



ADUR & WORTHING
COUNCILS

14 July 2023

Joint Overview & Scrutiny Committee

Date:	25 July 2023
Time:	6.30 pm
Venue:	QEII Room, Shoreham Centre, Pond Road, Shoreham

Committee Membership:

Adur District Council: Councillors; Joss Loader (Adur Chair), Mandy Buxton (Adur Vice-Chair), Carol Albury, Tony Bellasis, Ann Bridges, Lee Cowen, Paul Mansfield and Sharon Sluman

Worthing Borough Council: Councillors; Heather Mercer (Worthing Chairman), Elizabeth Sparkes (Worthing Vice-Chairman), Cathy Glynn-Davies, Dan Hermitage, Margaret Howard, Daniel Humphreys, Richard Mulholland and Hilary Schan

Agenda

Part A

1. Declaration of Interests

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt, contact the Legal or Democratic Services representative for this meeting.

2. Substitute Members

3. Confirmation of Minutes

To approve the minutes of the Joint Overview and Scrutiny Committee meeting held on 6th July 2023, copies of which have been previously circulated.

4. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by **12.00pm on Thursday 20th July 2023**

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services
democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will operate for a maximum of 30 minutes.)

5. Members Questions

Councillors who are not members of this committee can ask questions under CPR 12 Questions should be relevant to the committee where the question is being asked and also relevant to an item on the agenda. Please contact Democratic Services for more information

Members question time is 30 minutes and questions should be submitted no later than **12.00pm Thursday 20th July 2023**.

Questions should be submitted to Democratic Services
democratic.services@adur-worthing.gov.uk

(Note: Members' Question Time will operate for a maximum of 30 minutes.)

6. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent

7. Consideration of any matter referred to the Committee in relation to a call-in of a decision (Pages 5 - 32)

At the time of publication of this agenda, the committee has received a call-in of decision JAW/002/23-24 Emergency Accommodation Contract Award. The committee is asked to consider a report by the Monitoring Officer, attached as Item 7.

Recording of this meeting

The Council will be livestreaming the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Simon Filler Democratic Services Officer 01903 221364 simon.filler@adur-worthing.gov.uk	Joanne Lee Head of Legal Services & Monitoring Officer 01903 221134 joanne.lee@adur-worthing.gov.uk

Duration of the Meeting: Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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Joint Overview and Scrutiny Committee
25 July 2023



ADUR & WORTHING
COUNCILS

Key Decision [Yes/No]

Ward(s) Affected:

Call-In of Decision: JAW/002/23-24 Emergency Accommodation Contract Award

Report by the Monitoring Officer

Executive Summary

1. Purpose

1.1. The Council's Joint Overview and Scrutiny Procedure Rules provide that where the Monitoring Officer receives a request to call-in a Cabinet Member decision and accepts that request:-

- The decision will be put on hold pending referral to the Joint Overview and Scrutiny Committee;
- The Director for Sustainability & Resources after consultation with the JOSOC Chairs, shall call a meeting of the Joint Overview and Scrutiny Committee to be held as soon as is reasonably practicable; and
- In accordance with the procedure rules, the Monitoring Officer is to submit this report to the meeting which shall include the procedure for the Call-In hearing which is attached at Appendix 1

2. Recommendations

- 2.1. The Overview and Scrutiny Committee are recommended to scrutinise the decision and the reasons given for the Call-in and make recommendations to either:-
- Decide to take no further action
 - Refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or
 - Refer the matter to the Full Council of both Councils.

3. Context

- 3.1. Section 9F of the Local Government Act 2000 sets out the functions of an overview and scrutiny committee which includes *“to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive”* and *“to make reports or recommendations to the Authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive”*.
- 3.2. At paragraph 18.3 of the Joint Overview & Scrutiny Procedure Rules, the Monitoring Officer shall Call-in a decision for scrutiny if any three Members in total, being of either Council, submits a request in writing setting out the reasons for Call-in to the Monitoring officer. None of the exemptions to the Call-in procedure at paragraph 18.5 of the procedure rules apply.
- 3.3. On 15th June 2023 the Councils’ Monitoring Officer received a request for a call-in of the decision from three Members of the Councils, Councillors Daniel Humphreys, Kevin Jenkins and Elizabeth Sparkes. The request was considered by the Monitoring Officer, who accepted the request as it was deemed to be in compliance with the Overview and Scrutiny Procedure Rules. The matter was referred to this meeting of the Joint Overview and Scrutiny Committee for consideration and determination.
- 3.4. When making decisions the decision maker should bear in mind the principles of decision making as set out in section 12 of the Articles of the Constitution. The principles are set out below to inform and provide guidance to Members of the Committee in reaching their

determination in the context of matters set out in the Call-in request and are copied below for reference:-

