also the second homes premiums.
- 4.2 **The Council has included the proposed exceptions below however; it should be noted that these MAY CHANGE when the new regulations are commenced.**
- 4.3 The consultation proposes that there will be circumstances where premiums will either not apply or be deferred for a defined period of time. These are as follows:
  - **Properties undergoing probate** - the government proposes that these properties should be exceptions to both the second homes and empty homes premiums for a **maximum of 12 months**. The exception would start once probate or letters of administration is granted. This will not affect the Class F Council Tax exemption or the ability for the Council to charge its determined rate of Council Tax following the expiry of the Class F exemption;
  - **Properties that are being actively marketed for sale or rent** - the government proposes that this exception will apply for up to a **maximum of 6 months** from the date that active marketing commenced, or until the property has been sold or rented, whichever is the sooner. The Council, in determining whether this exemption applies will require the following evidence:
    - (a) evidence that the dwelling is being **actively** marketed for sale or rent through a recognised agent (evidence can include contracts with

agents, advertisements in recognised newspapers or marketing websites);

- (b) where the premises are being self-marketed by the owner or landlord, evidence that the premises is being **actively** marketed (evidence can include advertisements in recognised newspapers or letting websites;
- (c) where for sale, evidence that the premises are being sold at a true market level for the size and type of dwelling within the area in which it is situated. Where the dwelling is for let, that the rent requested is at a true market level for the size and type of dwelling within the area in which it is situated.

The above list is not exhaustive and the Council reserves the right to request further evidence to support any claim for exemption. The exemption will only apply once to any taxpayer or taxpayers if they are jointly and severally liable;

- **Empty properties undergoing major repairs** - this is time limited to 6 months. The government proposes that empty properties undergoing major repair works or structural alternations should be an exception to the premium for up to 6 months once the exception has been applied or when the work has been completed, whichever is the sooner. The exception will be applied at any time after the property has been empty for at least 12 months, so long as the Council is satisfied that the necessary repair work is being undertaken. As with all other exemptions to the premiums, the Council will require the taxpayer to provide such evidence as is required to support their application;
- **Annexes forming part of, or being treated as, part of the main dwelling** - the government proposes that such annexes should be an exception to the Council Tax premium on second homes;
- **Job related dwellings** - currently, there is a Council Tax discount of up to 50% for properties which are unoccupied because the owner is required to live elsewhere for employment purposes. The discount applies where the dwelling is provided for the better performance of the duties of the employment, and it is one of the kinds of employment in the case of which it is customary for employers to provide dwellings for employees. The government proposes that the dwelling should also be an exception to the second homes premium. **The exception will not apply to cases where someone chooses to have an additional property to be closer to work while having a family home elsewhere or where an individual is posted to a new location but maintain their previous address;**
- **Occupied caravan pitches and houseboat moorings** - the government proposes that these caravans and boats should be an exception to the Council Tax premium on second homes; and
- **Seasonal homes where year-round or permanent occupation is prohibited or has been specified for use as holiday accommodation or prevents occupancy as a person's sole or main residence** - the government proposes that properties that have restrictions or conditions preventing occupancy for a continuous period of at least 28 days in any 12-month period, or specifies its

use as a holiday let, or prevents occupancy as a person's sole or main residence, should be an exception to the second homes premium.

- 4.4 It is understood that regulations will be issued late 2023 or early 2024 and the Council will need to ensure that any charging policy is in line with legislation. Therefore, the Council's Section 151 Officer is granted delegated powers to amend this policy in line with legislative or government requirements.

## **5. Outcome expected and 'safety net'.**

- 5.1 The expected outcomes of this policy are as follows:
- (a) Taxpayers will be encouraged, through the implementation of the premiums, to bring empty properties into use and to revert the use of second homes to primary residences;
  - (b) The reduction of empty homes and second homes within the Council's area in line with the Council's Empty Property Strategy; and
  - (c) Increased Council Tax income from empty homes and second homes.
- 5.2 There may be circumstances where the implementation of these changes may cause exceptional hardship to a taxpayer. In such cases, the Council will consider applications for a reduction in liability under its Section 13A (1)(C) of the Local Government Finance Act 1992 - Reduction in Council Tax liability policy.
- 5.3 Where such an application is received, it will be considered on an individual case basis taking into account the circumstances of the taxpayer and the situation regarding the level of Council Tax charged. Should the taxpayer be aggrieved by any decision of the Council a further right of appeal will be with the independent Valuation Tribunal.

## **6. Legislation**

- 6.1 The legislation that covers this policy and the recommendations made is as follows:
- S11A & S11B of the Local Government Finance Act 1992;
  - S11C of the Local Government Finance Act 1992 (as introduced by the Levelling Up and Regeneration Act 2023);
  - The Levelling Up and Regeneration Act 2023; and
  - S13A(1)(C) Local Government Finance Act 1992 (reduction in liability).
- 6.2 Due to changes in the legislation, the Council will be required to amend this policy, at any time, in line with statute.

## **7. Finance**

- 7.1 Any amount of premium received will be part of the Council's Collection Fund and will be shared between the Council and Major Precepting authorities in line with their share of the Council Tax.
- 7.2 Any reduction granted under S13A(1)(c) will be financed through the Council's general fund and do not form part of the Collection Fund.

## **8. Notification**

- 8.1 Where a taxpayer is granted an exemption, a revised demand notice will be issued. Where an exemption is applied for but not granted, the Council will provide a notification of its decision.

## **9. Appeals**

- 9.1 Appeals against the Council's decision may be made in accordance with Section 16 of the Local Government Finance Act 1992.
- 9.2 **The taxpayer must in the first instance write to the Council outlining the reason for their appeal. Once received the council will then consider whether any additional information has been received which would justify a change to the original decision and notify the tax payer accordingly.**
- 9.3 Where the taxpayer remains aggrieved, a further appeal can then be made to the Valuation Tribunal. This further appeal should be made within 2 months of the decision of the Council not to grant any reductions. Full details can be obtained from the Council's website or from the Valuation Tribunal Service website.

## **10. Delegated Powers**

- 10.1 This policy for the Council Tax premiums has been approved by the Council. However, the Deputy Chief Executive is authorised to make technical amendments to ensure it meets the criteria set by government and the Council.

## **11 Fraud**

- 11.1 The Council is committed to protecting public funds and ensuring that premiums are correctly charged.
- 11.2 A taxpayer who tries to reduce their Council Tax liability by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

11.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

## **12. Complaints**

12.1 The Council's complaints procedure (available on the Council's website) will be applied in the event of any complaint received about this policy.

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# EQUALITY IMPACT ASSESSMENT

Including Socio-Economic duty

## Title of EqIA:

The purpose of an assessment is to understand the impact of the Council's activities\* on people from protected and socio-economic disadvantaged groups and to assess whether unlawful discrimination may occur. It also helps identify key equality issues and highlight opportunities to promote equality across the Council and the community. The assessment should be carried out at the initial stages of the planning process so that findings can be incorporated into the final proposals, and where appropriate have a bearing on the outcome.

(\*Activity can mean strategy, practice, function, policy, procedure, decision, project, or service)

<b>Team</b>	Revenues and Benefits	<b>Assessment carried out by (name)</b>	Chris Watchman	<b>Is this a new or existing activity?</b>
<b>Activity being assessed</b>	Council Tax Empty Homes & Second Homes premium	<b>Date of Assessment</b>	18.12.2023	<b>NEW</b>

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<b>A. Initial assessment</b>	
1) What is the aim/ objective of the activity being assessed? How do they link to wider council or strategic objectives?	To amend a Council Tax Empty Homes premium to one year or more for dwellings that are empty with effect from 1 April 2024 (previously charged after two years) and to introduce second homes premium with effect from 1 April 2025.  This supports the Housing, Homeless and Rough Sleeping Strategy by addressing housing supply through bringing long term empty homes and second homes into use as a main dwelling.
2) Who is intended to benefit from it and how?	Residents across the district will benefit by bringing empty homes back into use and by encouraging dwellings to be used as a primary residence.

3) If your activity uses contractors, do you ensure that they comply with the Council's Equalities and Fairness policy and relevant legislation?	N/A
<b>B. Engagement and Involvement</b>	
4) What data do you have on how people (from different equality groups) would be affected by the activity?	Any Council Tax payer who has either an empty dwelling or a second home may be affected. No data is held relating to protected characteristics for council tax purposes.
5) What information do you have from any previous consultations and/or local/national consultations, research, or practical guidance?	No consultation is required under the legislation. Information on the number of dwellings affected has been obtained from the Council Tax Base Return (CTB1)
6) Please list any current and planned engagement, methods used and groups you plan to engage with.	All owners of properties classed as second homes will be contacted should Council agree to introduce a Second Homes Premium with full details of the premium and the exceptions. A communications campaign will also be devised during 2024/25 promoting the desired outcome of the policy to bring second homes into use as a primary residence.
<b>C. Who will be affected? Review of equality analysis and potential actions</b>	
7) Will the impact on people due to their <b>racial group</b> be: a) <b>Positive</b> b) <b>Negative</b> c) <b>Neutral</b>	<b>Neutral</b> - Any Council Tax payer who has either an empty dwelling or a second home may be affected irrespective of race.
8) Will the impact on people due to their <b>gender</b> be: a) <b>Positive</b> b) <b>Negative</b> c) <b>Neutral</b>	<b>Neutral</b> - Any Council Tax payer who has either an empty dwelling or a second home may be affected irrespective of gender.



<p>9) Will the impact on people due to their <b>disability</b> be:</p> <p>a) <b>Positive</b>  b) <b>Negative</b>  c) <b>Neutral</b></p>	<p><b>Neutral</b> - Any Council Tax payer who has either an empty dwelling or a second home may be affected irrespective of disability.</p>
<p>10) Will the impact on people due to their <b>sexual orientation</b> be:</p> <p>a) <b>Positive</b>  b) <b>Negative</b>  c) <b>Neutral</b></p>	<p><b>Neutral</b> - Any Council Tax payer who has either an empty dwelling or a second home may be affected irrespective of sexual orientation.</p>
<p>11) Will the impact on people due to their <b>age</b> be:</p> <p>a) <b>Positive</b>  b) <b>Negative</b>  c) <b>Neutral</b></p>	<p><b>Neutral</b> - Any Council Tax payer who has either an empty dwelling or a second home may be affected irrespective of age.</p>
<p>12) Will the impact on people due to their <b>religious or other belief</b> be:</p> <p>a) <b>Positive</b>  b) <b>Negative</b>  c) <b>Neutral</b></p>	<p><b>Neutral</b> - Any Council Tax payer who has either an empty dwelling or a second home may be affected irrespective of religious or other belief.</p>
<p>13) Will the impact on people due to their due to them having <b>dependants/ caring responsibilities</b> be:</p> <p>a) <b>Positive</b>  b) <b>Negative</b>  c) <b>Neutral</b></p>	<p><b>Neutral</b> - Any Council Tax payer who has either an empty dwelling or a second home may be affected irrespective of dependants or caring responsibilities.</p>
<p>14) Will the impact on people due to them being <b>transgendered or transsexual</b> be:</p> <p>a) <b>Positive</b>  b) <b>Negative</b>  c) <b>Neutral</b></p>	<p><b>Neutral</b> - Any Council Tax payer who has either an empty dwelling or a second home may be affected irrespective of being transgender or transsexual.</p>

<p>15) Will the impact on people due to them <b>being socio-economically disadvantaged</b> be:</p> <p>a) <b>Positive</b>  b) <b>Negative</b>  c) <b>Neutral</b></p>	<p><b>Positive</b> – second home ownership is demonstrated to drive up house prices in areas and as a result residents may find themselves priced out of the local housing market. Tourism destinations with higher concentration of second home ownership will be most affected.</p> <p>The implementation of premiums for empty and second homes may bring properties back into primary occupation as either home ownership or longer-term rental for the wider benefit of the Rother District community.</p> <p>Increasing housing supply locally into the current short supply within the private rental sector could benefit those of working age and on relatively low incomes who are adversely impacted by the rent gap.</p> <p>The proposals will generate additional revenue to the Council and its preceptors (?) to deliver services to the wider population including those who are socio-economically disadvantaged.</p>
<p><b>D. Summary of findings</b></p>	
<p>1) Is there any evidence that people from different groups may have different expectations of the activity being assessed?</p> <p>a) <b>Yes</b>  b) <b>No</b></p>	<p>No</p>
<p>2) Could the activity have an adverse impact on relations between different groups?</p> <p>a) <b>Yes</b>  b) <b>No</b></p>	<p>No</p>
<p>3) How can the negative impacts identified in 7-15 be justified on the grounds of promoting equality of opportunity for one group or for another legitimate reason?</p>	<p>No negative impacts identified.</p>

4) As a result of this assessment and available evidence collected, including consultation, do you need to make any changes to the activity?	No impacts identified to make changes.
5) Assessment of overall impacts and any further recommendations	The impact of the policy change encourages to make more homes available as primary residences for those who live within the Rother district.

**E. Action Plan of proposed changes**

Recommendation	Key Activity	Timeframe	Officer Responsible	Date Completed
1.	N/A			

**EqIA Sign off:**

Signed (Activity Lead Officer): Chris Watchman                      Date: 18 December 2023.  
 Position: Revenues and Benefits Manager

**EqIA review date: 01.11.2024**

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**Rother District Council**

<b>Report to:</b>	Overview and Scrutiny Committee
<b>Date:</b>	22 January 2024
<b>Title:</b>	Key Performance Indicators 2024/25
<b>Report of:</b>	Anna Evett – Corporate Programme, Risk and Improvement Manager
<b>Ward(s):</b>	N/A
<b>Purpose of Report:</b>	To consider the proposals for measuring the Council's Corporate Performance for 2024/25.
<b>Officer</b>	
<b>Recommendation(s):</b>	It be <b>RESOLVED</b> : That the Overview and Scrutiny Committee review the current performance targets as set out in Appendix A and that new Key Performance Indicators are agreed and recommended to Cabinet.

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**Background and Introduction**

1. Managing performance to deliver the best outcomes within the resources available is a core function for Rother District Council. Members are requested to select a small set of corporate Key Performance Indicators (KPIs) and agree their target levels of performance for the next financial year. The purpose of this set of KPIs is to manage the performance of the authority at a focused and prioritised level.

**Current KPIs**


2. See Appendix B. The current set of KPIs are broken down into eight service areas as listed below:
  - Environmental Health
  - Housing
  - Customer Services
  - Neighbourhood Services
  - Estates
  - Corporate Core
  - Planning Development Management
  - Revenues and Benefits
3. Current KPIs are expressed in a table format, which shows the target, quarterly achievement against that target, results expressed in three symbols:



On target



Not achieving target

 Improving towards target.

4. Managers will provide a commentary on each of their KPIs, explaining reasons why they are not being met or providing any other pertinent or contextual information. Members will also be provided with an annual State of the District Report that will show details of any wider changes to profiles, demographic, housing and economic landscape of the district to ensure monitoring is realistic and current.

### **Performance Board**

5. A Senior Leadership Team led Performance Board was established in July 2023 as part of the new Governance arrangements. This sits alongside the (officer led) Risk and Programme Boards to improve performance management, risk management and accountability in the Council. This brings together Heads of Service and relevant Service Managers to discuss performance and service risks collectively and individually across the Council. The individual sessions allow for a detailed look at any issues impacting performance and the collective sessions allow for any cross cutting issues to be identified.

### **Office of Local Government data**

6. Officers will continue to follow the development of the Office of Local Government (OFLOG) Local Authority Data Explorer. Currently half of the current set of measurements on this site do not apply to district councils, but this should change in the coming months.

