



ADUR & WORTHING
COUNCILS

30 October 2019

Joint Strategic Committee	
Date:	7 November 2019
Time:	6.30 pm
Venue:	QEII Shoreham Centre, Shoreham by Sea

Committee Membership:

Adur District Council: Councillors; Neil Parkin (Adur Chairman), Angus Dunn (Adur Vice-Chairman), Carson Albury, Brian Boggis, Emma Evans and David Simmons

Worthing Borough Council: Councillors; Daniel Humphreys (Worthing Chairman), Kevin Jenkins (Worthing Vice-Chairman), Edward Crouch, Heather Mercer, Elizabeth Sparkes and Val Turner

Agenda

Part A

1. Declarations 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. Minutes

To approve the minutes of the Joint Strategic Committee meeting held on 8 October 2019, copies of which have been previously circulated.

3. Public Question Time

To receive any questions from members of the public.

In order for the Committee to provide the fullest answer, questions from the public should be submitted by noon on Tuesday 5 November 2019.

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.)

4. Items Raised under Urgency Provisions

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

5. Draft Revised Allocations Policy (Pages 1 - 54)

To consider a report from the Director for Communities, a copy is attached as item 5.

6. Local Cycling & Walking Infrastructure Plan - making walking and cycling safer and easier (Pages 55 - 64)

To consider a report from the Director for Communities, a copy is attached as item 6.

7. Engaging Adur and Worthing - how we engage with our Communities (Pages 65 - 84)

To consider a report from the Director for Communities, a copy is attached as item 7.

8. Storyteller: Communications for the 21st Century (Pages 85 - 96)

To consider a report from the Chief Executive, a copy is attached as item 8.

9. JOSC report on the review of Adur and Worthing Gypsy & Traveller Encampments (Pages 97 - 120)

To consider a report from the Director for Digital & Resources, a copy is attached as item 9.

10. Worthing Integrated Care Centre Development on Worthing Town Hall Car Park (Pages 121 - 176)

To consider a report from the Director for the Economy, a copy is attached as item 10.

11. Delivering New Homes for our Communities - Fulbeck Avenue (Pages 177 - 182)

To consider a report from the Director for the Economy, a copy is attached as item 11.

12. Worthing Coastal Protection Scheme (Pages 183 - 194)

To consider a report from the Director for Digital & Resources, a copy is attached as item 12.

Part B - Not for Publication - Exempt Information Reports

None.

Recording of this meeting

The Council will be voice recording 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:
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Duration of the Meeting: Four 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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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
7 November 2019
Agenda Item 5

Key Decision [Yes/No]

Ward(s) Affected: All

Draft Revised Allocations Policy

Report by the Director for Communities

Executive Summary

1. Purpose

1.1 Adur and Worthing Councils are required, in law, to have a published scheme/policy that sets out how they will allocate social housing in their geographies. These can be homes owned by the Council or by registered providers and accessed via a nominations process. In Adur and Worthing this detail is contained within the Choice Based Lettings Policies.

1.2. The current policies for both Adur and Worthing Councils were last updated in 2014. Clearly it is necessary to regularly review this key housing policy in light of the changing needs of our populations and critically, changes in legislation and core guidance.

1.3 Nationally, Local Authorities are experiencing an increase in homelessness and there is rising demand for social housing, which locally is in limited supply. The revised and renamed Allocations Policy for each Council, needs therefore to reflect what is best practice in supporting those in the greatest need to access this limited supply of social housing, and ensure that we are open and transparent with our communities around how this is allocated.

1.4 Since the policies were last reviewed there have been some significant legislative and policy changes, which have also been incorporated into the revised policy, these include:

- The Homelessness Reduction Act 2017, in particular additional guidance on Reasonable Preference groups,
- The Public Sector Equality Duty within the Equality Act 2010 and
- The Government's Rough Sleeping Strategy.

1.5 This report outlines to members of the Joint Strategic Committee on the changes proposed in the revised and renamed Allocation Policies, to take account of these legislative and contextual changes, and seeks permission to undertake a period of public consultation on the draft policies.

2. Recommendations

That members of the Joint Strategic Committee:

2.1 Approve the draft Allocation Policies for public consultation; and

2.2 Request a further report on the outcome of that consultation and recommendations, to be presented at the meeting of the Committee in January 2020.

3.0 Context

3.1 All statutory Housing Authorities are obliged to have a published scheme which sets out how they will decide to allocate any social housing that is within the geography of their authority. This includes both social housing owned by the Council, and nominations to properties provided by registered providers.

3.2 The Allocations Policy sets out how each Council decides who will be offered social and affordable housing and on what basis. It is therefore one of the Councils' most important housing policies. The last full review of the Choice Based Lettings Policies which includes our current policy for the allocation of social housing, was carried out in 2014.

3.3 Given the increasing demand for social housing, it is important that the Councils have transparent and well considered policies to ensure that available social housing is allocated to households who are most in need. Table 1 shows how many households are on each housing register, compared

with the number of lets in the last year (table 2). From this it can be seen that there is a significant shortfall between supply and demand for social housing in our areas. Whilst both Councils are committed as part of our delivering our Housing Strategy to increasing the number of affordable homes within both the District and Borough, this disparity between demand and supply will continue. The pipeline of social housing provided either by the Council (Adur District) or other registered providers is limited by the scale of development across our area. Consequently, our focus continues to be on a range of solutions to assist people in housing need, including innovations such as Opening Doors, however there will always be a finite number of homes that will be allocated through the Allocations Policy.

Table 1: Households on the Housing Register

Households on the Housing Register	Adur	Worthing
as at 31/12/2018	651	1076
as at 31/03/2019	608	1299
as at 31/09/2019	642	1337

Table 2: Number of Lets in the preceding 12 months

Adur	137
Worthing	210

- 3.4 It is also necessary that the policy is reviewed from time to time to ensure that it is updated in line with legislation, regulation guidance, case law and current Council goals and priorities.
- 3.5 Contextually, many councils across the UK have experienced increased demand for housing and homelessness services. Committee members will be well aware that both Adur and Worthing Councils have seen significant increases in those presenting to the Councils in housing need. Therefore it is imperative that this policy both reflects the local context of housing demand and supply, and is in line with current legislation and policy.
- 3.6 This report sets out some proposed changes to the Councils' renamed Allocation Policies to reflect these changes which include:

- The Homelessness Reduction Act 2017 and draft code of guidance, which imposes a legal duty on local authorities to provide Prevention and Relief duties to applicable households who are homeless or at risk of homelessness.
- The Housing and Planning Act 2016;

3.7 The revised policies will also support the Councils' current and future strategic ambitions to continue to prevent homelessness by 'Making Homelessness Everyone's Business' and further embeds the ethos of early intervention and prevention, into our policy and practice.

4.0 Issues for Consideration

The following paragraphs outline the key changes proposed in the revised Policies:

4.1 *Increase in Local Connection criteria from two years to five years*

This will be applied to new applications when each policy goes live in March 2020. It will not affect those already on the Registers unless they are in Band D (see below). This change is proposed to ensure that the limited supply of social housing that is available, is allocated to residents that have a significant connection with the District or Borough. This change is also in line with neighbouring authorities, ensuring that demand for housing in Adur and Worthing is not impacted by changes to local connection criteria made by neighbouring Districts and Boroughs. Local connection can still be acquired from employment and family living in the area, when there is a housing need e.g. to receive or give care and support.

Should this change not be included, Adur and Worthing Councils could be impacted by increased demand, that we will be unlikely to meet as we will be operating differently to our neighbours.

4.2 *The removal of Band D*

Currently there are 404 Worthing households and 166 Adur households on the register in band D. Band D is used for those who are in suitable accommodation but still want to join the housing register or for those who have circumstances which mean they are unable to secure social housing. In the last year, 4 households in Worthing and 11 households in Adur in Band D have secured a property via the Housing Register.

4.3 Under the new Policy, applicants who have a need for social housing will still qualify to join the housing register under Band A, B or C. If they are in housing need and have a debt to be paid, they can be 'suspended' whilst the debt is cleared whilst at the same time accruing waiting time on the register which will reduce the negative impact of any suspension on the household.

4.4 This change is proposed to provide clarity and transparency and to ensure that those on the housing register, are those who have an assessed need for social housing. All current Housing Register applicants in Band D will be reviewed when the policy is introduced, and if they have a current housing need under the requirements of the revised policy, they will be re-allocated to Band A, B, or C accordingly.

4.5. *Introduction of a Band B for qualifying prevention cases:*

This element will support the Councils' efforts to work with households to proactively prevent identified homeless risk, particularly where they can make more suitable temporary arrangements rather than placing them in emergency accommodation. A qualifying prevention case is where a household is threatened with homelessness, this has been verified by the housing team, and the household is able to make independent, suitable, temporary arrangements, in agreement with their case officer for a minimum of twelve months. Such households will be allocated to this new Band instead of the current position Band C. Support to access the Private Sector e.g Opening Doors, will remain available to the household whilst this arrangement is in place.

4.6 *One Reasonable Offer*

The revised policy introduces the concept of one reasonable offer for high priority categories as defined in section 13 of the policy, which includes Band B prevention cases. A Direct Offer is a property allocated by the Accommodation Team and if refused without reasonable cause, the duty to that household can be discharged, and/or they can be removed from the register.

4.7 The Policy also introduces the option to suspend or remove applicants who do not make bids on suitable properties within defined time frames as outlined as in section 3.6 of the Allocations Policy.

4.8 The changes outlined in 4.6 and 4.7 are proposed in order to reduce refusals, void loss, unreasonable demand on temporary accommodation (as suitable

permanent accommodation is available) and ensure the allocation of social housing to those most in need.

4.9 *Changes to the Income and Savings Allowances:*

The revised policies introduce differentiated income and savings allowances, moving away from the current position of a standard amount for all households. Instead, it is proposed to introduce a scale that is linked to the size of the household. The policy also introduces some discretion for those in need of sheltered accommodation and/or who are threatened with homelessness, whose savings allowance exceeds the maximum allowance for their household size.

4.10 *Reciprocal Arrangements*

A new band, Band A9, is included in the revised policies, to represent reciprocal arrangements with other authorities. The instances of reciprocal arrangements are rare, but the policies need to account for them. This will be used when we are trying to find suitable housing for those fleeing domestic abuse (as an example), and remaining in the area may not be safe for them. Across both councils, in 2018-2019 there were no requests for a reciprocal arrangement. In 2019-2020, Horsham District Council accepted an Adur Homes tenant and Worthing Borough Council have received one request from Mid Sussex District Council. This element will also assist us to meet our obligations under recent Government guidance.

4.11 *Reasonable Preference*

The revised policy includes the concept of Reasonable Preference to recognise those eligible under the Homelessness Reduction Act. These include; Armed Forces Personnel for whom we had regard to under the Armed Forces protocol, those fleeing violence and Gypsies and Travellers. This is a requirement under housing legislation.

4.12 *Allocation of nominations to the Single Person's Pathway*

The policy proposes the removal of Band B for Rough Sleepers and the introduction of a bespoke allocation for those in the 'single person's pathway'.

4.13 Many of the people who have slept on our streets, experience significant and rapid changes in their circumstances and are often/usually excluded from securing social housing. Placing applicants who have slept rough in Band B

does not therefore increase their chances of being housed. Instead, the policy will support an annually reviewable allocation of nominations to the Single Person's Pathway for move on from Supported Accommodation, where individuals with support needs will have received support to address these issues. This will release supported accommodation for single people in temporary accommodation and rough sleepers.

- 4.14 In the last twelve months there have been between 17 and 20 Adur single people and between 46 and 63 Worthing single people in temporary accommodation at any one time. In the last twelve months services have dealt with more than 120 individual rough sleepers. This will be done alongside pursuing partnerships for funding opportunities for Housing First.

5.0 Engagement and Communication

- 5.1 The draft policy has been written by a working group of Adur and Worthing Council officers, including a representative from Legal Services. Following approval of the draft Policies, there will be a period of consultation with our partners and stakeholders and the public, followed by a full Equalities Impact Assessment.

- 5.2 The next stage will be to publish the draft Policy for consultation between the 11th and 6th December 2019. Information will be published on the Councils' website. Relevant stakeholders will be informed directly and asked to respond. Following consultation it is proposed to return to this committee with the results of that consultation and final recommendations as to the adoption and implementation of the updated Policies.

- 5.3 Following final approval of the policies, all households on the two housing registers will be written to and any affected households will be notified in writing of the changes and impacts to them. It is intended that current households on the register who have a housing need but do not meet the new local connection criteria will be permitted to remain on the register. Those without a housing need (Band D) will be removed but will have the opportunity to request a review of this decision. Information will also be made publically available on our website.

6.0 Legal Implications

- 6.1 Housing Act 1996 Section 166A(1) requires every local housing authority to have an allocation policy and section 166A(13): requirement for consultation of an Allocations Policy is to send a draft to all Private Registered Providers

and Social Housing landlords to which we have nomination rights and ensure they have reasonable opportunity to comment.

- 6.2 The draft policy has been written with advice from Legal Services to ensure compliance. Further advice will be sought post consultation.
- 6.3 Section 8 Housing Act 1985 continues to place a duty on every local Housing Authority to consider housing conditions in their District/Borough and the needs of the District/Borough with respect to the provision of further housing accommodation. Further, part 7 Housing Act 1996 (as amended) places an obligation on Local Authorities to promote the prevention of homelessness.
- 6.4 The Allocations Policies support the Councils' to discharge their obligations under s8 Housing Act 1985, and work towards the promotion of the prevention of homelessness. The changing landscape in relation to housing regulation and homelessness prevention, including the Homelessness Reduction Act 2017, places an ongoing legal burden on Local Authorities to consider carefully their housing strategies.
- 6.5 The Homelessness Reduction Act 2017 placed additional responsibility on Local Authorities in the form of Prevention and Relief Duties and the proposed changes to the policy supports these functions.

7.0 Financial Implications

- 7.1 There will be a requirement for a short term support staff member at a cost of £8,000 to deal with the transition to the new allocations policy and the implementation of the new choice based lettings system. The cost of this temporary resource can be accommodated from within existing budgets

Background Papers

- Adur and Worthing Councils' - Housing Strategy 2017-2020
 - <https://www.adur-worthing.gov.uk/housing/policies-and-strategies/housing-strategy/>
- Adur and Worthing Councils - Choice Based Letting Policies
 - <https://www.adur-worthing.gov.uk/housing/policies-and-strategies/choice-based-lettings-policies/>
- Adur and Worthing Councils' - Platform for our Places
 - <https://www.adur-worthing.gov.uk/platforms-for-our-places/>

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Sustainability & Risk Assessment

1. Economic

- Housing of all types and tenure, supports the economy of our places, enabling inward investment as well as providing safe and secure places for our communities to live and work from.

2. Social

2.1 Social Value

- There is a growing understanding of the health and social impacts of poor housing and at its extreme, the impacts of homelessness can be significant for individuals and families. Adur and Worthing Councils seeks to minimise these impacts through our work to identify and support individuals and communities at risk of homelessness and prevent this wherever possible. The revised allocation policies supports these aims.

2.2 Equality Issues

- An Equalities Impact Assessment which will be completed post consultation and prior to returning to Committee.
- As with Social Value, equality of opportunity and indeed of access to services may be impacted by an individual's or group's access to suitable housing. The Councils seek to provide a service to all residents to enable them to access advice and support in preventing the issues that may lead to homelessness from escalating. The revised allocation policies supports these aims.

2.3 Community Safety Issues (Section 17)

- The revised policies will allow for more flexibility in working with those who may have a history of complex behaviors and/or ASB that to access suitable accommodation.

2.4 Human Rights Issues

- The Councils are committed to supporting our most vulnerable communities and those in most need to be supported into stable housing. The revised policies support these aims.

3. Environmental

- Issue considered, no specific matters to report

4. Governance

- Annual Review of all the applicants on the Housing Register to ensure they comply with the criteria.
- Local Quality audit assurance checks to ensure that the policy is being applied consistently and correctly

- Application of case law and central government guidance as it occurs and input into our processes of any feedback from the Local Government/Housing Ombudsman

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Adur District/Worthing Borough Council

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¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

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1. Introduction

The Register of Housing Need and Choice Based Lettings Policy is intended to make the best use of social housing in Worthing/Adur, match available housing to those in the highest housing need and give people more personal choice about where they wish to live. This policy has been adopted by Worthing Borough/Adur District Council and sets out the purpose of the Register of Housing Need and the operation of a Choice Based Lettings Scheme.

Worthing Borough/Adur District Council is part of the Sussex Homemove Partnership operating a subregional Choice Based Lettings scheme. Each local authority within the partnership has its own policy but the assessment of applicants and the principles of each scheme are broadly similar. This creates more consistency in the allocation of social housing across Districts and Boroughs in Sussex.

The Council is required by section 166A of the Housing Act 1996 to have a system of allocating properties that gives choice to applicants¹. This policy sets out the priorities and procedures for the Council's nominations to Registered Providers (RP's). The Register of Housing Need and Choice Based Lettings Policy applies to existing RP tenants in Worthing/Adur who want to transfer to another RP tenancy and to new applicants applying for housing.

This policy meets the requirements set out in Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) and relevant Statutory Guidance². The policy gives reasonable preference to those applicants in the greatest housing need. It also aims to ensure that the allocation of social housing is carried out in a way that is efficient, cost effective, customer focused, and accessible. This is achieved by increasing access to services via the internet, and having more transparent information available to customers about social housing. In addition, a partnership approach to Choice Based Lettings across several authorities in Sussex provides more cost effective and efficient services by sharing development and running costs.

2. Choice and Empowerment

Choice Based Lettings give greater personal choice to those seeking housing and enable individuals to make informed choices about their housing options. The Choice Based Lettings Scheme is the set of rules by which we aim to treat everyone fairly and give the appropriate priority for housing. Choice Based Lettings encourage better use of the housing stock with Registered Providers by maximising the length of tenancies (as people have chosen their properties) and encouraging residents to have a stake in their community.

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

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This policy sets out how people's circumstances are assessed when applying for housing. A banding system, made up of three bands, is used to assess and prioritise housing need. All applicants receive information to advise them how to search for a property through the scheme, which is called Homemove. Available properties with Local Authorities and Registered Providers are advertised and applicants can use different methods to express their interest in the properties they want. This is referred to as 'bidding' and full details of the 'bidding' process are explained later in this policy.

2.1 Statement on choice

All applicants eligible to join the Register of Housing Need (see Section 3 of this policy) can exercise choice over the part of the Borough/District in which they wish to reside. Applicants are able to apply their preferences by bidding for the properties they want. However, all properties are let by a Local Authority or Registered Provider on the basis of household size and any other proven specialist requirements, e.g. a proven medical need for ground floor accommodation.

A Choice Based Lettings Scheme empowers applicants to make personal choices about where they want to live. The system offers transparency about properties that are available so applicants can be realistic about the choices they make. Some applicants may need greater assistance to understand and actively participate in Choice Based Lettings. The Council aims to guide and support applicants applying for housing and participating in Choice Based Lettings. Consideration is given below to equality, diversity and vulnerability issues.

In some cases one Direct or Reasonable Offer will be made as described in this policy.

2.2 Equality and diversity

Worthing Borough/Adur District Council is committed to providing and promoting services that are fair and equitable to all its customers. The Council seeks to ensure that services are accessible to all, and that no one applying for housing is disadvantaged on the grounds of age, disability, gender, race, religion/belief, or sexual orientation.

The process for allocating accommodation outlined in this policy is intended to be fair and transparent. The banding system allows people to identify why they are placed in a certain band as it is based on their current circumstances. Available properties are advertised and information is available about properties that have been let (for example, which band the successful applicant was in, how long they had been waiting in that band and how many bids were received).

Regular monitoring will be carried out to identify those people who have applied for housing but who have not registered an interest in any properties that have become available. Contact is made with those people to make sure they know how to access the Choice Based Lettings Scheme or to arrange for appropriate support to assist them. This covers all groups of people and provides a safety net to ensure that the scheme is accessible to all.

A summary of this policy is available, on request, in other formats, for example, large print or other languages. Alternatively, interpretation services can be arranged on request, for staff to verbally explain the policy to applicants. The Scheme User Guide that explains how the Choice Based

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

Draft Allocations Policy

Lettings Scheme works across Sussex is sent to all applicants and is also available on request in other formats and in other languages.

No particular group(s) of people should be disadvantaged by this policy (see 21.2).

2.3 Vulnerability

Social exclusion can arise where social, economic and cultural factors combine to exclude individuals and groups from accessing economic, cultural and social resources and from participating in the community. A person or group of people can be considered vulnerable when appropriate support is needed to enable or promote independent living and active participation in the community. When a vulnerable person does not receive support, social exclusion of a person or group can occur.

Although no particular groups of people are identified as being disadvantaged by this Policy, some people may need help to apply to join the Register of Housing Need and participate in Choice Based Lettings. Help is available from the Housing Needs Team to assist applicants to complete the Register of Housing Need application form. Home visits can be carried out to those people unable to come to the Council offices. Regular monitoring takes place to ensure that people with the highest housing need are actively participating in the Choice Based Lettings Scheme.

People requiring help to participate in Choice Based Lettings receive the level of support appropriate to their needs. People who need help, and do not already have support in place, are identified if they have not expressed an interest in available properties, from their application form, or by contacting the Council. Assistance is available from the Housing Needs Team at Worthing Borough/Adur District Council and from other services who work with people who are in housing need, for example, housing related support services.

3. The Register of Housing Need

3.1 What is the Register of Housing Need?

The Register of Housing Need is the register of people who are eligible, who qualify in accordance with this policy and want to be housed in the District of Adur/Borough of Worthing

3.2 Who can apply to join the Register of Housing Need?

People who are 16 years of age or over, who are eligible and who qualify in accordance with this policy can join the Register of Housing Need. Accommodation cannot be offered until a person is 18. Those joining the Register before 18 will be classed as suspended applicants until their 18th birthday. However, they will be able to accrue time on the Register from the date of acceptance.

There are certain classes of people that are excluded from joining the Register and details of who qualifies and who does not qualify are set out in sections 3.3 and 3.4 below.

To apply, an online Housing Register Self-Assessment Form must be completed and certain documents provided to confirm the details of those applying (for example, proof of identity and details of current and previous accommodation). Copies will be acceptable at the time of application, however, the original documents will be requested at the point when an applicant is nominated for a property.

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

Draft Allocations Policy

The details provided in an application will be checked by the Council's Corporate Investigation Team at the point of application and annually thereafter. This is to ensure applications are assessed fairly in accordance with this policy and that only those who are eligible to join are able to do so.

3.3 Qualification criteria

The following categories of people who upon assessment are also deemed to have a genuine housing need and so qualify to join the Register of Housing Need:

- a) People with a local connection according to the criteria set out below. This local connection must be proven and verified.
 - The applicant or their partner with whom they would normally reside are currently living in the District/Borough and have lived there permanently for at least 5 years out of the previous 6 years immediately prior to the application date;
 - The applicant or their partner has been in employment which is based permanently in the District/Borough for at least five years on a full or part time basis (at least 24 hours per week) and remains in that employment. This can include zero hours contracts, in which case average hours over the last year will be taken into account); or
 - The applicant or their partner needs to be in the District/Borough to give or receive regular daily support from or for a close relative (parents, adult children, brother and/or sister). The carer must be eligible for Carer's Allowance or able to demonstrate that this level of support is required. The support must be required on an ongoing long term basis and be unable to be provided by other family members or available support agencies. The family member must be permanently resident in the District/Borough and have lived here permanently for at least 5 years immediately prior to the application date.
 - The applicant is a young person who is owed 'leaving care' duties by West Sussex County Council (WSCC) under section 23C of the Children Act 1989, is under the age of 21, lived in the District/Borough for at least two years before they were 16.

- b) People without a local connection but are deemed to have a Reasonable Preference because they are:
 - accepted as statutorily homeless (as defined under Section 193 Part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017)
 - accepted as being owed the prevention duty or relief duty in the District/Borough (as defined under Section 195 and 189(b) Part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017)
 - members of the Armed Forces and former Service personnel, where the application is made within five years of discharge

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

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- bereaved (or divorced or separated) spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of (or divorce or separation from) their spouse or partner
- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
- witnesses or otherwise vulnerable people who are afforded Witness Protection Status, supported and verified by the necessary agencies, due to a real and immediate risk to their lives.
- fleeing domestic abuse, violence or threats of violence that are likely to be carried out and cannot safely reside within any of the council areas where they have a local connection
- Gypsies or Travellers who have a nomadic lifestyle and have been unable to establish a local connection as a result, and who do not have a local connection to any other Council areas

c) Current tenants of Adur Homes or current tenants of Registered Providers in Adur District/Worthing Borough who have an identified housing need and where the current landlord confirms they will accept a re-nomination of the tenant to a more suitable property if one is available. Identified housing need in these circumstances includes the need to move to smaller or larger accommodation or the need to move for medical reasons. Tenants who are living in accommodation that has adaptations that are no longer needed also qualify.

d) Tenants of Supported Accommodation will neither lose or gain local connection when accepting an offer of Supported Accommodation in the Adur District/Worthing Borough. Adur/Worthing residents who accept Supported Accommodation out of area as part of the Single Persons Pathway will retain their local connection in Adur/Worthing for a period of 2 years. In exceptional circumstances, the period of 2 years will be extended to enable the completion of a Support Plan.

In addition, the Housing Needs Manager has discretion to consider other, very exceptional, circumstances where the local authority might reasonably consider that the requirement for a local connection can be waived. Each case will be considered on its merits. Applicants have to demonstrate why the case is exceptional in each case.

3.4 Who cannot join the Register of Housing Need?

The following categories of people do not qualify to join the Register of Housing Need:

a) Persons who do not have a local connection

In order that local people are prioritised for housing in the District/Borough, applicants must be able to demonstrate a local connection, or else be eligible for a Reasonable Preference as set out in paragraph 3.3b above.

b) Persons who are ineligible

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

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Persons from abroad who are defined within current legislation as being 'subject to immigration control' cannot be given assistance with housing. They are, therefore, excluded from entry on the Register of Housing Need and referred to as 'ineligible'. Within the meaning of the Asylum and Immigration Act 1996 special provisions in relation to immigration control may be introduced from time to time due to specific situations occurring in a country or in a particular area of a country. This means that the classes of people who are subject to immigration control are subject to change. Therefore, a complete list of all the categories of those that are ineligible at any one time cannot be provided in this policy

However, the general classes of people who are ineligible and excluded from the Register of Housing Need are anyone who is NOT:

- A British Citizen
- A Commonwealth citizen with a right of abode, or
- An EEA National exercising Treaty Rights.

UNLESS they fall into one or more classes of eligible persons subject to immigration control (PSIC), as set out in Regulation 5 of the Housing and Homelessness (Eligibility) (England) Regulations 2006. These are:

- a person with refugee status
- a person with discretionary leave to remain which is not subject to a "no recourse to public funds" condition
- a person who has indefinite leave to remain (settled status) and who is habitually resident in the Common Travel Area, other than a person who has been given leave on the basis of a sponsorship undertaking and has been resident for less than 5 years (unless the sponsor has died).
- a person who has humanitarian protection granted under the Immigration Rules.
- Certain Afghan citizens who were locally employed by the United Kingdom Government in Afghanistan and have since been granted limited leave to remain in the UK.
- a person who has limited leave to enter or remain in the UK on family or private life grounds, who is subject to a "no recourse to public funds" condition
- a person who is habitually resident in the Common Travel Area who has been given leave to remain because they sought asylum in another European Country as a child and were resettled in the UK but have not been given Refugee status and humanitarian protection.
- a person who is habitually resident in the Common Travel Area and has "Calais leave" to remain in the UK - that is they were brought to the UK as children as part of the Calais migrant camp clearance in 2016 to reunite with family members but have not been given Refugee status and humanitarian protection.