Principles of Decision-Making

All decisions of the Council will be made in accordance with the following principles:

- (a) there should be clarity of aims and desired outcomes;
- (b) all decision shall be in accordance with the Budget and Policy Framework, Finance, Contract and all other procedure rules, statutory requirements, guidance and codes of practice;
- (c) proper regard should be paid to the outcome of any internal or external consultation;
- (d) a presumption in favour of openness, accountability and transparency;
- (e) assessing the impact on human rights, equality, diversity and sustainability;
- (f) proportionality (i.e. the action must be proportionate to the desired outcome);
- (g) there should be an explanation of the alternative options considered;
- (h) there should be proper and documented records and reasons given for all decisions;
- (i) take into account all relevant considerations and ignore those which are irrelevant;
- (j) due consultation and proper advice is taken from Officers and consideration of alternative options before decisions are reached;
- (k) impartiality and an absence of bias, predetermination or conflicts of interest;
- (l) any interests are properly declared;
- (m) decisions are proportionate to the desired outcome;
- (n) a presumption in favour of transparency and openness;

In exercising discretion, the decision-maker must:

- (a) understand the law that regulates the decision-making power and gives effect to it. The decision-maker must direct itself properly in law;
- (b) take into account all relevant matters (those matters which the law requires the Authority as a matter of legal obligation to take into account);
- (c) leave out of account irrelevant considerations;
- (d) act for a proper purpose, exercising its powers for the public good;
- (e) not reach a decision which no Authority acting reasonably could

reach (also known as the 'rationality' or 'taking leave of your senses' principle);

(f) comply with the rule that Local Government finance is to be conducted on an annual basis, save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and

(g) act with procedural propriety in accordance with the rules of fairness.

To be lawful, a decision:

(a) If taken in Full Council, Cabinet, Committee, Sub-Committee or Joint Committee, must comply with the principle of being reached by a majority of Councillors present and voting, at a properly constituted meeting;

(b) Be one which the decision-maker is empowered or obliged to take, otherwise it is ultra vires;

(c) If intended to secure action (as opposed, for example, to a resolution merely expressing the Council's collective view on an issue), be capable of execution, or it will be of no effect; and

(d) Not purport to undo what has already been done irrevocably (but it can rescind an earlier decision where this is feasible).

4. Issues for consideration

- 4.1. A joint service decision was made and published on 13th June 2023 by the Worthing Cabinet Member for Citizen Services, Cllr Emma Taylor-Beal and the Adur Leader, Cllr Neil Parkin (in the absence of the Cabinet Member for Adur Homes & Customer Services) with reference number JAW/002/23-24.
- 4.2. The decision concerned the approval of a service contract to acquire nomination rights to emergency accommodation and the delegation of authority to the Director for Housing and Communities to enter into a service contract for the purpose of acquiring temporary accommodation. The decision was taken following receipt and consideration of an Officer Report, written by the Acquisitions and Landlord Support Coordinator on behalf of the Director for Housing & Communities. The report was dated 19th May 2023 and was published on the Councils' website on 22nd May 2023. A copy of the Report is [attached at Appendix 2](#).
- 4.3. The Report dated 19th May 2023, 'Emergency Accommodation Contract Award' sought the approval, subject to approval of planning

permission, to approve a 10 year (5 year + 5 year) service contract with a private sector emergency accommodation provider to acquire nomination rights to 44 units of 24 hour staffed emergency accommodation for single people. It also sought, within existing and approved budgets, a delegated authority under delegation 2.6.8 of the Officer Scheme of Delegations, for the Director for Housing & Communities to enter into a service contract for the purpose of acquiring temporary accommodation.

4.4. Members will please note the reference to background papers in the Report (which have not been reproduced and attached) but are listed as:-

- The Financial Appraisal;
- Delivering Pathways to Affordable Homes
- Temporary Accommodation Placement and Procurement Strategy dated 02/01/2020
- Housing Strategy 2020-23

4.5. The Decision was taken by the Worthing Cabinet Member for Citizen Services on 13th June 2023 and the Decision Notice with reference JAW/002/23-24 is attached to this Report at [Appendix 3](#).

4.6. Cllr Emma Taylor-Beal made the following decision:

“Subject to approval of planning permission, we approve a 10 year (5yr+5yr) service contract with a private sector emergency accommodation provider, with a total value of £7,780,776, to acquire nomination rights to 44 units of 24 hour staffed emergency accommodation for single people and delegate authority to the Director for Housing and Communities to enter into a service contract for the purpose of acquiring temporary accommodation.”

The decision taken by the Leader of Adur District Council Council, Neil Parkin, was also on 13th June.