### **Members' Feedback and officer amendments to the existing KPIs**

7. See Appendix A. Members have asked that the district's performance is rated against the OFLOG Local Government Authority's Comparison Data. Where appropriate, this will be shown as a RAG rating (red/amber/green) and will be included from the start of the 2024/25 monitoring cycle. However, the OFLOG data only covers some areas of the Council's work and is not aligned to the KPIs.
8. Members further asked for a KPI to monitor progress of the Climate Strategy, and this has been included.
9. Officer recommended changes are:
  - Planning Development – minor changes
  - Revenues and Benefits – minor changes
  - Customer Services – reduction in the number of KPIs to focus on key performance areas and to reflect the channel shift towards digital. Contextual information will be provided in the main body of the performance report.

### **Conclusion**

10. This report sets out the proposed KPIs for 2024/25. Members of this Committee are asked to consider whether these indicators are sufficient to provide effective

monitoring of the Council's operations and make recommendation(s) to Cabinet.

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	No	Exempt from publication	No

Chief Executive:	Lorna Ford
Report Contact Officer:	Anna Evett
e-mail address:	<a href="mailto:Anna.Evett@rother.gov.uk">Anna.Evett@rother.gov.uk</a>
Appendices:	A – 2024/25 KPI Table of proposals B – Current KPIs
Relevant previous Minutes:	<a href="#">Cabinet 27th February 2023</a> <a href="#">Overview and Scrutiny Committee 20<sup>th</sup> November 2023, 2nd Quarter Performance 2023/24</a>
Background Papers:	None
Reference Documents:	None

## KPI Proposals for 2024/25

Service Area	Proposed 24/25 Target	Proposal
<b>Environmental Health</b>		
E1 - % of scheduled food inspections that were carried out	90%	Same as 23/24
E2 - % of service requests completed in the required timescale	90%	Same as 23/24
<b>Housing</b>		
H1 - Number of households either prevented (P) from homelessness or relieved (R) from homelessness	30 (quarter) 120 (year)	Same as 23/24
H2 - Average cost of placing household in temporary accommodation (TA)	£1,200	Same as 23/24
H3 - Average weeks a household was in temporary accommodation before placement	Not set	Same as 23/24
<b>Customer Services</b>		
C2 - Percentage of enquiries that are resolved on the first contact with customer services	85%	Same as 23/24
C6 – NEW - Channel Shift – online vs traditional	65% online	NEW KPI Proposal to measure % of online transactions versus traditional methods
<b>Neighbourhood Services</b>		
N1 - Missed bins per 100,000 collections	62	Same as 23/24
N2 - Percentage of public land found with unacceptable levels of litter when surveyed	2.5%	Same as 23/24
N3 - Percentage of public land found with unacceptable levels of detritus when surveyed	7%	Same as 23/24
N4 - Fly tips recorded each month, cleared from public land (number)	69	Same as 23/24
N5 - Fly tip fines issued (number)	Monitor	Same as 23/24
<b>Estates</b>		
EST1 - Income from all assets	£2,375,310	Same as 23/24
<b>Corporate Core</b>		



Service Area	Proposed 24/25 Target	Proposal
CC1 - % of freedom of information requested answered in 20 days	100%	Increased from 95% to reflect the legal requirement
<b>Planning Development Management</b>		
P1 - Percentage of major development applications determined in 13 weeks or agreed extension	80%	Same as 23/24
P2 - Percentage of minor development applications determined in 8 weeks or agreed extension	80%	Same as 23/24
P3 - Major development planning appeals allowed by the Planning Inspector	10%	Same as 23/24
P4 - Minor development planning appeals allowed by the Planning Inspector	10%	Currently 30% and this reflects the national target of 10%
<b>Climate Strategy</b>		
EM1 – New KPI- Emissions reduction	50% reduction	NEW KPI for 24/25 to monitor emissions - organisation emissions to reduce by 50% - based on below data: 1. RDC organisational emissions in 22/23 – 26.9 tCO2e 2. Target emissions to be reported in Sept 24 to cover the period 23/24 – 12.64 tCO2e
<b>Revenues and Benefits</b>		
RB1 - Percentage of Council Tax owed for the year that has been collected	Yr: 98.3%	Same as 23/24
RB2 - Percentage of business rates owed for the year that have been collected	Yr: 98.3%	Same as 23/24
RB3 - Average calendar days to process a new housing benefit claim <b>and/or Council Tax Reduction Claim.</b>	20	Same as 23/24 apart from the wording of the KPI to now include 'Council Tax Reduction Claim'
RB4 - Average calendar days to process a change to an existing housing benefit claim <b>and/or Council Tax Reduction Claim.</b>	14	Same as 23/24 apart from the wording of the KPI to now include 'Council Tax Reduction Claim'.

## Current KPIs 2023/24

	Target
<b>Environmental Health</b>	
E1 - % of scheduled food inspections that were carried out	90%
E2 - % of service requests completed in the required timescale	90%
<b>Housing</b>	
H1 - Number of households either prevented (P) from homelessness or relieved (R) from homelessness	30 (quarter) 120 (year)
H2 - Average cost of placing household in temporary accommodation (TA)	£1,200
H3 - Average weeks a household was in temporary accommodation before placement	Not set
<b>Customer Services</b>	
C1 - Telephone calls answered by customer services (= sum of answered AND abandoned calls) <i>Aim: channel shift towards digital</i>	Reduce (baseline year)
C2 - Percentage of enquiries that are resolved on the first contact with customer services	85%
C3 - Average call waiting time for the contact centre	Reduce (baseline year)
C4 - Customers who say they were satisfied when surveyed (annual measurement)	85%
C5 - Total number of customer contacts to the council <i>Aim: channel shift towards digital</i>	Monitor (baseline year)
<b>Neighbourhood Services</b>	
N1 - Missed bins per 100,000 collections	62
N2 - Percentage of public land found with unacceptable levels of litter when surveyed	2.5%
N3 - Percentage of public land found with unacceptable levels of detritus when surveyed	7%
N4 - Fly tips recorded each month, cleared from public land (number)	69

	Target
N5 - Fly tip fines issued (number)	Monitor
<b>Estates</b>	
E1 - Income from all assets	£2,375,310
<b>Corporate Core</b>	
CC1 - % of freedom of information requested answered in 20 days	95%
<b>Planning Development Management</b>	
P1 - Percentage of major development applications determined in 13 weeks or agreed extension	80%
P2 - Percentage of minor development applications determined in 8 weeks or agreed extension	80%
P3 - Major development planning appeals allowed by the Planning Inspector	10%
P4 - Minor development planning appeals allowed by the Planning Inspector	30%
P5 - Total number of PS1 and PS2 planning applications (live cases)	349
<b>Revenues and Benefits</b>	
RB1 - Percentage of Council Tax owed for the year that has been collected	Yr: 98.3%
RB2 - Percentage of business rates owed for the year that have been collected	Yr: 98.3%
RB3 - Average calendar days to process a new housing benefit claim	20
RB4 - Average calendar days to process a change to an existing housing benefit claim	14

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**Rother District Council**

<b>Report to:</b>	Overview and Scrutiny Committee
<b>Date:</b>	22 January 2024
<b>Title:</b>	New Housing Allocations Policy
<b>Report of:</b>	Joe Powell, Head of Housing and Regeneration
<b>Wards:</b>	All
<b>Purpose of Report:</b>	To present the findings of the public consultation on the draft Housing Allocations Policy 2024 and propose final version of the Policy.

**Officer**

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

- 1) the new Housing Allocations Policy 2024 be recommended to Cabinet and Full Council for approval and adoption;
- 2) delegated authority be granted to the Head of Service, Housing and Regeneration to formally adopt the Housing Allocations Policy 2024, in consultation with the Cabinet Member for Housing, following the conclusion of the implementation period; and
- 3) delegated authority be granted to the Head of Service, Housing and Regeneration to make any further minor amendments to the Housing Allocations Policy 2024, in consultation with the Cabinet Member for Housing.

**Introduction**

1. On 12 June 2023, Cabinet approved the draft Allocations Policy for consultation (Minute CB23/8 refers). Officers have considered the responses received, following an eight-week consultation, and have made some proposed amendments to the Policy accordingly. The purpose of this report is to present the results of the consultation and recommend that the new Housing Allocations Policy (HAP) is adopted.
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. Despite a considerable effort over the last six months to carry out a review of the housing register, there remain 1,919 households on the register, which compares to only 218 available properties last year. This means almost 90% of households were unsuccessful in bidding for properties; of the 11% that were successful, the majority were homeless households to whom the Council owed the main housing duty.

4. The principal purpose of a HAP is to meet the Council's statutory obligations under Section 166A(1) of the Housing Act 1996, these include establishing:
  - who is eligible for the Council's Housing Register;
  - how the Council will assess applications to the Council's Housing Register and determine eligibility and priority;
  - how the Council will allocate social housing; and
  - how the Council will process requests for reviews of decisions made.
5. The purpose of the policy review and consultation was to ensure that the HAP continues to effectively support the Council to promote socially, economically and demographically balanced communities. A revised HAP also allows the Council to ensure it is compliant with new legislation and guidance that has been introduced since the inception of the present policy. Further, through the process of reassessment of existing households (against the proposed policy criteria), the Council will be able to ensure that its Housing Register is smaller and less resource intensive to administer over the longer-term.
6. 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.

## **The Consultation**

7. The consultation ran from 7 July to 4 September 2023 and a total of 111 responses were received. A more detailed report on how the consultation was conducted, as well as the number and type of responses that were received, can be found at Appendix A.
8. To remind Members, the proposed HAP includes a number of changes from the present policy; the most significant changes are shown at Appendix B and are discussed in further detail at Appendix A.
9. In addition to a general promotion of the consultation via the Council's website, the following groups were identified as being most affected by the proposed changes and were directly invited to respond to the consultation process:
  - Housing register applicants
  - Organisations that support or work with potential housing applicants
  - Providers of social and affordable housing
  - Parish and Town Councils
10. We received 111 responses made up of responses from four local charities or voluntary groups: We had responses from five parish councils, which were Ewhurst, Etchingam, Battle, Brede and Camber. We had one response from a housing association, Sage Homes. There were also four other organisations that responded: Hastings Borough Council, Friends, Families and Travellers ESCC: East Sussex Housing Partnership and Public Health and Icklesham Parish Community Land Trust. The other responses were from members of the public, the majority of which advised they were currently on the housing waiting

list and the next biggest respondent group were those living in social housing currently.

11. The majority of the proposed changes were agreed by most respondents; however, based on a number of comments, there were a few areas of the policy that were amended slightly.
12. The Local connection criteria change was supported by the public, but local organisations were not as keen. We have now amended this section to include a specific reference in relation to Gypsy, Travelling and Roma communities. The Council considered that it would be important to assess each application from this group based on its individual circumstances, since it may be more difficult to achieve a local connection through residency. It should also be noted that those households who apply and only have a local connection through relatives will be permitted to join the housing register but will only be able to be considered for properties where there is a local letting plan in place for which they meet the criteria.
13. The disqualification criteria around joining the housing register where an applicant had previous social housing debt was increased to two months' rent and other debt to be considered would be debt related only to housing assistance loans previously granted by the Council, rather than any debt to the Council. Again, the Council will consider where exceptional circumstances might apply and will signpost customers to debt support agencies.
14. Changes have also been made to reflect the homeless banding during the homeless prevention or relief stages, where it has been determined that the homelessness has occurred as a result of the applicant having done or not done something which would have prevented the homelessness from occurring. This would be banded C in line with the current policy to prevent incentivising the issue of an eviction notice (where a Band A would be granted).

## **Implementation**

15. In order to implement the new HAP, it will be necessary to reassess all existing households on the register before the new policy can be adopted for new applicants. In the meantime, the present policy will continue to operate as normal.
16. It is proposed that the Council write to all applicants currently on the Housing Register and give them a two-month window to renew their application. A reminder will be sent at four weeks; however, if a household does not respond within the two-month period it will be assumed they no longer wish to be on the register and they will be removed. Within this period, all new applications will be assessed against both the present and proposed policy criteria, prioritised accordingly and allowed to bid as normal.
17. It is estimated that the reassessment process could take a number of months, depending on the proportion of existing applicants that request reassessment and the number of new applications submitted during the period. It should also be noted that there may be an increase in appeals which will need to be considered by managers within the Housing Needs Team.
18. The draft HAP 2024 can be found at Appendix C.

## **Conclusion**

19. It is recommended that the new policy be recommended to Cabinet and full Council for adoption. The proposed changes to the existing Housing Allocations Policy have been supported by the majority of respondents. The proposed policy will allow the Council to continue to meet its obligations under Section 166A(1) of the Housing Act 1996 and the Localism Act 2011. In addition, the HAP will support the Corporate Plan Priority to reduce the housing list, as well as the objectives of the Housing, Homelessness and Rough Sleeping Strategy. It also ensures that the Council is compliant with changes to Housing and Homelessness legislation.
20. The new bandings introduced are more responsive to individual needs and allows the Council to be more flexible, whilst continuing to be transparent about the way social housing is allocated in Rother. Refreshing the Housing Register should ensure that going forward (once applications have been reassessed), the details we hold on households are up to date and should also reduce the size of the waiting list making it easier to administer.
21. The new policy incentivises clients to work with the Council to secure accommodation in the private rented sector, as well as pursuing accommodation options through social housing.

## **Financial Implications**

22. The proposals within this report are achievable within the current budget and we are currently working with our IT provider to produce a detailed specification and costing for the changes that will need to be made to the current system.
23. The Council's budget for the use of Temporary Accommodation (TA) continues to increase. The new HAP has a greater focus on homelessness prevention, which aims to reduce the use of TA and therefore reduce costs to the Council.

## **Legal Implications**

24. 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. Legal advice and comment have also been sought from the Council's legal team to ensure the policy is compliant and to mitigate the risk of legal challenges being made against future allocation decisions if the policy is adopted. Minor changes following the consultation will also be checked by the Legal team.

## **Human Resources Implications**

25. The Human Resource implications are small. Over the last few months, a number of additional officers have been trained to assess housing applications and it is likely they will assist with the increased burden of applications following a request for all applicants to re-register.



## Risk Management

26. If adopted, the new policy will have a number of risks for implementation, including a higher-than-expected number of requests for reassessment which may require an extension of the implementation period. There is a risk that after the new policy has been adopted it needs to be significantly amended sooner than expected due to changes in legislation or significant changes to the housing market. As such, it is requested that any minor changes going forward can be agreed by the Head of Service in conjunction with the Cabinet Portfolio Holder for Housing. There is also a risk that if the proposed policy is not adopted, the existing policy will become unlawful. A number of urgent changes have had to be made to ensure the current policy is compliant with the Homeless Legislation introduced in 2018.

## Equalities

27. An equality impact assessment (EIA) has been completed and a copy of the EIA can be provided upon request.

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	Yes	Exempt from publication	No

Chief Executive:	Lorna Ford
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Appendices:	A - Consultation on Proposed Changes to Rother District Council's Housing Allocations Policy: Summary Report B – Summary of Main Changes C - Rother District Council Housing Allocations Policy
Relevant Previous Minutes:	OSC 23/09 5 June 2023 Cabinet CB23/08 12 June 2023
Background Papers:	Draft Housing Allocations Policy Report to cabinet re agreeing the consultation and approving draft policy
Reference Documents:	None

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# Consultation on Proposed Changes to Rother District Council's Housing Allocations Policy: Summary Report

## Introduction and Background

1. The housing service consulted on proposed changes to the housing allocation policy to ensure social housing goes to those in greatest need. In addition, this was in response to changes in housing law.
2. The consultation sought 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. The consultation results should give our Councillors evidence to take into account when making a final decision on the content of the policy.
3. Proposed changes were designed to deliver the following objectives:
  - Reduce the number of clients on the housing register down from 2,072 (July 2023) to 1,200 by March 2024, which is a stated goal of our Housing, Homelessness and Rough Sleeper Strategy adopted in 2019.
  - Reduce the use of temporary accommodation by focussing more on homelessness prevention.
  - Establish a transparent and clear method of awarding priority that meets the needs of local residents, particularly the most vulnerable.
  - Ensure the policy reflects changes in legislation, particularly regarding eligibility and the Homeless Reduction Act (2017).
  - Create a better pathway for clients supported under the Rough Sleeper Initiative.
4. The housing service regularly revises the allocation policy that sets the rules for joining the housing list and how households on the housing list can access social housing. The allocations policy was last reviewed and underwent a public consultation in 2019 and, prior to that, in 2014.
5. This consultation ran from 7 July to 4 September 2023.