Note: The homelessness habitual residence test is in Annex 1 of the Homelessness Code of Guidance 2018.

c) Persons exhibiting serious unacceptable behaviour

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An applicant may be excluded from the Register of Housing Need when he or she (or a member of his or her household) has demonstrated unacceptable behaviour. This unacceptable behaviour must be such that if the applicant was a tenant of the Council, the Council would be entitled to a Possession Order (in accordance with Part 1 of Schedule 2 of the Housing Act 1985). In the case of debt, the exclusion will be until the debts are repaid in full. For all other categories, the exclusion will be for a minimum of 2 years, from the date of the most recent incident, dependent on the nature and severity of the behaviour at the discretion of the Housing Needs Manager. At the end of the exclusion period, the applicant can reapply.

This behaviour includes the following and any such amendments made to Schedule 2 of the Housing Act 1985:

- Outstanding rent arrears in respect of previous private or social tenancies or other housing related debt, such as for Housing Benefit, Council Tax, rent in advance and deposit guarantee loans or unpaid bills for Emergency or Temporary Accommodation. NB The exclusion policy may be waived for those tenants who have accrued arrears as a result of the under occupation charge if they are downsizing or in other exceptional circumstances, at the discretion of the Housing Needs managers.
- Identified benefit fraud
- Breach of tenancy conditions;
- Involvement in serious nuisance, harassment or annoyance to neighbours which has resulted either in a written warning or other action by a public authority or eviction;
- Unspent conviction or eviction for using accommodation or allowing its use for illegal or immoral purposes;
- Unspent conviction for any other arrestable offence,
- Domestic abuse causing a partner or other family member to leave the property;
- Causing or allowing deliberate damage to residential property or seriously neglecting the upkeep of residential property;
- Providing false information when applying to join the Register of Housing Need

d) Persons who are current tenants (or household members of tenants) of:

- Registered Providers or Local Authority in Adur or Worthing whose accommodation meets their housing needs (in accordance with this policy).
- Local Authorities or Registered Providers and the tenancy is not in either Adur or Worthing (except those who would qualify under criteria 3.3.3b and 3.3.3c).

e) Home ownership, financial resources and exceptions -

- People who own a property or have an interest in a property, either in the UK or abroad, which reasonably meets their housing needs or where there is sufficient equity to be able to sell the property and purchase or rent suitable alternative accommodation to meet their needs. This includes applicants who own or part own accommodation or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner)

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(NB, if as a result of legal proceedings a Court has ordered that the Applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed 5 years, then the Applicant will be treated as if they do not own or part own accommodation).

- An income financial assessment will be carried out. If a household's income exceeds the following amounts they will not qualify to join the housing register:
 - Studio/One Bedroom - £22,000
 - Two Bedroom - £32,000
 - Three Bedroom or above - £36,000

Income will be calculated taking account of all adults on the application and include income from working and any other income regardless of its source.

- In addition to the cap on income, account will be taken of any savings or investments that the household has to enable them to source accommodation. The level set will be:
 - Studio/One Bedroom - £5,000
 - Two Bedroom - £7,000
 - Three Bedroom and above - £8,200

Where income/savings is derived from the sale of any assets such as a house then the council will assume that this sum is available as part of the financial assessment. If an applicant deliberately deprives themselves of capital or income in order to qualify for housing, they will be treated as still having it for the purpose of the financial assessment. Where a person is treated as having "notional" capital this amount may be reduced on a monthly basis to take into account living costs such as rent, council tax and other general outgoings until the notional capital is less than the financial caps under this policy. Deliberate deprivation includes gifted money to relatives and friends and payments to third parties that do not form part of authorised loans that are regulated by the financial services authority.

- Exceptions to the Savings Cap - The savings cap for applicants for Sheltered Accommodation will be £16,000. Where a household in need of Sheltered Accommodation is homeless or threatened with homelessness or their current accommodation does not meet their needs (evidenced with information from a medical professional), discretion will be applied to the income and savings cap taking account of the needs of the household.
- The above financial caps will be reviewed on an annual basis taking into account average rents and average incomes in the District/Borough.

g) Persons who have deliberately worsened their circumstances

Where there is evidence that an applicant has deliberately worsened their housing circumstances within the last five years, they will no longer qualify to be on the Register and will be unable to reapply for one year. Deliberately worsening circumstances may include the failure to take reasonable actions or follow advice which would prevent them from becoming homeless or improve their housing circumstances, for example: failing to take up a reasonable offer of suitable private or

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social rented accommodation or deliberately moving to/remaining in unsuitable accommodation where other more reasonable housing options are available.

3.5 When will eligibility be assessed?

The eligibility of an applicant will be assessed at the time their application is considered, again if there is a change of circumstances or a new report of unacceptable behaviour is received while an applicant remains on the Register of Housing Need and before a firm offer of a property is made. If found to be no longer eligible, the applicant will be removed from the Register.

3.6 Who will be removed or suspended from the Register of Housing Need?

The following persons will be removed or suspended from the Register of Housing Need:

- Those who have refused three reasonable offers of accommodation made under Part 6 of the Housing Act 1996
- Those who have refused one Final Offer, which is an offer made under or Part 7 of the 1996 Housing Act as amended by the Homelessness Reduction Act 2017. This could be a Direct Offer, one made via an Auto Bid or one resulting from a successful bid made by the applicant (See the individual band categories for details of where this applies).
- Those who are found to have provided false information in their application to join the register, or once on the register have neglected to advise about a change of circumstances or have provided false information about a change of circumstances.
- Those who are found to have committed an act of unacceptable behaviour, as defined in paragraph 3.3 (c) above, while on the Register.
- Those whose circumstances change so that they are no longer eligible according to the criteria set out in paragraphs 3.2 and 3.3 above.

In addition, those who have failed to bid on properties for the following lengths of time (unless no suitable properties have been advertised during that time):

- band A - 3 months
- band B - 9 months
- band C - 12 months

may, at the discretion of a Housing Needs Manager, have autobids made on their behalf, be downgraded to the next band down or, in the case of band C, may be suspended or excluded from the Register

3.7 Can people reapply once they have been excluded from the Register of Housing Need?

Where a person is excluded from the Register of Housing Need, a fresh application will be considered if:

- the immigration status of the applicant has changed; or

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- the applicant can demonstrate, following the exclusion period, that there has been a significant improvement in their behaviour; or
- outstanding rent arrears or other housing related debts have been paid in full; or
- there has been a material change in the circumstances of the applicant or a member of their household (for example, an illness or disability has developed or an existing medical condition has worsened); or
- the period of the exclusion has been completed; or
- the applicant did not previously meet the qualification criteria but the criteria is now met .

There is a review procedure if a person is suspended from or excluded from the Register of Housing Need after filling in an application form. This procedure is set out in section 19 of this policy.

3.8 What happens when a person applies to join the Register of Housing Need?

- An application form is completed on-line, where there is a need, paper forms or home visits will be made available to assist an applicant to complete the form and verify the circumstances of applicants. NB The form must be completed and submitted within 28 days or it will be automatically closed.
- Once completed and submitted, the application is assessed in accordance with this policy and necessary checks made to verify the information provided.
- If eligible, the applicant is placed into one of three bands: A, B or C.
- Once all information requested has been received, the applicant's entry on the Register will be made live. If this information, or an update on when the information will be available, is not received within 10 days, the application may be cancelled and the applicant may have to reapply.

Once the completed application form has been assessed, the applicant will be contacted to let them know whether they have been accepted onto the Register of Housing Need and, if so, the following information:

- Priority band and reason for it.
- Mobility Level
- Priority date.
- What size property the applicant can bid for (based on how many bedrooms the applicant is entitled to in accordance with this policy).

3.9 Medical needs

The following factors are taken into account when an assessment is carried out to determine which band is appropriate:

- Medical condition or illness supported by evidence from a medical professional

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- Physical disability supported by evidence from a medical professional or Occupational Therapist (The Housing Accommodation Team will advise what evidence is required)
- Mental health diagnosis supported by evidence from a mental health professional
- Care or support needs which have been determined via a Care Act Assessment

In and of themselves, these factors do not mean an applicant will be placed in a higher band. The assessment looks at whether the medical need is affected by the current housing situation of the household, or whether there are specific requirements in relation to alternative accommodation. When carrying out an assessment any treatment, care or support an applicant may be receiving is taken into account to decide the appropriate level of priority given to an application.

Applicants can supply additional information from a GP or other relevant health professional(s) in support of their application if they so choose. However, if the health professional charges a fee to provide this information, it is the responsibility of the applicant to pay the fee. The Council may choose to make its own enquiries into the medical needs of an applicant and, in that circumstance, will meet reasonable charges where appropriate.

An officer within the Housing Needs Team, or an alternative officer at an equal or higher position within the Authority, carries out the assessment of medical information provided in support of an application. The medical information provided may enable the officer to decide the level of medical priority given to an application. Alternatively, the officer may conclude that further enquiries are needed before a decision can be made. The officer may seek further information from the applicant and/or advice and guidance from an independent medical adviser in making a decision.

3.10 Change of circumstances

Applicants are responsible for telling the Accommodation Team at the earliest opportunity of any changes in their circumstances that may affect their application, for example change of address, family size, income (including savings and investments), medical diagnosis or change in immigration status.

The Council must be notified of any change of circumstances in writing.

Any applicant whose circumstances have changed so that they would be deemed to have a different housing need may have any offer of a property withdrawn and/or be suspended from the Register while their housing need is reassessed.

3.11 Re-registrations

All applications are reviewed on an annual basis (or sooner if changes occur). The Council writes to applicants to ask them to confirm that they still wish to be on the Register of Housing Need. If an applicant does not respond within the time specified, their application is removed from the Register of Housing Need. An applicant can re-apply later but the application will only be registered at the date of the new application and their priority date is based on their new application. Therefore, any time priority, linked to an earlier priority date from a previous application, is lost

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4. Choice Based Lettings

4.1 The guiding principles of the Choice Based Lettings Scheme

- To balance housing need and the requirement for customer choice in lettings;
- To harmonise the criteria between Housing and Transfer Registers to create a single Choice Based Lettings Scheme.
- To ensure that access to tenancies with Local Authorities and Registered Providers is possible on a fair and needs related basis.
- To provide information and advice freely, openly and in an accessible and clearly understood way.
- To ensure that all services are delivered in accordance with the Council's corporate policies in respect of Equality and Customer Care.

5: The Banding Structure

5.1 How are applications banded?

There are three bands – A, B, and C. These enable applicants to see the priority they have and their likely prospects of rehousing.

5.2 How do the bands give priority for housing?

Each band has a number of different categories which reflect housing need. Applicants in band A are assessed as having the highest levels of housing need and have the highest priority for housing. Applicants in band C have the lowest levels of housing need or their priority has been reduced.

The prospects of rehousing depend on an applicant's housing need compared to others. The aim of this policy is to house those most in need first. Priority is given according to:

- The applicant's housing need, reflected by the band they are placed in. Each band has a number of different categories which reflect housing need, the category numbers do not give higher or lower priority within the band.
- The length of time an applicant has been in that band.

The band categories give priority to applicants who need to move on medical grounds, those moving on from supported housing (who were living in Worthing/Adur for at least five years prior to moving into Supported Housing) and existing tenants of Local Authorities and Registered Providers who have a property that no longer meets their needs (for example, tenants who are under-occupying accommodation or tenants living in a property which has adaptations that they no longer need). These priorities reflect the local situation in Worthing/Adur where emphasis is placed on making best use of existing housing stock (including supported housing). Applicants are given priority when they are living in accommodation that is no longer suitable for them and when their existing accommodation would meet the needs of other applicants.

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For certain properties additional priority may be given according to mobility level or need for adaptations. Also some landlords may advertise properties for specific groups.

Applicants in the higher bands have the highest priority when they bid for a property. However, Choice Based Lettings encourages applicants to exercise choice over which properties they choose to bid for.

All housing applicants are assessed and, if they are found to have a housing need, are placed into one of the three bandings, A, B, or C, depending on the urgency of their need to move. When an applicant's situation fits into more than one banding, the application will be registered in the higher band.

5.3 The three priority bands

The three bands (A, B, and C) and the categories within each band ('band reasons') are set out below.

Band A – Urgent/Emergency

A1	Homeless households owed the main housing duty by Worthing/Adur Borough/District Council placed in emergency temporary accommodation where, due to a severe disability need, the only prospect of meeting the households' needs is in permanent accommodation.
A2	Successors, non-statutory successors with a priority need and lawful occupiers of Local Authority or Registered Provider tenancies in Worthing/Adur who are approved by the Housing Needs Manager for an offer of smaller or more suitable alternative accommodation in agreement with the Local Authority or Registered Provider. Applicants in this category who do not place a bid on a suitable property, subject to a suitable property being advertised, for three months, may be made a direct offer of accommodation.
A3	Releasing an adapted property, or to make best use of adapted stock, in Worthing/Adur, at the Council's discretion, where the tenant does not require adaptations.
A4	High medical priority awarded where the applicant, or a member of their household, has a severe mental or physical illness or condition AND where their housing conditions are having such a major adverse effect on the medical condition that it is regarded as life-threatening. High medical priority must be supported by evidence from a suitably qualified medical professional.
A5	Tenants of Local Authorities and Registered Providers in Worthing/Adur under-occupying family sized accommodation and where Worthing Borough/Adur District Council can nominate to the vacancy that arises.

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A6	<p>Households living in Worthing/Adur which are statutorily overcrowded (based on the Housing Act 1985 standard) where the overcrowding could not have been avoided.</p> <p>The council may reduce a person's band award if there are indications that a person has moved into accommodation knowing that this accommodation is not suitable to meet the needs of their household. This will include moving into studio accommodation that causes statutory overcrowding and moving additional people into accommodation knowing that this will cause severe overcrowding'.</p>
A7	<p>Applicants leaving residential or supported housing in Worthing/Adur, where there is an overriding need for social housing and where applicable Worthing Borough/Adur District Council will have nomination rights to a supported housing property following the vacancy arising.</p> <p>The overriding need must be evidenced by a relevant care plan, references where appropriate and a full support package to meet future care or support needs.</p> <p>Applicants accommodated in the Single Person Pathway who have an overriding need for social housing and nominated and agreed by the Single Person's Pathway Panel.</p> <p>Applicants in this category who do not place a bid on a suitable property, subject to a suitable property being advertised, for three months may be made a direct offer of accommodation.</p> <p><i>NB The nominations under this category will be authorised by the Housing Needs Manager until such time as a Single Person Pathway and Panel is established. The number of properties let in this category will be reviewed annually. A Single Persons Pathway will have an agreed protocol for accepting nominations, Step Ups and Step Downs within the pathway and an Eviction Protocol agreed by the Homelessness Forum</i></p>
A8	<p>Care leavers moving on from supported accommodation who are eligible to join the Housing Register in Worthing/Adur, and who are officially deemed tenancy-ready by West Sussex Leaving Care Team.</p> <p>NB: If the young person is not deemed to be ready to manage an independent tenancy and are offered a supported housing placement then they will be awarded band A once there is an agreement from Housing and Children's services that the young person is tenancy ready.</p>
A9	<p>Priority transfer of a Local Authority or Registered Provider tenant in Worthing/Adur where a crisis has arisen due to severe ongoing harassment, exceptional circumstances due to significant and insurmountable problems associated with the tenant's occupation, where there is imminent personal risk to the household if they remain, or where there are exceptional circumstances resulting in an urgent need to move</p> <p>The reason for the priority must be supported by information from other agencies, such as the police, tenancy services, health services and environmental health, as appropriate.</p>

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	Applicants in this category will be made a direct offer of accommodation.
A10	Former tenants of Local Authority or Registered Providers in Worthing/Adur, where Worthing Borough/Adur District Council has given an undertaking to accommodate them at the time the tenancy was relinquished, for example following the tenant going into an institution or care setting, and they are now ready for release or discharge from that institution or care.
A11	<p>Private sector households occupying properties in Worthing/Adur which have Category 1 Hazards under the Housing Act 2004 Housing, Health & Safety Rating System (report required from Environmental Health) and where:</p> <ul style="list-style-type: none"> · The Private Sector Housing Manager agrees works cannot be done in a reasonable time period (must have been notified formally by landlord); AND · The client is vulnerable and the hazards impact on their ability to live normally by worsening their health to the extent that their quality of life is significantly reduced (for example, no heating in winter, excessive damp), or make the property unsafe (for example no proper fire escape) AND · The client is unable, due to their physical or mental health, as evidenced by a relevant medical practitioner, to make their own arrangements for alternative accommodation and the Council has not been able to source suitable alternative private sector accommodation for them.
A12	<p>Applicants who are witnesses or otherwise vulnerable people who are afforded protected person status due to a real and immediate risk to their lives.</p> <p>These applicants will be made a direct offer.</p>
A13	<p>Applicants who are:</p> <ul style="list-style-type: none"> ● members of the Armed Forces with an urgent housing need who are threatened with homelessness and served notice from their Service Family Accommodation as a result of discharge from service due to injury ● bereaved spouses and civil partners of members of the Armed Forces threatened with homelessness and served notice on their Services Family Accommodation following the death of their spouse or partner
A14	The Housing Needs Manager shall have discretion to award band A in exceptional circumstances arising from severe, multiple and complex needs not otherwise covered in this policy where it is deemed that emergency priority is warranted.

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Band B – High Housing Need

B1	Households living in Worthing/Adur and lacking 2 or more separate bedrooms, except for those living in supported housing or accommodation provided in accordance with the homelessness legislation.
B2	<p>Households threatened with homelessness who would be owed the main housing duty by Worthing Borough/Adur District Council, where the household is making their own temporary arrangements in unsettled accommodation for a minimum of a year (for example, moving in with family where a commitment is made to provide accommodation for at least a year). Assured Shorthold Tenancies are considered to be settled accommodation, for the purpose of this policy.</p> <p>NB the cause of homelessness cannot be the source of the temporary accommodation (for example, if evicted by family or friends, the applicant cannot then make arrangements to stay on with that household for another year. In those circumstances, the applicant will be deemed to have not been evicted).</p> <p>It is expected that applicants in this category will bid on all suitable properties and we may therefore place autobids on their behalf. Only one offer of suitable accommodation will be made. Applicants in this category who do not place a bid on a suitable property, subject to a suitable property being advertised, for six months may have their priority reduced. If a suitable offer is refused, it is likely to result in suspension from the register.</p>
B3	<p>Medium medical priority is awarded where the applicant, or a member of their household, has a severe mental or physical illness or condition AND where their housing conditions are having such a major adverse effect on their medical condition that significantly reduces their quality of life but is not regarded as life-threatening.</p> <p>Medium medical priority must be supported by evidence from a suitably qualified medical professional.</p>

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

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B4	<p>Households who are:</p> <ul style="list-style-type: none"> · Foster carers approved by West Sussex County Council who have a child/children placed with them; · Foster carers newly approved by West Sussex County Council who are waiting for a child to be placed with them · In the process of adoption and have had a child placed with them prior to the adoption order being made. <p>AND require accommodation that meets the property size and health and safety conditions set down in legislation.</p> <p>When considering housing applications from prospective foster carers or adopters who would require an extra bedroom to accommodate a foster or adoptive child, the Council will assess the risk that the application to foster or adopt may be unsuccessful (leading to the property being under-occupied), against the wider benefits to the Borough/District if the placement was successful.</p> <p>All those placed in this category will be subject to a review of circumstances with West Sussex County Council on an annual basis.</p> <p>NB The definition of a Foster Carer includes extended family who are approved as foster carers for their relative under the Fostering Regulations, 2011, where a residence order is granted by the court and supported by Children's Social Care, and Special Guardianship cases which are supported by Children's Social Care. It does not include private foster carers or non-agency adoption arrangements</p>
B5	<p>The Housing Needs Manager shall have discretion to award band B in exceptional circumstances arising from multiple and complex needs not otherwise covered in this policy where it is deemed that high priority is warranted.</p>

Band C – an Identified Housing Need

C1	<p>Households lacking one separate bedroom, or lacking two bedrooms but it would not be appropriate to give additional priority (for example, applicants who have moved into accommodation that is too small for their household).</p>
C2	<p>Homeless households where a duty has been accepted by Worthing Borough Council/Adur District Council.</p>
C3	<p>Households where there is an open prevention or relief duty under homelessness legislation.</p>

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

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C4	<p>Households which are:</p> <ul style="list-style-type: none"> • Subject to a Care Plan which identifies that accommodation is required to assist in delivering the Care Plan or to relieve other social/welfare hardship (Must have been formally agreed between Adult Social Care, Children’s Social Care or other relevant agency, e.g. mental health services, and the Housing Needs Team). • Living in housing where support is provided, or households who have previously lived in supported housing but have moved on to alternative accommodation in a planned way (Must be formally agreed between the support provider and the Housing Needs Team). <p><i>NB The Single Persons Pathway refers to those living in Supported Accommodation , associated move on housing with floating support and Private Sector Housing, as agreed by the Housing Needs Manager, where there is an arrangement with a named landlord to let affordable private sector accommodation to those who would not normally be able to secure a private sector let e.g. because of previous tenancy history.</i></p>
C5	<p>Applicants, or a member of their household who have a minor need to move due to limited mobility, for example someone who has difficulty using the stairs or using a bath where the property cannot be adapted to meet their needs.</p>
C6	<p>Applicants with a need for sheltered housing and where no higher need exists.</p>
C7	<p>Applicants who are:</p> <ul style="list-style-type: none"> • members of the Armed Forces or former Service personnel, where the application is made within five years of discharge • bereaved (or divorced or separated) spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of (or divorce or separation from) their spouse or partner • serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
C8	<p>Care leavers moving on from supported accommodation who are eligible to join the Housing Register in Worthing/Adur but who have not been formally deemed to be ready to manage an independent tenancy by the West Sussex Leaving Care Team.</p> <p><i>NB These applicants will be able to bid on suitable properties but will not be offered a property unless a Housing Needs manager is satisfied that they are tenancy ready.</i></p>
C9	<p>The Housing Needs Manager shall have discretion to award band C in exceptional circumstances arising from unsatisfactory housing conditions and needs not otherwise covered in this policy where it is deemed that inclusion on the register is warranted.</p>

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

5.4 What size properties can applicants bid for?

Table (T1) for assessing required bedroom provision for each household member (for the purpose of assessments on the Register of Housing Need). Bedroom provision is based on the severe shortage of accommodation and to ensure that best use is made of all available housing stock within Worthing Borough/Adur District:

A single independent adult (18+ years)	Bedsit/studio or 1 bedroom
Co-habiting couples	1 bedroom
A co-habiting couple or single parent/carer with a single dependent child or non-dependent adult	2 bedrooms
A co-habiting couple or single parent/carer with two dependent children, where one of the dependents is aged 10 years or over and of the opposite sex or non-dependent adult children of the opposite sex	3 bedrooms
A co-habiting couple or single parent/carer with two dependent children or non-dependent close relatives of the same sex NB Close relatives is defined as brothers, sisters, cousins, step brothers, step sisters. It can also include uncles and aunts where the age gap is deemed appropriate.	2 bedrooms

Dependent children are defined as those who are ordinarily resident with the applicant, who do not appear on another person's application or have an application in their own name (if 16 years and over), and who do not have accommodation elsewhere available to them.

Non dependent adults are defined as those who are 18 years of age and over who are ordinarily resident with the applicant and are reasonably expected to reside with the applicant, who do not appear on another person's application or have an application in their own name and who do not have accommodation elsewhere available to them.

Table (T2) illustrates the maximum property size applicants can bid for based on the composition of their household (for the purpose of assessments on the Register of Housing Need):

Table (T2) illustrates the MAXIMUM property size applicants can bid for based on the composition of their household (for the purpose of assessments on the Register of Housing Need):

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Single person	Studio or one bedroom property
Couple	One bedroom property
Single person or Couple with a confirmed pregnancy	One bedroom property (until the baby is born)
One adult or a Couple with one child or adult family member	Two bedroom property
One adult or a Couple with with two children or two adult family members of the same sex	Two bedroom property
One adult or a Couple with two children of different sexes where neither of the children are aged 10 years or over	Two bedroom property
One adult or a Couple with two children or adult family members of different sexes where at least one child is aged 10 years or over	Three bedroom property
One adult or a Couple with three children or three adult family members	Three bedroom property
One adult or a Couple with four children or four adult family members	Three bedroom property where it has three double bedrooms and one child over 10 would not have to share with a child of the opposite sex or Four bedroom property
One adult or a Couple with more than four children or more than four adult family members	Four bedroom property (This could be a three bedroom house with two living rooms where one of the living rooms could reasonably be used as a bedroom)

Some exceptions may occur to the details in table T1 and T2. for example, where an additional bedroom is deemed essential on medical grounds or where a property has specific adaptations or a minimum age restriction applies.

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6. Reasonable Preference

6.1 Do certain applicants get preference over others?

Local Authorities have to give 'reasonable preference' to certain types of applicant in accordance with the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017) However, each Local Authority can exercise discretion to decide the priority between applicants.

Housing applicants are placed into the most appropriate band, which represents their housing need. The band indicates the 'reasonable preference' they are given. Their priority within the band in which they have been placed is determined by length of time in that band.

Applicants are able to move from one band to another if their circumstances change and the new circumstances place them into a different band. If any change of circumstances results in a band change, the Housing Needs Team will write to inform the applicant of the new band and their new priority date if applicable.

The principle of the scheme is that no one should overtake existing applicants in a band. If an applicant moves into a higher band, their priority date is the date they entered that higher band. If an applicant moves into a lower band, their priority date reverts to the date that applied when the applicant was previously in that band, or an earlier date they had from being in a higher band.

The Housing Needs Manager (or equivalent) may authorise a change of band where an applicant has severe multiple needs that mean exceptional circumstances and/or multiple needs warrant emergency priority.

7: Lettings

7.1 How available properties are advertised

Available properties are advertised on the Homemove website.

Any applicants who are unable to access the internet can contact the Housing Needs Team either in person or by telephone to obtain details of properties advertised.

7.2 The eligibility criteria for each property

The eligibility criteria for each property are stated in the property advert and are likely include:

- The minimum and maximum number of persons in the household.
- If there is an age limit or a requirement for a household without young children.
- The mobility group, if applicable (see definition in section 22).
- If applications are restricted to special cases such as a priority transfer.
- If pets are allowed.
- Whether it is sheltered housing.
- Whether a local lettings policy applies.

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The advert also specifies:

- The Registered Provider which owns the property.
- The weekly rent, including any other charges.
- Whether the rent must be paid in advance and whether a deposit is required.
- The tenure type of the property being advertised and whether the tenancy is being offered on a fixed term basis.
- The date the property is expected to be ready for occupation (in some cases).

All adapted properties are advertised with a description of who the property might be suitable for, for example those who use a wheelchair, cannot manage steps or need a level access shower. Those who need these adaptations are likely to be prioritised for such properties.

If a property is advertised but there are no suitable applicants who have bid, the property may be offered as a direct let to applicants in band A, B or C.

Where there have been no eligible bidders on a property which has an age restriction, applicants without children may be considered.

In cases where the Council has accepted a full homeless duty under the Housing Act 1996, Part VII, and have awarded the relevant band, a direct let will constitute a final offer to bring the Council's duty under the homelessness legislation to an end.

If there are no suitable applicants for a property with adaptations, the property may be used to provide temporary accommodation to a homeless household in accordance with Part VII of the Housing Act 1996.

In addition:

- No applicants can bid for properties that would result in overcrowding or under-occupation.
- The Council may occasionally allocate properties to larger households outside the usual size criteria.