“As this is essentially a Worthing issue, I am happy to follow the WBC Cabinet Member for Citizen Services’ lead in making this decision”.

The reason given for making these decision was:

“To enable the Council to fulfil its statutory housing duties under S188 and S193 of the Housing Act 1996”

- 4.7. The decision notice confirmed that the call-in deadline for the decision was 5pm on 20th June 2023 and during this period a call-in was received by the Monitoring Officer on 15th June 2023.
- 4.8. Councillors Humphreys, Jenkins and Sparkes requested a call-in for scrutiny of the decision for the following reasons:

“The report published on the 19th May 2023, lacked transparency and as such prevented timely open and honest feedback from the public. In that this report is bespoke to entering an agreement of a contract for accommodation at the Windsor House Hotel site; yet it is not until page 5 of the report at paragraph 5.5, where it hints at the premises in question, even then it incorrectly identifies the premises as the 'Windsor Hotel' - which does not exist in Worthing.

The decision maker has not demonstrated that they have taken into account the adopted Worthing Local Plan and the policies therein, nor given any consideration to the public comments and refusal for planning consent that this would be an over-concentration of this form of accommodation in the immediate area. This is compounded by the fact that the report at paragraph 5.3 and 5.4 reports that two other smaller HMO's are likely to come online in the near future and has declared the Council's intent to enter similar contracts for those premises. This commitment in itself further adds to the concerns of over concentration of this type of accommodation which have not been considered or mitigated for in the authors report nor recorded as considered by the decision maker.

Paragraph 4.2 of the report identifies 'serious anti-social behaviour', this has no basis in law, as all forms of anti-social behaviour can be serious to the victim/s. This comment demonstrates that the use of these premises for this purpose is anticipated to cause some less than serious ASB, which again has not been considered by the report's author nor recorded as considered by the decision maker.

It is our opinion that a call-in will not cause unnecessary costs, delays or loss of facilities to the Council as this is still 'subject to planning, which by the reports only noting is unlikely to be achieved before Late Autumn 2023.

That the decision by Cllr Taylor was premature, whilst it was made within the time frame allowed by the constitution, it was done in the full knowledge that she would be attending a planned public meeting on the 15th June 2023, with SDR living and WBC officers to engage in a public consultation. This meeting was attended by circa 150 person, which should have been expected given the public turn out at the previous planning meeting in

objection to this development and could therefore have been reasonably expected to have been well attended and provide considerable public representations, by making this decision when she did, she knowingly avoided these representations in her decision making.

That the decision paper was labelled as a Joint decision, yet all the notice boards at the public consultation contained the Adur / Worthing logo. However the text on the boards and language throughout the entire meeting was with reference to a venture between SDR Living and Worthing Borough Council. Not Adur & Worthing Councils. This is confusing and lacks transparency in decision making.

5. Proposals

- 5.1. Members of the Committee are referred to the procedure for this meeting at Appendix A and are asked to follow the procedure, at this meeting, to consider the Call-in.
- 5.2. Having considered the matter, the Committee is referred to Paragraph 2.1 of the Recommendations which reflects Paragraph 18.9 of the Joint Overview & Scrutiny Rules. The Committee may conclude to take no action or may refer the matter back to the decision makers setting out the nature of any concerns or refer the matter to the Full Council of either or both Councils. The decision-making person or body must reconsider the decision within a further 5 clear working days and may or may not amend the decision before making a final decision and implementing it.
- 5.3. Once the decision is published following the Call-in procedure, the decision cannot be called in again. The decision following the Call-in procedure cannot be acted upon until 5 clear working days after the publication of the Record of Decision.

6. Consultation

- 6.1 The Joint Chairmen of the Joint Overview and Scrutiny Committee were consulted by the Monitoring Officer in reaching the decision to accept the request for call-in of the decision.

7. Financial Implications

- 7.1. Other than the resources associated with preparing for and holding this meeting, there are no implications arising from this report.

8. Legal Implications

- 8.1. The Council's Principles of Decision-Making are set out at Article 12 of the Constitution.
- 8.2. The procedure for Call-In of Cabinet decisions is set out in the Council's Joint Overview and Scrutiny Procedure Rules which can be found in Part 4 of the Constitution.

Legal Officer: Joanne Lee

Date: 12/07/2023

Appendices

Annex 1 - Procedure for Meeting

Annex 2 - The Joint Cabinet Member Report dated 19th May 2023

Annex 3 - The Decision Notice dated 13th June 2023

Background Papers

- Delivering Pathways to Affordable Homes
- Temporary Accommodation Placement and Procurement Strategy dated 02/01/2020
- Housing Strategy 2020-23

Officer Contact Details:-

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Procedure for Meeting

Purpose of the Call in Meeting

The call-in meeting enables scrutiny Members to review the decision, having regard to the reasons given by the Call-in Members and the decision making principles set out in each Council's constitution at Article 12. It also provides an opportunity to ask the decision makers to reconsider their decision - if members think this is necessary.