## Response Level

6. We invited to take part the current housing list and new applicants as they are the most affected by proposed changes. We invited all the Rother town and parish councils and representatives of local social housing suppliers and agencies involved with housing and low income.
7. There were 106 completed submissions using the online response form and a further two submissions using a printed questionnaire that were posted to the Council. In addition, there were 3 emailed responses from local organisations. Some emails came from housing clients but the contents were regarding individual cases as opposed to responses to the consultation. This is a total of 111 responses. In comparison, in 2019 we received 145 responses from 11

organisations and 134 housing applicants and other members of the public. It has always been difficult to engage respondents with this subject.

## Who Responded

8. We had responses from 4 local charities or voluntary groups: Bexhill and Rother Homeless Unity Group (2 respondents) and 2 unnamed. We had responses from 5 parish councils, which were Ewhurst, Etchingam, Battle, Brede and Camber. We only had a response from 1 housing association, Sage Homes. There were 4 other organisations: Hastings Borough Council, Friends, Families and Travellers with 2 responses, ESCC: East Sussex Housing Partnership and Public Health (2 responses) and Icklesham Parish Community Land Trust

## Demographic Breakdown of Public Responses

9. There were 23 local residents who are not housing needs applicants and 1 member of the public who works in or visits Rother.
10. 27 are currently in social housing, 2 are not currently in social housing but had been in the last 10 years, 65 were not living in social housing.
11. 75 said they were currently on the housing list, 3 were applying for the housing list and 19 were not on the housing list.
12. 24 are male and 67 are female with a further 4 who prefer not to say. Men were too under-represented to do any analysis by sex. It is commonplace that women are the majority of applicants applying and responding on behalf of their households for matters that require application processes such as housing, benefits and so on.
13. We asked for age group but there are not enough from an individual age group for analysis by age. Any analysis by age group would only be possible by grouping age groups together because of the small sample size in each group.  
9 public respondents were aged from 18 to 29  
21 were aged 30 to 39  
12 were aged 40 to 49  
17 were aged 50 to 59  
13 aged 60 to 69  
19 aged 70 to 79  
2 were aged 80 and older  
4 preferred not to say their age group.
14. We asked if respondents were disabled or have a long term limiting illness or condition that affected day to day living and 43 were disabled and 53 were not disabled. This is sufficient to do analysis by these two groups. This is a high proportion of disabled respondent compared to the population, which is not unusual for housing clients.
15. Regarding ethnicity we asked for their ethnic background or heritage:  
79 White British  
1 White Irish  
2 White Other group  
1 White & Asian mixed heritage  
2 Asian

1 Black or Black British: African  
10 prefer not to say

## Summary of the Key Responses:

16. The following sections are the main responses from organisations and the public in order that they appeared in the questionnaire. This follows the order of the sections and main changes in the new policy.

## Policy Objectives

17. All the objectives have a majority in agreement with them as proposed.
18. The objective that gets the most support is to maximise the use of social housing stock in the district at 50% strongly agree and 48% agree for a combined total of 98% in agreement (all respondents).
19. All of the responding organisations agreed with the following four objectives. Therefore these four objectives have the highest amount of support from local organisations (that responded):
- 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.
  - Prevent people becoming statutorily homeless.
20. The objective with the least support is 'ensure the allocation of social housing contributes towards socially, economically and demographically balanced communities' with 35% strongly agree and 44% agree but 13% disagree and 3% strongly disagree. This is based on all combined respondents.
21. We asked which three objectives are the most important. All respondents together answered as follows:
- Maximise the use of social housing stock in the district (72% selected this as their top three)
  - Let social landlords' accommodation fairly and in an open and transparent way (42% selected this as their top three)
  - Prevent people becoming statutorily homeless (41%)
  - Ensure the allocation of social housing contributes towards socially, economically and demographically balanced communities (36%)
  - Reduce temporary accommodation use (28%)
  - Minimise property void periods (27%)
  - Promote and achieve equality of opportunity (23%)
  - Assist the Council and its partners in meeting statutory duties, particularly in relation to ensurein reasonable preference to priority groups (22%)
  - Promote social inclusion (5%)
  - None of above (2%)
22. Organisations had a slightly different list:
- Maximise the use of social housing stock in the district (7 selected this as their top three)

- Ensure the allocation of social housing contributes towards socially, economically and demographically balanced communities (6)
  - Assist the Council and its partners in meeting statutory duties, particularly in relation to ensure reasonable preference to priority groups (5)
  - Prevent people becoming statutorily homeless (5)
  - Reduce temporary accommodation use (3)
  - Minimise property void periods (3)
  - Let social landlords accommodation fairly and in an open and transparent way (2)
  - Promote and achieve equality of opportunity (1)
  - Promote social inclusion (1)
23. We asked which objectives they thought should not be included.
24. Most of the responding organisations (8) said that they would remove none of the objectives. One organisation selected three objectives and said they were involved in housing accommodation selected this option but did not supply a name. Those objectives were to reduce temporary accommodation use, promote social inclusion and promote and achieve equality of opportunity. A second unnamed organisation selected meeting statutory duties and reducing temporary accommodation use.
25. For the public, in order of most selected for NOT being included are:
- None of the above: 50% said that they would include all the objectives.
  - Promote social inclusion: 19% selected this objective as one they thought should not be included)
  - Promote and achieve equality of opportunity: 16% said this objective should not be included.
  - Reduce temporary accommodation use: 16% said this objective should not be included.
  - Ensure the allocation... balanced communities: 12%.
  - Assist the Council and its partners in meeting statutory duties: 9%.
  - Prevent people from becoming statutory homeless: 7%.
  - Maximise the use of social housing stock: 3%.
  - Let social landlords' accommodation fairly: 3%.
  - Minimise property void periods: 3%.
26. The following organisations had comments on changes or additions that they would have made to the objectives.

**Mental Health Officer, Friends, Families and Travellers**

Equality of opportunity should be equity of opportunity as some need to be acted upon more favourably due to existing inequalities- e.g. Gypsies, Roma and Travellers

**Young Persons Housing & Accommodation Manager, East Sussex County Council**

Agree with all objectives.

**Consultant in Public Health / East Sussex Housing Partnership, East Sussex County Council**

Increasing use of temporary accommodation is a significant challenge across East Sussex, and one which has been shown to negatively impact on the health of individuals and families. It is important that the allocation scheme continues to support people to explore a full range of potential housing solutions.

Ensuring mixed and sustainable communities is important in reducing the risk of future health inequalities.

### **Moving On Co-ordinator, Hastings Borough Council**

Clients in Supported Accommodation should be assessed on a case-by-case basis.

To ensure we can obtain sufficient throughput from Supported Accommodation, an urgent need priority should be given to clients with multiple complex needs, who might find it difficult to obtain accommodation in the private sector in a timely manner.

For clients who are capable of obtaining accommodation in the private rented sector, clients should still be eligible for social housing through choice based lettings, but be placed on a lower banding to incentivise throughput in the private sector and manage client expectations. Clients, if given a lower banding in Supported Accommodation, should be entitled to financial support from the local authority through their landlord incentives programme, to promote PRS access.

### **Ewhurst Parish Council**

We seem to be concerned with the policy when the real issue is the size of the waiting list and the actual allocations. The number housed by RDC is tiny in comparison to the genuine agreed need.

The policy does not mention the need for bullied families to find a place of refuge, either temporary or permanent.

RDC need to buy and build social houses to replace those sold off by the right to buy. Buying a Supermarket or industrial land is not helping an increase in housing targets, which RDC is missing every year.

### **Battle Town Council**

RE: Non-co-operation from Homeless Applicants - 'a period of time' is too open ended and ought to be clearly defined.

### **Bexhill and Rother Homelessness Unity Group (HUG) CIO**

My main concern is that the jargon does not equate with the reality of the homelessness situation.

The objective should be to reduce homelessness not to change goal posts so that things look better on paper.

Paying £300 a week for TA is ridiculous, far better to increase the monthly payments for housing so that people can actually afford to top up and be able to rent in the private sector. Currently it is almost impossible to do this.

### **Unnamed Local Business**

Until the supply of housing stock increases, there will always be pressures on being able to meet all the council's statutory objectives. Important to have some flexibility in meeting objectives on a case by case basis.

### **Changes to the local connection for having a relative living Rother**

27. We asked how much respondents agreed or disagreed with changing the local connection of a close relative so that, while accepted on the housing list, that household would be in Band D.
28. Two of the responding organisations strongly agreed with this change and four agreed for a total of six. However, two disagreed and 3 strongly disagreed and the remaining organisation did not know or was not sure either way.

### **Move On Coordinator, Hastings Borough Council**

This could incentivise clients to take up employment in the local area, to ensure local connection, which would open the opportunity into finding alternative accommodation in the PRS. It is likely to reduce demand on the housing register where clients have not previously lived in Rother, but the local authority must ensure they refer onto another local authority where they might have local connection, to support with their housing solutions

### **Ewhurst Parish Council**

We are using ratepayers money and our genuine residents and their families should come first. The need of others is for the central government, not a District Council. S106 on a new build should be stronger on this issue.

### **Battle Town Council**

There are, on occasions, need for family members to move to an area where there is an existing family member who has special needs, poor health, mental health conditions, that may be alleviated by having a close family member nearby.

### **Bexhill and Rother Homelessness Unity Group (HUG) CIO**

Family support is often vital to people who find themselves homeless. The banding should be awarded according to the need of the homeless person, they should not immediately be categorised as Band D,

### **Bexhill and Rother Homelessness Unity Group (HUG) CIO**

There are, on occasions, need for family members to move to an area where there is an existing family member who has special needs, poor health, mental health conditions, that may be alleviated by having a close family member nearby.

Bexhill and Rother Homelessness Unity Group (HUG) CIO Family support is often vital to people who find themselves homeless. The banding should be awarded according to the need of the homeless person, they should not immediately be categorised as Band D.

### **Mental Health Officer, Friends, Families and Travellers**

It is increasingly difficult for someone who needs to be able to move location to do so. Needs can be for health and wellbeing, such as needing support from family members, or to support family members. Having such a 'black and white' policy will cause great difficulty for many members of society in greatest need.



This would also be racial discrimination towards those ethnicities who live nomadically such as Romany Gypsies, Roma and Irish Travellers. Section 6 of the Public Sector Equality Duty states the need to sometimes act more favourably upon those with protected characteristics in order to create equality. Since Gypsies, Roma and Travellers are much more likely to be living 'no fixed abode' there is an equality which needs to be levelled and this would prevent that."

#### **Team Manager, Friends, Families and Travellers**

Working as the Team Manager for the Gypsy and Traveller team our community is diverse and transient. This means that forming local connections can be difficult, so it will limit opportunity.

#### **Outreach Worker, Friends, Families and Travellers**

As an outreach worker working with Gypsies and Travellers in Sussex, I would deem this change to the allocations policy to be discriminatory to Gypsies and Travellers looking to get onto the housing register in Rother. Due to some Travellers still being transient, having no fixed address etc, removing the family connection would disproportionately affect Travellers moving to be with their family. Although a lot of Travellers are now settled, many still travel for work and other reasons. If all councils adopted this change in policy, transient Travellers would be unable to settle anywhere. The life of a transient Traveller is extremely tough, even to do the day-day things such as finding clean water; it has been made tougher by legislation such as the new Policing Act that criminalises trespass and stopping. Therefore, many choose to settle, sometimes because they are elderly or sick and need to be looked after by members of their family who are settled. This change in policy would mean disabled, sick and elderly members of Travelling communities would not be able to get this care if their family lived in Rother. Gypsies and Travellers have protected characteristics under the Equality Act and under S149 public authorities are required to minimise disadvantages they suffer and take steps to meet the needs of those with protected characteristics. This change in policy would go against these duties you are required to uphold as a local authority.

#### **Young Persons Housing & Accommodation Manager, East Sussex County Council**

Consideration should be given on a case by case basis as to the reasons why the applicant is looking to rely on this local connection eligibility. Are they vulnerable and do they need to be close to particular relatives for specific reasons?

#### **Consultant in Public Health / East Sussex Housing Partnership, East Sussex County Council**

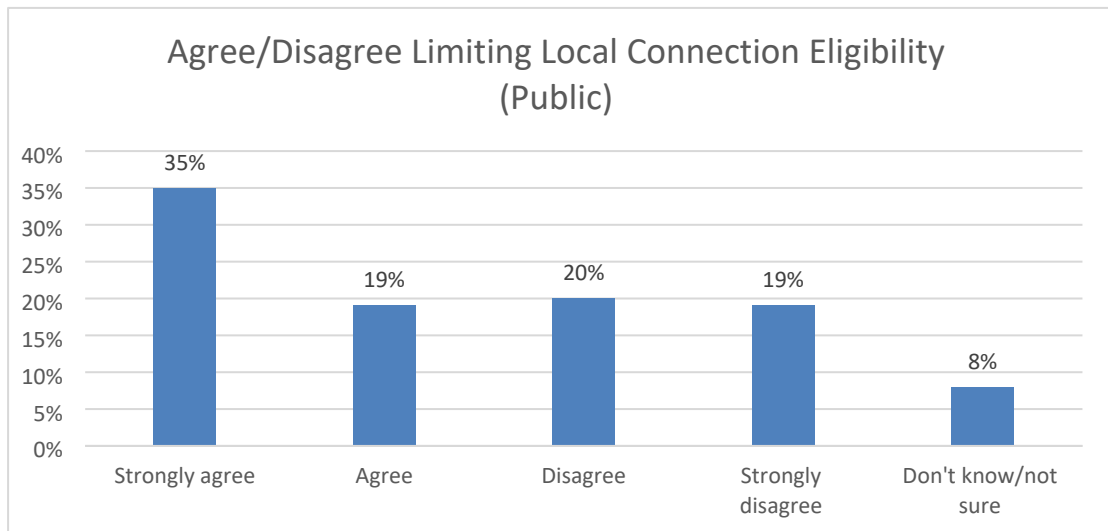
There are a growing number of individuals in housing need across East Sussex, reflecting broader national trends. Supply of social housing is limited and it is important that the available stock is allocated fairly and transparently."

#### **Unnamed business**

Again this comes down to being able to meet the Council's overall statutory objectives rather than creating artificial constraints on supply.