The Council aims to maximise the use of available social housing and so priority may be given to existing tenants of Registered Providers who are downsizing or transferring from a property with adaptations that are no longer needed by them. The property advert will clearly state if priority will be given to existing Registered Provider tenants.

8. Bidding for Properties

8.1 The bidding process

Applicants can bid for properties online via the website.

Any applicants who are unable to access the internet or who have difficulty with written English, can contact the Housing Needs Team either in person or by telephone to be signposted to support for bidding.

Full details of how to bid are set out in a Scheme User Guide, which is sent out to all new applicants.

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Applicants who urgently need to move and who do not bid for properties may receive a direct allocation of a property or be removed or suspended from the register in line with the time limits section.

All bids for a property are checked against the eligibility rules. Ineligible bids are excluded from consideration. Applicants who regularly bid for properties for which they are not eligible will be contacted and offered support.

Applicants can bid for up to three properties they are eligible for each cycle. Once an offer has been made the applicant has the choice to refuse the property.

9. Selection of Applicants

9.1 The selection process

All eligible bids for each property are placed in priority order which is decided by:

- band, then by
- Priority date within the band.

If there is a tie, a Panel of Housing Officers will consider the applications and decide which bid will be given priority.

If there are no eligible bidders for a property, a direct allocation may be made or the property may be re-advertised.

9.2 Viewings by successful bidders

- The Council sends details of prospective nominees to the Registered Provider or Local Authority, advising of the priority order.
- To minimise delays multiple viewings may be carried out. Applicants are required to take proof of identity to the viewing.
- Subject to their own affordability checks and verification processes, the Registered Provider or Local Authority will offer the applicant with the highest priority the option to accept the property.
- If the applicant chooses to refuse the property, the Council will note the reasons for refusal and the Registered Provider will offer the tenancy to the next person on the priority list, and so on.

Note: Being nominated for a property to a Register Provider does not guarantee that a tenancy offer will be made. The final decision on whether to make an offer is for the Registered Provider.

Applicants who have bid for properties are not penalised for reasonably refusing an offer of tenancy. However, applicants who are deemed to have unreasonably refused offers of suitable accommodation will be removed or suspended from the Housing Register. For most applicants on the Housing Register this will be after three unreasonable refusals.

For some band categories, however, this will be one unreasonable refusal. These are:

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- A2: Successors, non-statutory successors with a priority need and lawful tenants of registered providers who are approved for an offer of smaller or more suitable accommodation who have been made a direct offer because they have not placed a bid on a suitable property for three months.
- A7: Applicants leaving supported housing, where there is an overriding need for social housing and the Council will have nomination rights to a supported housing property following the vacancy arising, who have been made a direct offer because they have not placed a bid on a suitable property for three months.
- A8: Care leavers moving on from supported accommodation who have been made a direct offer because they have failed to bid successfully or have an urgent need to move.
- A9: Applicants where a priority transfer has been agreed due to imminent personal risk to the household who have been made a direct offer.
- A10: Former tenants of Registered Providers or temporary accommodation in Adur/Worthing, who have been given an undertaking to accommodate at the time their tenancy was relinquished, who have been made a direct offer because they have not placed a bid on a suitable property for three months.
- A12: Applicants who are afforded protected person status. These applicants will be made a direct offer of suitable accommodation.
- A13: Applicants living in a refuge or other form of safe temporary accommodation having escaped domestic abuse who have been made a direct offer because they have not placed a bid on a suitable property for three months.

Homeless households who have been accepted onto the Register will only be made one offer of accommodation and, if unreasonably refused, the Council will discharge its duty under homelessness legislation.

- A1: Homeless households owed the main housing duty by the Council who are placed in emergency temporary accommodation. These applicants will be made a direct offer of suitable accommodation.
- B2: Households threatened with homelessness who would be owed the main housing duty but where the household is making their own arrangements in unsettled accommodation. These applicants will be expected to bid on all suitable properties and accept the first offer, or alternatively they will be made a direct offer if they have not placed a bid on a suitable property for six months.

If the previous tenant of a property has reported that he or she was a victim of racial or other harassment, the Registered Provider will advise a prospective tenant of this fact before they formally offer the tenancy.

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10. Shortlisting of Applicants

10.1 How shortlisting takes place

Offers are made to applicants who match the property type (including any priority given to specific household types) in the order they appear on the shortlist.

In some circumstances, an applicant on the shortlist for a particular property may be by-passed for the following reasons:

- To ensure that wider objectives are met as set out in the next section (local lettings plans and sensitive lets).
- If the property is withdrawn by the Registered Provider at short notice, for example, the existing tenant has not moved or the property is damaged and requires major works.
- If the property is required to meet an applicant who has specific needs or an urgent need and the property on offer matches those needs.
- If the applicant has rent arrears or a housing related debt owed to the Council or another housing authority.
- If the applicant is transferring from a social housing tenancy and their current social landlord anticipates significant recharges will apply due to the condition of the property or the tenant has been asked to rectify non standard work or poor decoration in the property and has failed to do so.
- When the circumstances of the applicant have changed and the change is likely to result in them moving into a lower band or requiring a different size property.
- If further investigation is required into the circumstances of the applicant or a member of their household, which were not apparent at the time of the application.
- When an applicant cannot reasonably be contacted or is not available to take up an offer of accommodation.
- When an applicant has bid for a property that does not meet their housing needs (for example, they have a mobility recommendation and have bid on a property that is unsuitable and cannot be adapted to meet their needs).

11. Local Lettings Plans and Sensitive Lets

The majority of available properties will be advertised and applicants will be shortlisted in priority order within their band. However, there are times when exceptions need to be made to ensure the best use of social housing, and that communities are balanced. These exceptions are set out below.

11.1 To ensure that communities are as balanced as possible

A Local Lettings Plan may be adopted for specific areas. This plan would take into account the needs of the local area and would consider any evidence of problems that need addressing. A Local Lettings Plan may be adopted when a new build development is being let for the first time to

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ensure a balanced community, and to ensure the area is not over or under populated from the outset. Properties subject to Local Lettings Plans would be clearly advertised and priorities given to those that meet the agreed criteria.

11.2 To ensure that allocations are sensitively made

There are occasions when particular problems may occur in relation to a property or properties within a specific area. To avoid ongoing problems or a recurrence of similar problems, an allocation may need to be made sensitively, for example, it may not be suitable to allocate a property to a particular group based on age, gender or race. Therefore, in exceptional cases, the person at the top of the shortlist may not be offered the property when a sensitive allocation is required. Some properties may be subject to maximum and minimum age restrictions and these are clearly labelled in the property advert.

11.3 To make the best use of social housing and to reduce under-occupation

From time to time a property may be advertised for those who are releasing larger social housing properties or reserved for those who need to move urgently where a social housing vacancy will arise.

12. Time Limits

12.1 Time limits for bidding on properties

The Council may advise applicants of a time limit for bidding. This will occur where an applicant has a housing need (in band A, B or C) and they have not bid for properties that have been suitable for them or there is a need for them to move quickly. The categories of applicants who will be given time limits for bidding are:

- A2: Successors, non-statutory successors with a priority need and lawful tenants of registered providers who are approved for an offer of smaller or more suitable accommodation will be expected to bid on all suitable properties - if they do not bid for three months, subject to a suitable property being advertised, they will be made a direct offer.
- A7: Applicants leaving supported housing, where there is an overriding need for social housing and the Council will have nomination rights to a supported housing property following the vacancy arising, will be expected to bid on all suitable properties - if they do not bid for three months, subject to a suitable property being advertised, they will be made a direct offer.
- A10: Former tenants of Registered Providers or temporary accommodation in Adur/Worthing, who have been given an undertaking to accommodate at the time their tenancy was relinquished, will be expected to bid on all suitable properties - if they do not bid for three months, subject to a suitable property being advertised, they will be made a direct offer.
- A13: Applicants living in a refuge or other form of safe temporary accommodation having escaped domestic abuse will be expected to bid on all suitable properties - if they do not bid

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for three months, subject to a suitable property being advertised, they will be made a direct offer.

- B2: Households threatened with homelessness who would be owed the main housing duty but where the household is making their own arrangements in unsettled accommodation. are expected to bid on all suitable properties and accept the first offer; If they do not bid for three months, subject to a suitable property being advertised, they will be made a direct offer.

The applicant will be notified of the time limit and it will be made clear to the applicant when the time limit will start and end.

13. Properties Not Advertised – Direct Lettings

13.1 Direct lettings

In limited circumstances the Council will allocate properties directly as set out below:

- A12: Applicants who are witnesses or otherwise vulnerable people who are afforded protected person status due to a real and immediate risk to their lives will be made a direct offer. If refused the applicant will be suspended or removed from the Housing Register.
- A1: Homeless households owed the main housing duty by the Council who are placed in emergency temporary accommodation. These applicants will be made a direct offer of suitable accommodation.
- B2: Households threatened with homelessness who would be owed the main housing duty but where the household is making their own arrangements in unsettled accommodation will be made a direct offer if they have not placed a bid on a suitable property for six months.
- A2: Successors, non-statutory successors with a priority need and lawful tenants of registered providers who are approved for an offer of smaller or more suitable accommodation will be made a direct offer if they have not placed a bid on a suitable property for three months.
- A10: Former tenants of Registered Providers or temporary accommodation in Adur/Worthing, who have been given an undertaking to accommodate at the time their tenancy was relinquished, will be made a direct offer if they have not placed a bid on a suitable property for three months.
- A9: Applicants where a priority transfer has been agreed due to imminent personal risk to the household will be made a direct offer
- A7: Applicants leaving supported housing, where there is an overriding need for social housing and the Council will have nomination rights to a supported housing property following the vacancy arising, will be made a direct offer if they have not placed a bid on a suitable property for three months.
- A8: Care leavers moving on from supported accommodation who fail to bid successfully or have an urgent need to move may be made a direct offer.

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- Applicants living in the Borough/District and who qualify to be on the Adur/Worthing Housing Register and where there is no suitable accommodation available to meet their needs in the area but there is suitable accommodation in another Housing Authority areas. In these circumstances a reciprocal arrangement may be agreed and approved by the Housing Needs Manager and the applicant may be made one direct offer.

All properties which are the subject of a direct offer will be assessed as to suitability for the needs of the applicant's household before the offer is made.

14. Refusals

14.1 Refusals following direct lettings

In the categories set out in section 13 of this policy, the Council will make one reasonable offer which, as far as possible, matches the size and type of property for which the applicant is eligible and that is not in an area known to be unsafe for the household. The applicant must give the reasons for refusing the offer. If refused the property will not be held empty while the refusal is reviewed but will be let to another applicant.

NB: Applicants can accept an offer and ask for a review of suitability after the tenancy has started.

If the offer is to a homeless household where the Council has accepted the full housing duty, a manager will review the case to consider whether the refusal is reasonable, and whether the offer constitutes a final offer in accordance with the homelessness legislation.

14.2 Reasonable offers and refusals

When considering the types of property that are suitable for applicants, it is important to remember that more flats become available than houses and bungalows. Generally, single people and couples are considered for studio/one bedroom properties respectively.

Properties with 2 bedrooms are normally let to a couple or single person with one child or two children of the same sex.

Properties with 3 bedrooms are normally let to a couple or single person with three or more children.

There are very few four bedroom properties and these are almost always let to a couple or single person that has four or more children.

If an additional bedroom is required on health grounds, supporting information must be provided to enable an assessment to be carried out. A decision is made by the Housing Needs Manager (or equivalent) in consultation with the Council's Medical Adviser to decide whether an additional bedroom is essential on medical grounds.

Applicants will not be allowed a bedroom to accommodate children who do not live with them permanently, for example children who visit regularly as part of custody arrangements.

The definition of the age children can share rooms is different in Housing legislation than in Housing Benefit legislation. Applicants should note that, whereas Housing Benefit may be claimed

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a larger property in the private sector, the applicant may only be entitled to bid on smaller Register Provider properties under Housing legislation.

15. Feedback

15.1 Feedback on let properties

All properties let are listed in a future copy of the electronic Homemove magazine (available on the Sussex Homemove website) showing the number of bidders for each property and the band and priority date of the successful applicant.

16. Homelessness

If an applicant has been accepted as homeless under the prevention or the relief duty (as set out in the Homelessness Reduction Act 2017) and, in particular, if the applicant is living in temporary accommodation arranged by the Council, they cannot wait indefinitely to bid for properties. This is because the property that they have been placed in will be needed for another homeless household. When an applicant is accepted as homeless they are told that the Council will cease to be under a duty to assist them if they refuse an offer of reasonable and suitable accommodation. Applicants in these categories will be given a time limit in which to bid and if an applicant does not bid within the time specified, a direct letting will be made.

If a household that has been accepted as being owed the full homelessness duty refuses an offer of accommodation, the Council no longer has a duty to accommodate the applicant in temporary accommodation or to offer alternative permanent accommodation. If the applicant does not consider the accommodation suitable, they may ask for a review of the decision even though they may have accepted the offer. If, however, the applicant does not accept the offer and the review is unsuccessful, the Council will not be able to provide any further assistance with accommodation.

17. Other Housing Solutions

17.1 Private sector housing options

The Council provides advice to applicants seeking alternative accommodation in the private rented sector.

In exceptional circumstances, discretionary assistance may be offered to households we are working with to prevent homelessness. This assistance can be matching the household with a suitable private landlord or occasionally be a loan to cover for rent in advance or a deposit or deposit guarantee. Priority for discretionary assistance may be given to people moving on from supported housing when this will release a vacancy in a supported housing project that is needed for another person nominated by the Council.

17.2 Help for home owners

The Council provides advice to homeowners who may be at risk of losing their homes due to repossession or other financial problems.

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There are a number of options that can assist homeowners. These range from negotiation with lenders and exploring the lenders hardship tools to contacting the Department of Work and Pensions about help that may be available to benefit claimants. It is not always possible to prevent someone's home from being repossessed but it is important for applicants to seek advice at an early stage so the maximum options are available to them.


17.3 Supported housing schemes

Supported Housing is commissioned by West Sussex County Council and referrals are made by the Housing Needs Team. Applicants can apply to be considered for particular supported housing schemes that would meet their needs. These schemes are usually for specific groups of people, such as supported housing for young people, or housing for adults with support needs.

Some housing that has support linked to the accommodation, such as sheltered housing, is advertised in accordance with this policy. Other housing where the criteria are more specific, such as extra care housing, is not advertised under the Choice Based Lettings scheme and places are allocated by West Sussex County Council Social Care. .

To contact the Housing Needs Team about supported accommodation:

 **01903 221063**

 [Email this service](mailto:housing-needs@adur-worthing.gov.uk) housing-needs@adur-worthing.gov.uk

 [Full contact details](#)

For information about Extra Care Housing: [West Sussex County Council Housing Options](#)

West Sussex County Council contact details:

socialcare@westsussex.gov.uk or 01243 642121

If you have a hearing impairment, textphone: 18001 01243 642121.

Phone lines are open Monday-Friday, 9.00am-5.00pm.

18. Registered Provider partners and policies

18.1 Registered Providers in Worthing/Adur

The following Local Authority and Registered Providers (RPs) operate in Worthing/Adur:

Adur:

Adur Homes

Ability Housing

Clarion (Affinity Sutton)

Crown Simmons

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

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Guinness Partnership

Home Group

Hyde Martlet

Optivo

Sanctuary Housing

Southern Housing Group

Stone Water

Worthing Homes

Worthing:

Ability Housing

Clarion (Affinity Sutton)

Crown Simmons

Guinness Partnership

Home Group

Hyde Martley

Optivo

Sanctuary Housing

Southern Housing Group

Stonewater

Sanctuary Housing

Worthing Homes

18.2 Registered Providers' policies

Registered Providers may have individual policies which prevent them making an offer of a tenancy even when an applicant has successfully bid for a property. Common policies, which exclude people from being offered a tenancy, are:

- Applicants under 18 years, unless they have a guarantor;
- Applicants with outstanding rent arrears in their current accommodation or with a housing related debt owed to them or another Registered Provider or local housing authority;
- Applicants who have demonstrated anti social behaviour;

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- Applicants who have previously held a tenancy with a local authority or Registered Provider and been evicted from that tenancy or voluntarily left it;
- Applicants who have a tenancy (either solely or jointly) with another Registered Provider and the applicant does not live there or the joint tenant is remaining in the property;
- Applicants who own a property (either solely or jointly), or have an interest in a property;
- Applicants with substantial savings, investments or other assets;
- Applicants with significant levels of debt and the Registered Provider has assessed them as not being able to meet their rental liability;
- Applicants with high support needs who are assessed by the Registered Provider as not being able to manage a tenancy.

When a Local Authority (LA) or Registered Provider (RP) does not make an offer of a tenancy to an applicant who has successfully bid for a property, the LA or RP will provide the applicant with full details of the reason for refusal. Any right of review or appeal regarding the refusal by the LA or RP is dealt with by the LA or RP in accordance with their policies and procedures. There is no right of review or appeal to the Council Housing Needs Team as the decision to refuse the applicant is not a decision of the Council Housing Needs Team. .

19. Other Information and Review

19.1 Rights to information and review

Applicants have the right to request general information to enable them to assess how their application is likely to be treated, for example, whether housing accommodation appropriate to their needs is likely to be made available. This information includes whether an applicant is likely to be regarded as a member of a group which has been awarded reasonable preference.

The Register of Housing Need and Choice Based Lettings Scheme give applicants the following rights about decisions which are taken in respect of their applications:

- The right to be notified in writing of any decision to: a) suspend or exclude an applicant from the Register of Housing Need (see section 3) b) make a direct offer (see section 13)
- The right to request a review of any decision made in accordance with a) or b, above.

A request for a review must be made within 21 days of the date of the letter which notifies the applicant of the Council's decision. The Council has discretion to extend the time limit if it considers this is reasonable.

A review request must be submitted in writing. If a person has difficulty writing, the Housing Needs Team can complete a written request on behalf of the applicant which the applicant must then sign.

The review will be carried out by a Manager or officer within the Housing Needs team at an equivalent or higher level than the original decision maker. Further enquiries may be necessary and the person carrying out the review may ask an officer at a lower level to carry out these enquiries.

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The applicant will be advised of the review decision and the reasons for the decision, in writing, within eight weeks of receiving the review request. This time limit may be extended by mutual agreement if further enquiries need to be made before a decision can be given.

The decision made on review is the final decision of the Council. There is no further right of review and no right to appeal against the decision on review.

If there is a change in the applicant's circumstances following the review decision, the applicant may submit a fresh application for consideration in accordance with sections 3, 6 and 13 of this policy.

20. Data Protection and False Information

20.1 Data protection

Adur District/Worthing Borough Council collect personal data about all persons applying for housing. This information is asked for on the Housing Register Self Assessment Form and supporting information, such as medical reports, may also be requested where they will have an impact on decisions. This data is processed and held on a database. The purpose of processing your personal data is to identify housing needs and administer the Choice Based Letting Scheme

All applicants are asked to sign a declaration, which acknowledges that their data is processed in accordance with data protection legislation. In addition, applicants must provide consent to allow their details to be verified and shared with other statutory bodies and other agencies working in partnership with the Council.

Records are kept in accordance with the Council's disposal schedule and we will not keep your information for longer than necessary.

More detailed information about what we collect and the legal basis for collecting this information can be found in the Housing Privacy Notice which is available on the Adur and Worthing Councils website.

20.2 False information

Section 171 of the Housing Act 1996 (as amended) makes it an offence to withhold information that is reasonably required to assess an application or to provide false or misleading information to obtain a tenancy.

Appropriate action will be taken against anyone who obtains a social housing tenancy by knowingly providing false information. This action can result in a fine and / or the termination of the tenancy that has been granted as a result of the false information given.

21. Consultation and Equality Impact Assessment

21.1 Consultation regarding changes in relation to qualification criteria

Consultation was carried out between November 2019 and December 2019, prior to the implementation of this revised policy.

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The responses to the consultation carried out in relation to the qualification criteria is summarized below:

To be added post consultation

21.2 Equality Impact Assessment

An Equality Impact Assessment was carried out prior to the adoption of this Policy.

To be added post consultation

22. Terms and Definitions

22.1 The terms referred to in this policy are defined below

Term	Definition
Anti-Social Behaviour	Any intimidating or threatening activity that scares you or damages your quality of life. Examples include rowdy/noisy behaviour, vandalism, graffiti, fly-tipping, aggressive begging and street drinking.
Applicant(s)	A person applying to join or who is already on the Register of Housing Need. Within Sussex Homemove, applicants are divided into two categories; Transfers (existing social housing tenants living in Worthing) and Homeseekers (all other applicants who are not transfers).
Band	Each Band has a number of categories which reflect housing need. The band is used to prioritise applicants according to their level of housing need.
Bidding / Bid Successful bid	Expressing an interest in an available property. A successful bid is a bid placed by an applicant, which results in the applicant being invited to view that property.
Choice Based Lettings	The allocation and lettings of properties that enables applicants to have choice or express a preference in relation to the accommodation they want.
Direct Lets	A property offered directly to an applicant. The property may not have been advertised.

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Homeless households	Applicants who have been assessed by the Council as homeless in accordance with Section 175 of the Housing Act 1996 (as amended by the Homelessness Act 2002).
Homeowner	A person who owns a property, either on their own or with other persons
Housing Related Debt	A sum of money owed to the Council or a Registered Provider related to housing, for example, rent arrears, contributions to service charges, Housing Benefit overpayment, removal expenses, loans for rent in advance or a deposit, payments made following a deposit guarantee claim.
Local Connection	<p>The applicant or their partner with whom they would normally reside are currently living in the District/Borough and have lived there permanently for at least 5 years out of the previous 6 years immediately prior to the application date;</p> <p>The applicant or their partner has been in employment which is based permanently in the District/Borough for at least five years on a full or part time basis (at least 24 hours per week) and remains in that employment. This can include zero hours contracts, in which case average hours over the last year will be taken into account); or</p> <p>The applicant or their partner needs to be in the District/Borough to give or receive regular daily support from or for a close relative (parents, adult children, brother and/or sister). The carer must be eligible for Carer's Allowance or able to demonstrate that this level of support is required. The support must be required on an ongoing long term basis and be unable to be provided by other family members or available support agencies. The family member must be permanently resident in the District/Borough and have lived here permanently for at least 5 years immediately prior to the application date.</p> <p>The applicant is a young person who is owed 'leaving care' duties by West Sussex County Council (WSCC) under section 23C of the Children Act 1989, is under the age of 21, lived in the District/Borough for at least two years before they were 16.</p>
Local Lettings Plan	A plan to allocate particular properties to people of a particular description, whether or not they fall into the reasonable preference categories.

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<p>Medical Priority</p>	<p>Medical priority is given when an applicant or a member of their household has an illness or disability that is affected by their current housing situation or when they are in need of settled accommodation on physical or mental health grounds or due to overriding social and welfare (including financial hardship) circumstances. There are three categories of medical priority:</p> <p>High – the applicant or a member of their household has a serious (including life threatening) medical condition and their current housing is having a major adverse affect on the medical condition, which warrants emergency priority for housing being given.</p> <p>Medium – the current housing conditions are having a major adverse affect on the medical condition of the applicant or a member of their household.</p> <p>Low – the current housing conditions are having an adverse affect on the medical condition of the applicant or a member of their household which creates a particular need for them to move</p>
<p>Mobility Levels / Codes</p>	<p>Codes to identify the suitability of properties that are advertised for people with mobility problems.</p> <p>Mobility Level 1 – suitable for someone who needs a wheelchair indoors and outdoors.</p> <p>Mobility Level 2 – suitable for someone who may need a wheelchair outdoors but does not need to use a wheelchair indoors.</p> <p>Mobility Level 3 – suitable for someone with restricted mobility who may not be able to manage steep gradients or several steps.</p>
<p>Priority Date</p>	<p>The date given when an applicant enters a Band or when a local connection is acquired. The priority date (along with local connection) determines an applicant’s priority over other applicants within the same Band.</p>
<p>Private Sector Housing</p>	<p>Housing owned by private individuals or companies that you rent or own.</p>
<p>Protected Person</p>	<p>Intimidated witnesses include Protected Persons as specified in Section 82 and schedule 5 of the Serious Organised Crime and Police Act 2005</p>

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Qualification Criteria	Criteria that sets out who does and who does not qualify to be included on the Register of Housing Need as set out in section 3.3.3 of this policy.
Reasonable Preference	Certain categories of people set out in Section 166A of the Housing Act 1996, who must be given reasonable preference when determining priority for housing.
Register of Housing Need	A register holding details of applicants who are eligible for social housing, prioritised according to housing need.
Registered Provider (previously referred to as Registered Providers)	Government regulated not-for-profit organisations that provide affordable housing. These include Housing Associations, Trusts and Co-operatives. Registered Providers work with local authorities to provide homes for people on the Register of Housing Need. They develop land, build homes and manage accommodation including maintaining properties and collecting rent.
Re-registration	The requirement for existing applicants to confirm that they still wish to remain on the Register of Housing Need. Applicants who do not re-register have their applications cancelled but can reapply in the future.
Sensitive Allocations	Allocations which need to be made to people of a particular description to balance the community, or where there have been problems in the surrounding area. For example, a property advert may specify that priority will be given to applicants over a certain age.
Social Housing	Housing provided by Registered Providers or Local Authorities.
Supported Housing	A project or scheme that provides accommodation and housing related support for people who need some help with housing matters, such as budgeting, form filling and understanding tenancy conditions or a project or scheme that provides support for issues such as addiction

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23. Legal Background and Papers

In framing the Housing Allocation Scheme, the Council has had regard to the following:

- Section 8 Housing Act 1985 continues to place a duty on every local Housing Authority to consider housing conditions in their District/Borough and the needs of the District/Borough with respect to the provision of further housing accommodation. Further, part 7 Housing Act 1996 (as amended) places an obligation on Local Authorities to promote the prevention of homelessness.
- Housing Act 1996 as amended Section 166A(1) requires every local housing authority to have an allocation policy and section 166A(13): requirement for consultation of an Allocations Policy is to send a draft to all Private Registered Providers and Social Housing landlords to which we have nomination rights and ensure they have reasonable opportunity to comment.
- Localism Act 2011
- Homelessness Reduction Act 2017 placed additional responsibility on Local Authorities in the form of Prevention and Relief Duties and the proposed changes to the policy supports these functions.
- Allocation of accommodation: Guidance for local housing authorities in England (DCLG 2012) as amended
- Housing Allocations - Members of the armed forces (circular 04/2009), April 2009
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 1869/2012)
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (SI 2989/2012)
- Providing Social Housing for Local People: Supplementary Guidance DCLG 2013
- Right to Move. Statutory guidance on social housing allocations for local authorities in England March 2015
- The Public Sector Equality Duty within the Equality Act 2010

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- Human Rights Act 1998
- Freedom of Information Act 2000
- Data Protection Act 2018 and General Data Protection Regulation
- Welfare Reform Act 2012
- Existing case law
- Adur and Worthing Community Homelessness Prevention Strategy 2017-2022
- Adur and Worthing Councils' - Housing Strategy 2017-2020
- Adur and Worthing Councils' - Platform for our Places

¹ Section 166A(1) of the Housing Act 1996 as amended Fair and flexible: statutory guidance on social housing allocations for local authorities in England, published in December 2009; the Allocation of accommodation: guidance for local housing authorities in England, published in June 2012; Providing social housing for local people: statutory guidance on social housing allocations for local authorities in England, published in December 2013.

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
7 November 2019
Agenda Item 6

Key Decision [Yes/No]

Ward(s) Affected: All

Local Cycling & Walking Infrastructure Plan - making walking and cycling safer and easier

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1. The purpose of this report is to update Members of the work of the Adur & Worthing Cycling & Walking Group in establishing a high level, strategic network plan for both Worthing Borough and Adur District Councils in regards to future cycling and walking provision.
- 1.2. The report seeks approval from members to undertake public consultation on the Draft Local Cycling & Walking Infrastructure Plan (LCWIP) from November 2019 to January 2020.