What are the possible outcomes of this meeting?

In summary, members can:-

Make recommendations to either:-

- Decide to take no further action
- Refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or
- Refer the matter to the Full Council of both Councils.

In considering the Call-in request, the Joint Overview and Scrutiny Committee is unable to consider excluded matters under Regulation 3 of the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012).

An excluded matter is a local crime and disorder matter within the meaning of the Police and Justice Act or any matter relating to a planning or licensing decision, or where a person has a right of recourse to a review or appeal, or where the matter is vexatious, discriminatory or not reasonable.

Procedure at Meeting

1. The Chair opens the meeting by outlining the call-in meeting and procedure;
2. The Lead Call-in Member is invited by the Chair to present the reasons behind the call-in of a particular decision;
3. The remaining two Call-in Members are invited to contribute to the Lead Call-in Member's argument;

4. The Cabinet Members (or appropriate representative of the decision-making body, e.g. Chairs of the Committee that made the decision called in) responds to call-in argument and offers their/decision-making body's viewpoint;
5. Any additional appropriate speakers, including the appropriate Director / Assistant Director (of the called-in decision) may speak to explain any technical issues/provide background to the decision;
6. After all appropriate Members or Officers have spoken, the Joint Overview and Scrutiny Committee Members may ask the Call-in Members, Members and Officers questions of clarification;
7. The Legal Services/Democratic Services representatives may be asked points of clarification/procedure by the Scrutiny Panel Members;
8. At this point the Chair may ask firstly the Cabinet member and then the Lead Call-in Member to briefly sum up their positions;
9. The Joint Overview and Scrutiny Committee can then discuss the issues around the call-in generally, without further interjection by Call-in Members, Cabinet Member(s) and Officers (unless the Committee asks for any further clarification).
10. At any time during the Committee's discussion of the issues, a Member may propose a motion as to how the Call-in should be dealt with by either proposing to take no action or referring the decision back to the decision maker. The Motion will need to be seconded, debated (as required) and voted on by the Committee Members in the usual way in accordance with the Council & Committee Procedure Rules found at Part 4 of each Council's Constitutions.
11. At the close of the meeting the Chair should summarise the recommendation or recommendations of the Committee for clarification of all present.
12. The Chair shall have a discretion to vary the terms of this procedure note if in their discretion it is reasonable to do so.

Sustainability & Risk Assessment

1. Economic

There are no direct economic issues.

2. Social

Other than set out in the Report there are no direct economic, social or environmental issues arising.

2.1 Social Value

Other than set out in the Report there are no direct economic, social or environmental issues arising.

2.2 Equality Issues

There are no direct equality issues


2.4 Human Rights Issues

There are no direct human rights issues

3. Governance

The governance issues are set out in the body of the report.

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 <p>ADUR & WORTHING COUNCILS</p>	<p>WBC Cabinet Member for Citizen Services ADC Cabinet Member for Adur Homes & Customer Services</p> <p>Date: 19 May 2023</p> <p>Decision to be taken on or after 29 May 2023</p>
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Key Decision [Yes]

Ward(s) Affected: Selden

Emergency Accommodation Contract Award

Report by the Director for Housing and Communities

Executive Summary

1. Purpose

- 1.1 To acquire by service agreement additional emergency accommodation to enable the council to fulfil its statutory housing duties under S188 and S193 of the Housing Act 1996.

2. Recommendations

- 2.1 Subject to approval of planning permission, to approve a 10 year (5yr+5yr) service contract with a private sector emergency accommodation provider to acquire nomination rights to 44 units of 24 hour staffed emergency accommodation for single people.
- 2.2 Within existing and approved budgets, to agree a delegated authority under delegation 2.6.8 of the Officer Scheme of Delegations for the Director of Housing and Communities to enter into a service contract for the purpose of acquiring temporary accommodation.

3. Context

- 3.1 Since the introduction of the Homelessness Reduction Act in April 2018 and the COVID-19 pandemic, we have seen a sharp rise in the number of single people presenting as homeless, increasing the demand for emergency accommodation. Single people now represent 52% of the total emergency accommodation placements in Adur and 63% in Worthing and at the time of writing this report there are a total of 47 Adur and 220 Worthing single person households residing in emergency accommodation, many of whom are placed in expensive nightly booked bed and breakfast.
- 3.2 Furthermore, the added pressure of the current economic downturn on the housing market has resulted in lower supply and raised rental values of private rented accommodation. A recent [report by the BBC](#) has confirmed that a third less rented accommodation is available now compared to 18 months ago and rents have risen by ~11% over the same period. Conversely, the Local Housing Allowance has not risen inline with this and has again been frozen for 2023/24.
- 3.3 These combined factors have resulted in an increase in net temporary accommodation placements of 157% for WBC and 98% for ADC over a 36 month period and our net increase in emergency accommodation placements is currently at ~5 per month for WBC and ~1.6 per month for ADC.
- 3.4 The table below shows the estimated number and type of properties that are needed to replace our existing expensive nightly booked bed and breakfast accommodation and meet new demand up until April 2025.