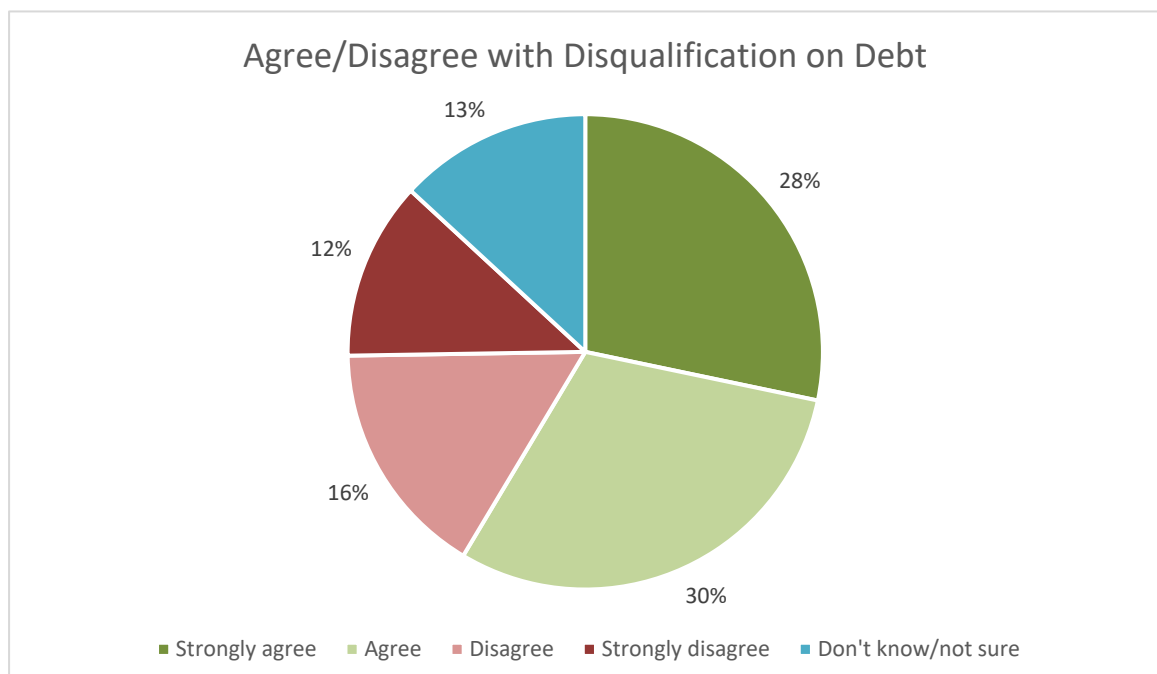
#### **Residents/Applicants**

29. In terms of responses from the applicants or local residents, in total 54% either agreed or strongly agreed with this proposed change. The breakdown is 35% strongly agree, 19% agree, 20% disagree and 19% strongly disagree. The remaining 7% didn't know or were not sure.



**Disqualification criteria on debt**

30. We asked respondents if they agreed or disagreed with the proposal to change the disqualification criteria on the applicant's household debt.
31. All residents' and applicants' responses were that 58% agreed or strongly agreed. The breakdown is in the chart below:



32. There were 10 local organisations that responded. Of those, one strongly agreed, 3 agreed, 4 disagreed and 4 strongly disagreed. Their comments were as follows:

**Ewhurst Parish Council**

Without knowing the reason for the debt is penalising the most needy. Debt may well have accrued by housing themselves privately when the district council has not housed them.

#### **Move on Coordinator, Hastings Borough Council**

I believe that the level of debt used as a disqualification criteria should be more flexible, and assessed on a case-by-case basis, determining how and why the debt accrued. You could risk excluding incredibly vulnerable clients from the housing register, where their debt may have accrued due to a number of factors outside of the clients control. I also feel that in the midst of a cost-of-living crisis, this strategy to reduce the amount of debt accrued as disqualification criteria, could be risky, and potentially increase the amount of demand for temporary accommodation.

However, this would also create incentive to increase personal responsibilities over paying priority bills payments and rent on time, where there are cases that some clients accrue rent arrears intentionally. Thus, it should remain a case-by-case assessment.

#### **Battle Town Council**

At this time of economic crisis, with high food and fuel increases, it is not a sensible proposal to reduce the threshold amount.

#### **Bexhill and Rother Homelessness Unity Group (HUG) CIO**

In a time when many people are in debt and many working people using credit cards it seems wrong to discriminate against people without trying to understand why they have accrued the debt and if they can be helped in any way.

#### **Mental Health Officer, Friends, Families and Travellers**

Many people are in debt due to no fault of their own, and lots of these are in inadequate housing.

This all depends on the exceptional circumstances, so more information is needed.

#### **Team Manager, Gypsy and Travellers, East Sussex County Council**

Unless exceptional circumstances are proven. The onus is on the tenant to address arrears.

#### **Outreach Worker, Friends, Families and Travellers**

This is further disadvantaging vulnerable people who are unable to pay their rent during this cost of living crisis which is affecting us all but disproportionately, people who were already destitute.

Rather than disqualifying them from the housing register, why not adopt a more holistic approach? Could you make connections with the local debt/grant charities so they are referred to them (whilst also being allowed to be on the housing register). By the time a property is offered to them, they may have resolved this debt with the support of a debt charity or grant provider.

#### **Young Persons Housing & Accommodation Manager, ESCC**

With the cost of living crisis currently this does not seem like the right time to change this criteria. Could the period of maintained payment agreement be made shorter?

### **Consultant in Public Health / East Sussex Housing Partnership, ESCC**

The rising cost of living means that an increasing number of households are falling into debt. Finding affordable housing is an important way for individuals and families to create sustainable living arrangements. It would be preferable to maintain the current level and demonstrate that a household has entered and is keeping to a sustainable repayment plan.

### **Business Not Named**

This is a potential pitfall but clearly those with debt issues need to address the reasons for the debts. With changes in the debt collection environment e.g. breathing space legislation, those with debts can get help in addressing their issues.

Pitfall though is will the Private Rental Sector take those with any debt or CCJ however incurred?

Pragmatically specifying those who haven't dealt with a priority debt such as Council Tax being disqualified from the register underlines the need for debtors to set the right priorities or get help to do so.

This is a surprisingly tough change though necessary.

### **New Urgent Needs Priority Band**

33. We asked respondents if they agree or disagree with the proposal for adding a new urgent needs band before the priority bands A to D.
34. The responding 12 organisations response was that 4 strongly agree, 5 agree, 1 disagrees, 1 strongly disagrees and 1 didn't know or wasn't sure.
35. The organisations' comments were:

### **Ewhurst Parish Council**

With only band-A people actually being housed really negates this change. Putting those in most need at the top of the list would achieve this. I see no need to change. If we had an oversupply of Social houses being at the top would still have the same outcome.

### **Move on Coordinator, HBC**

This should help provide urgent housing assistance to clients most in need and reduce demand for temporary accommodation.

From the perspective of Supported Accommodation, clients with multiple complex needs will struggle or find it impossible to secure and retain a tenancy in the private sector. I would welcome an agreement that places potential urgent need, or the highest priority banding, for clients with multiple complex needs, and a lower banding to clients capable of securing accommodation in the private sector, to manage expectations and disincentive a sense of entitlement to social housing. However, to ensure we get sufficient throughput from Supported Accommodation for less vulnerable clients, we would need to ensure

those clients have access to financial support through a landlord incentive programme, to promote PRS access.

**Bexhill and Rother Homelessness Unity Group (HUG) CIO**

I think I agree in principal but the phrase one direct offer concerns me as I am unsure what this actually means. Does it mean they will be offered a place and they must take it irrespective of where it is?

**Team Manager, Gypsy and Travellers, ESCC**

I deal with situations where there are urgent needs for my client group to move due to risks posed to them and their family. I see this as a positive step forward.

**Outreach Worker, Friends, Families and Travellers**

I don't disagree with the creation of a new band however, I do disagree that rather than offer someone in urgent need temporary accommodation, they would be offered direct lets.

Although they are direct lets which gives the client more avenues in which to report issues with the property or the landlord, there are still more vulnerable to; eviction, rent increases. Therefore, giving people who you deem the most vulnerable/in need direct lets rather than choice based lettings, there seems to lie a major issue. Calling them the most urgent/in need and then offering direct lets which is still private rented accommodation (despite the additional support of it being direct lets).

I would argue it still leaves the most in need people being vulnerable to instability, rogue landlords and high rents.

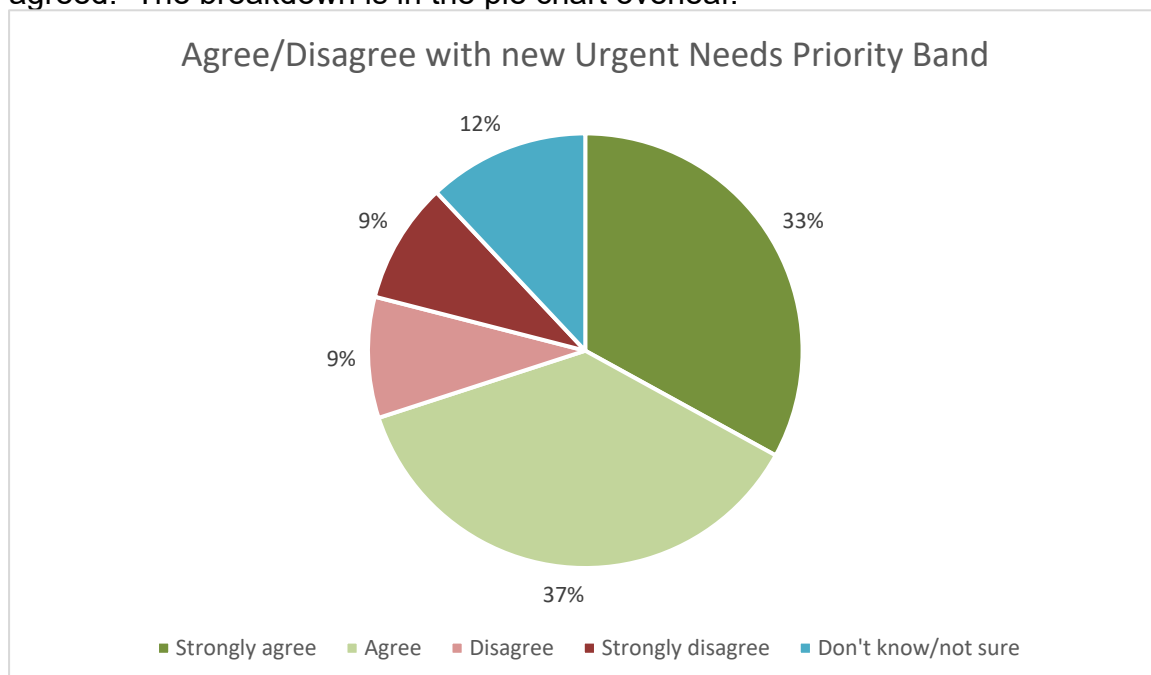
**Young Persons Housing & Accommodation Manager, ESCC**

This would be a positive change to current arrangements.

**Consultant in Public Health / East Sussex Housing Partnership, ESCC**

It is acknowledged that there is a shortage of affordable housing solutions and as a result people who would be unable to find suitable accommodation in other tenures face long waiting times to access settled housing.

36. Residents responded were in majority agreement, 70% either agreed or strongly agreed. The breakdown is in the pie chart overleaf:



## **Agreement with Reasons for Household to be Placed in Urgent Needs Band**

37. We asked whether respondents agreed or disagreed with the various proposed reasons that a households would be placed in an urgent needs band as opposed to Band A to D. In other words, what they agreed constituted an urgent need and being in the highest priority for social housing. The questionnaire briefly explained each of the proposed reasons. (See appendix)
38. Overall, with all types of respondents, there was majority agreement for all the reasons. The most popular reason was domestic abuse. In second place was exceptional homeless households. In equal third place was severe housing conditions and welfare. The least supported reason was permanent decant, although two thirds of respondents still agreed with it.

### **Urgent Needs Reason: Severe housing conditions**

39. Organisations responded with strong support as 9 strongly agreed and 3 agreed.
40. Residents responded with 87% saying that they agreed or strongly agreed. Comment on this reason is as follows:

Severe conditions: not sure how that differs from (un)adapted property, a decant or medical.

### **Urgent Needs Reason: Welfare**

41. Organisations supported this reason with 7 strongly agreeing and 4 agreeing. Comments from the Move On Coordinator (HBC) were: Note on the section of Welfare. Clients in Supported Accommodation assessed as ready to move on to independent living, who have multiple complex needs, i would strongly agree to be placed in an urgent need category as it is significantly unlikely that they would be able to secure and retain a tenancy in the PRS. For clients who are less vulnerable and can illustrate an ability to access private, should remain on choice based lettings, determined by a level of priority on a case-by case basis. This could be assessed through the move on readiness checklist.
42. Residents responded with 84% saying they either agreed or strongly agreed.

### **Urgent Needs Reason: Exceptional homeless households**

43. Organisations supported this reason with 9 strongly agreeing and 3 agreeing. Relevant comments for this reason were:
- All homeless should be considered in urgent need! (Friends, Families & Travellers).
44. Residents responded with 86% saying that they agreed or strongly agreed. Related comments to this reason were:

Housing say they help needy but temp accom could be well over a year. Not good enough.

Exceptional homeless households should still use the bidding system.

### **Urgent Needs Reason: Hospital discharge**

45. Organisations supported this reason with 9 strongly agreeing, 2 agreeing but 1 organisation disagreed (Ewhurst PC).
46. Residents responded with slightly less support than other reasons at 76% saying they either agreed or strongly agreed.

### **Urgent Needs Reason: Adapted property**

47. Responding organisations supported this reason with 7 strongly agreeing, 3 agreeing but 2 disagreed (Ewhurst PC and Battle TC). Relevant comments for this reason were: There is a particular shortage of adapted accommodation, which can create delays arranging hospital discharges and ensuring that individuals can continue with the next stages of their recovery. (Public Health/East Sussex Housing Partnership, ESCC)
48. Residents responded with 795 saying that they agreed or strongly agreed.

### **Urgent Needs Reason: Domestic abuse**

49. Organisations were overwhelmingly in agreement with 10 saying they strongly agree and 2 agreeing. None were in disagreement. Related comments were: The top of Band A would achieve this, having an extra group is not needed. The inclusion of Domestic Abuse is good to see... (Ewhurst PC).
50. Residents responded with 86% saying that they agreed or strongly agreed. Comments included:

I would also add something else. Years ago I was in a domestic violence situation and had to flee the place where I was living. I had been in this country for a short while but was already settled (school for my children and I had a job), and the only people who I knew were in that area. At the time I spoke to a lady from a support charity who was trying to help and she said that I was qualified to get social housing but one of the criteria was that i had to move away from the area where i was living (understandably, as it was also where my ex partner lived) but I didnt want to move because it was the only place where i had friends and connections, plus my children's school and where i had a job. I didn't drive at the time and I didn't know anyone else apart from the people there, so moving would mean that I would no longer have that job or be near my children, and that's why i didn't accept the offer and had to look for na place in the private sector. I eventually found a one-bedroom place for me and my children at the time, but that wasn't the ideal situation and I could've used the help of benefitting from social housing then if i had been allowed to stay in the area. I also knew that my ex-partner was selling his house and would eventually move out of the area, which was what happened.

I feel those suffering domestic abuse need urgent and sympathetic help and accommodation.

### **Urgent Needs Reason: Permanent decant**

51. Organisations supported this reason with 7 strongly agreeing, four agreeing and 1 organisation replying don't know or not sure (Ewhurst PC).
52. Residents had the least support for this reason, although still a majority, with 64% saying they either agreed or strongly agreed. Specific comments on this reason are:

An unsuccessful bid for 6 months should not be given priority status due to permanent decant.

From what I see living near social housing estate there are way too many 'disabled' people in either adapted accommodation which didn't need to be adapted as the tenants are not disabled. A lot more investigation needs to go into checking these 'disabled' non workers who are never going to put back anything into society.

### **Urgent Needs Reason: Medical (severe & immediate)**

53. Again, this had strong support from organisations that responded with 9 saying strongly agree and 3 replying agree.
54. Residents gave this reason the second highest amount of support with 88% saying that they agreed or strongly agreed with this reason. Related comments to this reason were:
55. People at risk or due to personal or health issues should be able to be placed in urgent housing situations.

Since I have been on home move band b I have never been offered a place to suit my needs. I am a disabled person, have provided evidence to support my claim and I still now have to struggle stairs and steps in and out of my house. No support from home move even with my consultant backing me up.

If you have a local young family cramped in a very small 2 bed flat with limited access no garden, 2 small boys, mum and 1 son have extreme medical conditions then why can they not be considered for any one of the vacant 3 bed properties which are local to them, their family their support network and friends and children's school ???

We have had three families from 'out of the area' take these properties with one with only 2 same sex children (not 3) as should be, and disclosed 3 children when not the case or the truth, just because they had several neighbours complaints from previous address so moved on to somewhere they didn't choose to be over a family in need.....the system is wrong !!!!!!!