2. Recommendations

- 2.1. To note the work of the Adur & Worthing Cycling & Walking Action Group contributing to the creation of an LCWIP for Worthing Borough and Adur District Councils. This includes detailed analysis of the current provision, identifying and prioritising routes, evidence and data gathering, both of which contribute to the proposed network.

- 2.2. Approve that the Draft LCWIP be subject to public consultation by the Councils to ensure the plan represents local need regarding the strategic network, specifically referencing the primary and secondary routes for the whole Borough and District and for the results of the consultation to be sent to West Sussex County Council (WSSCC).
- 2.3. Approve that the Draft LCWIP be submitted to the Department for Transport in order to become eligible to apply for government funding to deliver walking and cycling infrastructure (see paragraph 3.2).
- 2.4. A final draft of the LCWIP will be brought to Joint Strategic Committee in early 2020 seeking approval to formally adopt the Plan (subject to approval given by members to consult on the draft document, and following public consultation and amendments). Adoption of the Plan will enable the implementation phase of the strategic network and other cycling and walking interventions to begin.
- 2.5. The implementation phase following adoption of the plan (expected spring 2020) will include: developing detailed feasibility studies on sections of the routes and interventions; consultation on detailed plans; seeking finance from the Department for Transport and other sources such as developer contributions; and delivery of infrastructure. Finance will need to be secured to deliver any infrastructure identified in the LCWIP.

3. Background and Context

- 3.1. The Department for Transport (DfT) encourages all local authorities including Boroughs and Districts, to prepare a Local Cycling and Walking Infrastructure Plan (LCWIP). LCWIPs are intended to offer a strategic approach to providing safe and accessible walking and cycling routes in support of the Government's Cycling and Walking Investment Strategy 2017 (CWIS).
- 3.2. Adur and Worthing Councils commit to produce an LCWIP in *Platforms for Our Places*, the councils strategic vision, and in *Sustainable AW* the councils Sustainability Framework. The LCWIP aligns with many local policies and programmes including: the emerging *Worthing Local Plan* and adopted *Adur Local Plan*; the *Public Health Strategy*; *Air Quality Management Area Action Plans*; *AWC Travel Plan*; and the Public Realm, Seafront and Town Centre Improvement programmes.
- 3.3. In 2018 the DfT announced that following production of an LCWIP, local authorities (LAs) would be eligible to apply for government funding to deliver cycling and walking infrastructure. DfT have asked that LAs should submit their draft LCWIPs to government by the 'Technical Support Programme' deadline 30 November 2019. These do not need to be final/adopted plans. It is recommended that the draft AW LCWIP be submitted to the DfT.
- 3.4. DfT have requested submission of draft LCWIPs to *'help make the case for decisions on future funding for cycling and walking yet to be made as part of the forthcoming multi-year Spending Review, planned for 2020. This will consider the total amount of funding which should be made available, (...) and how this may be distributed'*.
- 3.5. LCWIPs are high level documents to identify walking zones and primary and secondary cycling routes. They offer a strategic overview to provide a cohesive policy background for developing safe, accessible infrastructure. Definitions for primary and secondary routes and walking zones can be found under Section 6 within the Draft LCWIP.
- 3.6. The aim of the LCWIP is to improve conditions for cycling and walking, assisting the councils and stakeholders to:
 - 3.6.1. identify cycling and walking infrastructure improvements for future investment in the short, medium and long term
 - 3.6.2. ensure that consideration is given to cycling and walking within both local planning and transport policies and strategies

- 3.6.3. make the case for future funding for walking and cycling infrastructure
- 3.7. LCWIPs are referred to in the National Planning Policy Framework (February 2019). They form an important strand in the chapter on *Promoting sustainable transport: Transport issues should be considered from the earliest stages of plan-making and development proposals, so that (...) opportunities to promote walking, cycling and public transport use are identified and pursued. Planning Policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking drawing on Local Cycling and Walking Infrastructure Plans (Paragraphs 102 and 104).*
- 3.8. The DfT launched the CWIS in April 2017, which aims to:
 - 3.8.1. make cycling and walking the natural choice for shorter journeys, or as part of a longer journey;
 - 3.8.2. double cycling levels by 2025;
 - 3.8.3. increase walking activity,;
 - 3.8.4. reduce the rate of cyclists killed or seriously injured (KSI); and
 - 3.8.5. increase the percentage of school children walking to school.
- 3.9. DfT published LCWIP Technical Guidance for Local Authorities to set out specific steps that should be taken in developing LCWIPs. This includes making available data and tools to assist in Plan development. The guidance has been closely followed in the production of the A&W LCWIP.
- 3.10. Key local drivers for the LCWIP includes the need to reduce congestion and carbon emissions, improve air quality; and support active travel, and provide significant public health and safety benefits. The proposed strategic network (pages 30 - 31) will help create better public realm, connectivity, accessibility, legibility and enhanced attractiveness of the Borough and District for residents and visitors.
- 3.11. Cycling and walking are both zero carbon forms of transport. The Councils declared Climate Emergency in July 2019 and pledged to 100% Clean Energy in the District and Borough by 2050 (UK100 Cities Pledge). Transport emissions account for over a third of carbon emissions in Adur & Worthing. Unlike other sectors, transport emissions locally and nationally have been rising since 2013. Reducing carbon emissions associated with transport is a significant challenge in the effort towards being carbon neutral.
- 3.12. Road congestion is predicted to rise by 17-51% by 2050 as a result of development, population growth and decreases in vehicle running costs (DfT

Road Traffic Forecasts 2018). Increasing levels of cycling and walking through provision of improved infrastructure will contribute to mitigating future increases in congestion.

- 3.13. The Plan aims to increase the percentage of children aged 5-10 who usually walk to school by making walking and cycling safer. The number of children walking to primary school is at the lowest figure ever. This decline impacts on children's health, air quality, traffic congestion and road safety. The proportion of secondary school children walking to school has also decreased down to 35% (2017 National Travel Survey). By changing the habits of younger children, there is a better chance for sustained levels of lifetime activity.
- 3.14. Sustrans, the transport charity with engineering expertise were commissioned in December 2018 to develop the A&W LCWIP. Sustrans has worked with the DfT to develop the Cycling and Walking Investment Strategy. They have delivered many walking and cycling network development plans in urban areas across the South in the last four years, including: Bath, Basingstoke, Southampton, Oxford, Bicester, Maidstone, Ashford and East Sussex.

4. The opportunity

- 4.1. The LCWIP guidance states that *'While the preparation of LCWIPs is non-mandatory, Local Authorities who have plans will be well placed to make the case for future investment.'* Through adopting an LCWIP, Worthing Borough and Adur District will become well placed to secure DfT investment when this becomes available, anticipated 2020.
- 4.2. The LCWIP will form a key evidence base for drafting planning policy on sustainable transport and development sites and will be integrated into development management processes to deliver high quality walking and cycling infrastructure on key routes. The LCWIP will become an important tool when working with developers regarding CIL or Section 106 contributions to sustainable transport infrastructure. This will contribute to the successful delivery of the strategic network.
- 4.3. The LCWIP provides a clear intention that cycling and walking is an important element of Worthing and Adur's future infrastructure. The LCWIP will provide a strategic oversight of the whole network, as and when elements of the network come forward, these sections (e.g. Middle Road, Shoreham) will then go into a detailed design phase, which in turn will lead to localised design and consultation.

- 4.4. The LCWIP signifies a step change and seeks to create a closer working relationship and greater influence with WSCC on transport and highways improvements. The Draft LCWIP has been heavily scrutinised by WSCC to ensure this aligns with other strategies, notably the Sustainable Transport Package work in both Worthing and Adur.
- 4.5. The report seeks to establish a strategic network plan for Worthing and Adur. The proposed adoption of this plan would not only establish the network but also enable the Councils' to identify other cycling and walking measures that would help make cycling and walking easier and safer. The Councils are working on a number of sustainable transport initiatives (e.g. easitADUR & WORTHING, secure cycle storage in Worthing, the Beat the Street campaign, and staff travel). The LCWIP can be seen as a key step in delivering more cohesive, safe, accessible, and sustainable transport in Worthing and Adur.

5. Engagement and Communication

- 5.1. The Draft LCWIP has been coordinated through and with the Adur and Worthing Cycling and Walking Action Group (AW CWAG). This group was established in Spring 2018 and combines elected Members, Officers, West Sussex County Council (WSCC) and local business and community representatives from (e.g.) Worthing Cycle Forum and Shoreham-by-Cycle. This group has been key to the creation of the Draft LCWIP.
- 5.2. The AW CWAG has met bimonthly since 2018, and members have been consulted at several stages of LCWIP production over this time, providing valuable input into route identification, prioritisation, and auditing. Members involved in the CWAG include Cllr Humphries (Chair), Cllr Boram and McDonald (stand in chair), and Cllr Cooper. Adur and Worthing Cllrs are invited to be represented on the CWAG. Partially sighted groups have also been invited to the group and consulted.
- 5.3. West Sussex County Council have been widely consulted. In 2018 they created an LCWIP Partners Group, bringing together the LAs developing Plans in West Sussex. This is attended by Crawley, Chichester, Adur & Worthing, Horsham and South Downs National Park. WSCC have provided training to the LAs on developing LCWIPs, and provided a supportive forum as the councils produce their plans.

- 5.4. The transport consultants WSP who work for the West Sussex Highways Authority have undertaken a quality review of AW LCWIP and input into it's production.
- 5.5. Regular quarterly meetings to discuss the LCWIP and Sustainable Transport have been held between AWC Planners, Sustainability and Economy (Town Centre, seafront and Public Realm improvements) officers with WSCC Transport planners involved in Sustainable Transport Packages, the Road Space Audit, transport planning and highways improvement work. The LCWIP aims to bring together all these work strands to provide a coordinated overview and approach.
- 5.6. The Public Consultation is planned to be held between November 2019 and January 2020. It will involve an online consultation. In addition, resources allow for two public events which will be held in Shoreham and Worthing. Exhibitions will be available at the Shoreham Centre and Worthing Town Hall during this period. Alerts that the consultation is underway will be circulated extensively to local organisations, schools, businesses and community groups across Adur and Worthing.
- 5.7. The Public Consultation provides an opportunity, with partners, to review key strategic sites (e.g. West Durrington and New Monks Farm) to establish whether primary or secondary routes are required to, from or through these sites to broaden the network.

6. Financial Implications

- 6.1. The Councils have received a £70,000 grant from the Business Rate pool to support the cost of the production of the LCWIP. This grant has been used to fund the cost of a consultant to support the development of the plan and will contribute to the cost of officer time in producing the new plan.

7. Legal Implications

7.1 In carrying out the proposed consultation in this Report, the Councils must have regard to any relevant statutory or general duty to consult.

7.2 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.

7.3 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.

7.4 S1 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.

7.5 In spending the grant funding referred to in clause 6.1, the Council must ensure compliance with any grant funding terms and conditions and where relevant spend the money in accordance with its Contract Standing Orders.

Background Papers

- [Adur & Worthing Draft LCWIP \(including appendices\)](#)
- [DfT Cycling and Walking Investment Strategy. 2017](#)
- [DfT Local Walking and Cycling Infrastructure Plan Technical Guidance](#)
- [DfT Road Traffic Forecasts 2018](#)

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Sustainability & Risk Assessment

1. Economic

- The LCWIP is intended to deliver transport infrastructure that can accommodate the future needs of the area, addressing planned development and population growth and the associated congestion that will follow.
- With congestion predicted to increase by as much as 51% by 2050, it is crucial to maintain a vibrant economy, that transport infrastructure is provided in Adur & Worthing that provides alternatives to car travel in order to keep good transport flows for business travel and commuting; visitor movement; and leisure and utility trips.

2. Social

2.1 Social Value

- Improved cycling and walking infrastructure can increase safety and accessibility; helping more communities to make cycling and walking their first choice for shorter journeys and as part of longer ones. Cycling and walking provides the cheapest form of transport compared with car travel and public transport. It also brings health benefits through active travel.

2.2 Equality Issues

- Improved cycling and walking infrastructure can increase safety and accessibility; helping more communities to make cycling and walking their first choice for shorter journeys and as part of longer ones. Cycling and walking provides the cheapest form of transport compared with car travel and public transport. It also brings health benefits through active travel.

2.3 Community Safety Issues (Section 17)

- The delivery of any aspects of the LCWIP will be explored under feasibility work which will involve consultation on details to ensure infrastructure delivered will increase and not decrease public safety.

2.4 Human Rights Issues

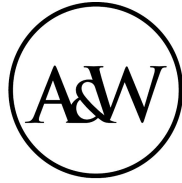
- Does the proposal impinge on anyone's human rights and if so how is it justified under the Human Rights Act? Human rights include: Right to a fair trial, respect for family life, private life, home and correspondence, freedom of thought, expression, assembly and association and protection and quiet enjoyment of property and possessions. Also ask, is the action proportionate to the anticipated response or outcome?

3. Environmental

- The LCWIP will significantly assist in delivering a safe and accessible cycling and walking infrastructure for Worthing and Adur. This is a crucial step in delivering a more sustainable transport system.
- Transport emissions account for over a third of carbon emissions in Adur & Worthing. Unlike other sectors, transport emissions locally have been rising since 2013. Transport emissions make up over one third of carbon emissions from Adur and Worthing, so reducing carbon emissions associated with transport is a significant challenge in the effort towards being carbon neutral by 2030. Cycling and Walking are both zero carbon forms of transport.

4. Governance

- Production of the LCWIP aligns with Platforms for our Places, and will influence the emerging Worthing Local Plan, aligns with the current, and will influence future reviews of the Adur Local Plan.
- It will offer a robust policy direction from which to work with the Highways Authority on sustainable transport provision.



ADUR & WORTHING COUNCILS

Key Decision [~~Yes~~/No]
Ward(s) Affected: All

Engaging Adur and Worthing - how we engage with our Communities

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1. As Councils' we engage with our communities, partners and elected members on a regular and ongoing basis. We are committed to engage with our communities in a transparent and inclusive way, that is proportionate and relevant to the issue or opportunity before us.
- 1.2. This report provides an update on the Councils' efforts to further this area of our work including:
 - consideration of a draft Guide to the Councils' engagement principles and toolkit, and
 - provide examples of some of the Councils' recent engagement activities.

2. Recommendations

- 2.1 Note the Councils' ongoing successes in engaging with our communities.
- 2.2 Agree for the draft Guide on the Councils' Engagement Principles and Toolkit (Attachment A) to be placed on public consultation until December 2019.
- 2.4 Following consultation, agree to delegate the authority to make any necessary amendments and produce the final Guide on the Councils' Engagement Principles and Toolkit to the Director for Communities in consultation with the Leaders and Executive Members for Customer Service.
- 2.3 Agree to refer this report to the Joint Overview and Scrutiny Committee for their consideration within the public consultation timeframe.

3. Context

- 3.1. As Councils we engage with our communities, partners and elected members on a regular and ongoing basis. Engagement is an important element that supports the Councils' decision-making, deepens our relationship with our communities and our partners, and helps us to meet our legal obligations.
- 3.2. The Councils' ability to effectively engage with our communities and our partners has been critical in realising our ambitions set out in *Platforms for our Places*. A specific commitment (2.4.1) was made to: *'agree to core principles of engagement and community involvement in design and delivery of the Councils work'*.
- 3.3. The Joint Strategic Strategic Committee responded to the Joint Overview and Scrutiny Committees (JOSC) review of consultations (July 2018), which has prompted further work on the Councils' approach to consultations and engagement.
- 3.4. It should be noted that JOSC's conclusion was on their review of the Councils' approach to consultations was:
[we are] generally pleased with the way that the Councils undertake consultations and that some Service areas use innovative techniques and provide above average levels of consultation which in turn generate good response rates. However, the Working Group believes that improvements should be made to the Councils' consultation processes to ensure a consistent approach across all Service areas to consultation delivery.

4. Issues for consideration

Guide to Adur & Worthing Councils engagement principles and toolkit

- 4.1. In response to this background officers have reviewed the Councils' approach to engagement and how we can support colleagues undertaking engagement activities on behalf of the Councils, and update and replace the Councils' Consultation and Policy Statement, with a set of guiding Principles.
- 4.2. This work has resulted in *Engaging Adur and Worthing: A Guide to Adur & Worthing Councils engagement principles and toolkit* ([Attachment A](#)).

4.3. This Guide is designed to inform our communities understanding, and assist the Councils' staff, in how the Councils design, manage and conclude specific engagement activities. This is presented in two parts:

■ Part One - Our Engagement Principles

Outlines the Councils' definition of engagement, how we engage and our core principles for engagement.

Our core engagement principles are that our engagement will be: **Transparent, Inclusive and Relevant.**

■ Part Two - Our Engagement Toolkit

The toolkit is a starting point to help the Councils' officers to design, manage and conclude engagement activities. It provides models, poses questions, and tips for good practice. This toolkit will be supported by the resources available via the staff intranet and cross team opportunities to share best practice and learning.

The toolkit identifies three core questions when framing an engagement process or activity:

- a. What are your objectives?
- b. Who are your communities of interest?
- c. How is the best way to reach them and meet your objectives?

4.4. Throughout the Guide there is a recognition that there is no one or preferred method of engagement. How we engage with our communities will depend upon the nature of the issue or opportunity, as well as the communities we wish to engage with. Instead, there are a range of considerations that underpin the design, management and conclusion of engagement activities.

Engaging with our communities

4.5. Whilst these Principles and Toolkit will provide a foundation for our future engagement work, it should be noted that the Councils have and do regularly undertake a variety of engagement activities with our residents and communities.

Keeping our Communities Informed - the Councils' Communications Channels

4.6. Our communications platforms represent critical channels to engage with our communities. The increased views and engagement with our social media posts reflects our communities are increasing informed about what the Council is doing. Over the past year there has been:

- a 94 per cent increase in visits to our facebook page, and
- a 60 per cent increase in engagement across our social media platforms.

Preparing for Service Change - Alternate Weekly Collections

- 4.7. Our communications team have provided dedicated and ongoing support to the project to introduce Alternate Weekly Collections across Adur and Worthing, advising the project team on all matters relating to providing good quality and timely information to our residents regarding the nature of the changes and what, how and where people can recycle, using a variety of tools:
- Regular social media posts, including specifically produced videos
 - Engagement through traditional media using press releases and advertising
 - Developing dedicated resources on the Councils' website
 - information leaflets delivered door-to-door over June, July and August
 - Waste team roadshows.
- 4.8. Over the course of the campaign (May-October) our posts over Twitter and Facebook were seen over 300,000 times.

<https://www.adur-worthing.gov.uk/news/archive/pr19-131.html>

- 4.9. Another means of engaging our community about the Alternative Weekly Collections has been through involving residents in waste audits. Residents requesting larger bins in the lead up to the change in service have been offered a waste audit. Residents participate in going through their waste to identify ways to reduce waste and waste that can be recycled. This is supplemented with information from our waste teams so they have information to reinforce what they have learnt during the audit. The waste audit have also been used as case studies to communicate to our wider communities.

Evolving engagement - Brooklands Park Masterplan

- 4.10. Our most recent engagement activities associated with Brooklands Park was started with our communities engaging with the Worthing Borough Council. It reflects how ongoing engagement can evolve overtime. A petition calling for an improvement to Brooklands lake, which resulted in the Council taking action.

- 4.11. Following the dredging of Brooklands lake, members of Worthing Borough Council determined that there was an opportunity to develop the park and develop this significant asset.
- 4.12. Over a period of several months, a range of engagement activities took place in schools, with community groups, with the Friends Of group and with the general public both face to face and online. Our post on the across the Councils' social media platforms were viewed over 40,000 times, with the interactive map on our website accessed 2,400. Overall 800 responses were received to the initial engagement work, which led to the development of the concept MasterPlan.
- 4.13. This project continues and further engagement with the public, informing them about the latest iteration of this Master Plan, took place at Brooklands Park Halloween event in October 2019. There will also be ongoing involvement of the Friends Of group to strengthen their role in community engagement and development and Brooklands.

<https://www.adur-worthing.gov.uk/brooklands-park-masterplan/>

Engaging Strategic Partners - Homelessness is everyone's business

- 4.14. Throughout 2017 and 2018 our Housing Teams worked tirelessly to develop a truly multi-agency, shared approach to preventing homelessness.
- 4.15. The Making Homelessness Everybody's Business project started with a research element that spent time listening to those who had lived experience of homelessness, workers on the front line, providers of external services and colleagues from other statutory agencies.
- 4.16. This approach to research is intensive and not feasible or necessary for all of the work that we do. However this provided the teams with rich and relevant data on which to develop our approaches to tackling this wicked issue, and redesign the way in which we work internally, with partners and most critically, with our communities

<http://sameroom.adur-worthing.gov.uk/homelessness-is-everyones-business/>

5. Engagement and Communication

- 5.1. The Guide and identification of resources to support the toolkit have been informed by existing policies and practices within the public and community and voluntary sector, the issues raised by JOSC, and internal engagement with our staff.
- 5.2. Of the five recommendations made by as a result of JOSC's review of consultations the Joint Strategic Committee agreed to one, agreed-in-principle to two and did not agree with two others. The Guide and the wider approach of online resources and establishing a virtual and physical community of interest seek to address the Committee's response outlined in its November 2018 report.
- 5.3. Further internal consultation is underway with staff providing them an opportunity to:
- provide comments, feedback and suggest edits,
 - Share views on what good engagement looks like,
 - Seek feedback on what information or support will help officers to run an engagement activity, and
 - Share experience and learnings from recent engagement with our communities.

External Consultation

- 5.5 The Committee is asked to agree to external consultation on the Guide until December 2019. The Objective of this consultation will be to:
- inform our communities and partners about how the Councils design, manage and conclude specifically designed engagement activities.
 - seek comments, feedback and suggests about the Guide, and
 - seek further views on what good engagement looks like.
- 5.6 The information gathered as part of the consultation will help to:
- refine the Engagement Guide, and
 - Inform any additional support required for those undertaking engagement activities.
- 5.7 We will use the Councils website and social media platforms to promote the engagement, and make contact with strategic partners to encourage participation.
- 5.8 The Committee is also asked to agree to refer this report and the Guide to JOSC for their consideration within the consultation's timeframes,

given their existing interest in this matter and it is currently listed on their work programme.

6. Financial Implications

- 6.1 There are no direct financial implications arising from the draft engagement guide. The cost of consultations and engagements are funded from individual service budgets.

7. Legal Implications

- 7.1. The Toolkit encourages consultation with legal services as early as possible to identify any legal issues and the statutory power or duty that the Councils will use to carry out the proposal.
- 7.2. The Councils are required to carry out statutory consultation in relation to certain matters. The correct statutory process must be followed in these cases.
- 7.3. There may also be other occasions when consultation is required such as where the Councils have made a commitment to consult and there is a legitimate expectation of consultation.
- 7.4. Adopting an updated consultation guide and toolkit will assist officers in carrying out meaningful and informed consultation.

Background Papers

- [JSC Response - JOSC Review of Consultations](#)
(Joint Strategic Committee - 6 November 2018)
- [Scrutiny review of consultations](#)
(Joint Overview and Scrutiny Committee - 26 July 2018)
- [Platforms for Our Places](#)
- [Adur & Worthing Councils' Consultation Policy Statement](#)

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Sustainability & Risk Assessment

1. Economic

- 1.1 The Guide will assist the Councils engage with our partners and stakeholders in our business community, and assist in how we engage with our communities to improve their economic participation.

2. Social

2.1 Social Value

- 2.1.1 The Guide will assist the Councils engage with our communities. The Guide specific highlights the importance to consider engaging with specific groups who may be affected by an engagement's objectives.
- 2.1.2 The Guide also states that one of the reasons we engage is to deepen our relationships with our communities.

2.2 Equality Issues

- 2.2.1 The Guide specific highlights the importance to consider engaging with specific groups who may be affected by an engagement's objectives.

2.3 Community Safety Issues (Section 17)

- 2.3.1 Engaged communities can contribute to improved community safety outcomes.

2.4 Human Rights Issues

- 2.4.1 Engagement can be an important means for our communities to engage their Human Rights, and ensure that their Human Rights are considered as part of Councils decision-making and other processes.

3. Environmental

- 3.1 The Councils have recognised that engagement is a critical element to respond to issues to manage our natural environment and response to climate change.

4. Governance

- 4.1 This Guide seeks to strengthen the Council approach to engaging with our communities, informing and strengthen decision making, deepening our relationship and reputation with our communities and fulfil our legal obligations.

Engaging Adur and Worthing

A Guide to Adur & Worthing Councils engagement principles and toolkit

Purpose of this Guide

As Councils' we engage with our communities, partners and elected members on a regular and ongoing basis. We are committed to engage with our communities in a transparent and inclusive way, that is proportion and relevant to the issue or opportunity before us.

This Guide is designed to inform our communities understanding, and assist the Councils' Staff in how the Councils design, manage and conclude specifically designed engagement activities. This is done in two parts:

Part One - Our Engagement Principles

Outlines the Councils definition of engagement, how we engage and our core principles to engagement.

Part Two - Our Engagement Toolkit

Acts as a starting point to help the Councils' Officers to design, manage and conclude engagement activities by providing models, posing questions, and tips for good practice. This toolkit is supported by the resources available via the staff intranet and opportunities to share best practice and learning.

Throughout the Guide there is a recognition that due to the issue, communities of interest involved and other factors and contexts there is no single approach to engagement. Instead there is a range of considerations that go into designing, managing and concluding engagement activities.

If you would like more information about this guide and Councils engagement activities, please have a look at the Councils' engagement webpage or email:

policy@adur-worthing.gov.uk

Part One: Our Engagement Principles

What is Engagement?

We define engaged engagement as:

a planned activity with the specific purpose of working across organisations, partners and communities to help shape the decisions or actions of the community, partners or organisation about an issue or opportunity.

Engagement can include internal engagement with our staff, or involve our communities based on a specific location or interests. Engagement activities can have a specific focus, or be part of an ongoing pieces of work. Engagement activities may also vary over time or as the context changes.

Why we engage

We have seen how local government engages with our communities evolve from our ongoing legal obligations to recognising the broader benefits of engaging with our communities.

Supporting decision-making

Engagement helps us and our communities to understand an issue from a variety of perspectives. This supports better information exchange, understanding and decision making within the Councils and across our communities.

Deepening relationships

We recognise our communities want to have a dialogue with us and have opportunities to engage on relevant issues. Engagement also enables the Councils and our communities to create a deeper understanding from a variety of perspectives and develop mutually respectful relationships.

Meeting our legal obligations

We have an ongoing requirement to consult with our communities on changes to specific policies set established by legislation or case law.

Why we don't engage (in a particular way)

There may be times it may not be appropriate to engage in a particular way. This can be due to internal or external constraints which exist around the issue. These constraints may relate to time or resources available, who has the decision-making responsibility or provisions set out in legislation. We also need to consider the needs of our communities or specific groups in our communities, including managing engagement fatigue. We may also have access to other sources of information, which means a particular engagement activity is not suitable or needed.

Our core engagement principles

Transparent

We will be clear about why we are engaging with our communities, what influence they have in the process and keep them informed about the engagement process and its outcomes.

Inclusive

Our engagement activities will be designed with the needs of the relevant communities of interest in mind. We will make an effort to identify and access the wide range of perspectives that may exist within in our communities or specific communities of interest, and provide enough time for them to be engaged on the issue or opportunity.