WBC Total TA supply required 2023/2025						
Room/studio: Medium/Complex needs singles	Room: general needs singles	Studios	1 bed	2 bed	3 bed	TOTAL
150	38	43	52	23	4	310

ADC Total TA supply required 2023/2025						
Room/studio: Medium/Complex needs singles	Room: general needs singles	Studios	1 bed	2 bed	3 bed	TOTAL
42	11	23	25	8	1	110

- 3.5 In accordance with the Homelessness Reduction Act 2017 and Part VII of the Housing Act 1996, the council has a legal obligation to prevent homelessness and reduce the need for placement into temporary accommodation. In a one year period, homelessness has been prevented for 74 households and relieved for 96 households in Worthing and prevented for 29 households and relieved for 48 households in Adur.
- 3.6 With the sources of homelessness increasingly from those with no security of tenure or fleeing domestic abuse, homelessness is often not possible to prevent. This is also coupled with increasing numbers of both young and older people as well as increasing numbers with high support needs across the population and our need for supported and staffed accommodation has increased. We are currently meeting this need with provision of inreach into accommodation and security patrols out of hours which is also helping to highlight when support is needed, but this is not able to fully meet the need.
- 3.7 Provision of move on accommodation is an extremely important factor in reducing the number of households in temporary accommodation; however, due to the shortage of available social rented and affordable private rented accommodation, this is often a great challenge. This shortage has been compounded by the COVID-19 pandemic as people from more expensive areas in the South East, such as London and Brighton, are continuing to take advantage of new working from home arrangements and moving to surrounding areas where the rental and house prices are comparatively low.
- 3.8 To attract more private landlords, the council introduced its UKHA award-winning 'Opening Doors' private sector letting service. This has been a great success and has been key in preventing and relieving homelessness by enabling a supply of good quality privately rented homes to people with housing needs. Since its introduction in July 2019, it has provided homes to over 100 households and is still a growing success with an additional 67 properties in the pipeline that we expect to be occupied by the end of Q2 2024.
- 3.9 We are also building relationships with larger developers that are attracted to 'Opening Doors' guaranteed rent and additional support they receive by the council. A recent example of this includes a 21-flat development in Worthing that was secured on a five-year deal using an Empty Properties Grant that will provide affordable (LHA rate) and eco-friendly private rented accommodation for local people with housing needs, greatly reducing the pressure on our temporary accommodation stock and budgets. This development alone is expected to save close to £1m in equivalent temporary accommodation costs over the 5 year term of agreement.
- 3.10 As well as working to increase and improve our local temporary accommodation supply we are also working on other initiatives to meet this need, these include working with RSL and support providers for supported move on

accommodation and provision of support accommodation for those with complex needs.

4. Issues for consideration

- 4.1 The average nightly cost of emergency accommodation is currently £46 per night with some providers charging as much as £90+ per night, excluding any added costs of staff inreach and security patrols. The current market conditions are also resulting in providers increasing their rates. At £47.00 per night, this new accommodation will offer comparable value for money and is more suitable in terms of location and the services offered. It will also include 24 hour staffing, which is not provided by most of our temporary accommodation services.
- 4.2 Serious anti-social behaviour (ASB) in single person emergency accommodation is uncommon, however it is important that measures are put in place to prevent its occurrence and ensure that any incidents can be quickly responded to. In this proposal, there will be a minimum of one member of 'waking' staff on site 24 hours a day, 365 days a year, plus CCTV for added security. The accommodation will be split into clusters to separate parts of the building and reduce the potential for ASB among residents.
- 4.3 Full terms of the contract and the services included can be viewed upon request in the form of a Heads of Terms agreement that will form the basis of the service agreement should the proposal go ahead.
- 4.4 Demand for emergency accommodation is increasing and the council is required under a statutory duty to provide this. Without long term provision of lower cost emergency accommodation, the only option is to use financially unsustainable short-term nightly booked accommodation that is often unsuitable and outside of the Borough.
- 4.5 The provider has requested a 10-year agreement as this enables them to financially plan using an emergency accommodation business model on the agreed rates. A much shorter contract would not be worth the risk or labour to acquire the property, particularly as the property does not currently have the requisite planning consent.
- 4.6 A longer contract also means the service can be provided at lower cost because it gives the provider added financial security for their long-term business plan, plus it gives the council the guarantee that this provision of temporary accommodation for this cohort will be available for an extended period of time.
- 4.7 The provider initially requested a compounded RPI increase to be implemented at year five of the contract; however, due to the uncertainty of the economy and the anticipated rise in inflation and interest rates, we have agreed that the rates will be reviewed at months 48-50. This gives the council the opportunity to review its options and reassess value for money rather than agreeing

unknown rates in years 5-10. If both parties cannot agree on the rates the contract will terminate at the expiry of 5 years.