The ones I have highlighted are in my opinion right. However I strongly agree that people with a medical need should outway the rest.

### **Urgent Needs Reason: Significant Risk**

56. Organisations supported this reason with 8 strongly agreeing and 4 agreeing.
57. Residents gave this reason the highest amount of support for any of the reasons with 90% saying that they agreed or strongly agreed with this reason.



## **Urgent Needs Reason: Exceptional reasons**

58. The majority of responding organisations supported this reason with 7 strongly agreeing, 4 agreeing but 1 organisation disagreeing (Battle TC).
59. Although there is a clear majority in agreement with residents, they gave this reason equally the least amount of agreement along with hospital discharge. Residents said 76% agreed or strongly agreed with this reason. Comments related to this reason were:

Exceptional reasons - say loss of income through losing income, or exceptional bereavement.

## **Band A**

60. We asked respondents about changes to a revised Band A regarding the reasons a household would be placed in Band A rather than the Urgent Needs band or bands B to D. Overall, either responding organisations were unanimous in agreement or had just one organisation who were not sure either way. The majority of applicants and residents agreed with each of the reasons, although some reasons for inclusion had more support than others.

## **Reason to be in Band A: add applicants served s.21 notice**

61. Organisations overall supported this reason to be in Band A, with 3 strongly agreeing and 7 agreeing. However, one organisation said they don't know or were not sure if they agreed or disagreed (HUG Homeless Unity Group). Comments on this reason were:

If they qualify for Band A then yes. Need to understand the reason for the S21 notice before commenting. The criteria for Assisted housing would still be relevant. If they were housed by a private landlord in the private sector I see no need to change unless the qualify for Band A. Ewhurst PC

Yes- PRS s.21 notices are the highest cause of homelessness and use of temporary accommodation. Move On, HBC

These people clearly need this help what concerns me is the logistics of homing all these people who would be band A. Surely it would need a miracle. Bexhill & Rother Homeless Unity Group (HUG)

I agree- tenants are left so so vulnerable by s21 notices and if the government aren't going to ban them, it falls to Local Authorities to aid in supporting people after being served these. Often people are served these if they request repairs, oppose rent increases and other perfectly legal things, it's great that Rother are planning to give protections to these people. (Friends, Families & Travellers)

Positive addition to Band A and recognises no fault eviction and engagement with PHP and council. (Young Persons Housing & Accommodation, ESCC)

The private rented sector in East Sussex is increasingly unaffordable for low-income households. Given the shortage of affordable housing, it is important to support all opportunities to prevent homelessness and avoid households being

placed in temporary accommodation. (Consultant in Public Health/East Sussex Housing Partnership, ESCC)

62. Over two thirds or 68% of residents either agreed or strongly agreed with the inclusion of this reason and only 14% disagreed. The remainder did not know either way. Some comments from the public were:

To be presented with a 14 day notice to leave is catastrophic when a young family is involved, these applicants should certainly be included, to give the chance to start again. (Strongly agree)

It's important, and I believe I have had personal experience of this. (Strongly agree)

I agree because of "no fault of their own". (Agree)

I agree but I don't see why it should be backdated by 12 months. (Agree)

You sure they'll pay the rent? (Disagree)

This will not be relevant shortly. (Disagree)

If some one us served a section 21 through no fault of their own and they have exhausted all avenues to find accommodation, then yes i agree support should be offered, if they can prove they have tried other avenues and not relied just on council support. (Don't know)

### **Reason to be in Band A – adding applicant leaving living with friends/family, with child, overcrowded**

63. Organisations overall supported this reason to be in Band A, with 3 strongly agreeing and 7 agreeing. However, one organisation said they don't know or were not sure if they agreed or disagreed (HUG Homeless Unity Group). Comments from organisations were:

There is a real need with offspring to share with parents and having their own families. Currently, they could be Band A but that does not achieve anything due to no housing stock to fill the need. Ewhurst PC

If all conditions are met by the client, it would be in their interests to live in their own property. Homeless Unity Group

This measure will be an important prevention tool and may allow existing arrangements to be sustained while a household waits for suitable accommodation and prevent them being placed in emergency accommodation. (Consultant in Public Health/East Sussex Housing Partnership, ESCC)

64. There was majority support from residents with 62% saying they either agree or agree strongly. However, 20% said they disagreed or disagreed strongly. The remainder did not know either way. Some comments from the public are:

I am currently living like this and it is a nightmare. My daughter has never had her own room we are sharing at the age of 36 and 7. We can't live a normal life like having friends round, playing with her toys in her room. Sharing a bathroom,

kitchen no space from each other. Its not fun. I'm waking her up when i get up early as she hears me, I'm disturbing her when I'm going to bed - it doesn't matter how quiet i am. So sleep feels non existent. My mum has ill health and she doesn't get a break from us, and working in the NHS its stressful. (Strongly agree)

Good in theory, hopefully in practice too. (Agree)

Agree but do not agree with backdating 6 months. (Agree)

I feel it's too open for abuse of the system to get housed quicker. (Disagree)

I don't agree, I feel they would be taking over places of people who need them more. (Disagree)

This should not be an accept all situation. Cases should be accessed individually. Some adults choose to have a children when they are relying on friends / family for accommodation knowing this will give them an advantage for social housing.

Being made homeless with children already and then forced to live with friends / family should be deemed a priority. (Strongly disagree)

There is no problem with a parent sharing a room with a child and this should not automatically get that person into category A. (Strongly disagree)

I think that this is a priority but not high priority. I think this comes into first given temporary accommodation for six months then given an offer of housing. (Don't know)

This is all OK but I disagree that people should have lived with family or friend for 12 months prior to birth of child, how would this support someone who had to move with family or friends due to becoming pregnant? (Don't know)

### **Reason to be in Band A – adding applicants issued an eviction notice**

65. Organisations were in overall support with five saying they strongly agree, five saying they agree and one saying they don't know (HUG volunteer). Specific comments on this reason were:

Have to be treated in the same way as S21. Again, we need housing stock to fulfil the need. Ewhurst Parish Council.

If the person in question is engaged in the process. Gypsy and Travellers Team, ESCC.

66. Residents responded with 82% either agreeing or agreeing strongly and only 9% saying that they disagreed. Some comments on this reason were:

Been here with very young children very stressful as council very unhelpfully and had to contact shelter. (Strongly agree)

Private landlords can do anything they want. There is no security. Absolutely Band A - if not urgent need. For me it would be. (Strongly agree)

Everyone deserves a chance and especially if it's not due to their own issues. (Agree)

Because it would prevent them from living on the street. (Agree)

They should be encouraged to seek accommodation in the private sector first. (Disagree)

This should not be in band A .They should first be given temporary accommodation, and every assistance in finding private accommodation while being on a lower banding raising to a higher banding in time. Like the rest of us on higher banding there should be a waiting time to allow band A to receive a property first. (Disagree)

Applicants should move into any accommodation offered including temporary accommodation. (Strongly disagree)

### **Reason to be in Band A – adding those moving on from rough sleeper schemes**

67. Organisations that responded had a strong majority agreement. Five had strongly agreed and five had agreed. One organisation didn't know or wasn't sure either way (Gypsy & Traveller Team, ESCC). Comments regarding this reason were:

Need to understand why they were rough sleeping in the first place. Housing Officer to determine the real need and would place the applicant on Band A, again we need housing stock to make this operational. You are just adding to the list. (Ewhurst PC)

I agree with this but it should be a smooth transition and not necessitate returning to TA first. (Bexhill and Rother Homelessness Unity Group (HUG) CIO)

100% agree- more councils need to adopt this to stop the cycles of rough sleeping a lot of vulnerable people go through. (Friends, Families and Travellers).

This would recognise the continued engagement and progress of the applicant with the FRSP or NSAP and give them the best chance of achieving the ultimate outcome of moving on to live independently. (Young Persons Housing & Accommodation, ESCC)

A shortage of suitable move on accommodation has been a significant challenge for the rough sleeping initiative, improving move on from RSAP units will reduce the length of time former rough sleepers spend in general needs emergency accommodation. (Consultant in Public Health / East Sussex Housing Partnership, ESCC)

68. Regarding the public, 64% said that they agreed or strongly agreed but 19% said that they disagreed or strongly disagreed and 17% didn't know either way. Some comments about this reason are:

Yes, I agree, no one should have to sleep rough. (Strongly agree)

I feel strongly that suitable temporary accommodation is provided for rough sleepers, it gives them a stability of address that may allow them to regain employment etc. (Strongly agree)

I agree with this as long as those that are on this program are attending all meetings and taking correct medications etc.

Through the work that I do, I see all too often, addicts getting homes, which are them being abused and used as 'Den' when this property could be a lovely family home. (Agree)

I think you need to help the ones out that are already in a band A for a long time first. (Agree)

I do not understand what "Rough Sleepers Schemes" are. Why are people homeless? I.e.: not paying Rent, Not paying Bills, I thought Band A was for people with lots of Medical Issues and serious Health problems. There will not be much left for anybody else soon, who already are in these Bands, and others. (Disagree)

Maybe HMOs should be made available to let these clients acclimatise to living within a property and then they join the register along with everyone else. (Disagree)

In my opinion most homeless people have lived this way through choice. I cannot believe that a homeless person can come before an old person who has medical needs. You say you want to get rid of or lower putting people in temporary accommodation but I'm afraid that is needed for homeless people first. Then maybe a home later down the line. I would be really upset that after being on the housing list for over 2 years a person who was homeless was given a place before me. (Strongly disagree)

Should go on waiting list like anyone else. (Strongly disagree)

### **Band B – agreement with reasons to award Band B**

69. We asked respondents about whether they agreed or disagreed with the proposed set of reasons why an applicant would be placed in to Band B when they joined the housing list. It should be noted that both organisations and many of the public responded with general support for the reasons but were concerned that the reasons should also be a reason to be in Band A. The main reason given for this was the likelihood that households would be placed in any permanent accommodation if they were in any Band below Urgent Needs or Band A. It is worth noting that some people disagreed because at this point they wanted the reason to be in a higher band and not because they thought the reason should not be included in any band.

### **Reason to be in Band B: Accepted homeless in Temporary Accommodation**

70. Organisations were split on this reason. There were three that strongly agreed, two that agreed, two that disagreed and one that strongly disagreed. The remaining three respondents said they didn't know or were not sure if they agreed or disagreed. Specific comments from organisations on this reason were:

I dont quite know how to answer this question. Since no one should have to live in some of the TA accommodation currently being used at great expense to the council and downgrading them would mean them being there longer and they would be unable to get privately rented accomodation. (Bexhill and Rother Homelessness Unity Group (HUG) CIO)

I disagree that homeless households accepted into temp accommodation getting band A is 'incentivising homelessness as a route to social housing'. I think this is an insulting statement and shows how out of touch Rother council is.

Nothing 'incentivises' homelessness except the housing crisis, poverty and the recent cost of living crisis. (Friends, Families and Travellers)

Accepted homeless households in temporary accommodation - whilst the argument that this can incentivise homelessness as a route to social housing, including this category in Band B could mean longer stays in temporary accommodation for families or vulnerable people and be seen as a 'punishment' for accepting temporary accommodation in situations where applicants had no other choice. (Young Persons Housing & Accommodation, ESCC)

71. The response from the public was that 77% agree or strongly agree with this reason for Band B and 12% disagree or strongly disagree. Some comments are:

If temporary accommodation has been accepted at first offer then the applicant should have the opportunity to move to a permanent residence. (Strongly agree)

I am sceptical about the bandings in general - does anyone from band b and below ever get housed? (Agree)

Risks people getting stuck in temporary housing. What evidence is there that significant numbers of people become intentionally homeless to gain social housing? Perhaps individual applications should be screened for this rather than treating everyone as if they have acted inappropriately. How is someone in temporary accommodation, who may have already had housing debt expected to clear debt in order to be rehomed? (Agree)

May keep applicants in TA longer, I would propose a one direct offer only to those in TA especially if not accessing the choice based lettings system (Disagree)

Why are these not being placed in band A? Just because you feel the accommodation is better then nothing does not mean it's satisfactory for their living requirements. (Strongly disagree)

What about accepted homeless but those not in TA? This is not made clear. I am accepted homeless, living in one room with my nearly 3 year old son. I dont understand where I would be placed if this change were to be agreed. I disagree with this completely. (Strongly disagree)

### **Reason to be in Band B: Medical (high)**

72. We asked respondents whether they agreed or disagreed that those with a high priority medical need would be included in Band B. (Severe and immediate medical need was proposed as a reason for inclusion in Band A.)
73. We had four organisations strongly agree and three agree. Two organisations said that they disagree. One didn't know either way. None of the organisations made a specific comment about this reason to be in Band B.
74. Eight out of 10 of the public who responded (83%) either agreed or strongly agreed with this reason to be in Band B. Medical had the highest level of support for any of the reasons to be in Band B. There are few comments specifically on this reason.

Medical and Welfare should be higher priority. Some people have no support networks. Not everyone has a family. (Disagree)

We are already in band b because of unaffordable housing and medical issues, will this change (Strongly agree)

### **Reason to be in Band B: Welfare**

75. We asked respondents whether they agreed or disagreed that welfare should be a reason to be placed in Band B.
76. Four organisations strongly agreed, three organisations agreed and two organisations disagreed. One further organisation didn't know or were not sure either way. There were no specific comments on this reason.
77. Residents said that 78% either agreed or strongly agreed with this reason and 15% disagreed or strongly disagreed. The remaining 12% didn't know or were not sure.

### **Reason to be in Band B: Overcrowding**

78. Three organisations strongly agreed and five agreed with this reason for being in Band B. Only one organisation disagreed and one organisation didn't know.
79. Seven out of 10 of the public (71%) either agreed or strongly agreed with this reason to be in Band B and 16% disagreed. There are few comments, however.

Overcrowding - doesn't assume people can't afford to live in HMO's etc.. could be just frugal - like you mention previously, people with children possibly making themselves intentionally homeless from a good situation...Still don't think they should be banded this high. (Strongly disagree)

If people have chosen to have more children while in social accommodation it is not down to the council to keep rehousing them if they get over crossed. (Strongly disagree)

### **Reason to be in Band B: Insecurely housed**

80. Three organisation responses said strongly agreed, four agreed and two disagreed. One further responding organisation didn't know. There were no comments specifically on this reason.

81. For the public, 73% either agreed or strongly agreed. A further 17% disagreed or strongly disagreed and 14% didn't know. There was only one comment.

Unsure what 'insecurely housed' means. My landlord wants to sell this whole building and has put it up for sale. He didn't get lucky that time. That makes me insecurely housed when you couple it with the fact I have a big folder in my inbox entitled "Landlord / Estate Agent Discrimination". (Don't know.)

### **Reason to be in Band B: Armed/Reserve Forces**

82. Three organisations strongly agreed, five agreed and one disagreed. One organisation didn't know or was not sure. There were no comments.

83. For residents, this question had more comments but was not as strongly supported at 71% compared to other reasons. Those that disagreed were 17% of the responses and the remaining 12% didn't know. Comments were:

I "Strongly agree" with Category 6. A last "Armed or reserved forces" have come into play, many being Homeless, some for some time, well done R.D.C. for thinking about these very brave people and don't I know it!!

Armed forces should always be top of the list due to the fact that they have shown the commitment to the country. (Disagree)

I do not feel that being a member of the armed forces should be a reason as to why you're prioritised over someone who is not. Your occupation should be irrelevant. Matters such as overcrowding, welfare, health, housing conditions, all things that no individual has control over. (Disagree)

I do not agree that armed forces should have any priority. The others speak for themselves. (Strongly disagree)

Armed forces should be Band A and not Band B. They have served our country so give them some respect. (Strongly disagree)

### **Reason to be in Band B: Unsatisfactory housing conditions**

84. For this reason only two organisations strongly agreed and four agreed. However, three organisations disagreed and one didn't know. There were no comments.