Relevant

Our engagement activities will reflect the impact and the interest in the issue or opportunities within our communities, and the level of influence our communities have on the issue. How we engage will be determined by what we are trying to achieve, the range and level of interest and the best way to reach those interested, and within the Councils' available resources.

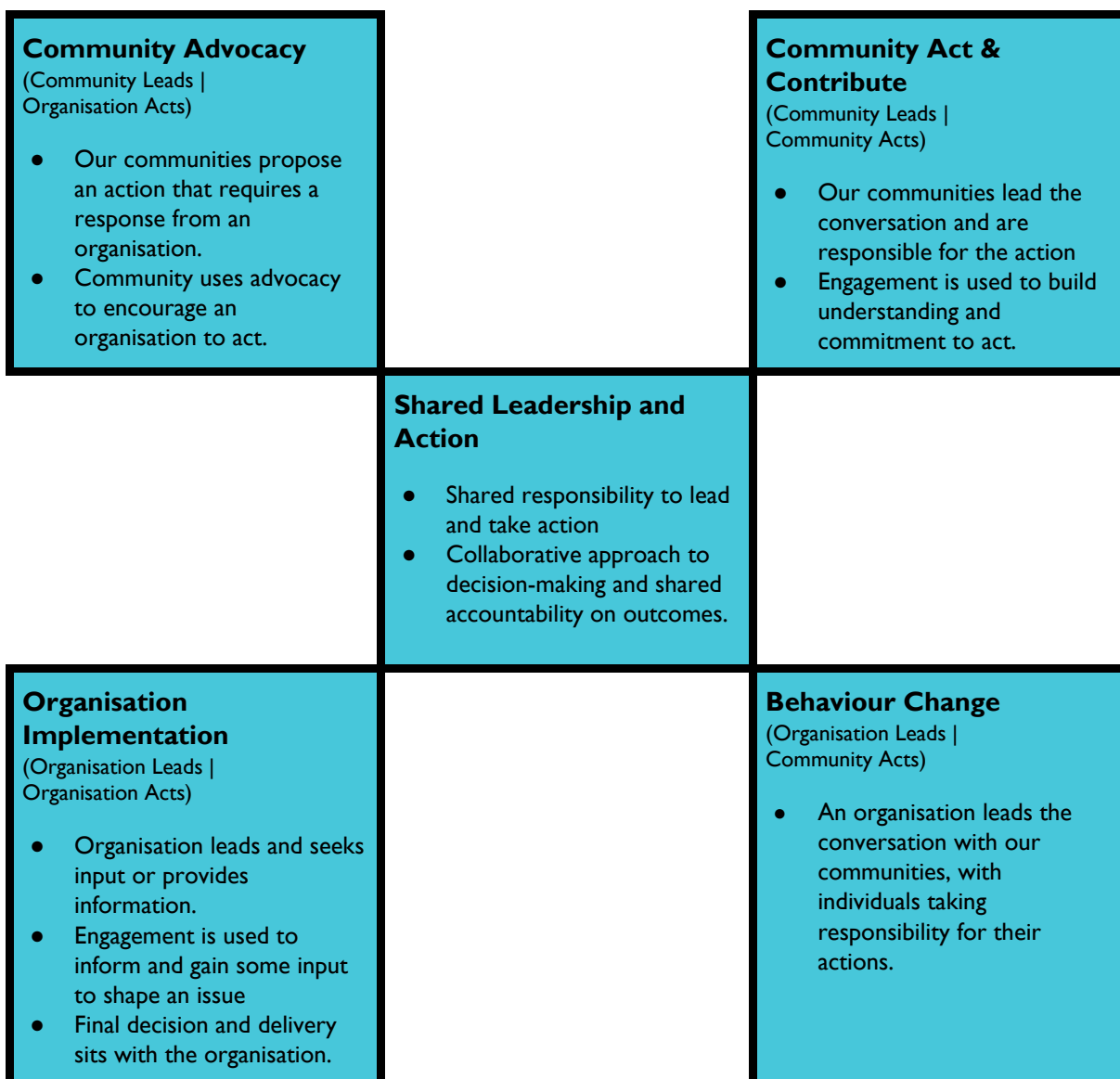
Part Two: Our Engagement Toolkit

Models of Engagement

The models of engagement can help us to understand who is responsible for defining and leading an engagement activity and who will act as a result of an engagement activity. Over the course of an engagement activity you may seek to move from one model to another.

Models of engagement help us get the best out of any activity by starting to identify:

- who we involve and the impact they will have,
- how we engage - what methods we may use to achieve your engagement objectives, and
- what resources and roles are required.



Types of Engagement

Engagement ranges from sharing information, through consulting on peoples' views, to involving, collaborating and empowering people directly in a process.

No type of engagement is better than another. The type of engagement used will depend upon the nature of the issue being considered and the level of influence our those being engaged have in the final decision.

Each type of engagement will also inform the methods and tools to support an engagement activity and achieves your objectives. You may also use different types of engagement over the course of an engagement activity.

	Inform	Consult	Involve	Collaborate	Empower
Engagement Goals	Providing balanced and objective information to assist our communities of interest to understand the issue, alternatives, opportunities and/or solutions.	Obtaining feedback on analysis, alternatives and/or decisions.	Working directly with relevant communities of interest throughout a process to enable their concerns and aspirations to be heard, understood and considered.	Partnering with those being engaged with in each aspect of the decision including the development of alternatives and identify identification of preferred solutions.	To place the final decision in the hands of those we are engaging with.
Promise to those being engaged	We will keep you informed	We will keep you informed, listen and acknowledge concerns and aspirations, and provide feedback on how your input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in alternative being developed and provide feedback.	We will work together to formulate solutions and incorporate your advice and recommendations into the final decision as much as possible.	We will implement your decision.

Framing your engagement activities

Core Questions

There are three core questions when framing an engagement process:

1. What are your objectives?
2. Who are your communities of interest?
3. How is the best way to reach them and meet your objectives?

Communities of Interest

Across our communities people can define themselves by their interests, identity, experience as well as where they live - some examples are:

- People who often identify themselves or are identified by society, by demographic characteristics, for example, children and young people, faith groups, older people, black and minority ethnic people, lesbian, gay, bisexual and transgender people or people with a shared social background.
- People with a shared or similar interest, for example, in climate change, art, a local school or allotment.
- People with a similar or the same profession or place of work, for example, hoteliers, council workers, police officers, business associations

Deeper questions

Your objectives

- Is it clear why you are engaging and what you are trying to achieve?
- What is the real level of influence can your communities of interest have on this issue?
- What resources do you have available to undertake the engagement (time, staff, technology, finances, networks)?
- What is the role of elected members before, during and after the engagement process - how will they be kept informed or involved?
- What does success look like? How are you going to capture learning from this engagement process?

Your communities of interest

- Who are the communities of interest on this issue?
- What are the best ways to engage with your communities of interest?
- What information do your communities of interest need to be engaged?
- What questions can be possessed in order that your engagement is meaningful to you and those your communities of interest?

- Is there value in targeting specific groups or individuals, compared to seeking the views of the whole community?

How you engage

- What are the best ways to reach communities of interest and meet your objectives?
- Who (and how) can actively support your engagement process internally or externally to the Councils? Are they potential partners in your engagement activity?
- Are there other issues which may impact on your engagement?
- How and when are you going to communicate progress and/or feedback?

Role of elected members

Elected members have an important role in our engagement activities. As representatives of our communities they can:

- advise officers on particular communities of interests or sensitivities the Councils may need to consider when planning an engagement process,
- help to promote engagement activities to their constituents, as well be engaged in the process themselves, and
- use the outcomes from engagement to be kept informed of our communities views on issues and provide an important input into the decision making process.

Engagement outcomes are one of many of the important inputs that an elected member will consider as part of a decision making processes. This includes service, financial and legal considerations, policy and political objectives, and weight up the range of views expressed through engagement activities, the media and their own work as representative. Elected members use their democratic mandate to make decisions on behalf of the community based on these range of inputs.

Managing your engagement process

Good practice to your engagement

Each engagement process is different and you need to manage it in response to the issue, context and resources available. However there is general good practice that you may consider.

Be clear about the scope of the engagement

You should be clear about why you are engaging, what you want to achieve, who you are seeking to engage with, how they can engage, what they can and cannot be influenced, how you will use the information gathered, and what are the benefits being involved.

Use existing evidence and insights

No engagement activity starts from nowhere, use available research, knowledge and community intelligence to help plan and provide context to those who you are engaging.

Timing

Allow sufficient time to design, carry out your engagement activities and incorporate the outcomes into policy, plans or service design.

The duration of engagement activity will depend on the context, issues and resources, but a general rule of thumb is between six and eight weeks. Holidays in August and Christmas and the Purdah period prior to elections in May should be avoided or compensated for.

The Councils' engagement webpage and the Councils' engagement community of practice should also be referred to identify other planned engagement activities, to avoid engagement fatigue and reducing the willingness of our communities, or communities of interest, to engage with the issue.

Honest and clear communications

Communications should be open, honest and clear. They should be jargon free and relevant to the intended audience. A range of communications channels and opportunities can be used to tell and keep people informed about an engagement activity.

You should also include a contact if people want to find out more or seek clarification.

The Councils' Communications team will be able to help about using communications channels: news@adur-worthing.gov.uk

Tapping into expertise

We have a range of expertise across the Councils and in our communities who assist in accessing specific communities of interest and provide specific insights. Where possible and appropriate these should be accessed. For example:

- Place and Economy - Business Sector
- Wellbeing - Community and Voluntary Sector
- Human Resources - Engagement Training and Staff
- Legal Service - to identify any legal issues and the statutory power or duty that the Councils will use to carry out the proposal.

Beyond the usual suspect

Consideration should be given to how you access a variety of views beyond those who regularly participate in the Councils' engagement activities.

Depending on the scope of the engagement consideration should be given about how you access individuals and groups who are often not heard from due to access to engagement and communications channels or other reasons (physical, economic, social or cultural).

External partners may help you or provide advice about accessing these groups.

Concluding your engagement process

Analysis

At the conclusion of your engagement activities (or appropriate milestones) you will have to take your raw data and intelligence to develop your understanding of what the response to your engagement activity has been. This may range from the numbers and demographics who engaged to an analysis of the main points raised and recommended courses of action.

This analysis may also help in your reporting, feedback and evaluation. Your analysis should be considered in the context of other information you have available when preparing final recommendations and taking further actions on the issue or opportunity being engaged on.

Reporting

Decision-makers are formally told about the planning for and outcomes from engagement activities through the Councils reports.

In the *Engagement and Communication* section of a report you should outline:

- What internal and/or external engagement activities have been planned or occurred?
- Include the main points raised through the engagement process and how these points have?
- How engagement outcomes and decisions have been or will be communicated?

You may wish to attach a more detailed engagement report outlining the engagement activities and outcomes in more detail.

Feedback

It is important you conclude an engagement activity by providing feedback to those who participated. In providing feedback you should consider:

- the messages are clear and understandable,
- using a 'you said, we did' approach, outlining a clear reasoning on how the feedback was considered and used, and how decisions were reached.
- what are the next steps and are there opportunities for further involvement.

Evaluation

Establishing how an engagement activity went can let you and colleagues know what went well and what you would do differently next time.

This can be done by reflecting within your team and/or getting feedback from those who participated in the engagement activity.

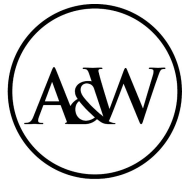
There will be opportunities within the Councils to share what you have learned. You may also want to include this in your reporting (if relevant to the decision-making) and as part of your engagement feedback.

Additional Support and Resources

This toolkit is supported by the resources available via the staff intranet and opportunities to share best practice and learning through an engagement community of interest. Our engagement community of interest will also assist the management of engagement fatigue.

For more information please email: policy@adur-worthing.gov.uk

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
7 November 2019
Agenda Item 8

Key Decision [Yes/No]

Ward(s) Affected: All

Storyteller: Communications for the 21st Century

Report by the Chief Executive

Executive Summary

1. Purpose

- 1.1. Adur & Worthing Councils (AWCs) are looking to further develop the commercialisation of services with the aim of generating income to ensure it continues to deliver a range of valued, high-quality services to residents and businesses.
- 1.2. One area successful in developing a commercial offer is Communications. As set out in Councils' corporate strategy *Platforms for our Places*, the team has been tasked with generating income to offset savings targets. For the past two years, these have been exceeded, generating a surplus.
- 1.3. To capitalise on this demand, offset future savings, and continue to generate income for AWCs, it is recognised - from a financial and governance perspective - a more formal arrangement needs to be established. This report explores options and makes recommendations to take this forward.

2. Recommendations

It is recommended that the Joint Strategic Committee:

- 2.1. Note the growing commercialisation of local government services across the UK against the backdrop of ongoing reductions in central government funding.
- 2.2. Note the success to date of the communications team in commercialising its services to third parties in recent years and recognise the desirability to scale this approach to the private sector.
- 2.3. Provide delegated authority to the Head of Communications, in consultation with financial and legal services, to establish a new council-owned trading company to offer a range of communications services to external organisations (subject to detailed business plans being approved by the Leaders of both Councils). This would be on an initial three year term, as set out in the body of the report. This delegation would also include the authority to negotiate the terms of (and enter into) a formal written agreement between the Council and the trading company for the company's use of Council staff and assets.
- 2.4. Agree to release up to £30,000 of unallocated funding from the current financial year to support legal, financial and other relevant start-up costs for the new company.

3. Context

3.1. The current communications service

- 3.1.1. Adur & Worthing Councils (AWCs) communications team provides a comprehensive service for the two separate authorities.
- 3.1.2. Under the direction of the current Head of Communications, there has been a transformation of the service since 2017, with the team adopting a fast-paced 'newsroom-style' operation which promotes the work of the Councils internally, within the community and at a regional, national and international level.

There has been a large growth in the number of stories appearing in a range of publications as well as engagement through social media and targeted campaigns during this time.

- 3.1.3. The current team consists of six FTE posts: Head of Communications, Deputy Head of Communications, three Communications Officers (1 x 1.0 FTE, 1 x 0.6, 1 x 0.4), a Website lead and a Digital Content Officer (formerly apprentice - focusing on visual content).
- 3.1.4. According to the Local Government Association (LGA), the average size of a communications team at UK councils is seven (excluding web/digital, marketing or design teams). A similar survey of NHS providers said the figure at its organisations was also seven.
- 3.1.5. The core focus of work, is providing a wide range of communications functions across all available channels, creating a strong narrative of our places internally and externally. Day-to-day tasks include media handling, crisis comms, strategic support, social media management, internal communications with staff and members, design and website management.
- 3.1.6. The team, as set out within the Councils' corporate strategy Platforms for our Places, has been tasked with developing an effective communications agency model "*providing a sustainable and high quality strategic communication service to internal and external clients*". This was initially carried out alongside core duties to achieve savings targets. But the success of the offer has seen an income has been generated for the Councils in consecutive years, in addition to avoiding staff reductions and providing an enhanced communications service.
- 3.1.7. The approach is already delivering financial benefits to the Councils. In 2018/19, a surplus of £30,000 was recorded. Forecasts for 2019/20 indicate a projected surplus of £56,000.
- 3.1.8. Moving forward, as part of reductions across all Councils services, initial forecasts indicate the core communications funding will reduce by 15% over three years (2017-2020). This means the team must continue to retain and win new contracts

moving forward in order to retain staff and maintain the level of service across the Councils.

- 3.1.9. So far, the winning of contracts with third party customers has been beyond the core communications service and has been done on an informal basis under the banner of Adur & Worthing Councils. However, to capitalise on the demand for the services offered by the in-house team, it is recognised that the Councils governance arrangements require a more formal footing to enable further trading with the private sector as well as other public bodies.

3.2. Commercialisation in the public sector

- 3.2.1. With funding for public services being reduced year-on-year, there has been a drive for UK authorities to move towards self-funding models in part through the commercialisation of services. The 2011 Localism Act supports this, making it easier for public bodies to set up local trading companies.
- 3.2.2. Adur & Worthing Councils' have embraced the commercialisation agenda, most notably through household and commercial waste services and property investment programme. It has so far not yet set up any local trading companies.
- 3.2.3. Of 380 local authorities in England, Scotland and Wales, 59.2% have at least one trading company. The most prevalent type of trading company is property and investment (23.5%) with waste (8.5%) and social care (6.2%) also popular [Grant Thornton, 2018].
- 3.2.4. Within the communications sector there is one notable example, Westco Communications which was established by Westminster City Council (WCC) in 2007 as a limited company selling services to external clients (local and central government, third sector) as a commercial venture while generating a financial contribution to WCC via an annual payment at the end of every financial year. In 2018/19 it registered a £4 million turnover, generating £200,000 surplus which was paid back to WCC.

3.3. Developing a “communications agency-style” model

- 3.3.1. As tasked within Platforms for our Places, the Councils communications team have informally developed a commercial offering for clients beyond its core service (see 3.1.6). It has already established agreements with third party organisations, providing services which range from one-off projects to whole service provision. Client retention rate is extremely high with income contributing a surplus for the Councils.
- 3.3.2. If this “communications agency-style” model is formalised, emphasis will be on approaching organisations to offer additional communications and engagement support under the banner of a new brand called *Storyteller*. The key initial USP of this new brand will be a public sector (Adur and Worthing) owned company which delivers communications services with a public / third sector ethos.
- 3.3.3. A detailed market evaluation carried out in-house highlighted that the most captive market for communications services will be fellow public sector organisations - especially those with direct links to AWCs, supporting the wider circular economy.
- 3.3.4. The ambition within a business analysis is for the communications team to move towards a model of two-thirds internal income and one-third external within three years; whilst ensuring the continued high quality service is provided to the Councils.

4. Issues for consideration

4.1. Operating models

- 4.1.1. A variety of potential operating models are available to establish a potential agency model. The main options, included within appendix one, are summarised below:
 - 4.1.1.1. **Do nothing** - given ongoing reductions to public spending nationally and within AWCs, a failure to develop the commercialisation of communications will lead to a reduction in the service.

- 4.1.1.2. **Teckal exemption** - a three year agreement between parent council and service, which allows for 20% of turnover to be generated outside of the organisation. AWCs remain in total control of operations which means the agreement could be done quickly and allow the communications team to continue to provide services to external organisations. However, the 20% cap on external work is a clear and prohibitive cap on growth. Given a key business aim is to move to 33% external income within three years, it would only act as a short-term measure.
- 4.1.1.3. **Stand alone trading company / public mutual** - there are a number of advantages to these models, mainly that it creates a clear distinction between the agency and parent council while putting it on an immediate commercial footing. However, the complex nature of establishing this body would require time and investment of resources, as well as experience and a stronger customer base. Both models also require open procurement of the communications service.
- 4.1.1.4. **A wholly council owned Local Authority Trading Company (*preferred option*)** - this combines the benefits of the models in 4.1.1.3, enabling the council to trade with third parties in the private sector without the trading constraints of a teckal company. It would be quick and easy to create with no need for a full procurement of the whole communications service while allowing for a new separate brand to be established to bid for external work. This would act as a starting point, allowing for the service to be fully developed and potentially allowing for a full transfer to an arms length model at a future date if the venture proves a success. An agreement between the Council and its company to make the necessary arrangements for use of Council staff and assets will be required. For the avoidance of doubt this company will be 100% owned by Adur & Worthing Councils.

4.2. Other considerations

- 4.2.1. If established, day-to-day operation of the company will be overseen by the Head of Communications. The agreement referred to at 4.1.1.4 above will maintain accountability and ensure no diminution in service to the Councils' own services. This will continue to be regularly reviewed by the Chief Executive, Council directors and directors of the company.
- 4.2.2. To ensure sound governance, the trading company will be required to have a board of directors, with access to expert legal and financial advice. This board will meet quarterly to review ongoing operations, approve the overall direction of the company and support company development. It is proposed this board is made up of unpaid directors from the local authority and third party industry experts, with the Councils having majority representation.
- 4.2.3. The establishment of a council-owned trading company will require some modest start up costs to cover finance, legal and administrative arrangements, which will be found from within existing budgets. Separate tax and accountancy arrangements will also need to be established through the finance team.
- 4.2.4. To allow the proposed company time to establish itself within the sector and further develop its customer base, it is recommended an initial three year term is agreed. To provide stability and a platform to grow, it is proposed that the annual communications budget is ring-fenced for this period.
- 4.2.5. In the short term, surplus generated by the new trading company will be limited due to the additional related costs of setting up a company. There will also be ongoing additional tax and VAT considerations. Any surplus generated will be ring-fenced for reinvestment into the Councils-owned trading company, allowing it to grow and expand.
- 4.2.6. Longer term, if the wholly owned company is a success, there is an opportunity for an annual sum to be paid to the local authority which could be reinvested back into Councils services or the wider community (see 3.2.4). This arrangement will be decided

by the Storyteller board, which will have majority Council representation.

- 4.2.7. In addition to delivering financial benefits to the Councils, the company has the potential to maintain and enhance the current level of communications service to the Councils; improve engagement with key partners, residents, businesses and other stakeholders; and provide employment to local people through apprenticeships.
- 4.2.8. The working arrangements of the company should be reviewed every year by the board to ensure it remains the most appropriate and effective way of running a commercial communications service. Depending on the success of the council-owned trading company there is potential for it to close; continue operating as it is; or for the Councils communications service to move entirely into the new arms-length body.

5. Engagement and Communication

- 5.1. The proposal to create a wholly owned Council trading company has been made after consultation with, and full support of, current members of the communications team.
- 5.2. The Chief Executive, Directors and Heads of Legal and Finance have helped shape the proposals in the report.
- 5.3. Informal discussions have also taken place with other local authorities and private businesses around commercialisation.

6. Financial Implications

- 6.1. The current net budget of the communications service for the current financial year (2019/20) is £245,610, which includes an income target of £44,290. The level of income generated by the service has increased over the last three years, with income forecast of £92,425.
- 6.2. The establishment of a wholly owned Local Authority trading company would provide the opportunity to operate within the commercial environment and generate further income from external sources without the 20% limitation that exists under the current operating conditions. This could facilitate trading on behalf of a number of

services. It will require some administrative set up; registration with Companies House, opening a company bank account and registration with HM Revenues and Customs for both corporation tax and VAT.

- 6.3. The trading company would include all costs and income associated with third party external customers, including overheads and support costs.
- 6.4. The company would be wholly owned by Adur & Worthing Councils and the annual surplus or deficit would need to be consolidated into their respective published accounts on an agreed shared basis. The company's accounting conventions and policies would need to be aligned with the Councils to facilitate this.
- 6.5. Initially, it is more cost effective for the Councils to budget and account for all internal services provided by the communications department. It ensures full benefit is received for the total cost of the work and prevents additional costs being incurred, as corporation tax would be payable on any surplus if accounted for by the trading company. The related income recharged to the service, that might previously have been spent on external suppliers, could support a case to increase resource for this purpose. However, there is an argument that by including some services for Councils that are outside the core communications work (eg Opening Doors, BuildingAW) within the LATC's budget from the establishment would broaden the skills base, building synergies between external and Councils work beyond the core, supporting growth, leading to an increased dividend to the Councils within time.

Other considerations

- 6.6. As a trading account the company would be liable for corporation tax on its taxable profits at the prevailing rate, currently 19%.
- 6.7. Employment tax rules mean that any payments that are made to individuals directly and wholly attributable to the company, other than the reimbursement of expenses, are paid by the company with a separate pay reference. Such payments are recognised by tax law as remuneration from the company and are therefore separate from the Council. The company can buy officer services from the Council where the officer(s) time is shared and pay is not directly related to the company, such as performance related incentives.

- 6.8. Corporation tax rules require that staff and services charged to a trading company are done at a market rate. Small and medium sized companies are exempt from this, however if the Council were to increase the use of any company or company group and extend to other services this could be something that would be mandatory.
- 6.9. There would be additional administrative work as a result of the trading company being established including tax returns, company accounts and bank reconciliations.

7. Legal Implications

- 7.1. The Local Authorities (Goods and Services) Act 1970 permits authorities to “trade” with other public bodies for the provision of goods and services.
- 7.2. S93 Local Government Act 2003 allows a local authority to provide a function, not limited to other public bodies, and to charge for that function on a cost recovery basis only. It is accepted that the authority may make a surplus of up to 20% of its overall budget providing the surplus is reinvested into the service. Beyond this surplus the authority would need to consider different types of trading vehicles.
- 7.3. S95 of the Local Government Act 2003 enables the council to set up a trading company, so it can do for a commercial purpose anything which they are authorised to do for the purposes of carrying on any of their functions.
- 7.4. S1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.
- 7.5. S1 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, and would provide the power to the Councils to establish a trading company for non-function trading.
- 7.6. There will be no requirement to comply with TUPE provisions for the benefit of setting up a council owned trading company as it is not proposed that the staff will TUPE to the company, but shall through the

proposed formal written agreement charge for the company for officer time spent on company business as well as for the use of the assets.

- 7.7. The financial arrangements between the Councils and the trading company are to be compliant with the regulations for state aid.

Background Papers

- Platforms for our Places

<https://www.adur-worthing.gov.uk/media/media.151817.en.pdf>

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Sustainability & Risk Assessment

1. Economic

- An effective communications agency model could not only provide a surplus to the Councils but could also offer high-quality services at affordable rates to local public and third sector organisations, supporting the overall vitality of our communities.

2. Social

2.1 Social Value

- Offering services to third sector groups could raise awareness of the aims and support provided by organisations which could support the wider vitality of our communities.

2.2 Equality Issues

- Matter considered and no issues identified

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified

2.4 Human Rights Issues

- Matter considered and no issues identified

3. Environmental

- Matter considered and no issues identified

4. Governance

- Further and regular advice from the Council's monitoring officer during the process of setting up a trading company will be required to comply with the governance issues arising from the proposals in this report.



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
7 November 2019
Agenda Item 9

Key Decision [No]

Ward(s) Affected: N/A

JOSC report on the review of Adur and Worthing Gypsy & Traveller Encampments

Report by the Director for Digital & Resources

Executive Summary

1. Purpose

- 1.1 The Joint Strategic Committee (JSC) is asked to receive and note the findings and recommendations of the Joint Overview and Scrutiny Committee (JOSC) review on Adur and Worthing Gypsy and Traveller encampments. These recommendations follow on from the discussions of a Working Group set up by JOSC. A copy of the report to JOSC and Working Group report is attached as Appendix 1 to this report.
- 1.2 The evidence submitted to the Working Group and further investigations has provided a good analysis of the procedures which are followed by the responsible agencies when unauthorised Gypsy and Traveller encampments occur on Council owned land. The evidence has also provided a good understanding of the background/reasons for the Councils entering into the joint agreement for the provision of the County transit site and also some views from local residents groups and a national Gypsy and Traveller organisation. This evidence has highlighted that a great deal of work is undertaken to deal with the unauthorised encampments.
- 1.3 However, the Working Group has identified some issues that it would like to submit to JSC for consideration as it is recognised that they are some key

issues which need to be addressed as part of the overall procedures for managing Gypsy and Traveller encampments in Adur and Worthing and also to ensure that overall processes are improved.

2. Recommendations

- 2.1 That the Joint Strategic Committee note the report, findings and recommendations from the Joint Overview and Scrutiny Committee; and
- 2.2 That the Joint Strategic Committee agrees to receive a report in January 2020 on the issues raised by the Joint Overview and Scrutiny Committee and consideration of the implications for each recommendation contained in the Scrutiny report at Appendix 1 in order for the Executive to provide a formal response to the Joint Overview and Scrutiny Committee.