5.0 Planning Considerations

- 5.1 The current use class of the property is C1 hotel which will require a planning application for a change of use to sui-generis HMO for sole use as emergency and temporary accommodation. The key considerations would be the loss of a tourist facility and the management of the accommodation to avoid issues of anti-social behaviour, loss of amenity to adjoining residents and the impact of potential noise.
- 5.2 A previous planning application (AWDM/1472/22) for this property was refused on the grounds that it would represent an over-concentration of this form of accommodation on the site which would have a detrimental impact on the character of the area and amenities of neighbours in terms of increased antisocial behaviour, noise and disturbance. A subsequent appeal has been lodged and a resubmission of the planning application is due in June 2023 which is expected to provide clarity on the intended end user of the accommodation together with a detailed management plan to address the concerns of local residents.
- 5.3 The Cabinet Member will be aware that the use of Hotels in the area for emergency accommodation has been controversial. A Certificate of Lawful Use was submitted to formally establish the use of the Castle Hotel at 6 Windsor Road as an HMO for temporary accommodation; however, this was refused and the subsequent appeal recently dismissed. The proprietors of the Castle Hotel are due to submit a fresh application to regularise the use of the property in the coming months which, if approved, will permit continued use as emergency accommodation.
- 5.4 The owners of the Castle Hotel are also in the process of purchasing the nearby Wolsey Hotel, a former temporary accommodation service used by WBC and ADC. Once acquired, they intend to reopen the service. WBC or ADC have not yet entered into a contract to use the Wolsey or Castle Hotels, but we are planning to do so in the near future. It is important to note however that if we choose not to use these properties it would not prevent other local authorities or government departments from doing so.
- 5.5 The Home Office is currently seeking accommodation in West Sussex to meet current demand for asylum seekers and have approached the owners of the Windsor Hotel. Advanced discussions have taken place but have been put on hold pending the outcome of the appeal and resubmitted planning application. It is important to note that if the provider is unable to secure planning permission to work with the council then they may reconsider the option to offer the property to the Home Office as an asylum hostel.

6.0 Number and type of households to be accommodated

6.1 There are a total of 44 units of accommodation all with ensembles and shared kitchen facilities that will accommodate 44 single people currently placed in nightly booked emergency accommodation.

7.0 Proposed management/maintenance/insurance arrangements

7.1 General breakdown of terms:

Council is responsible for:

- Rent collection
- Arranging placements
- Contract management (i.e ensuring the provider is keeping the property in good, safe condition)

Landlord responsible for:

- All internal and external parts of the building and associated repairs
- Tenant damage
- Building/landlord insurance
- Maintaining the property in a lettable standard if for example there was a fire or flood
- Attending evictions
- Day-to-day management including dealing with anti-social behaviour
- Arranging and undertaking repairs
- Electrical and gas safety checks
- Check-in/check-out occupiers
- 24 hour emergency call out
- All furnishings including adequate provision of beds and mattresses
- Water, gas and electricity bills
- Council tax
- CCTV
- 24 hour on site staff
- Cleaning

7.2 A full list of services offered can be found in the agreed Heads of Terms.

8.0 Alternative options considered

8.1 The council is purchasing and developing its own temporary accommodation stock. So far three buildings have been developed to create 38 self-contained flats in Worthing and one building in Adur consisting of 6 self-contained flats. Whilst this is an effective long term strategy to lower the cost of temporary

accommodation, it can take many months or years to develop each site and therefore this in isolation is not sufficient to keep up with current demand.

- 8.2 Other options include spot purchase of rooms and flats, however this is very costly and unsustainable in the medium to long term as well as not being suitable for the majority of single person households due to level of need and risk that requires staffing.
- 8.3 Doing nothing and continuing to use nightly booked accommodation will see costs spiral and increased out of area placements and is therefore not recommended.