85. Residents responded with 74% either agreeing or strongly agreeing and that left 17% saying they disagree or strongly disagree and 9% didn't know. There was one comment on this reason.

Why are these not being placed in band A? Just because you feel the accommodation is better than nothing does not mean it's satisfactory for their living requirements. (Strongly disagree)

### **Band C – Reasons to be in Band C**

86. We asked respondents if they agree or disagreed with the proposed four reasons to be placed in Band C. The majority of those responding from local



organisations agreed or strongly agreed with all four reasons. One organisation consistently answered they didn't know if they agreed or disagreed because they didn't understand and they 'didn't know anyone in Band C who has been accommodated'. One person responding for an organisation strongly disagreed with all the reasons because they questioned how many in band C have been housed, that only households at the top of Band A are housed and the severe lack of housing stock negates this change as worthless.

87. However, resident felt a little differently. While the greater majority agreed with the reasons of homeless prevention and welfare, support was not as strong for Right to Move and the majority opposed the inclusion of intentional homelessness.
88. An explanation of the various reasons are in Appendix A, which contains explanatory text from the survey.

### **Reason to be in Band C - Homeless prevention**

89. Eight of the respondents from local organisations either agreed or strongly agreed with the inclusion of this reason. One person disagreed and one didn't know. Comments were:

Positive incentive for applicants to accept PRS with the security of being able to remain on the housing register which appears to be a barrier for many individuals. (Agree)

Yes they need housing, homelessness is not acceptable. (Agree)

If homeless prevention isn't higher banding, they will fall into homelessness. (Disagree)

For the public, 82% said that they agreed or strongly agreed and only 9% disagreed or strongly disagreed. Here are a few example comments:

Homeless Prevention should be higher! (Strongly agree)

Mediation services should be provided for homeless prevention. (Strongly agree)

I agree that homeless prevention is important, especially if someone isn't able to stay in their current home ( Welfare). However if someone makes themselves homeless, I'd have a lot of questions. (Agree)

### **Reason to be in Band C - Intentionally homeless households**

90. Nine respondents from organisations either agreed or strongly disagree and one person strongly disagreed and one didn't know. There were no specific comments.
91. From the public, 48% agreed or strongly agreed and 39% disagreed or strongly disagreed. The remaining 13% didn't know or were not sure. Here are some example comments:

If someone intentionally makes themselves homeless why should the council be obliged to re-accommodate them. (Disagree)

Nobody is intentionally homeless!! (Disagree)

I would not help the intentionally homeless at the expense of the more deserving. (Strongly disagree)

Intentionally homeless hh? If that's what it says on the tin - why is it here AT ALL? Certainly shouldn't be above Band D!!! (Strongly disagree)

I disagree with if you have made yourselves internally homeless then they should be in a much lower band. Band c is encouraging more to do this as a way of getting housed. (Strongly disagree)

### **Reason to be in Band C – Welfare**

92. Seven local organisation respondents either agreed or strongly agreed and two disagreed or strongly disagreed. Two respondent didn't know or were not sure. There were no comments.
93. For residents, 76% answered agree or strongly agree and 11% answered disagree or strongly disagree. Also, 14% answered don't know/not sure. There were no specific comments on welfare.

### **Reason to be in Band C - Right to move**

94. Nine respondents from local organisations either agreed or strongly agreed. One respondent strongly disagreed and one didn't know or was not sure. There were no comments.
95. From residents, 63% answered agreed or strongly agreed, which is majority support but somewhat lower than most other supported reasons. There was more disagreement at 23% with the remaining 14% undecided. Below are the comments explaining why.

What is this 'right to move' category. (Disagree)

Not sure what 'right to move' is (Don't know)

Right to move needs to be a higher band as this is for employment needs should be one direct offer within reasonable distance to the employment. Be interested to know how many applications are received and placed into a band for the right to move. (Disagree)

### **Change to Band C – Removing Applicants needing sheltered housing**

96. We asked respondents if they agreed or disagreed with removing applicants needing sheltered housing with no other housing need from being a reason to join Band C. Those applying for sheltered housing with another housing need or reason to be placed in a band would still be eligible, based on their other needs. This was removing a reason, or rather a group of people would no longer be eligible.

97. Six respondents from local organisations either agreed or strongly agreed. Two further respondents disagreed and strongly disagreed. Two respondents said they did not know. Their comments for their reasons were:

Social housing County-based needs should cover this issue. The county should have allocated nursing homes or assisted living in place for this. It should not be a priority for Districts who are not meeting their own targets. (Strongly agreed)

I am aware of several people who need the support of sheltered housing, some in TA and others in housing association housing. (Agreed)

How else will the vulnerable group access this accommodation? This could lead to greater demand via homelessness as planned moves could not take place. (Don't know)

98. In terms of residents, only 44% agreed with removing this group from eligibility. 36% disagreed and 20% didn't know either way. Some comments with reasons for their response were:

To have sheltered housing you need prove that you need sheltered housing. If you can't prove this then remove the applicant. (Strongly agree)

The older persons will have accommodation for them whether it's a nursing home care home or their own place. whereas others need to be sheltered and not necessarily have the option for a care home etc. (Strongly agree)

They can be looked after in a sheltered accommodation such as care homes and have more of a social life with this in effect. (Agree)

No. Sheltered housing is probably important. (Disagree)

Why should they be dropped from the list. If they have got to the time of life where they need the security of others, around them and have always lived in the area they should be offered the chance of this type housing. Too much discrimination in these changes. (Disagree)

There is no other clear pathway to sheltered housing so how else can they get into it? (Strongly disagree)

I need to live near my children who live in Bexhill I am 71 years old. (Strongly disagree)

From what it says in the draft, these people are not vulnerable. (Strongly disagree)

Applicants needing sheltered house should not be removed, as sheltered accommodation may well come up more quickly than that needed for young families. (Strongly disagree)

Look after the elderly you savages. (Strongly disagree)

Why penalise the older generation?

If in PRS and meet the local connection rule, let them at least have some Hope of securing more affordable accommodation.

I feel this is discrimination (strongly disagree)

Because older people need sheltered housing, this would stop older people going into care homes. (Strongly disagree)

This one is hard, say that they are in a 3 bedroom social housing and need sheltered housing then you would be gain back a family property. Honestly I feel that it should be on a personal bases with each case being looked at before the design of no need (Don't know/not sure)

There is no alternative affordable sheltered housing. Therefore, those who have arranged and paid for own housing while able (at significantly higher costs than social housing) are disadvantaged again if they require support in later life. (Don't know/not sure)

People who have a home should not automatically be put on a sheltered housing list, they should seek help from social services or their own family. (No answer to agree/disagree)

#### **Band D – Agreement with these new categories to be in Band D**

99. We asked respondents if they agree or disagreed with the proposed four reasons to be placed in Band D. The majority of those responding from local organisations agreed or strongly agreed with three of the reasons but the majority disagreed with the family local connection. However, the majority of the public who answered the survey agreed with all four reasons. An explanation of the various reasons are in Appendix A, which contains paragraphs from the survey.

#### **Reason to be in Band D - Refused main duty or 'final offer' reasonable accommodation**

100. Eight of the respondents from organisations said they either agreed or strongly agreed with this reason to be in Band C. One respondent said they disagreed and two respondents from organisations said they didn't know or were not sure. There were no related comments.
101. 68% of the public responded that they agreed or strongly agreed and 22% had disagreed or strongly disagreed. The remaining 10% didn't know.

Beggars can't be choosers! (Strongly agree)

I assume you are put in band D because of being low priority .This speaks for itself. However I do not agree on how many offers someone is made before they are dropped to this level. Just because people are on the social housing register does not mean they can't decide if a place is right for them or not. This is why people bid, because they think they will like the property. If when they see it it's not what they expected they should still have the right to refuse. (Agree)

But it should be longer than 6 months if they are not willing to help themselves then I feel it's unfair to those who do everything. It should be band d for

12months this is more acceptable if they are not willing to help themselves.  
(Strongly agree)

No one should be able to refuse to take reasonable accommodation - if they are desperate it would at least give them some stability. (Strongly agree)

If an applicant turns down a direct offer place, it may be for a good reason that the Housing Officers don't accept as good enough, and I am concerned that it may be used in bad faith. Transport is a good example if there are kids or the applicant is a volunteer. (Disagree)

If refused a suitable offer of accommodation duty should be fully discharged, why reduce the bans then allow the applicant back on the register I cannot see the sense in this. (Strongly disagree)

Whilst I am all in favour of those that are housed, finding their forever home. I am not in favour of those that are homeless being able to refuse a property and have the attitude of "wait the six months and see what happens" attitude. I think this method will be a long battling process. In my opinion, if you're homeless and you want to be off the street and have a roof over your head, you'd take what's on offer. (No answer)

### **Reason to be in Band D - Deliberate or unreasonable refusal to cooperate with personalised housing plan**

102. As above, eight people from organisations either agree or strongly agree. One organisation disagreed and two didn't know. There were two specific comments from organisations:

I don't think these things are as black as white as this. There can be many reasons for what is perceived as non co-operation; these decisions should be made on an individual basis and with liaison with agencies that might know the people involved. (Disagree)

Whilst somewhat agreeing to all four reasons recognition of vulnerable groups of people who may require additional support to fully co operate and understand the processes in regards to final offers and what is classed as 'deliberate' or an 'unreasonable' refusal to co operate will need to be given as well as a need to look at these on a case by case basis or partnership approach before such a decision is made where other services are involved such as Children's Services. (Don't know)

103. From residents, 77% agreed or strongly agreed with this reason and 11% disagreed. The remaining 11% did not know or were not sure either way. Some example comments were:

I would make the sanction 12 months, not 6. Not much changes in 6 months so they wouldn't miss out on much. (Agree)

But it should be longer than 6 months if they are not willing to help themselves then I feel it's unfair to those who do everything. It should be band d for 12months this is more acceptable if they are not willing to help themselves. (Agree)

Are there adequate checks to establish these actions? This seems to significantly shift power in relationship towards local authority. This is already obviously an unequal relationship should you not work with individuals cooperatively? How quickly will people be downgraded? Those who are most vulnerable seem to be at most risk (Don't know)

No - these people clearly have no respect for the housing list or the people stuck on it! Why the hell should they get the chance to go back to bandings they've abused!?!

\*\* IF the above reasons are going to be in Band D - then people like me - who have MANY housing needs that you don't think matter - should NOT be!! Either that or get a bin - Band E - for the abusers of your system!! \*\*

I'm SO ANGRY, DISTRESSED AND UPSET that you think it's ok to class me as 'no housing need' and dump me in here with people with no respect for rules!!!

I have recently been in contact with the office of our local MP and I will be forwarding you my letter to him via your 'consultations' email address.

One of the replies received today told me you'd suggested the 'tenant finder scheme', why? I looked at the page and it's for landlords!?! (Don't know to all reasons)

#### **Reason to be in Band D - Family local connection**

104. Three respondents from organisations replied 'agree'. Six respondents either disagreed or strongly disagreed. One respondent didn't know either way. Most of the comments in this section were on family local connection.

It is difficult for applicants to be able to understand authority's rulings at times but ,perhaps there is no choice to bring about a solution. (Disagree)

The local connection can be complicated due to the transient nature of the client group I work with. Having said that there are Gypsy, Roma and Traveller's living in settled accommodation in Rother District. (Disagree)

Family local connection is the only way into housing for many vulnerable members of society including Gypsies, Roma and Travellers. (Strongly disagree)

May as well take them of the list, at Band D they would not be housed. (Strongly disagree)

105. Residents responded with 68% agreeing or strongly agreeing and 23% disagreeing or strongly disagreeing. The remaining 9% didn't know or were not sure. Example comments are below but only from those that disagreed because those that agreed did not explain why:

I don't think family connection only should be put in band D they may have other problems with being homeless which should give them more priority. (Disagree)

Family important, and mental health. (Disagree)

Seems band D is no hope category  
Families should be together especially elderly relatives (Strongly disagree)

Older people need to be near family to avoid the cost of carers to the council.  
(Strongly disagree)

### **Reason to be in Band D - Deliberately worsened own housing circumstances**

106. Those that represented local organisations answered that eight agreed or strongly agreed and one strongly disagreed. One didn't know or was not sure. There was one comment as follows from the outreach worker at Friends, Families and Travellers:

Disagreed with last two- I have already outlined about the family local connection.

After working with vulnerable people for the last 6 years I don't think I've ever seen anyone who has ever 'deliberately worsened own housing circumstances'. I have seen people who don't understand the complicated housing process, people who are traumatised or suffering with ill health and make decisions that they see is the best interest for their families. This statement is judgemental and vague and leaves a lot of leeway for unsympathetic housing officers to take advantage.

107. From the public, 75% agreed or strongly agreed and 16% disagreed or strongly disagreed. The remaining 9% didn't know or were not sure. There was one comment about why a respondent agreed with this reason to be in Band D:

if it can be proven that they have deliberately worsened their own conditions then they should be put in a lower category.  
it is not fair on the rest of us. (Agree)

### **Agreement with auto-bidding for homeless applicants**

108. We asked respondents if they agreed or disagreed with the proposal to change the policy on auto-bidding for homeless applicants. The majority of organisations agreed and the majority of residents/applicants agreed.

109. For organisations, six respondents strongly agreed or agreed and two responded that they didn't know. Comments were as follows:

It saves applicants from consistently looking at a list and anticipating a house. Auto Bidding criteria need to reflect the location of schools and the suitability of the number of bedrooms. Also having properties available would help. (Ewhurst PC)

This can be useful especially for people without access to technology, but how many of us would like to not have control in choosing where we live.  
I think this option should be optional. (HUG)

Would failure to respond or a refusal of a property lead to a discharge of duty?  
(Sage Homes)

110. From residents, 71% said that they agreed or strongly agreed and 16% either disagreed or strongly disagreed. Example reasons were:

Makes sense and stops cherry picking of areas and properties. (Strongly agree)

Absolutely, for anyone who did not intentionally make themselves homeless. I don't know if the council's definition of that is as standard though. (Agree)

consideration needs to be given as to what kind of home they would be given. (Don't know)

You cannot expect homeless applicants to move well beyond 10 miles if there support network is over that. Mental health needs to be looked at here. (Disagree)

If they cannot or will not bid themselves, too bad! (Strongly disagree)

I don't think the council should bid for me, there are some properties I would not bid on because the rent is higher than private rent. (Strongly disagree)

people are not going to settle in an environment that they do not like but homeless people should be grateful to get something but some choice should be allowed (Strongly disagree)

### **Agreement with Priority date changes**

111. We asked respondents if they agreed with proposed changes to how applicants were given their priority data, around when dates changed when moving between bands. All except one person responding from an organisation agreed with this proposal and the remaining person didn't know.

This is a must. People being on the list for over 2 years need a reassessment and given an indication as to how long they should wait. If on Band A they at least stand a change. Bands B-D I see little point unless an oversupply of Social Houses. (Ewhurst PC)

I can see advantages and disadvantages in this. (HUG)

112. The majority of responding residents/applicants did agree with this proposal at 58% saying they agreed or strongly agreed and 24% saying they disagreed or strongly disagreed. The remaining 18% were not sure. Comments on reasons for responses were:

everyone needs to be treated fairly. (Strongly agree)

The date you first applied should stay if circumstances change and you go up a band you end up going to the bottom of the list bit unfair. (Strongly agree)

A change in circumstances should not effect the priority date, for example, I'd been on the waiting list for eighteen months when my condition meant i had to go on oxygen .because of that i lost the eighteen months and my claim was from the date i notified them of my change in circumstances. (Disagree)



I believe that all dates that the person has been bidding in each band should be taken into account. (Strongly disagree)

Moving up date is fair to others.