3. Context

- 3.1 As part of its Work Programme, the Joint Overview and Scrutiny Committee (JOSC) agreed to undertake a review of Gypsy and Traveller encampments in Adur and Worthing.
- 3.2 Councillors Catherine Arnold, Roy Barraclough, Keith Bickers, Stephen Chipp, Andy McGregor and Bob Smytherman were appointed to the Working Group. Councillor Smytherman was appointed as Chairman of the Working Group. The following Terms of reference and project objectives for the review were agreed:-
 1. To review the Gypsy and Traveller encampments in 2018.
 2. To review the procedures for dealing with Gypsy and Traveller encampments including the guidance from the statutory bodies on this issue.
 3. To question the Council Executives and others to assess if residents are receiving value for money for the costs which the Councils incurred for the Gypsy and Traveller transit site in West Sussex.
 4. To help provide additional engagement with the settled and Gypsy and Traveller communities to ensure everyone is informed.
 5. To consider if there is a need for any recommendations to be put to the Executives to improve the processes.

- 3.3 The JOSC Working Group has recently concluded its work and reported the findings and recommendations to JOSC on 17 October 2019. The findings and recommendations from the Working Group are contained in Appendix 1 to this report and were agreed by JOSC subject to an additional recommendation being added as 6.8 as follows:-

'6.8 - That the Director for Public Health be requested to research to see if there are any Public Health funds available to support Gypsy and Travellers, particularly to access funds for advisory services.'

Reason - To help Gypsy and Travellers access advisory services if required.'

- 3.4 Joint Strategic Committee is now requested to consider the findings and recommendations from JOSC and its Working Group to provide the formal Executive response.

4. Issues for consideration

- 4.1 JOSC and the Working Group have identified a number of conclusions and recommendations which are intended to help the management of the Gypsy and Traveller encampments in Adur and Worthing and has also reviewed the value for money for the Councils in entering into the multi agency transit site agreement.

5. Engagement and Communication

- 5.1 As part of its report, the JOSC Working Group has engaged with West Sussex County Council, Council Officers, Executive Members, Residents and Traders Associations and a national Gypsy and Traveller support Group.

6. Financial Implications

- 6.1 There are no direct financial implications relating to this report but if implemented, some of the recommendations from the Working Group will have financial implications for the Councils.

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate, or which is conducive or incidental to the discharge of any of their functions.

- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).
- 7.3 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.

Background Papers

Report to the Joint Overview and Scrutiny Committee 17 October 2019

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Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

Matter considered and no issues identified.

2.2 Equality Issues

Matter considered. Adur and Worthing Councils recognise and accept the rights of Gypsies and Travellers to live a nomadic life but the objective for the Councils is also to manage all unauthorised encampments on the Councils land with consideration, recognising the need to balance the rights of the Gypsies and Travellers with the rights of the settled communities to enjoy the open spaces.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered. The findings in the Working Group report recognise and respect the rights of Gypsies and Travellers and also balance this with the rights of the settled communities to enjoy the open spaces.

3. Environmental

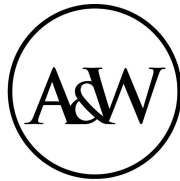
Matter considered. The findings in the Working Group report recognise the need to protect natural resources and a recommendation is made regarding this relating to waste collection facilities.

4. Governance

Matter considered. The Working Group has considered issues relating to decision making and has made recommendations to improve processes to improve overall governance and transparency.

APPENDIX 1

Joint Overview and Scrutiny Committee
17 October 2019
Agenda Item 8



ADUR & WORTHING
COUNCILS

Key Decision[No]

Ward(s) Affected:N/A

Adur and Worthing review of Gypsy and Traveller encampments in 2018

Report by the Director for Digital and Resources

Executive Summary

1. Purpose

1.1 This report sets out the findings from the Joint Overview and Scrutiny Committee (JOSC) Working Group which was created as part of the JOSC Work Programme to review Gypsy and Traveller encampments which occurred in 2018.

2. Recommendations

2.1 That JOSC consider the report and recommendations from the Gypsy and Traveller encampments Working Group and refer the recommendations to the Adur and Worthing Joint Strategic Committee for consideration in due course.

3. Context

- 3.1 At its meeting on 20 September 2018, JOSC agreed as part of its Work Programme to set up a Working Group to review the procedures for dealing with Gypsy and Traveller encampments to see if there are any areas in need of improvement.
- 3.2 The Working Group held a number of meetings between January and June 2019 to gather information and evidence and has identified a number of conclusions and recommendations which are set out in the attached report at the appendix to this report which it is considered can help improve processes.

4. Issues for consideration

- 4.1 JOSC is asked to consider the report and recommendations from the Gypsy and Traveller encampments Working Group, set out as the appendix to this report and refer those recommendations to the Joint Strategic Committee and other relevant bodies for consideration in due course.

5. Engagement and Communication

- 5.1 The JOSC Chairmen and Vice-Chairmen have been consulted on this report. The Councils Leadership Team and those people who gave evidence to the review have also been consulted.

6. Financial Implications

- 6.1 There are no direct financial implications relating to this report but if implemented, some of the recommendations from the Working Group will have financial implications for the Councils.

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.
- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).

- 7.3 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.

Background Papers

Relevant papers as referenced in the Working Group report.

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Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

Matter considered and no direct issues identified.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no direct issues identified.

4. Governance

Matter considered. The Working Group has considered issues relating to decision making and has made recommendations to improve processes to improve overall governance and transparency.



ADUR & WORTHING
COUNCILS

Scrutiny review of the Adur and Worthing Gypsy and Travellers encampments 2018

Report by the Joint Overview and Scrutiny Working Group

1.0 Summary

- 1.1 This report sets out the findings and recommendations from the Joint Overview and Scrutiny Working Group which was established as part of the 2018/19 Joint Overview and Scrutiny Committee (JOSC) Work Programme to review Adur and Worthing Gypsy and Traveller encampments in 2018.
- 1.2 The Working Group has been tasked to consider if there is a need for any recommendations for change to be put to the Executives to improve the processes.

2.0 Background to the JOSC Review

- 2.1 In 2015, Adur and Worthing Councils along with all other District and Borough Councils in West Sussex and the County Council, agreed to enter into an effective West Sussex multi agency arrangement for managing unauthorised Gypsy and Traveller encampments which has involved the provision of a 9 pitch transit site for travellers in the Westhampnett area of the Chichester District. West Sussex County Council is the lead authority for this agreement in respect of the management of the transit site and the enforcement activities. The Councils agreed to these arrangements because it was considered that the availability of a transit site was more effective for managing unauthorised encampments and had a more positive impact in empowering Sussex Police to use powers to direct Gypsy and Travellers from unauthorised sites to the Transit Site.
- 2.2 In the Summer of 2018, however, a number of unauthorised Gypsy and Traveller encampments took place in Adur and Worthing which created some tensions between the Gypsy and Traveller communities and local residents

and because of this JOSC considered that it should review the current and previous procedures for dealing with unauthorised Gypsy and Traveller encampments to assess for itself if the Councils are receiving value for money for the transit site and multi agency agreement for which the Councils had to pay up front costs and are also obliged to pay ongoing yearly costs in accordance with the terms of the Multi-Agency agreement which runs for a period of 60 years.

- 2.3 As part of the JOSC Work Programme for 2018/19, JOSC agreed to set up a Working Group to review the processes for dealing with Gypsy and Traveller encampments in Adur & Worthing in 2018. Councillors Catherine Arnold, Stephen Chipp and Andy McGregor from Adur District Council and Roy Barraclough, Keith Bickers, and Bob Smytherman from Worthing Borough Council were appointed to the Working Group. The Working Group met in January, February, March and June 2019 to consider information and formulate its recommendations. Councillor Bob Smytherman was appointed as Chairman of the Working Group and Councillor Catherine Arnold as its Vice-Chairman.
- 2.4 The Working Group agreed the following terms of reference for its review:-
1. To review the Gypsy and Traveller encampments in 2018.
 2. To review the procedures for dealing with Gypsy and Traveller encampments including the guidance from the statutory bodies on this issue.
 3. To question the Council Executives and others to assess if residents are receiving value for money for the costs which the Councils incurred for the Gypsy and Traveller transit site in West Sussex.
 4. To help provide additional engagement with the settled and Gypsy and Traveller communities to ensure everyone is informed.
 5. To consider if there is a need for any recommendations to be put to the Executives to improve the processes.
- 2.5 This report provides the detail of the discussions and findings and some recommendations which the Working Group considers will help improve the procedures for dealing with unauthorised Gypsy and Traveller encampments in Adur and Worthing and that relate to the multi agency joint agreement.
- 3.0 Method of the review**
- 3.1 The Working Group met on 16 January, 27 February, 27 March and 13 June 2019. The Working Group considered that it was important to review the current processes for dealing with unauthorised Gypsy and Traveller

encampments that occurred on Adur and Worthing Council land and also to understand more about the multi agency agreement and the reasons behind entering this Agreement. The Working Group agreed at an early stage that this work would involve gathering evidence from those involved in this work such as Council Officers, Police, Legal Services, West Sussex County Council and relevant Executive Members. The Working Group also considered that it was important to gather evidence from local residents Groups, local Ward Councillors and either Gypsy and Travellers or Gypsy and Travellers groups to find out more about the processes to see if any improvements needed to be made.

3.2 The Working Group held two detailed evidence gathering hearings with the following witnesses:

Mary D'Arcy, Director for Communities and Andy Edwards, former Head of Environmental Services, Adur & Worthing Councils

Inspector Allan Lowe, Sussex Police

Susan Sale, Head of Legal Services, Adur & Worthing Councils

Esther Quarm, Gypsy & Traveller Team Manager, West Sussex County Council

Councillor Emma Evans, Adur District Council, Executive Member for Environment

3.3 The Working Group has also received helpful written evidence as part of its review from the following:-

Councillor Ed Crouch, Worthing Executive Member for Digital and Environmental Services

The Goring and Ilex Conservation Group

Goring Residents Association

Southwick Traders Association

Bryan Turner - Former Worthing Borough Councillor

Chief Inspector Miles Ockwell, Sussex Police on behalf of local West Sussex Chief Inspectors

Friends, Families & Travellers Support Charity

Senior Legal Services Officers at Mid Sussex District Council and Chichester District Council

4.0 Findings and Proposals

- 4.1 The evidence submitted to the Working Group and further investigations has provided a good analysis of the procedures which are followed by the responsible agencies when unauthorised Gypsy and Traveller encampments occur on Council owned land. The evidence has also provided a good understanding of the background/reasons for the Councils entering into the joint agreement for the provision of the County transit site and also some views from local residents groups and a national Gypsy and Traveller organisation. This evidence has highlighted that a great deal of work is undertaken to deal with the unauthorised encampments.
- 4.2 The Councils, like most other local authorities across the UK, have to deal with a number of unauthorised Gypsy and Traveller encampments each year on Council land and these encampments often have an impact on local communities, as well as involving officer time being diverted to deal with the encampments. There is often reputational damage to the Councils and a cost to the Councils in pro-active and reactive measures in dealing with the encampments. The Working Group recognises that the Adur and Worthing communities should be thriving, liveable and resilient places where people get along and no community should feel excluded, everyone should understand and embrace the benefits and opportunities of a diverse society.
- 4.3 A summary of the key issues raised as part of the evidence findings is set out below in Section 5.
- 4.4 Adur & Worthing Councils procedures and related costs for dealing with unauthorised Gypsy and Traveller encampments**
- 4.5 Adur and Worthing Councils recognise and accept the rights of Gypsies and Travellers to live a nomadic life but the objective for the Councils is also to manage all unauthorised encampments on the Councils land with consideration, recognising the need to balance the rights of the Gypsies and Travellers with the rights of the settled communities to enjoy the open spaces.
- 4.6 Evidence provided to the Working Group has revealed that there were 11 Gypsy and Travellers encampments in the Adur District during 2018 which covered 59 days and there were 3 encampments in the Worthing Borough for 2018 which covered 18 days. (This included 8 days in the Tarring area). It is not known why there were more in Adur than Worthing but this might be down to Adur being closer to Brighton or that there was some family connection to the Gypsies and Travellers in the area. At the time of writing this report, for 2019, there have been 4 Gypsy and Traveller encampments in the Adur District and 0 Gypsy and Traveller encampments in the Worthing Borough.

- 4.7 The Councils receive notification of Gypsy and Traveller encampments via Council services, the Council Contact Centre, members of the public, elected Members, Sussex Police and social media. When notifications are received the Councils find out the location of the encampments and the dates and an estimate of the numbers of Gypsy and Travellers involved. The Director for Communities has delegated authority to the Head of Environmental Services to act as the lead officer to oversee the removal of the Gypsy and Travellers from Council land. In the absence of the Head of Service, the authority is delegated to the Parks and Foreshore Manager.
- 4.8 Officers will visit the site and take pictures of the site and the encampments to establish location and identify any issues relating to the site which may cause concern. It is usual practice for the Leader of the Council, Executive Members, Ward Members, Councils Leadership Team, Council Communications Team and the Legal Team for West Sussex County Council who deal with Gypsy and Traveller encampments to be notified of the encampments. A check is then made to see if any events are planned to take place on the land. The West Sussex County Council Gypsy and Travellers Team Manager, or one of her team, undertake visits to the encampments and carry out an assessment with the Gypsy and Travellers. The County Council will then liaise with Sussex Police over the use of Police powers. The Head of Environmental Services is provided with updates on the process. If the Police use their powers for removal of the Gypsy and Travellers then the travellers will move off the site and the site is then cleaned. If there are insufficient grounds for the Police to use their powers to move on the Gypsy and Travellers then Court proceedings are commenced. It takes approximately one week for the eviction process to be undertaken through the Courts. If Gypsy and Travellers are on West Sussex County Council land the same process is followed and WSCC Officers keep other authorities informed as the matter progresses.
- 4.9 The Councils do not keep complete records of all the costs incurred in responding to the unauthorised encampments but do keep the costs of the Cleansing Team and Park Rangers who get involved in the clean up work. The costs for 2018 were £4,625. Up to 2015/16, £16,500 was included in the Capital Programme for each area to cover response and clean up costs. From 2016 onwards no capital funding was applied for as it was considered that the areas were more secure. For 2018/19 the Working Group has been advised that height barriers were installed at the Southwick Leisure Centre and works undertaken at the Tarring Recreation Ground, providing barriers etc.
- 4.10 The Councils provide detailed advice to residents and Gypsy and Travellers on encampments when they occur via the Council website and advice is also provided on the West Sussex County Council website. Advice is also included about

permanent sites and a link to Police advice.

4.11 Sussex Police procedures for dealing with unauthorised Gypsy and Traveller encampments

- 4.12 Evidence provided to the Working Group has established that the Police are notified about unauthorised Gypsy and Traveller encampments by the Public, by the Councils and via own Police contacts. The Police then do an assessment of the encampments and also work with Esther Quarm, Gypsy and Travellers Team Manager from West Sussex County Council.
- 4.13 In 2018 the Superintendent authority to authorise the removal of Gypsy and Travellers was delegated down to Inspector level - This covers Sections 61 and 62 of the Criminal Justice and Public Order Act 1994. Section 61 powers allow the Police to ask the Gypsy and Travellers to leave land which they are occupying illegally and if they have used bad behaviour and are disruptive with six vehicles or more. Section 62 powers allow the Police to move on the Gypsy and Travellers to the West Sussex transit site. This covers two or more Gypsy and Travellers and one vehicle. The legal advice was for all caravans to be moved at the same time.
- 4.14 When considering whether or not to authorise the removal of the Gypsy and Travellers from sites, the Police need to consider the impact on the environment, local disruption to the economy, disruption to the community and danger to life. The Police make an assessment and need to make a sensible decision and will need to make sure that the Police officers are able to enforce the decision. The Police would look to move the Gypsy and Travellers to the West Sussex transit site if space is available. Each encampment is dealt with on its merits. There are legal restrictions which prevent Gypsy and Travellers being moved to a transit site outside of the West Sussex area.
- 4.15 Initial evidence provided to the Working Group indicated that Sussex Police would not authorise a partial move of the Gypsy and Travellers because Police legal advice was that evictions should not be partial. The Working Group was concerned about this inconsistency in advice and during the course of the review raised the matter with Sussex Police. Following a Police review of policy and discussions with West Sussex County Council the Police have now adopted a position where they have relaxed the policy against partial evictions so that they will now consider partial evictions where appropriate. The Working Group believes that this will help make the process manageable.

4.16 The role of West Sussex County Council

- 4.17 Esther Quarm was interviewed by the Working Group as Gypsy and Traveller Team Manager from West Sussex County Council and advised the Working Group that since 2015 the County Council has undertaken all of the enforcement of unauthorised encampments on public land within West Sussex and also have responsibility for managing the nine permanent sites in West Sussex.
- 4.18 When reports of unauthorised Gypsy and Traveller encampments are received the County Council instruct agents to attend and they liaise with Sussex Police. When Officers arrive on site they will carry out a welfare check of the Gypsy and Travellers and consider any issues which are brought to their attention. A notice is then served on the Gypsy and Travellers asking them to vacate the site within 24 hours. As well as this the County Council will liaise with Sussex Police on the use of their powers. The County Council check with Council officers on what is happening on the Council land to see if there are any events planned.
- 4.19 West Sussex County Council attend Court and present the evidence. When the summons is served a letter is also handed to the Gypsy and Travellers advising when, if the Order is granted, it will be enforced. When the Order is granted this is then served on the travellers and will be enforced within 24 hours. The first consideration for any officer when dealing with an encampment is whether the encampment can be tolerated for a period of time. Police decisions are kept under review.

4.20 Multi agency agreement for the provision of the West Sussex transit site and value for money

- 4.21 The Working Group has investigated the background to the multi agency West Sussex transit site agreement, the costs involved and the value for money for this site. The Working Group has been advised that at the time of entering the agreement for the provision of the transit site in 2015, HCA grant funding of approximately £630,000 was obtained which meant that each West Sussex Authority contributed approximately £46,000 to set up the transit site. Each West Sussex local authority also pays £15,000 every year as part of the transit site multi agency agreement to cover the enforcement costs and the running of the transit site. There is also a requirement for the Councils to each pay an 8th of the total maintenance and repair costs for the transit site every year.

- 4.22 The transit site is owned by Chichester District Council and is leased to the County Council - The HCA grant funding was awarded on the basis that the lease of the agreement was for 60 years. The County Council cannot terminate the lease without HCA agreement which is why that risk had to be passed on to each local authority in the form of the agreement.
- 4.23 Adur and Worthing Councils cannot terminate the agreement without the consent of all parties to the agreement. There is no break clause. The decision for the Councils to enter into the agreement was authorised by the Joint Strategic Committee in December 2014 which delegated authority to approve and enter into the agreement to the former Director for Communities, in consultation with the Head of Legal Services and Chief Financial Officer.
- 4.24 The Working Group has reviewed the process that was followed by the Director for Communities in making the Officer decision and whilst it is not possible to revisit the decision made it is clear from evidence provided that the Director did undertake the consultation, the Working Group, however, is surprised that there is no formal record of the Officer decision being made and no published evidence of the outcomes of consultation being shared with any elected members of the Joint Strategic Committee. Evidence provided to the Working Group also suggests that the matter was discussed with the Informal Cabinets but again there is no written record of those discussions available. As no notes/minutes are provided of these meetings there is no way of checking. The Working Group is concerned that there may have been a lack of compliance with the decision making process on this occasion and because of this requests, as part of its recommendations, that these processes should be reviewed.
- 4.25 Legal advice relating to the Councils entering into the multi agency transit site agreement**
- 4.26 As part of its overall investigations and in order to establish if the Councils are receiving value for money for the transit site agreement, the Working Group wanted to find out more about the legal advice provided to the Councils when they were considering whether or not to enter into the multi agency transit site agreement. The Working Group was concerned that the agreement is for a long period of 60 years and it appears that the Councils cannot terminate the agreement without the prior consent of all the other parties to the Agreement. As part of this process, the Working Group interviewed the Head of Legal Services for the Councils who provided the Working Group with

a comprehensive statement on the advice provided which was strictly confidential and subject to legal professional privilege.

4.27 Comments from residents and Traders Associations

4.28 As part of the review process, the Working Group asked local residents associations/traders associations for their views. Comments were received from the Goring Residents Association suggesting that there should be 24 hour contact hotlines to enable reports of Gypsy and Traveller encampments to be made and that the Councils should ensure that regular site checks are made of potential access points for Gypsy and Travellers. The Goring and Ilex Conservation Group welcomed the support provided by the Councils, Councillors and West Sussex County Council in responding to reports of Gypsy and Traveller encampments. The Group also supported the Government proposals to clamp down on illegal encampments and considered that speed of response to remove Gypsy and Traveller encampments was essential. The Southwick Traders Association highlighted concerns which they had when there were Gypsy and Traveller encampments on Southwick Green in 2018.

4.29 Comments from Friends, Families and Travellers

4.30 As part of this review the Working Group has considered the importance of receiving comments from Gypsies and Travellers and their support groups to help gain a better understanding of the expectations and needs of the Gypsies and Travellers and to ensure that both sides are heard. Unfortunately it was not possible to speak directly with any Gypsies and Travellers despite a request via the Sussex Travellers Group. The Working Group did, however, make contact with Friends, Families and Travellers (FFT), a national support group for Travellers based in Brighton. FFT explained that through their national advocacy service, telephone support was provided to Gypsies and Travellers in Adur and Worthing areas who self-refer to them for support. Over the last year, FFT have supported over 50 families to access healthcare, health related benefits, education, training, sites, address homelessness and housing problems and access debt resolution, although they can only support around half of those who call as resources are limited. Until September 2018, FFT was funded for outreach work in the area through the Big Lottery Reaching Communities Programme but this has now ended and they are no longer funded to visit Gypsies and Travellers in the Adur and Worthing Areas.

4.31 FFT have told the Working Group that the West Sussex Transit site is generally liked by Gypsies and Travellers using the site and it is thought to be

well kept. There are difficulties with accessibility, in that it is a long way from the next nearest site in Brighton and that the only way to access the site is to be “sectioned” on to the site i.e. Gypsies and Travellers first have to be found on the roadside and then directed by the Police or Local Authority on to the site rather than being able to book ahead and avoid being on the roadside. They are also aware that a number of families are in fact homeless and moving around between Chichester and other transit sites as a substitute for a permanent site, rather than using the site as part of their working nomadic life. They suggest that homeless families would clearly be better accommodated on permanent sites where they could better access education, employment and healthcare. Their view is also that the transit site still provides better outcomes for Gypsies and Travellers wanting to use the site, than nothing, in terms of being able to stop safely for a few weeks in clean conditions.

4.32 FFT have suggested that there should be some form of Gypsy and Traveller awareness training for elected Councillors which would help provide more knowledge about Sussex Gypsies and Travellers which would ultimately help elected Councillors when dealing with Gypsy and Traveller encampments in their local wards. FFT also indicated that other local authorities, such as Mid-Sussex, have also looked to support cultural recognition of resident Gypsies and Travellers as part of their diversity work through activities at schools and fairs, particularly during Gypsy Traveller Roma History Month in June each year. Steyning Grammar School have a large number of Gypsy pupils and are developing cultural recognition as part of improving attainment for their pupils. Steyning Grammar staff have recently completed training and found it particularly useful.

4.33 Comments from other West Sussex Local Authorities on the joint agreement

4.34 The Working Group consulted with the other West Sussex authorities to find out more on their views about the operation of the West Sussex transit site. Comments were received back from Chichester District Council and Mid Sussex District Council. Mid Sussex indicated that they were happy with the way that the West Sussex enforcement team dealt with the enforcement of unauthorised encampments but had concerns about the rule that prevented the Police moving Gypsies and Travellers on outside of the area and highlighted the fact that there had been cases where spaces were available in East Sussex when the West Sussex site was full but the Gypsies and Travellers could not be moved on. Chichester indicated that the transit site was working well and there were good relations with them and the West Sussex enforcement team. There were, however, concerns about local community

tensions caused by having the transit site in the Chichester District and that Gypsies and Travellers were more likely to gravitate towards the Chichester District. They did consider that the Councils were receiving value for money for the transit site.

5.0 Conclusions

5.1 The Working Group would like to thank all those involved in this review that has enabled it to draw together its findings and develop its recommendations. Having considered all of the evidence provided the Working Group would like to make some recommendations which it considers will make a difference to existing practices for dealing with unauthorised Gypsy and Traveller encampments and highlight some where improvement is required. These recommendations cover the following areas:-

- Review of Adur and Worthing Council procedures for dealing with Gypsy and Traveller encampments
- Police enforcement procedures to be more consistent
- Improved engagement by the Councils with local residents and the Gypsies and Travellers.
- Value for money for the transit site
- Officer decision making processes
- Government consultation on unauthorised Gypsy and Traveller sites
- The 'hardening' of strategic sites to prevent further encampments.

5.2 Review of Council procedures for dealing with Gypsy and Traveller encampments -

The Working Group considers that the Councils should be a bit more flexible and consider providing litter/waste bins on sites for use of the Gypsies and Travellers where appropriate This will help provide better value for money to existing Council Tax payers to have litter bins available and help to contain left over waste rather than the costs to the Council of having to undertake additional litter picking where no bins are provided. The Council will, however, need to monitor this situation with the use of the bins to ensure that there is no abuse by the Gypsies and Travellers.

5.3 **Police enforcement procedures to be more consistent** - The Working Group considers that the Police should be more consistent in the use of their powers by allowing partial evictions if necessary which will help speed up the time for moving Gypsies and Travellers on. The Working Group is, therefore, pleased that Sussex Police have now agreed to a relaxed policy against partial evictions so that they will now consider partial evictions where

appropriate.

- 5.4 **Improved engagement by the Councils with local residents and the Gypsies and Travellers** - The Working Group is pleased with the communication that is provided by the Councils to inform the communities about the Gypsies and Travellers encampments, however, the Working Group believes that the Councils could provide more engagement by engaging Gypsies and Traveller communities and local settled communities direct about the processes that need to be followed before the Gypsy and Travellers can be moved off a site. To improve engagement and understanding, the Working Group also considers that local elected Councillors from Adur and Worthing should undertake some up to date Gypsy and Traveller awareness training, which will provide them with a better understanding of the issues involved.
- 5.5 **Value for money of the transit site agreement** - All evidence provided to the Working Group indicates that the Councils are receiving value for money for being party to the agreement and the level of service being provided by the West Sussex County Council enforcement service is good with a very clear and transparent service provided. Since the transit site has been set up 155 traveller families have been housed on the site.
- 5.6 The Working Group is, however, seriously concerned that the transit site agreement is a long 60 year agreement with a number of very onerous repairing clauses imposed on it and there is no easy exit strategy for the Councils should circumstances change in the future. What is considered to be value for money now may not be the case in the future and ,therefore, the Councils should continue to review the value for money situation. The Councils have not yet had to pay any maintenance costs but may do so in the future which will put additional financial burden on the Councils.
- 5.7 **Officer decision making processes** - During its evidence gathering the Working Group also looked at the process undertaken by Officers to act on the delegated authority given by the Joint Strategic Committee for the Councils to enter into the joint transit site agreement. Whilst the Working Group is not in a position to seek to overturn that decision the Working Group does consider that some of the processes followed in making the decision were flawed and practices need to be reviewed moving forward. The Working Group has noted that there was no formal recorded decision by the former Director for Communities and no recorded discussion with Executive Members about the decision and the legal advice received. The Working Group considers that in those circumstances, when considering such an important issue, that some form of recorded decision should have been made

by the Director and the Cabinets.