9.0 Engagement and Communication

- 9.1 Steps taken to date e.g. initial discussions with owner, initial condition survey
 - Monthly rates negotiated as low as possible
 - SLA to be 10 years (5+5 years)
 - Rates fixed for the first 5 years with a rate review set at month 48-50 for years 5-10.
 - The property will be inspected by a private sector housing officer to ensure it is fit for habitation and meets health and safety standards.
 - The following documents will be obtained before commencement of the agreement:
 - Electrical Installations Conditions Report
 - Gas Safety Cert (if applicable)
 - Land Reg search to confirm owner and mortgage (if any) on property
 - Permission from the owner’s lender
 - Landlord and buildings insurance policies
 - Fire Risk Assessment
 - Building Control certificate (if applicable)
 - HMO licence (if applicable)
 - The property will be managed by the provider with 24hr staffing and equipped with CCTV in the communal areas for safety and security of the residents which develops our model taking account of the learning from ‘Everyone In’.
 - Full planning permission to obtain the correct use class will be required prior to any agreement being entered into. All neighbours, council departments and other relevant consultees will be contacted for their consideration and comments as part of the planning application.

10.0 Proposed Timescale

Agreement of Heads of Terms	Complete
WBC necessary Approvals to agree from members	End of May 2023
Public Consultation for planning application	Early June 2023
Re-submission of application for consent	Mid June 2023
Planning Decision	September 2023

Enter formal contract	September 2023
Phase 1 open (estimated)	December 2023
Phase 2 open (estimated)	March 2024

11.0 Financial Implications

- 11.1 The table below shows that the net cost of placing people with temporary accommodation need in the property under the proposed service agreement is considerably less than the alternative of bed and breakfast:

	Proposed service contract Net Cost £	Bed and Breakfast Net Cost £	Saving associated with service contract £
Total saving in year 1	462,957	638,722	(175,815)
Cumulative saving over the term of the agreement (10 Years)	4,848,225	7,403,562	(2,555,337)

- 11.2 The saving in the first year against the cost of bed and breakfast for year one is ~£176k. The cumulative saving over 10 years is ~£2.5m. The comparison is based on 44 single bed and breakfast placements.
- 11.3 The total contract value over 10 years is £7,780,776.
- 11.4 The full financial appraisal can be viewed [here](#).

12.0 Legal Implications

- 12.1 The Housing Act 1996, Part VII (as amended) sets out the circumstances when a local authority is required to provide temporary accommodation to homeless households. The expectations for this temporary accommodation are then set out in the Homelessness (Suitability of Accommodation) (England) Order 2012. Not having a fit for purpose service will leave the Councils open to a legal challenge.

- 12.2 Section 1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 12.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 12.4 s1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available of assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.
- 12.5 The proposals set out in this report amount to the provision of a Service contract that would fall within the Public Contract Regulations 2015. procurement advice has been taken, and is set out at paragraph 12 below.

13. Procurement

- 13.1 Procurement rules do not usually apply for acquisitions of temporary accommodation however the high value and heavy service element attached to this contract, plus the fact that this is a nominations agreement rather than a lease, means procurement rules must be followed.
- 13.2 A formal tender process has not been conducted as the timescale involved to do this is impractical, the need for emergency accommodation is urgent and the nature of provision requires the service to consider offers made by providers assessing them against need and value. To ensure full transparency, a Voluntary Ex-Ante Transparency (VEAT) notice will be published on Find a Tender System prior to completion of the contract to inform the market of our intentions to enter into this contract (subject to satisfactory planning consent).

Background Papers

- [Financial appraisal](#)
- [Delivering Pathways to Affordable Homes](#)
- [Temporary Accommodation Placement and Procurement Strategy](#)
- [Housing Strategy 2020-23](#)

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

- The scheme will create 6.5 FTE jobs (external)
- Providing good quality local accommodation gives people a better chance to improve their circumstances and provides access to local services that can help with employment, physical and mental health as well as addiction.
- The scheme will reduce costs for accommodation provision.

2. Social

2.1 Social Value

- All employees of the provider will be paid at no less than the Real Living Wage (currently £10.90ph).
- Many people are being placed in temporary accommodation out of the Borough. This accommodation will greatly improve people's lives by allowing them to remain or return to their local area which is particularly important for those that rely on local services and their social support networks.
- The provision includes staffing support and cooking facilities which will improve the quality of accommodation enabling people to meet daily living needs and improve health and wellbeing.

2.2 Equality Issues

- The councils [Temporary Accommodation Placement and Procurement Strategy](#) takes into account the public sector Equality Duty (Section 149 of the Equality Act 2010) and the Council's allocation and procurement of temporary accommodation will have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity between different groups
 - Foster good relations between different groups
 - of any household with a member with a 'relevant protected characteristic' when placing in temporary accommodation.