The moving down date is not fair to others in that band! You are surely moving someone down as a result of something negative the applicant has or hasn't done? - so why let them keep their date and be above others in that band? Maybe this should be a case by case basis. (Strongly disagree)

### **Ability to develop Local Lettings Plan**

113. We asked whether respondents agreed or disagreed with the council keeping the ability to develop local lettings plan in a set of listed circumstances.

114. All of the respondents from local organisations either agreed or strongly agreed. Comments were:

A must. Gives a balanced community without S106 interfering as is the case in Westfield. Purchase or rest of a good stock would go a long way to reduce the lists. (Ewhurst PC)

Another pragmatic suggestion but may fall foul of legal challenges if the decision making is not transparent enough. (Unnamed business)

This sounds OK (HUG)

Retaining the ability to develop local lettings plans will support the council to create mixed and sustainable communities. (Public Health/ES Housing Partnership, ESCC)

115. Residents and applicants were in a strong majority agreement at 72% saying they agree or strongly agree. Only 14% said they disagreed or strongly disagreed and the remaining 15% didn't know. Some example reasons given were:

It sounds fair. (Strongly agree)

Sensible to control numbers (Strongly agree)

Feel housing need should outrank village connection. (Strongly agree)

People should be prioritised for having a positive tenancy history. Too many places are given to single parent families who abuse it, wreck the property & are a nuisance to neighbours. (Agree)

Armed forces should be given priority. (Agree)

If plans are essential (more people than properties) it should therefore support as many people as possible. (Agree)

I disagree with age restrictions. (Disagree)

Age restrictions are problematic. Need not social or demographic factors should be the key factor. (Disagree)

This is social engineering. This also suggests that you plan to "protect" villages from residents linked to Bexhill? Are those. With links to the local villages discriminated against if housing is available in town? (Disagree)

### Other Policy Comments

116. We asked for final comments on anything not already covered in the questionnaire.

117. The other comments from organisations were:

The real issue is surely the lack of suitable houses. The District Council needs to rent, buy or build houses to assist in the reduction in the real numbers. A cull and reassessment of need should take place annually all the while there are large numbers in Band A. Bands B-D are pointless as there is currently no chance of them being housed all the while numbers are high in Band A.

RDC must increase its Social Housing stock. More care should be given to vulnerable families where children are involved. Mobile Homes, although not for permanent use could be utilised in real emergencies for 50 weeks in the year. The families should be prioritised and Mobile homes used as an emergency. (Ewhurst Parish Council)

You might want to check the standards of some of your temporary accommodation. Though it's clear the council wishes to reduce the amount of temporary accommodation, while it is being used, it should be monitored in terms of actually being habitable.

You may already know this though. (Unnamed business)

Etchingam Parish Council resolved at its meeting on 17th August 2023 to fully support all the changes currently proposed in this Housing Allocations Policy.

It is becoming increasingly difficult for those who are living nomadically and are some of the most vulnerable members of society to move into housing. Many of these changes will make it very difficult and could be considered racially discriminatory towards Gypsies, Roma and Travellers. (Mental Health, Friends, Families and Travellers)

The proposed changes highlight several potential areas of good practice. It would be helpful if learning from this approach is shared across the 5 housing authorities, to help build a consistent approach across East Sussex. (Consultant in Public Health / East Sussex Housing Partnership, ESCC)

118. In addition, we had these emails:

I write on behalf of Icklesham Parish Community Land Trust Ltd.

We are in broad agreement with the objectives of the policy.  
The board suggests that an additional clause be added:

“In all cases where the accommodation to be allocated is subject to any form of planning condition limiting who may occupy the accommodation, the allocation shall be made so as to ensure compliance with that planning condition.”

Thank you for inviting Camber Parish Council to take part in this consultation and I confirm that this has been considered by full Council.

Councillors' views are that it is vitally important that local people are considered first for any new houses in Camber. The local connection is a high priority for any available housing in the Parish.

Camber has an ever-increasing number of holiday homes and holiday lets and whilst this provides employment in servicing these properties it also means that young people cannot remain in the village as there is a lack of housing available to them under the current situation with the increase in the cost of properties which is out of their reach.

It is important that there is sufficient rental accommodation available for local people so that they are not placed in a position that they need to move away from the village and therefore the planned development at the old putting green site should be built with a condition that it remains as rental accommodation for local people in perpetuity and does not have the opportunity to be used as holiday accommodation in the future.

## **Conclusion**

119. Firstly, we thank all those organisations and individuals that took part in the consultation for their time and trouble.
120. We note that almost all parts of the policy and proposed changes have majority support. However, the change for the family local connection is not supported by local organisations while it has majority support from the public.

### Questionnaire explanation text

This text is copied from the printed version of the questionnaire. There were questions about the proposed changes in between sections of text. Those questions have not been included because they are covered in the main report. Other text not included are the introduction and conclusion, completion instructions, submission instructions and deadlines, and so on.

### Section Two: Who can apply and can't apply

#### Eligible to apply with family as local connection

The current policy allows only households with a local connection and one of the local connections is people who have close family living in the district.

**We propose to make a change to the family connection criteria for being able to apply to the housing list.** This change would apply when the ONLY local connection that an applicant has to Rother is that they have a family member living in Rother. If they have more than one local connection it would not apply. We would consider special circumstances, as well.

The qualifying criteria regarding family local connection would be changed as follows:

**'An applicant, whose 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 be awarded band D and will only be considered for new build schemes in accordance with any Local Lettings Plan.'**

This change is likely to reduce the number of people who qualified and where they could live. However, it should mean more housing available for other qualifying households because there would be less demand on properties.

#### Disqualification criteria: Debt

We propose to change the criteria for determining whether someone does not qualify to join the housing list due to Council and housing related debt.

Applicants would be ineligible if they have social housing or council related debt in arrears in excess of £600, until evidence has been provided that the debt has been paid or the applicant has maintained a payment agreement for at least the previous six months. Housing debt has always been a disqualification. We propose to change the threshold amount from £1,000 of debt down to £600 of debt.

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.

### Section Three: Priority Bands

The bands determine the level of priority an applicant has when it comes to being awarded social housing. A higher priority band means they would get a home before someone who is in a lower priority band. The main changes proposed are creating a new Urgent Need Band and some changes to the bands A to D, mainly to allow for the new band.

## **A New Priority band – Urgent Need Band**

The policy currently places households in bands A to D in order of the priority of their need for housing. We propose to change the policy to include a new Urgent Need band above the existing band A. (Other changes to the bands are in following sections.)

Eligible applicants in the Urgent Need band would be made one 'direct offer' of accommodation where social housing has been deemed as the only viable option. This means they wouldn't be bidding for property as people do in Bands A to D.

All other allocations would be made via the same Choice Based Lettings system in revised priority bands, from A to D.

The new Urgent Need category would provide greater flexibility than Choice Based Lettings currently allows, particularly in situations where there is a very urgent or immediate need to provide assistance.

The criteria for being placed in the Urgent Need band are next in the questionnaire.

## **Reasons to Qualify for the Urgent Need Band**

We propose the following reasons why an applicant would be placed in the Urgent Need band:

**Severe housing conditions** - applicant considered as being in severe housing need as a result of such poor housing conditions they are presenting an immediate threat of serious injury or if life threatening, as assessed by our Private Sector Housing Team's professional environmental health officers.

**Welfare** - applicant is required to move on from care or supported housing or Next Steps Accommodation Pathway or Rough Sleepers Accommodation Pathway 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. Applicants will only be eligible for the Urgent Need 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 current accommodation has been assessed by an Occupational Therapist as permanently unsuitable.

**Adapted property** - a transfer applicant who would be releasing a property already adapted for a disabled person, which would make that property available 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 a 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 in band A for 6 months and been unsuccessful in bidding for a property.

**Medical** (severe & immediate) - awarded after advice from the council's medical advisor or county council occupational therapist, where there is an severe and 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.

### **Qualifying for Band A – Section 21 Notices**

We propose changes to band A that will be in line with the council's objective for greater homelessness prevention. The following criteria would continue to be reasons to be placed in to Band A, as they are now. The definitions are similar to those in the Urgent Need band but not as urgent or under the time limits.

Serious Housing Conditions	Welfare
Under Occupation	Medical (urgent)
Permanent Decant	Overcrowding
Fleeing Violence/Harassment/Abuse	

We propose to add new reasons to be placed in Band A.

The first one is - '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' for housing (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.'

### **Qualifying for Band A – Living with Friends or Family and have a Child**

We propose including in band A applicants at risk of losing their home because they have to leave where they have been living with friends and family and they have a child or children.

We propose the following conditions:

'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 are forced to share their bedroom or sleeping area with their dependent child who is over 6 months 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.

The 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.

### **Qualifying for Band A – Possession Order or Notice of Eviction**

We propose adding to Band A any applicants who have been given a possession order or notice of eviction, though no fault of their own. We propose the following conditions:

'Applicant has received an outright possession order or 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.'

### **Qualifying for Band A – Former Rough Sleeper Pathway**

We propose including in Band A those applicants who are ready to move on from the Former Rough Sleeper Pathway or Next Steps Accommodation Pathway (NSAP) properties (or any authorised partnership schemes related to rough sleepers).

This accommodation is time limited for two years and therefore enables clients to move into stable accommodation.

The band reason would be 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.'

### **Band B – Qualifications to be placed in Band B**

The current policy awards band A to households that are accepted as homeless and in temporary accommodation. This can incentivise homelessness as a route to social housing.

We propose the new policy awards accepted homeless households in temporary accommodation to band B. The amended band reason would be written as follows: Applicant to whom the council has accepted the main housing duty (s193(2)) and are residing in temporary accommodation provided by the council and have no housing related council debt.

The reasons for qualifying for Band B are proposed as:

Accepted Homeless Households in TA  
Welfare  
Insecurely Housed  
Unsatisfactory Housing Conditions

Medical (high priority)  
Overcrowding  
Armed or Reserve Forces

### **Band C – Qualifications to be placed in Band C**

We propose that the policy awards priority to applicants who are assisted by the Council into private rented accommodation as a way of preventing or relieving homelessness by putting them into Band C.

The new band C reason is proposed 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).'

This would mean the following band C reasons would be introduced:

Homeless Prevention  
Welfare

Intentionally Homeless Households  
Right to Move

One category would be deleted.

### **Band C – Deleted Qualification to be in Band C**

In line with the Council's aim of assisting those in most need, we propose to remove the following reason to be placed in band C:

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

This would mean these applicants will not be on the housing list. Unless they have another housing need that would put them in one of the bands.

### **Band D – New Qualifications to be in Band D**

We propose to introduce into the policy a new band D priority for applicants who refuse a main duty (part 6) offer or 'final' offer of accommodation.

This would be applicants who are on the housing list, in any band, who haven't taken a suitable home that has been offered to them. If they are in another band they would be put into band D for six months and could move back to their previous band after six months. The reason for being in band D would be written 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 amended) will be placed into this band for 6 months.'

We also propose a new reason to be in band D in relation to applicants who deliberately and unreasonably refuse to cooperate with their 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 would be written 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.'

We proposed that applicants will be put in band D for these reasons:

Refused main duty or 'final offer' of accommodation.  
Deliberate or unreasonable refusal to cooperate with Personalised Housing Plan.  
Family as a Local Connection (local connection is explained on page 2).  
Deliberately worsened own housing circumstance.

## **Section Four: Other Changes**

### **Auto-bidding for Homeless Applicants**

We propose that, to ensure that homeless applicants are maximising their chances of rehousing, the following groups will be placed on to auto-bidding. This means the council will have a mechanism to automatically bid on suitable properties on the applicant's behalf.

### **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.

### **Priority Dates**

How long someone has been on the housing list is taken into account when bidding for housing. Applicants are given a 'priority date' when they were accepted on the list.

We propose that, if someone has to move down a priority band, they won't lose out on their priority date. However, if someone moves up a band, they will get a new date based on joining the new band. That way, others in that band will have higher priority because they have been waiting longer in that band.

We propose if an applicant's priority date changes then the date will be changed as follows:

- When moving down into a band the applicant has been in previously their priority date will become the date that applied when they were last in that band.
- When moving down a band into a band the applicant has 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.

### **Local Lettings Plans**

Local Lettings Plans allow the Council to consider direct lets to respond to local conditions. It means we can consider balancing local communities or prioritising people with strong local connections to fit into the community. A direct let is where bidding is by-passed, and we make an offer directly to applicants that meet the plan's criteria.

The Council will use local lettings plans in the following circumstances:

- Age restrictions (for example 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 or residents with tenancy support needs.
- Giving priority to residents with a local connection to the area (in particular in villages where community sustainability is a concern).

## Summary of Main Changes

**1. Prioritising households in most need:**

- The Housing Allocations Policy (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. This provides greater flexibility than a purely CBL system, particularly in situations where there is an urgent need to provide assistance.
- The HAP will remove eligibility for the Housing Register to those who do not reside in the district. There will be a number of 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 around 500 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.
- The HAP will 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 around 180 clients who have no other housing need other than a preference for sheltered accommodation. This 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. Band D will remain for those who have refused a final offer of accommodation and also for those who the Council have determined have worsened their own circumstances. Such applicants will remain in the band for a six month period.
- The HAP will 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 HAP will 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.
- The HAP will amend the criteria at which point former social housing or housing related debt owed to the Council prevents access to the housing register; this is to be reduced to £600.
- The HAP, as a result of new bands, has also banded some things in a different way to the current policy; every significant band change and band

reason was discussed in the consultation questionnaire respondents were asked to complete. The key priorities in terms of the policy's aims were also discussed in full and support for these was also sought.

## **2. Reduce TA use and prevent homelessness**

- The HAP will 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.
- 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 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.
- The HAP will enable the Council to award the Emergency Band after six months, provided the applicant is fully engaging with support and has 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.
- The 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 and will not encourage any accommodation arrangements to be made where any safeguarding concerns exist.
- The HAP introduces a higher priority for those threatened with homelessness where it has been determined that this is through no fault of their own, to allow more preventative options and the opportunity to secure social housing at an earlier point to try and prevent a need to move into TA.

## **3. Support for former rough sleepers**

- 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 an Emergency Band need 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.

#### **4. Encourage clients to accept private rented accommodation**

- During a recent service review from the Department for Levelling Up, Housing and Communities (DLUHC), they suggested that the Council could do better at incentivising homeless households to accept housing offers in the private rented sector. The new HAP will allow such households to retain a Band C following their accepting a private rented accommodation offer.

#### **5. Reduced priority for non-co-operation**

- 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.

#### **6. Medical priority and unsatisfactory housing conditions**

- 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 HAP does not propose to make significant changes to these categories.

#### **7. Auto bidding for homeless applicants**

- The HAP will introduce auto bidding for all homeless applicants to ensure that accommodation opportunities are being maximised. The suitability, including affordability of accommodation, is fully considered prior to any offer being made to a household.

#### **8. Priority date changed**

- The HAP currently awards successful applicants 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. This will continue, however 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).

## 9. Ability to develop local lettings plans

- The Council wishes to retain the ability to develop Local Letting Plans. Local Lettings Plans allow the Council to consider direct lets to respond to local conditions. It means we can consider balancing local communities or prioritising people with strong local connections to fit into the community. A direct let is where bidding is by-passed and we make an offer directly to applicants that meet the plan's criteria. These are often developed at the point the development is going through the planning process. The HAP proposes allowing those who have family connections only to Rother to be placed in Band D, so they can be considered for any such schemes should they arise.



# ROTHER DISTRICT COUNCIL HOUSING ALLOCATIONS POLICY

Version 1.2

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 that allocation 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 marital 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. 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 require 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' (Version 1.0 dated 15 May 2023).

Section 159(2) Housing Act 1996 states that a local Housing Authority allocates housing accommodation when they:

- select a person to be a secure or introductory tenant of accommodation held by them
- nominate a person to be a secure or introductory tenant of accommodation held by another housing authority
- nominate a person to be an assured tenant of accommodation held by a Private Registered Provider (or Registered Social Landlord in Wales)

This policy does not apply to assignments, mutual exchanges, succession of tenancies or temporary decants. In these circumstances, 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 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 properties are allocated 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 there will be increased demand for some property types and areas. 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, housing options information, and information on how to apply for housing is freely available to everyone in the District.