5.8 Government consultation on unauthorised sites - The Working Group has noted that the Government have responded with consultation on plans to tackle illegal Gypsy and Traveller sites and welcomes this news. The draft measures being considered by the former Home Secretary were aimed at providing the Police with stronger powers to remove Gypsy and Travellers from land that they should not be on. There are also plans to provide local authorities with practical and financial support to handle unauthorised encampments. The Government is also planning to provide financial support to work with Gypsy, Traveller and Romany communities to tackle discrimination, improve integration, healthcare and education.
[Government plans](#)

5.9 'Hardening' of strategic sites to prevent further encampments - The Working Group has received evidence to suggest that the 'hardening' of strategic sites leads to a 50% reduction in the number of encampments. The Working Group welcomes the work already undertaken by the Councils to 'harden' the sites but believes that more work could be done to control unauthorised access to the sites and that the Councils should provide more funding for these capital works.

6.0 Recommendations (Reasoning explained above)

6.1 That the Working Group considers that the Councils are receiving value for money for being party to the West Sussex transit site agreement and is pleased with the overall level of service provided by West Sussex County Council as part of this agreement, however, there are concerns that circumstances will change and there will not be value for money further into the agreement with it being a 60 year agreement which is a very long agreement with no proper break clauses. The Working Group, therefore, calls on the Councils (Director for Communities) to ensure that there is continual ongoing review of the agreement (at least every three years) to ensure that there is value for money and this should be discussed with Members of the Council in a transparent way so that they are aware of the process.

6.2 That the Sussex Police decision to consider 'Partial' evictions as referred earlier in the report be welcomed as a means to helping speed up the process of removing Gypsies and Travellers from unauthorised encampments.

6.3 That the Councils review its Officer decision making processes in light of the compliance issues raised in this report and report back on the outcomes of the review.

- 6.4 That the Working Group welcomes the Government consultations and plans to tackle illegal Gypsy and Traveller encampments and hopes that the new proposals can be implemented as soon as possible.**
- 6.5 That the Councils undertake a thorough review of all strategic sites to assess if the sites need to be 'hardened' to protect against unauthorised encampments and allocate appropriate capital funding as a priority to undertake the necessary works.**
- 6.6 That the Councils review how it engages with the settled communities and the Gypsy and Travellers when there are unauthorised encampments and to assist with this engagement review, all elected Councillors be offered Gypsy and Traveller awareness training.**
- 6.7 That the Councils provide litter and refuse bins for use by Gypsy and Travellers when they occupy the sites so as to try and contain the litter and waste and reduce costs associated with additional litter picking.**

**Local Government Act 1972
Background Papers:**

None

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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
7 November 2019
Agenda Item 10

Key Decision [Yes]

Ward(s) Affected: All Worthing

Worthing Integrated Care Centre Development on Worthing Town Hall Car Park

Report by the Director for the Economy

Executive Summary

1. Purpose

1.1 The report seeks approval of the formal Outline Business Case (OBC) for the Worthing Integrated Care Centre scheme and to progress the project through to Full Business Case (FBC) in readiness for project delivery.

2. Recommendations

The Joint Strategic Committee is recommended to:

2.1 Approve the Outline Business Case for the Worthing Integrated Care Centre.

2.2 Delegate authority to the Head of Major Projects & Investment to:

- a) make the necessary consultancy appointments to prepare the Full Business Case and to submit a full planning application, subject to finalisation and execution of the risk share agreement;
- b) negotiate detailed terms for the transaction of acquiring Central Clinic and lease terms subject to Full Business Case approval (and a further report to the Joint Strategic Committee);
- c) progress the design development of a Multi Storey Car parking (MSCP) facility on Worthing Town Hall Car Park to Full Business Case; and
- d) appropriate land that the council own for the purposes envisaged in

paragraph 8.2

2.3 Subject to confirmation from the proposed NHS occupiers of the new WICC to execute a Risk Sharing Agreement with Worthing Borough Council in line with the agreement at Appendix 1. The Committee recommend Worthing Borough Council to increase the funding for the development of the WICC and associated car park provision to Full Business Case to £600,000 in the 2019/20 Capital Programme funded by prudential borrowing.

3. Background

- 3.1. At the meeting of 10th October 2017, members of the Joint Strategic Committee approved a report to progress a health related development scheme at Worthing Town Hall Car Park. The site, owned by Worthing Borough Council, has been considered an underutilised key development site and the opportunity for development was recognised in the Worthing Investment Prospectus.
- 3.2. This development proposition is consistent with the strategic direction of NHS England to promote New Models of Care and Integrated Care Systems. 'Platforms for our Places' sets out a commitment to "partner with local health providers to deliver a health hub facility with new models of health provision". Funding from Government's One Public Estate programme had been initially used to develop a business case for integrated care centre provision.
- 3.3. Over the past 18 months a large volume of work has been undertaken in partnership with our NHS partners to develop an Outline Business Case.

4. Outline Business Case

- 4.1 Detailed discussion with health partners has established an occupational model for an Integrated Care Centre. The new centre would be the first of its type in Worthing and would deliver significant benefits in care for local residents.

The proposed services of the occupiers of the WICC at OBC include the following:

[Sussex Community NHS FT](#) who serve the population and provide the

following services:

- Community rehabilitation and support for people with complex health needs and long-term conditions or people needing end of life care.
- Community rapid response to assess and care for patients with urgent care needs, helping to keep them out of hospital.
- Intermediate care, offering short term recovery and rehabilitation, keeping patients out of hospital where we can, or helping them to leave hospital when this is the right thing for them.
- Integrated discharge, working with patients, carers and hospital staff, to help a patient return home from a hospital stay as soon as possible.
- Health promotion, supporting people to improve health and wellbeing, for example services to help people quit smoking.
- Coordinated and flexible service for families and children, through health visitors, for example, breastfeeding support teams, or care for children with complex health needs.

[Sussex Partnership NHS FT](#) who serve the population and provide the following services:

- Mental health services providing care and treatment for people with conditions such as psychosis, depression, anxiety, dementia and personality disorder.
- Specialist learning disability services providing community and inpatient care for people with complex health needs which can't be met by other services.
- Specialist care for people with complex health conditions and social care needs.
- Care services in people's homes, in specialist clinics, hospitals, GP surgeries and prisons. Services are aimed at children, young people and adults of all ages and many are provided in partnership

[Worthing Medical Group](#) who have a patient list of 20,370 provide the

following services:

- An innovative GP Practice based over two sites, offering a comprehensive range of patient centred services for the areas of Central and West Worthing, Tarring, Goring and Durrington

Pharmacy Paydens

- Paydens Limited operates pharmacies across the South-East of England. Serving the community medical requirements Which include:
 - Dispensing of prescriptions
 - Prescription collection from local surgeries
 - Delivery to housebound community patients
 - Sale of medicines
 - Baby care
 - First aid & dressings
 - Healthcare advice

4.2 A Master Plan for the new facility has been produced through an options appraisal process (Appendix 2) that considered the most suitable location for the Integrated Care Centre.

4.3 As part of this approach it has been vital to establish the size of floor space needed by health partners. During the 'life' of the projects to date, the health partners have elected to move more of their clinical and support operations to the new Centre. This in turn has supported the viability of the project and will free up parts of the NHS estate for alternative use, which offers the potential for additional savings.

4.4 To deliver the new WICC/MSCP and subject to agreeing detailed terms it is necessary to acquire the current Central Clinic Centre. The freehold of this site is owned of Sussex Community NHS Foundation Trust. To ensure continuity of provision it will be necessary to transfer the services from Central Clinic to an interim site for a period of approximately 18 months before they can relocate into the new WICC which the council will provide assistance where possible.

4.5 To enable a new MSCP development on Worthing Town Hall car park the land owned by the Council will be appropriated for planning purposes.

Option 3 of the Masterplan (Appendix 2) was considered as the most viable solution and choice to enable all of the above factors to be delivered.

4.6 Public consultation will be undertaken on the evolving design plans to consider the views of the public and stakeholders. Feedback from the consultation will

then be considered in the development of a full planning application which will be submitted to the Planning Authority, prior to completion of the FBC

- 4.7 The health partner requirements have created a 'mixed development' with a split of space for clinical delivery and the rest for clinical support and administration space. The current scale of the WICC at OBC will be circa 6,737m².

5. Proposed Commercial Approach

- 5.1 The proposed WICC development is being brought forward based on the following commercial principles:
- 5.2 The Council will borrow to fund the capital expenditure for delivery of the new buildings on Worthing Town Hall car park which will incur ongoing repayment costs.
- 5.3 Upon approval of the Full Business Case a pre-construction development agreement for lease will be entered into with the tenants.
- 5.4 A development appraisal will be undertaken and evidence sought to ensure that the costs and income generated by the proposed development are benchmarked against construction costs (business case) but also to take into account the respective land values of the existing central clinic site, and council car park. This will need to be independently signed off by the District Valuer and will be refined through the development process.
- 5.5 The Council have procured a 'specialist' development delivery service for the WICC who will prepare (subject to Member agreement) the Full Business Case on behalf of the Council and partners including; healthcare planning, design, procurement and commissioning to prepare the scheme for delivery. To date this role has been fulfilled by West Sussex Estate Partnerships Ltd.
- 5.6 To reduce the risks associated with developing the scheme from OBC to FBC (detailed design - RIBA Work stages 4). A Risk Sharing agreement will require each NHS occupier to sign a legally binding contractual agreement 'the risk sharing agreement' (Appendix 1) to meet a percentage of the costs incurred in developing the scheme to FBC. This will only be called upon should the proposals become abortive for any reason.

The risk share agreement has been created to protect the council from any unnecessary cost exposure moving forward above and beyond the OBC.

5.7 To support the preparation of the FBC the council will develop and submit a full detailed planning application.

6. Progressing the Scheme – Next steps

- **Stage 3:** Developed Design
- **Stage 4:** Technical Design - Scheme design to Planning Application, preparation of Construction Tender, Full Business Case approval
- **Stage 5:** Construction - On and offsite construction activity
- **Stage 6:** Handover & Close Out
- **Stage 7:** In Use

6.1 **Stage 3** - Developed Design will include the preparation of detailed technical reports required to support the submission of a planning application including design, planning, transport, environmental and heritage reports. This stage is estimated to cost approximately £175k.

6.2 **Stage 4** - Technical Design - Full Business Case which will include both Planning Approval and Tendered Construction costs is required to ensure sufficient completeness and robustness in the investment and commitment decisions and will include a detailed cost delivery programme. This will include detailed management to maintain health service provision throughout and provide detailed information for stakeholder organisations to ensure confidence in the programme across all of the partners including patients. Contract award will occur at the end of Stage 4 after FBC approval. The estimated cost of this stage is £307k.

6.3 **Stage 5** - Construction. The estimated investment costs £34m although further testing and value for money benchmarking will be undertaken in the progression of Full Business Case

7. Financial Implications

7.1 The project was first discussed at the Joint Strategic Committee in 2017. At this time the project was estimated to cost £18.4m but since this time the scale of the building has increased to meet the emerging needs of the health providers. Consequently the cost of the proposed project has also increased. All feasibility costs to date are £173,000 and have been funded from within existing budgets. However the project is now at a stage where it will begin to incur significant capital investment costs.

7.2 It is proposed that alongside the WICC, an aspect of the Car Parking Strategy is also implemented. The Car Parking Strategy was agreed by the Joint

Strategic Committee on the 6th November 2018. This proposed to replace the existing Grafton Car Park with refurbished existing MSCPs and new parking facilities in the town centre. This would address the issue of end of life car parking facilities and release a development site. A new car park was approved for the Town Hall site at a potential cost of £6.8m which would provide 260 spaces. It is proposed to deliver this new car park alongside the WICC albeit at a reduced capacity of 186 spaces which will ensure adequate public parking for the staff and users of the overall site, as well as partially replacing lost parking facilities within the town centre.

- 7.3 The overall project is currently estimated (at OBC) to cost the Council in excess of £34m including an allowance for optimism bias of 15%. This will be further tested and refined during the development of the Full Business Case:

	Medical Centre	Car Park	Total
	£	£	£
Design and construction costs including professional fees	22,246,100	6,432,000	28,678,100
Optimism bias @ 15%	3,336,920	964,800	4,301,720
Interest	840,000	250,000	1,090,000
Total cost	<u>26,423,020</u>	<u>7,646,800</u>	<u>34,069,820</u>

- 7.4 As part of the development of the FBC, a development appraisal will be undertaken to establish the value of the new building. The value of the building should exceed the value of the loans to ensure that it would be possible to sell the building and repay any associated debt if required.
- 7.5 It is expected that the occupiers of the new WICC will fund the cost of borrowing through rent of approximately £240.00 per m² inclusive of VAT. This will be sufficient to recoup the associated debt charges and will provide the Council with an initial yield of 1.57%.

- 7.6 Overall the current estimated net annual running costs of the two facilities are as follows:

Net annual running costs:	Medical Centre	Car Park	Total
	£	£	£
Minimum Revenue Provision	271,050	78,440	349,490
Interest costs at 2.5%	660,580	191,170	851,750
Total debt charges	931,630	269,610	1,201,240
Running costs		84,560	84,560
Total costs	931,630	354,170	1,285,800
Less: Income	-1,347,400	-290,160	-1,637,560
Overall net cost / income (-)	-415,770	64,010	-351,760

In addition to the direct revenue benefit of the project, the Council will also benefit from increased business rate income. However it is not possible to quantify the scale of this benefit yet due to the uncertain status of the NHS claim for mandatory charitable business rate relief and the proposed reform of the business rate retention scheme.

7.7 Members will be aware that PWLB rates recently increased by 1%. The 2.5% rate used in the financial appraisal is based on the current PWLB borrowing rate for a 20 year loan. Whilst interest rates are not expected to rise in the short term, if rates were to increase by another 1%, the Council would be in a position to recoup its investment albeit the rate of return would reduce as follows:

Net annual running costs with interest rates at 3.5%	Medical Centre	Car Park	Total
	£	£	£
Overall net cost / income (-)	-220,890	120,410	-100,480

7.8 The annual debt charges associated with a medical centre of this scale is estimated to be £931,630 per year for 50 years once the project is completed and operational. For the Council to assume this level of financial risk, the partners will need to have formally committed to renting the property for a

substantial period of time. The current proposal is that the NHS partners commit to the lease for a period of 25 years with rent reviews every 5 years and given the specialist nature of the building, there is a strong possibility that this lease will be extended.

- 7.9 At this stage of the project, Members are asked to release funding of £600,000 to progress the project and obtain planning permission. The current capital programme contains a budget of £262,000 which will need to be increased to accommodate the latest estimates of the design and planning costs. In approving this increase, members are reminded that the risk share agreement ensures that the Council will be reimbursed should the partners withdraw from the scheme. However the Council will lose this sum if the Council chooses not to proceed with the scheme at the FBC stage.
- 7.10 As part of the development of the FBC, the Council will tender for the construction works. So at the point of final approval of the project, there will be certainty about the final costs and income associated with the construction element of the project. Over the coming weeks a fully compliant procurement strategy will be developed in consultation with the Head of Procurement.
- 7.11 Finally, during the construction period the current Town Hall car park will be closed. Consequently the Council will lose £58,770 of parking income (£31,770 from public parking and £27,000 from staff parking) during this time. Worthing Borough Council has set aside a provision of £247,000 within its budgets for the long-term implications of the major projects and this budget will be used to fund the lost income.

8. Legal Implications

- 8.1 Section 1 of the Localism Act 2011 confers on Local Authorities general powers of competence to do anything that an individual may do, including the power to do it for a commercial purpose, and for the benefit of its area and persons resident within it. This provision would allow the Council to engage (inter alia) in commercial activities even if these are for profit making only (with certain provisos).
- 8.2 The Council has the power to dispose of the site under section 123 of the Local Government Act 1972 which places a duty on Local Authorities to dispose of land for best consideration, i.e. not for less than the best that can reasonably be obtained, except in specific circumstances or with the consent of the Secretary of State.

- 8.3 The Council has the power to appropriate land that it owns under Section 122 of the Local Government Act 1972 where land belonging to the Council is no longer required for the purpose for which it is held. This formal process allows the Council to override rights in land subject to the payment of compensation, if appropriate.
- 8.4 There is no statutory requirement to advertise or consult on a proposal or decision to appropriate land under the general power contained in Section 122 of the Local Government Act 1972 but the Council must adopt a conscious and deliberate process to the appropriation of the land to ensure that the statutory powers under which the land was held and the appropriation is made clear.

9. Key Project Risks

- 9.1 The main risk to the Council is the financial exposure in developing the scheme to FBC. This is mitigated against by requiring the Health Partners to enter into a binding risk share agreement which would only come into effect if the project does not proceed to completion.
- 9.2 The health sector is currently undergoing a structural reform with the introduction of Integrated Care Systems to replace the current Sussex and East Surrey Strategic Transformation Partnership (STP). Ultimately, the WICC is considered a favourable development for a project of this type but partners, but as the change is in process it will be necessary to ensure the focus on the project is neither diluted nor diverted.
- 9.3 The level of investment required to complete the project is higher than originally anticipated it does still remain an affordable investment for Worthing Borough Council. Further escalation of costs may have a significant impact on reducing the schemes viability, maintaining a focus on cost reduction is being used to mitigate this risk.
- 9.4 Careful consideration to the most appropriate procurement route will be required to assist in mitigating against political and market uncertainty, consequential impact on the economy or supply chains, resources and labour availability.

Background Papers

- Report to the Joint Strategic Committee 10th October 2017 - Health Related Development on Worthing Town Hall Car Park

- Report to Joint Strategic Committee Meeting 06/11/2018 - Investing in Worthing Town Centre - Approach to Car Parking Provision
- Development Brief for the Town Hall Car Park Site 2011
- Worthing Town Centre Investment Prospectus 2016
- Draft Local Estate Strategy and Sustainable Transformation Plan for Coastal West Sussex CCG
- Platforms for Places
- Integrated Care Centre cost plan - Report on construction costs.

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Appendices

(Appendix 1) - Risk Sharing Agreement

(Appendix 2) - Masterplan

Sustainability & Risk Assessment

1. Economic

The project is strategically interlinked with a planned wider investment programme connected with future developments at other key sites in Worthing.

Redevelopment of the town hall car park for health care building will contribute to the creation of an enhanced civic quarter providing a suitable location for public service consolidation, an economic boost to existing businesses, and encouraging an increase in investment.

2. Social

2.1 Social Value

Development on the existing surface car park would send a positive message to the community, visitors, commuters and business, that change is taking place in Worthing and improvements to the built environment will be seen in the near future.

The existing car park does little to enhance this part of Worthing from road or rail, and its demolition will help to bring forward the redevelopment of this important gateway site to enhance the street scene and act as a catalyst for the regeneration of the wider area.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

Works will be managed under the Construction Design & Management (CDM) Regulations 2015.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

It is intended that redevelopment will bring forward a health centre in a sustainable town centre location and will enable released sites to come forward for suitable redevelopment.

Noise, dust and highway obstructions will be kept to a minimum using industry standard techniques, and monitored by the Council throughout the works.

4. Governance

A dedicated project board would oversee the governance of the project ensuring:

- 1) Due diligence
- 2) Alignment with Council policies and priorities
- 3) Legal issues and compliance with legislation
- 4) Risk management including health and safety
- 5) Statutory approvals
- 6) Stakeholder management
- 7) Change control

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Proposed principles for the Risk Share Agreement between the proposed occupiers of the Worthing Integrated Care Centre

Contents

Background	1
Parties	2
Principles.....	2

Background

The Borough Council of Worthing (WBC) acting in partnership with the local health system is leading the development of a new health centre for the benefit of the population of the town and surrounding population. It will utilise an underdeveloped site, currently a surface car park, owned by WBC in the centre of the town. An integral part of the scheme is the development of an adjacent multi storey car park (MSCP), costs associated with the car park development are not part of this risk share agreement.

WBC has agreed to provide the capital funding to develop the health centre in Worthing's Civic Quarter, it will be close to the Town Hall and a range of other civic buildings. Acting as developer the council has formed a partnership with a range of NHS Healthcare providers (listed below) who will ultimately become tenants and occupiers of the building.

The costs of developing the scheme to completion will be covered by the council, if the project does not proceed to completion then the costs incurred (sunk costs) by WBC, as a local authority, will need to be recovered from the participating healthcare partners. Each of the partners have previously provided letters of support for the project and agreed to participate in a risk share agreement.

Costs will be incurred in developing the scheme design, completing the Outline and Full Business Cases (OBC & FBC) and preparing the planning application for submission. The liability for the costs will be realised if the project does not proceed to completion and development costs cannot be capitalised as part of the overall project cost. If the project proceeds to completion the costs will be included in the total cost of the development and recovered through the rent paid by the building occupiers over the length of a lease.

The basis of the risk share is that the liability of each party will be based on the percentage area of the building that each party plan to occupy (dedicated % of Gross Internal Area (GIA)) at Outline Business Case (OBC) stage. The share of liability for common or shared areas will be in the same proportion as the dedicated area.

The protection provided by this agreement will only fall away once the building occupiers have signed a legally binding agreement to occupy the building and committed to pay the agreed rent and service charge. The exact form of agreement will be agreed at a later stage whether it is a lease or agreement for lease.

The basis of the agreement is that although the costs (liability) for each party will increase as the project proceeds increasing confidence in the scheme will reduce the risk of the liability being realised.

The points below explain how the share of liability is calculated and the control mechanism to prevent the costs exceeding the agreed amounts of expenditure or the project proceeding beyond the point where it is not viable.

Given the expansion of the scheme from the earlier concept stage the budget for the project has been updated and the liability will be baselined against projected development costs presented at the Civic Quarter meeting on the 19th September 2019.

Parties

The Borough Council of Worthing (WBC) – Owner, funder and developer
Coastal West Sussex CCG (CWSCCG) – on behalf of Worthing Medical Group (WMG) who will be a principal occupier of the building – Primary care commissioner and responsible for approving rental reimbursement for the space occupied by WMG
Sussex Partnerships NHS Foundation Trust (SPFT) – Mental Health provider
Sussex Community NHS Foundation Trust (SCFT) – Community Services Provider

Principles

The proposed principles governing this risk share are as follows:

1. The share of liability will be calculated by dividing the cost of project development at the point of termination by the percentage of space that each partner had planned to occupy in the building on an exclusive basis. In order to cover the full cost the same proportion will be applied to the shared or common areas of the building.

As an example a health partner who has requested 42% of the building area in order to deliver their services will assume 42% of the liability for the costs incurred in developing the scheme to the point it is aborted.

2. This agreement will in principal cover costs expended from the point that the OBC is approved to the point that the Full Business Case (FBC) is completed and approved. Approval of the FBC will include signing a lease or agreement for lease and that will effectively transfer the liability of this agreement to an agreement that supersedes it.
3. Liability under this arrangement will fall away once it is agreed that:
 - a. the project will proceed to construction and;
 - b. the health partners have entered into a further binding agreement to cover the liability.
4. The maximum liability will be limited by the agreed budget for developing the scheme to FBC and a successful planning application divided by the percentage of space to be occupied by each partner.
5. In the event that the project terminates at a given point by agreement of all the participants the costs will be shared in proportion to the percentage of the area each planned to occupy, this amount will include any unavoidable costs that will need to be expended to bring the project to a stop, WBC will make all reasonable efforts to minimise those costs.

6. WBC and the project team will seek to minimise the cost of the project as much as possible but the partners do need to recognise that given the current size of the scheme the costs incurred between OBC and FBC and Planning Application will increase significantly and the closer the decision comes to full business case approval the higher the costs incurred.
7. As previously indicated the costs will be capped against a pre-agreed development budget which will be shared with health partners, this will include:
 - a. a budget setting out the planned expenditure on the project, these will either be budget figures or where contracts have been entered into actual amounts
 - b. a cost profile that will show cost to date and the anticipated cost at each stage of developing the business case.
8. Actual costs incurred will be monitored on an ongoing basis (as they occur) and reported to health partners on a monthly basis.
9. A program of planned activity with key milestone dates will also be provided that will be aligned to the cost profile so that the partners understand where their liability will increase. Any significant change to the programme will be communicated, this will include any impact on budget or liability.
10. Once the budget has been agreed any variation in cost over 10% will be reported to the partners so that they can agree or otherwise to the additional liability.
11. If circumstances force one of the partners to unilaterally withdraw from the project their liability to that point will be realised if the project is subsequently aborted. It will only be mitigated if the project proceeds to completion even in their absence.
12. If a partner leaves the project for any of the reasons above but the project is still considered to be viable with an amended scheme then the liability will not increase past the point when the partner has decided to leave the project, it will still have an active liability until either the project proceeds, at which point the cost will be mitigated once the cost is capitalised or the project aborts and the partner will be required to pay its share of the liability up to the point it left the project.
13. If a partner's withdrawal makes the whole project unviable each partner (or underwriting organisation) will become liable for its pre-agreed share of the costs up to that point.
14. If all the health partners agree that the project is no longer viable then costs to that point will be shared in the proportions already agreed.
15. It is the responsibility of each partner to give a clear indication of any known issues that would lead them to withdraw from the project in addition to the affordability criteria that have already been discussed or provided.

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2843_REF_610001

Worthing Integrated Care Centre

Masterplan

May 2019



Architecture
PLB

Worthing Integrated Care Centre
Pre-Application Enquiry

2843_REF_610000

Revision History
First issue

© ArchitecturePLB
Template Rev. B

Contributors:

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Please note this document is designed to be printed double-sided on A3 paper.

Contents

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2.0	Civic Quarter
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4.6	Heights
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1.0 Introduction

Proposals for the Worthing Integrated Care Centre (WICC), have been developed on behalf of Adur and Worthing Council. This work has included consideration of the wider context of the site, covering the 'Civic Quarter'.

This work informed the design of the WICC, with a particular focus on:

- Placing the building in the most appropriate location
- Consideration of impacts on neighbouring properties, particularly residential uses
- Relating the building to an improved public realm
- Locating a multi-storey car park, with links to the WICC, with the potential for phased construction
- Improving routes through the site as a whole
- Protecting mature landscape features

The new facility will bring together a number of services and service providers under one roof, with the intention of creating an integrated model of care with huge benefits for the local population. These include:

- GP Surgery
- Community services
- Mental health services
- Drug and alcohol dependency services
- Dentistry
- Pharmacy
- Open plan office spaces, relocating disparate staff to encourage closer working

Currently, the brief requires approximately 7,100m² of gross area.