2.3 Community Safety Issues (Section 17)

- To prevent occurrences of anti-social behaviour, the property will have 24-hour staffing and will be equipped with CCTV within the internal and outdoor communal spaces.
- The building will be compartmented into smaller units to reduce contact between residents and lower the risk of potential incidents.
- The council's housing needs team will maintain regular contact with the provider to ensure any incidents relating to the occupiers are closely

monitored and appropriate action is taken to reduce or eliminate the impact on local residents.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- This property will be designed to maximise thermal efficiency and will conform with current building regulations.
- Recycling will be encouraged
- Local provision of temporary accommodation will reduce the need to travel for residents as well as staff who are providing inreach support to service users who are currently placed in our out of area accommodation.

4. Governance

- As set out in the Delivering Pathways To Affordable Homes document and the Housing Strategy 2020-23, we have increasing demand for temporary accommodation that requires us to secure more affordable accommodation options.
- Section 3.1 of [Temporary Accommodation Placement and Procurement Strategy](#) requires the councils to use a variety of approaches to maintain the supply of good quality TA, including increasing the number of leased properties in its stock by developing a private rented leasing scheme. This property is not leased but the agreement allows us to secure nomination rights without taking a legal interest in the property or land.
- The property will be fully managed by the provider and we have a grant funded support staff and therefore no additional resources or staff are required.
- The property will be required to meet all housing health and safety requirements including building, fire, electrical and gas safety legislation and must be fully compliant with the Housing Health and Safety Rating System (HHSRS) as defined in the Housing Act 2004. The property will be inspected by a private sector housing officer and all required certificates shall be obtained prior to occupation.

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ADUR & WORTHING
COUNCILS

**Worthing Cabinet Member for Citizen
Services
Adur Leader**

**Decision Ref No: JAW/002/23-24
Date of Decision: 13 June 2023**

If you have any questions about this decision please contact Democratic Services on 01903 221006 or email democratic.services@adur-worthing.gov.uk

Record of Decision: JAW/002/23-24 Emergency Accommodation Contract Award

Decision taken by:

Worthing Cabinet Member for Citizen Services
Adur Leader

Declaration of Disclosable Pecuniary Interests: WBC Cabinet Member for Citizen Services: I hereby confirm that I do not have any disclosable pecuniary interest in this item. ADC Leader: I hereby confirm that I do not have any disclosable pecuniary interest in this item.

Decision:

WBC Cabinet Member for Citizen Services: Subject to approval of planning permission, we approve a 10 year (5yr+5yr) service contract with a private sector emergency accommodation provider, with a total value of £7,780,776, to acquire nomination rights to 44 units of 24 hour staffed emergency accommodation for single people and delegate authority to the Director for Housing and Communities to enter into a service contract for the purpose of acquiring temporary accommodation.

ADC Leader: As this is essentially a Worthing issue, I am happy to follow the WBC Cabinet Member for Citizen Services' lead in making this decision.

Key Decision: Yes

Reason For Decision:

WBC Cabinet Member for Citizen Services: To enable the council to fulfil its statutory housing duties under S188 and S193 of the Housing Act 1996.

Alternative Options Considered:

Both WBC and ADC have commenced capital works programmes to purchase and develop their own temporary accommodation stock. So far three buildings have been developed to create 38 self-contained flats in Worthing and one building in Adur consisting of 6 self-contained flats. Whilst this is an effective long term strategy to lower the cost of temporary accommodation, it can take many months or years to develop each site and therefore this in isolation is not sufficient to keep up with current demand.

Other options include spot purchase of rooms and flats, however this is very costly and

unsustainable in the medium to long term as well as not being suitable for the majority of single person households due to level of need and risk that requires staffing.

Doing nothing and continuing to use nightly booked accommodation will see costs spiral and increased out of area placements and is therefore not recommended.

Other Matters Considered:

Legal Advice and Issues	x	Financial Advice and Issues	x
Sustainability Issues	x	Equality Issues	x
Community Safety Issues	x	Human Rights Issues	x
Reputation	x	Risk Assessment	x
Health & Safety Issues	x		

Consultation:

This report was circulated to Councillors, and published on the Council's website on 22 May 2023. The following consultation responses were noted by the decision maker: WBC Cabinet Member for Citizen Services: None

Background Papers:

- Financial appraisal
- Delivering Pathways to Affordable Homes
- Temporary Accommodation Placement and Procurement Strategy
- Housing Strategy 2020-23

Contact Officer:

Steve Hay
Acquisitions and Landlord Support Coordinator
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Email: steve.hay@adur-worthing.gov.uk


Call-in: The call-in deadline for this decision will be 5:00pm on 20 June 2023



Signed:

Date: 02/06/2023

Name: WBC Cabinet Member for Citizen Services, Councillor Emma Taylor-Beal

Signed: 

Date: 09.06.2023

Name: ADC Leader, Councillor Neil Parkin

Decision Ref No: JAW/002/23-24

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