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

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 subject to Immigration Control will not be eligible for assistance they fall within one of the categories 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 categories 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 categories 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 tenants, 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 cannot join the Housing Register

### 11.1 Non-Qualifying Persons

Applicants will be considered ineligible 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 cannot 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 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 not 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 Housing Register. Successful applicants will be required to complete another 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 then assistance can be provided. In these cases, applicants should request assistance by contacting Customer Services on 01424 787000.

### 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 Carer's Allowance does not automatically 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 cannot 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.

The following can also not 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 Housing 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 or any other person leaving 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 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'. You may be required to upload supporting documentation.

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 applications 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.

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

Once all required evidence has been received, the Council aims to assess applications within 40 days

Until all 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 who are 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 then assistance can be provided. In these cases, applicants should request assistance by contacting Customer Services on 01424 787000.

### **13.3 Homeless households in temporary accommodation**

If an applicant who is on the Housing 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, 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 possible.

### **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 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. The need for an extra bedroom must be agreed by both parties. Please see **Appendix I** for more details on additional bedroom criteria.

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

## 14 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. 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.

Applicants placed **Bands A, B, C or D** will 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)
- 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 s.166A(3) 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 s.166A(3) 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) Housing Act 1996).

## 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/](http://www.rother.gov.uk/housing/social-housing/) .

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, a subsequent medical assessment 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 assessment of their medical priority, 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 be suitable for 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, who 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.

Where appropriate, applicants with mobility needs will be prioritised for ground floor or lifted accommodation, 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 regarding 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 applicant 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/](http://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 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](http://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](http://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](http://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 applicants must have a personal care need in order to be considered.

The waiting lists 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 contained in Section 166A Housing Act 1996; 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 evidence of 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](http://www.rother.gov.uk/accessing-council-services/customer-complaints-process).

## Appendix A - Housing Providers

### Housing Associations

- Clarion [www.clarion.com](http://www.clarion.com)
- English Rural Housing Association [www.englishrural.org.uk](http://www.englishrural.org.uk)
- Five Villages Housing Association [www.fivevillages.org.uk](http://www.fivevillages.org.uk)
- Hastoe Housing Association [www.hastoe.com](http://www.hastoe.com)
- Southern Housing Association [www.shgroup.org.uk](http://www.shgroup.org.uk)
- Orbit Housing Association [www.orbit.org.uk](http://www.orbit.org.uk)
- Sanctuary Housing [www.sanctuary-housing.co.uk](http://www.sanctuary-housing.co.uk)
- Sussex Housing & Care [www.sussexhousing.org.uk](http://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 require the saved provisions of s.7(1) Immigration Act 1988 and the Asylum and Immigration Act 1996 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 saved 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 15 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 1 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.
- xv) a person who has limited leave to remain granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules
- xvi) a person who was residing in Sudan before 15 April 2023 and left Sudan in connection with the violence which rapidly escalated on 15 April 2023 in Khartoum and across Sudan; has been granted leave in accordance with the immigration rules; and whose leave is not subject to a condition of no recourse to public funds and was not given 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 an allocation of accommodation 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

### **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. Residency should be of the applicant's own choice. Households placed by other authorities' services in accommodation such as temporary housing, probation accommodation, prison or residential care will not be considered to be resident in the borough.

### 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 Needs 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.
- **Gypsy and Traveller households**- The Council will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule because the period may have been broken by travelling. The Council will consider the facts of each case when deciding whether the criteria should be waived. Applications to be determined by a Housing Manager.
- **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. A determination of exceptional circumstances is 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) Housing Act 1996 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. Less than 16 hours a week of work could be considered 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 authority area is 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 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.
- Verification of the position from the employer.
- Letters should be on company headed paper.

An 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 ensure the available social housing stock is used 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 as Bexhill-on-Sea 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	Etchingham	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 behaved in a manner deemed to be unacceptable.

Unacceptable behaviour may include but, is not limited to:

- Being subject to an injunction under the Anti-Social Behaviour, Crime and Policing Act 2014 or an Anti-Social Behaviour Order (ASBO) or equivalent
- Being 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 will not be accepted to the register if they have monthly rent or mortgage payments 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 of 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) will not be accepted to the register

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 their 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 (s.189B Housing Act 1996) or prevent homelessness (s.195 Housing Act 1996).

### **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 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 eligibility to join the register.

#### **g) Housing related debt**

Applicants with social housing arrears of two or more months' rent or who are in default with a loan for previous housing support 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 and signposting to services that provide advice and support around debts will also be offered.

## 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 bungalows 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 a 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. Evidence to demonstrate accommodation seeking in the private sector may also be required.

**\*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).

**Homeless Prevention/Relief**- applicant has been served with a valid Section 21 notice or has become homeless or threatened with homelessness for another reason, are owed the relief or prevention duty and it has been determined the Council would **not** owe the ‘main duty’ (s193(2)). This would also apply while an application was being determined.

**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 whose 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.

## 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><b>Mobility/access to property</b> 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"> <li>• Report from an Occupational Therapist which details why the current property is not suitable and what accommodation is required to meet the need</li> <li>• Report from a GP or specialist which details current diagnosis, symptoms, prognosis, treatment and why the current property is not suitable</li> </ul>
<p><b>Physical Health</b> 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"> <li>• 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</li> <li>• Confirmation from the Council's Private Sector Housing team that any defects or hazards cannot be rectified within 3 months</li> </ul>
<p><b>Mental Health</b> 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"> <li>• Report from a Psychiatrist or Community Psychiatric Nurse (CPN) which details how current property is adversely affecting their health.</li> </ul>
<p><b>Behavioural Issues</b> 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"> <li>• Report from a medical specialist detailing how their current accommodation is adversely affecting their health</li> </ul>

## Additional Bedroom

Housing Need	Evidence
<p><b>Applicant/partner/child is disabled and requires a non-resident carer to provide overnight care</b></p>	<p><b>Must be in receipt of :</b></p> <ul style="list-style-type: none"> <li>• A Social Care Assessment to show that you need permanent and substantial overnight care on a regular basis</li> </ul> <p><b>And one of the following:</b></p> <ul style="list-style-type: none"> <li>• care component of DLA at the higher or middle rate and copy of the decision letter</li> <li>• attendance allowance (non-resident carer condition)/attendance allowance at the higher rate (can't share a bedroom condition)</li> <li>• daily living component of personal independence payment (PIP)</li> <li>• armed forces independence payment</li> </ul>
<p><b>Foster Care</b></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"> <li>• has a foster child living with them. or</li> <li>• is between placements and has fostered a child in the last 12 months, or</li> <li>• became an approved foster carer in the last 12 months</li> </ul> <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><b>A child who cannot share a bedroom due to a disability</b></p>	<ul style="list-style-type: none"> <li>• Report from a medical specialist detailing why they are unable to share</li> <li>• care component of DLA at the higher or middle rate</li> <li>• attendance allowance at the higher rate (can't share a bedroom condition)</li> </ul>

	<ul style="list-style-type: none"> <li>• daily living component of personal independence payment (PIP)</li> </ul>
<b>Applicant/partner who are unable to share due to a chronic medical condition</b>	<ul style="list-style-type: none"> <li>• A report from a medical specialist confirming why they are unable to share and the risk to the other household member</li> </ul>
<b>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</b>	<ul style="list-style-type: none"> <li>• Long term medical equipment such as home dialysis machine, mobile hoists, hospital beds</li> <li>• A report from a specialist that confirms there is insufficient space for the equipment in applicant's current property</li> </ul>
<b>Applicant or member of their household has severe behavioural problems where sharing bedrooms places other household members at significant risk</b>	<ul style="list-style-type: none"> <li>• A report from a medical specialist outlining why separate bedrooms is required to alleviate the situation</li> </ul>
<b>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.</b>	<ul style="list-style-type: none"> <li>• A report from a medical professional or psychiatrist confirming the situation</li> </ul>
<b>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.</b>	<ul style="list-style-type: none"> <li>• A report from a consultant psychiatrist outlining the situation and confirming the risk to other household members</li> </ul>

## 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 wheelchair 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 wheelchair 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.



## Appendix M - Glossary of terms

<p><b>Applicant</b></p> <p>A person who applies for housing on the lettings scheme. person who applies for housing on the lettings scheme.</p>
<p><b>Application</b></p> <p>The completed application form together with the documents required to prove the identity of every person named on the form, full details of their income and savings over the preceding six months and any other supporting evidence. The term 'application' is also used as a generic description for the whole process from the point of completing the application form until someone accepts the offer of a home or their application is withdrawn from the Housing Register. The date of application is the date on which the applicant first submits their completed application to the Council</p>
<p><b>Anti- Social Behaviour (ASB)</b></p> <p>The Antisocial Behaviour, Crime and Policing Act 2014 defines ASB as:</p> <ul style="list-style-type: none"><li>(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,</li><li>(b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or</li><li>(c) conduct capable of causing housing-related nuisance or annoyance to any person</li></ul>
<p><b>Bidding cycle</b></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><b>Care Leaver</b></p> <p>A young person aged between 16 and 25 who is or has been looked after for a total of 13 weeks or more after their fourteenth birthday and who continue to be looked after at 16 or 17 years of age.</p>
<p><b>Carer</b></p> <p>Anyone who looks after a family member or friend who needs help because of illness, frailty, disability, a mental health problem or some other care need and cannot manage without this additional support. Carers can be adults or young people and the support they provide is unpaid.</p>
<p><b>Choice Based Lettings</b></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><b>Direct lets</b> 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><b>Effective date</b> The date an application was assessed into one of the housing allocation scheme bands</p>
<p><b>Local connection</b> Connections to a local authority area because of residency, employment or other reasons detailed in the policy.</p>
<p><b>Housing, Health and Safety Rating System (HHSRS)</b> The HHSRS assesses 29 housing hazards (i.e. crowding and space, mould, excess heat or cold etc) and the effect that each may have on the health and safety of current or future occupants of the property. The HHSRS provides a way that hazards can be assessed and identifies the best way(s) they can be dealt with. If a hazard is a serious and immediate risk to a person's health and safety, this is known as a Category 1 hazard. If a hazard is less serious or less urgent, this is known as a Category 2 hazard</p>
<p><b>Local lettings plan</b> 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><b>Overcrowding.</b> The Council has adopted the Bedroom Standard to assess whether a household is overcrowded. The Council takes into account the number of bedrooms and other rooms that can be used for sleeping. Kitchens and living rooms are not bedrooms for the purpose of the assessment. The intended function of the room is considered, rather than its current use. A dining room is considered as possible bedroom accommodation if it is a separate room and no-one has to walk through it to get to another room.</p>
<p><b>Priority date</b> The date when an applicant was given a priority band.</p>
<p><b>Registered Providers</b> 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 and have been referred to as such in this policy for ease of reference.</p>
<p><b>Rough Sleeper Accommodation Programme/ Next Steps Accommodation Programme</b> Supported move on accommodation units for rough sleepers. This accommodation is provided with limits to the length of the tenancy with the opportunity to move on to general</p>

needs accommodation. The properties when vacated remain available for the use of rough sleepers and a new applicant will be nominated.

**Shared ownership**

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.

**Social inclusion**

Social inclusion is the the process by which efforts are made to ensure equal opportunities – that everyone, regardless of their background, can achieve their full potential in life.

**Temporary Accommodation**

Under Homelessness legislation, if a person or family becomes homeless and urgently needs a home, the Council may provide temporary accommodation while helping them find a more sustainable long-term housing solution.

**Tied Accommodation**

Accommodation occupied by employees of the Council where their contract of employment requires them to occupy dwelling houses for the better performance for their duties.

**Transfer applicant/transfer tenant**

A transfer applicant or tenant is the name given to a housing register applicant who is already a housing association tenant.

**Tied Accommodation**

Accommodation occupied by employees of the Council where their contract of employment requires them to occupy dwelling houses for the better performance for their duties.

**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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## OVERVIEW AND SCRUTINY COMMITTEE

<b>WORK PROGRAMME 2023 – 2024</b>		
<b>DATE OF MEETING</b>	<b>SUBJECT – MAIN ITEM IN BOLD</b>	<b>Cabinet Portfolio Holder</b>
22.01.24	<ul style="list-style-type: none"> <li>• <b>Draft Revenue Budget 2024/25 Proposals</b></li> <li>• Key Performance Targets 2024/25</li> <li>• New Housing Allocations Policy</li> </ul>	Jeeawon McCourt
19.02.24	<ul style="list-style-type: none"> <li>• Draft Local Plan Consultation (Reg 18)</li> </ul>	Killeen
18.03.24	<ul style="list-style-type: none"> <li>• <b>Crime and Disorder Committee: to receive a report from the Community Safety Partnership</b></li> <li>• Performance Report: Third Quarter 2023/24</li> <li>• Revenue Budget and Capital Programme Monitoring as at Quarter 3 - 2023/24</li> </ul>	Field Jeeawon
22.04.24	<ul style="list-style-type: none"> <li>• Call-in and Urgency Procedures</li> <li>• Draft Annual Report to Council</li> <li>• Review of progress against the recommendations of the Health and Well-Being Task and Finish Group</li> <li>• Report of the Digital and Customer Services Strategy Task and Finish Group</li> <li>• Impact of Airbnb and second homes in Rye / Winchelsea / Camber</li> </ul>	Coleman Byrne Timpe
<b>WORK PROGRAMME 2024 – 2025</b>		
03.06.24	<ul style="list-style-type: none"> <li>• Performance Report: Fourth Quarter 2023/24</li> <li>• Annual Work Programme</li> </ul>	
08.07.24	<ul style="list-style-type: none"> <li>• Draft Revenue Budget and Capital Programme Outturn 2023/24</li> </ul>	
09.09.24	<ul style="list-style-type: none"> <li>• Performance Report: First Quarter 2024/25</li> <li>• Revenue Budget and Capital Programme Monitoring – Quarter 1 2024/25</li> </ul>	
14.10.24	<ul style="list-style-type: none"> <li>• <b>Medium Term Financial Plan 2025/26 to 2029/30</b></li> </ul>	
18.11.24	<ul style="list-style-type: none"> <li>• Performance Report: Second Quarter 2024/25</li> <li>• Revenue Budget and Capital Programme Monitoring – Quarter 2 2024/25</li> </ul>	
20.01.25	<ul style="list-style-type: none"> <li>• <b>Draft Revenue Budget Proposals 2025/26</b></li> <li>• Key Performance Targets 2025/26</li> </ul>	
17.03.25	<ul style="list-style-type: none"> <li>• <b>Crime and Disorder Committee: to receive a report from the Community Safety Partnership</b></li> <li>• Performance Report: Third Quarter 2024/25</li> <li>• Revenue Budget and Capital Programme Monitoring – Quarter 3 2024/25</li> </ul>	
28.04.25	<ul style="list-style-type: none"> <li>• Call-in and Urgency Procedures</li> <li>• Draft Annual Report to Council</li> </ul>	
<b>ITEMS FOR CONSIDERATION</b>		
<ul style="list-style-type: none"> <li>• Regeneration inc. Leisure Centre, Fountains, Skate Park and Accessibility of Green Spaces across the district</li> <li>• Review of the Economic Regeneration Strategy</li> <li>• Litter Strategy</li> </ul>		

- Review of the Tourism Strategy and the impact of Airbnbs
- Review of the Financial Stability Programme
- Update report from the Local Strategic Partnership
- Update report from the Health and Well-Being Board
- Review of progress against the recommendations of the Health and Well-Being Task and Finish Group (Year 3)
- Development of new Housing, Homelessness and Rough Sleeper Strategy
- Development of new Corporate Plan