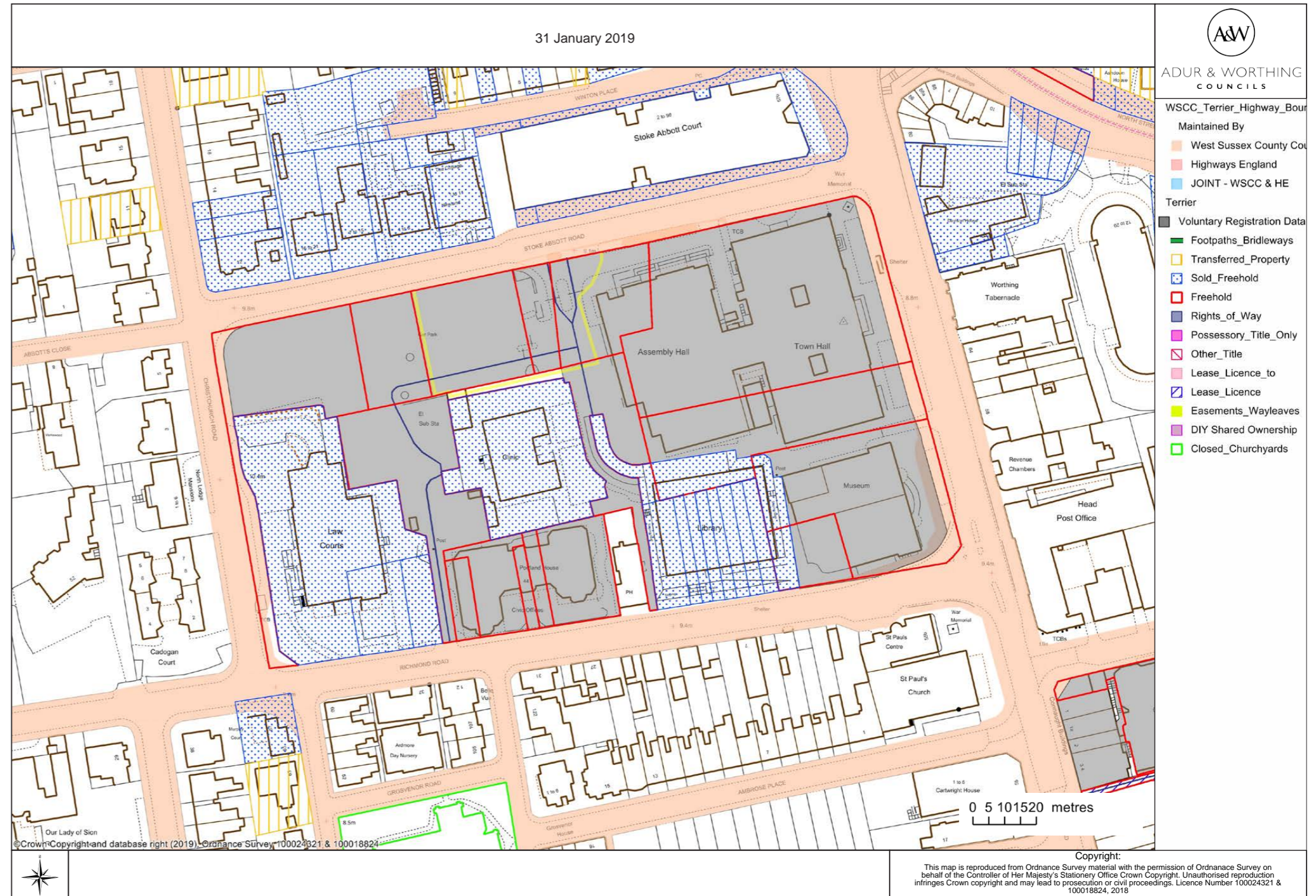


2.0 Civic Quarter

The adjacent plan shows the current ownerships in the locality.

The 'Civic Quarter' broadly consists of a single urban block. The area currently contains:

- Town Hall
- Assembly Halls
- Museum
- Library
- Civic Offices
- Law Courts
- Surface car parks



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3.0 Site photos



View across the car park looking south east



View from the corner of Richmond Rd and Christchurch Rd



Housing fronting Christchurch Rd



View along Portland Rd looking north



View from the corner of Christchurch Rd and Stoke Abbott Rd

3.0 Site photos



View from the corner of Chapel Rd and Stoke Abbott Rd



View along Richmond Rd looking east



View towards Central Clinic looking north



Path between the Library and Assembly Hall looking west



Path to Richmond Rd looking south

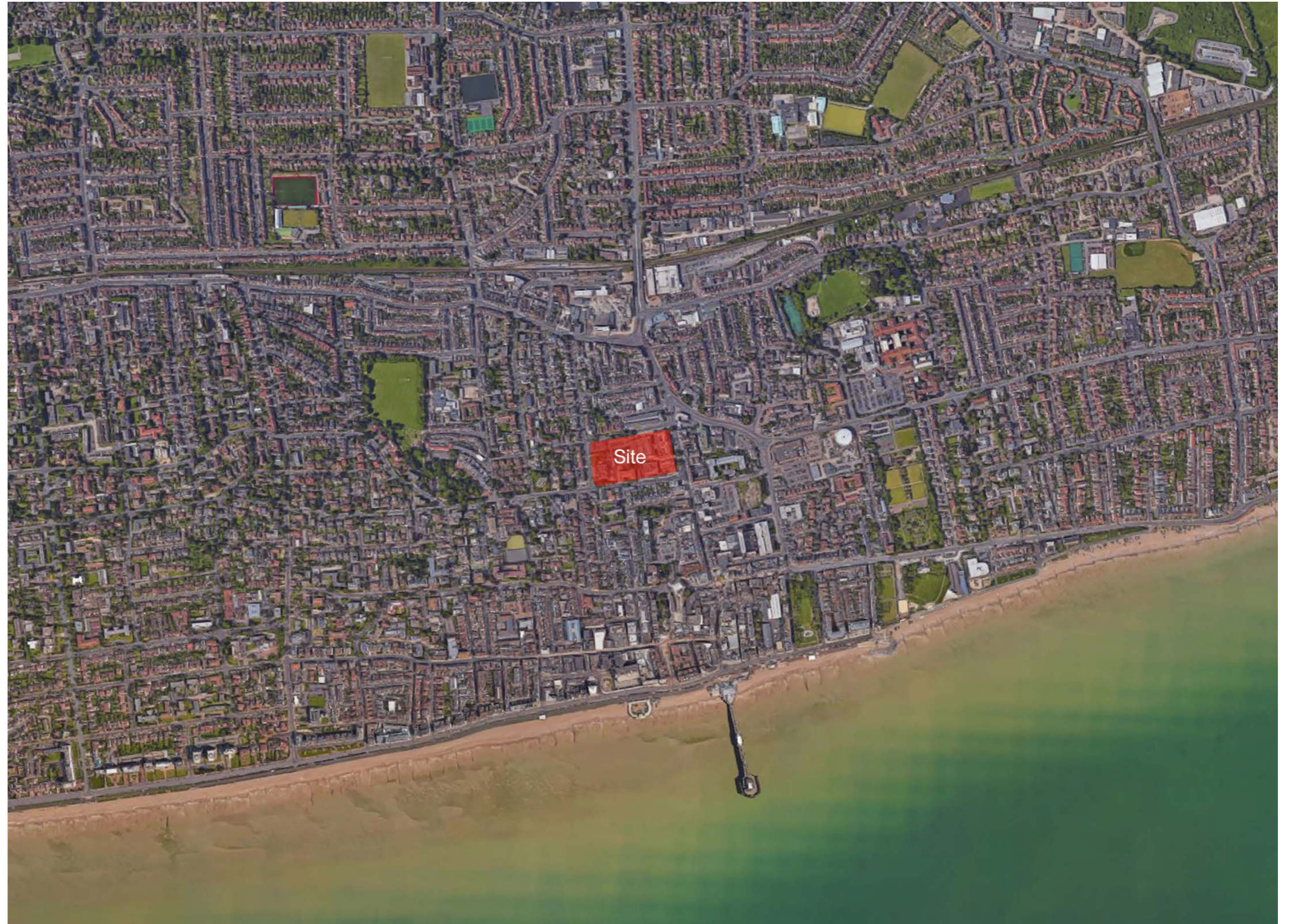


Path to Richmond Rd looking south

146 4.0 Analysis

4.1 Site location

The 'Civic Quarter' is located in a key position within the Worthing town centre. The site is approximately 0.5 miles inland, almost directly north of the Worthing Pier and seaside attractions and sits on the boundary between the town centre activity areas and the residential areas to the north, east and west.



4.0 Analysis

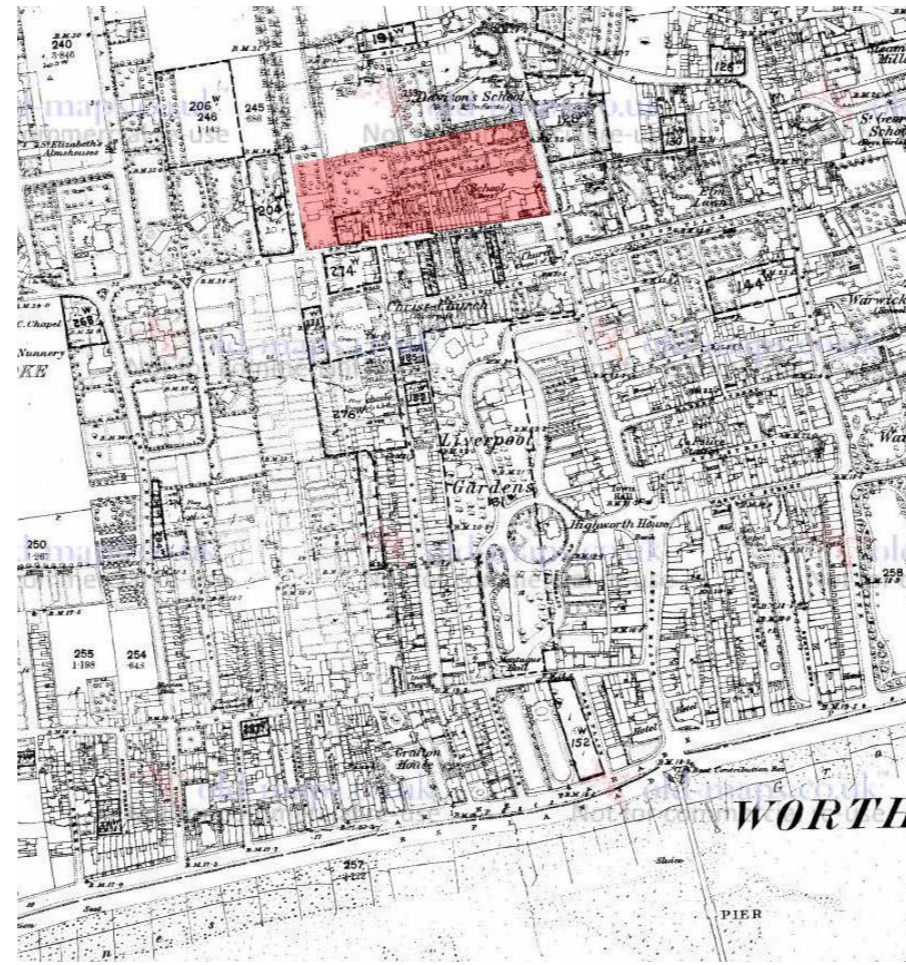
4.2 Historical maps

The maps show that development did not extend to the site until the start of the 20th century.

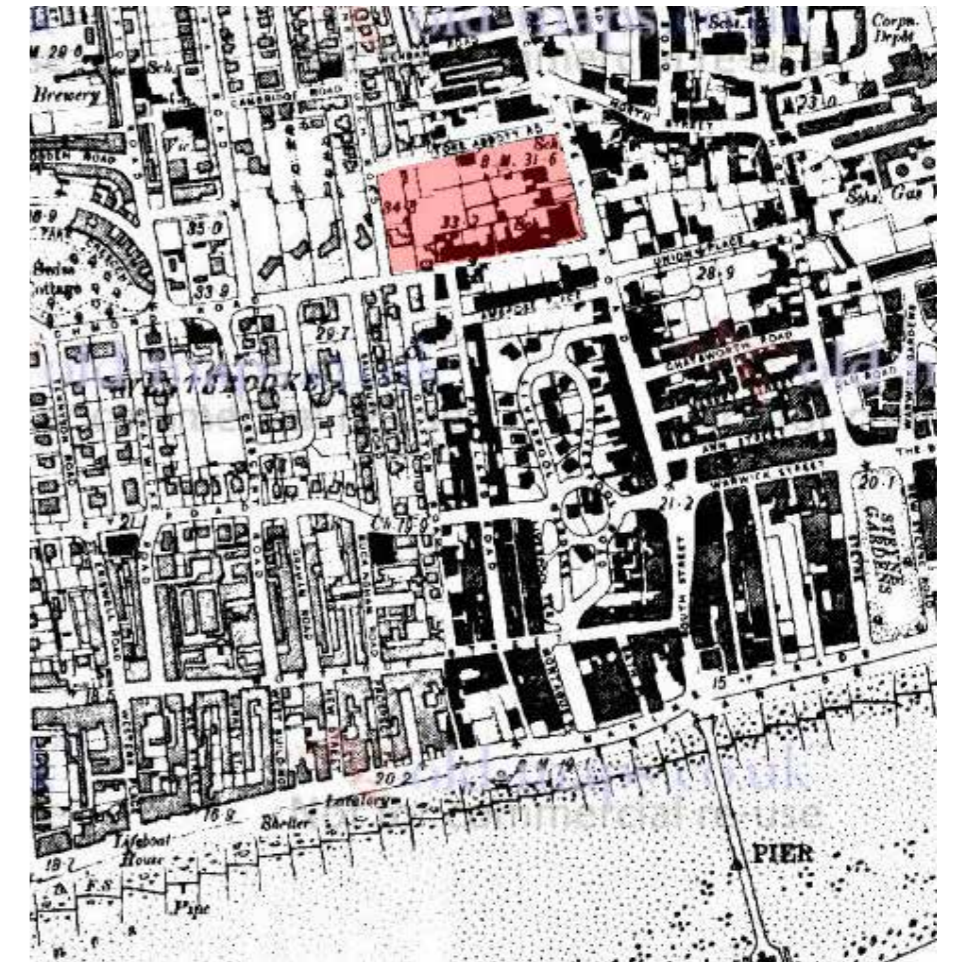
In the inter-war period, the mainly residential uses were beginning to be replaced by larger, civic buildings. The Town Hall and Museum appear on the 1938 map along with Central Clinic, with the rest of the site either vacant or used for housing.

By the mid-1960s, the site was developed close to its present day form, with the Assembly Hall arriving next to the Town Hall and the Law Courts in place. The library site has been cleared by this point.

It appears that the proposed site for the WICC, to the north/west corner of the quarter, has not been developed at any point.



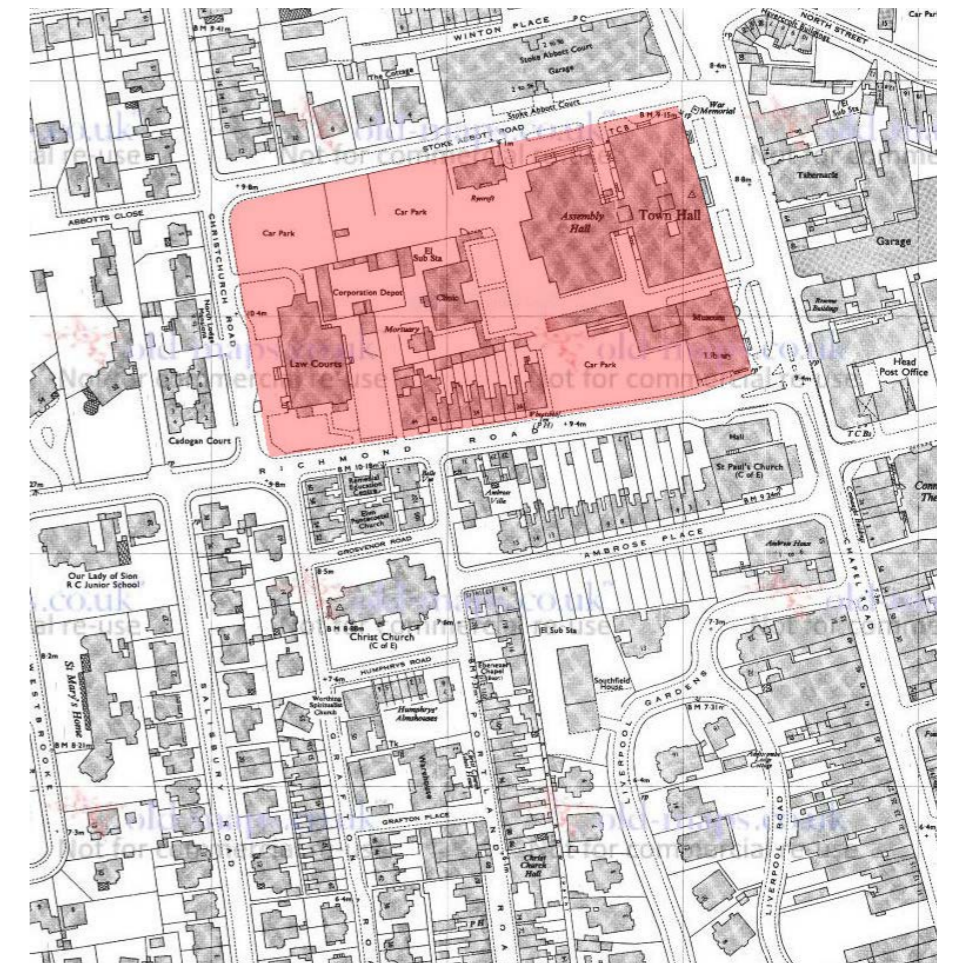
1876



1913



1938



1962-68

148 4.0 Analysis

4.3 Local amenities

The main retail area of the town centre is located to the south of the site, stretching out along the coast. The area to the north, east and west is largely residential, with key 'draws' being local supermarkets, the general hospital and the station.



4.0 Analysis

4.4 Transport links

The site is well served by public transport, as one would expect for this location. The mainline station is within a 10-15 minute walk and a number of bus stops (shown as yellow dots) are located on the surrounding streets.

The heart of the shopping area is within a 5 minute walk, with the coast approximately a 10-15 minute walk.



4.0 Analysis

4.5 Uses

This diagram illustrates the clear division of functions in the area. With the exception of the disused public house on Richmond Road, the site is entirely given over to civic uses.

The uses to the north and west are residential, with the exception of the language school on the corner of Christchurch Road and Stoke Abbott Road.



4.0 Analysis

4.6 Heights

Existing building heights in the area are relatively consistent. The majority of buildings are either 2 or 3 storeys. The larger civic buildings of the Town Hall, Assembly Hall and Law Courts have very tall floor to floor heights and large pitched roofs in most cases, meaning that they rise to the equivalent of 4 storeys.

The Assembly Hall roof, which rises to 16.2m, is the equivalent of 4.5 storeys. The clock tower of the Town Hall is a focal point within the area, rising to 24.7m (equivalent to 7 storeys). The tower of Christ Church also rises to 24.7m.



4.0 Analysis

4.7 Frontages

This diagram shows that, within the confines of the site, all existing buildings face outwards, fronting the surrounding streets.

This suggests that any future development should follow the same principle. The negative impact of this layout is that a large portion of the site is dedicated to 'back-of-house' functions, it is difficult to move through the site and there is a risk of safety issues/anti-social behaviour out of hours.



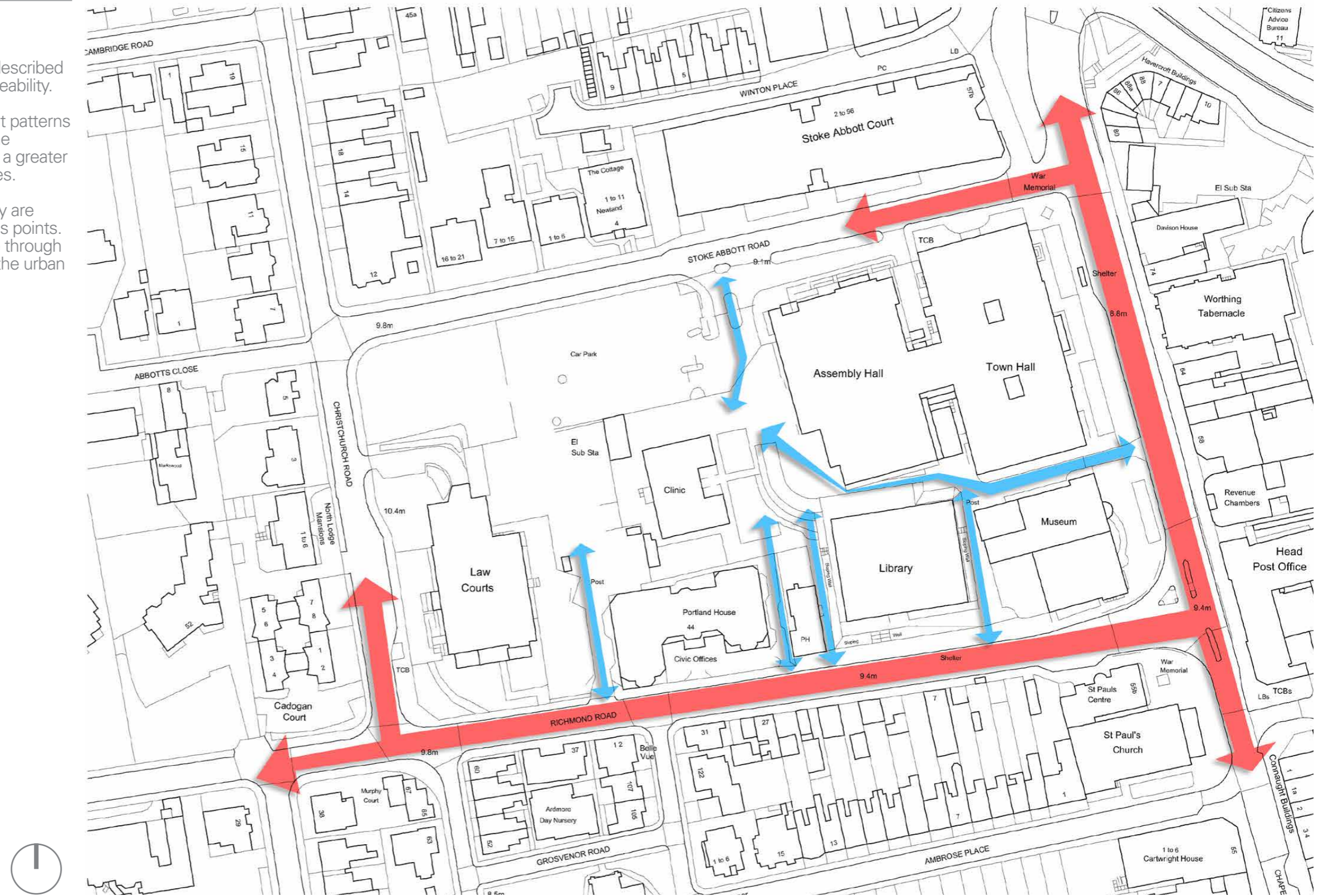
4.0 Analysis

4.8 Routes

Partly as a result of the building orientations described on the previous page, the site has poor permeability.

The red arrows illustrate the major movement patterns around the perimeter of the site, to access the existing functions. The north/west corner has a greater relationship to the surrounding residential uses.

The blue routes are largely unsuccessful. They are generally narrow footpaths or vehicular access points. There is no defined or attractive way to move through the site. This is problematic given the size of the urban block.



4.9 Landscape features

The site and the surrounding streets contain a large number of mature trees.

There is a particularly strong avenue of trees along Stoke Abbott Road and Chapel Road. In the body of the site, there are some key trees which could form a focal point for an improved public realm. These are highlighted by the yellow dots.



5.0 Masterplan options

5.1 Options considered

Alternative arrangements have been considered for the location and arrangement of the WICC and associated multi-storey car park.

In each option, a new public route is shown running north/south, which the new buildings could front, along with improvements to the Assembly Hall. A focus on movements from Chapel Road, through an improved public realm along the east portion of Stoke Abbott Road, is also a key consideration.

The preferred option (3), places the WICC in the north/west corner, with a set back to the front elevation, aligned with the law courts. This creates a public space to the building frontage, similar to the other civic buildings on the site, and reduces the impact on opposing residents.

A longer building footprint enables the WICC to connect Christchurch Road with a new public route running north/south through the site. This would also create a better relationship with the route from Chapel Road. The pharmacy could act as a frontage at the east or west end of the building.

The building footprint also creates the opportunity to shield the MSCP from view. This could be further enhanced by the introduction of retail space on the ground floor of the car park, fronting the new public route.



Option 1



Option 2



Option 3

5.0 Masterplan Options

5.2 Options appraisal

The initial masterplan options were assessed against a non-exhaustive list of considerations and scored low, medium or high.

Our view is that option 3 achieves the best balance against these considerations. In particular:

- A longer, lower building form will have less impact on the neighbours to the north of the site, will connect the key approaches from east and west, and partially hide the car park from view.
- Placing the WICC at a key corner of the site completes and compliments the existing arrangement of anchor buildings facing outwards, with servicing behind.
- Pushing the WICC back away from Christchurch Road creates a public space to the building frontage and reduces the impact on neighbours to the west.
- Placing retail uses along a new route running north south through the site will increase the desirability of this route and link to other initiatives, particularly the proposed improvements to the library and associated external spaces.

Design impacts and opportunities	Option 1	Option 2	Option 3
Impact on neighbouring residences due to new site uses	Medium	High	Low
Improvements in site permeability	High	Medium	High
Potential for prominent frontages for the WICC	High	Medium	High
Impact of MSCP on the character of the area	Medium	High	Low
Potential for good vehicular access to the MSCP	High	High	High
Potential impact on the area due to out of scale development	Medium	Low	Low
Potential for direct access from MSCP to WICC	Medium	Medium	High
Impact on existing trees	Medium	Low	Medium
Likelihood of MSCP requiring phased development	High	Low	High
Impact of MSCP on daylight/outlook within WICC	Low	High	Medium

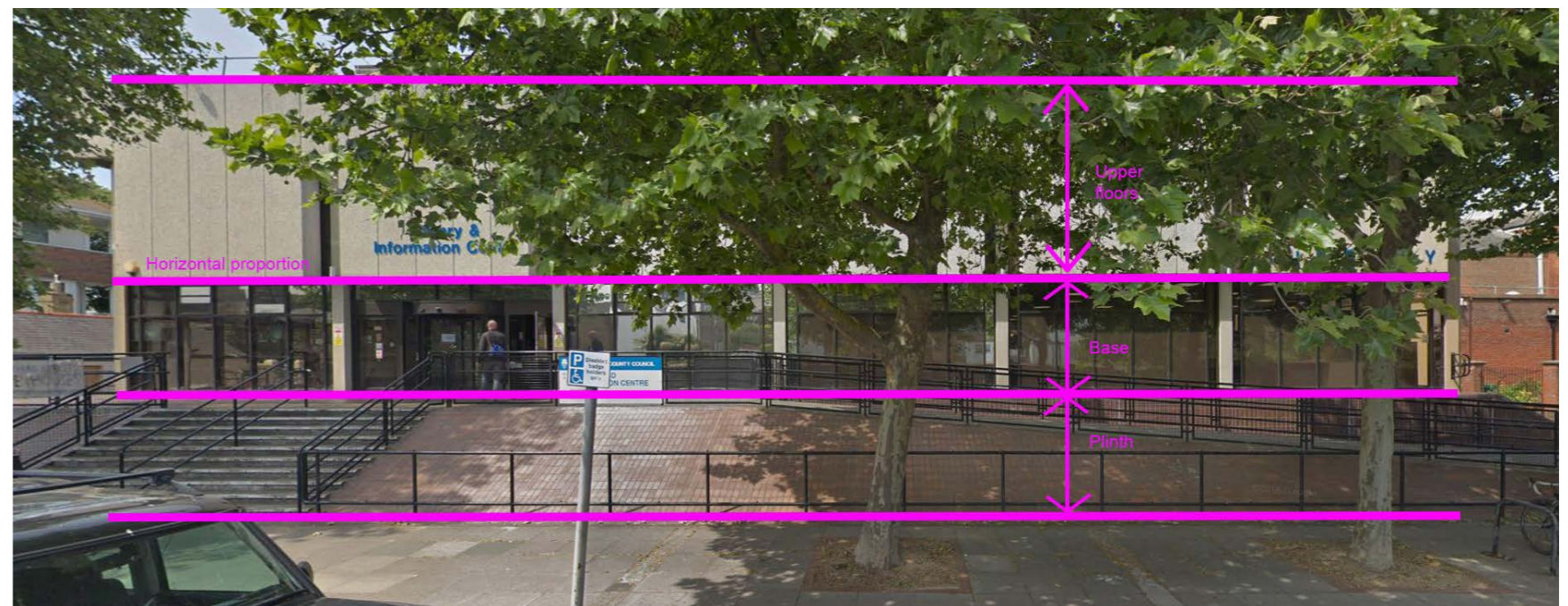
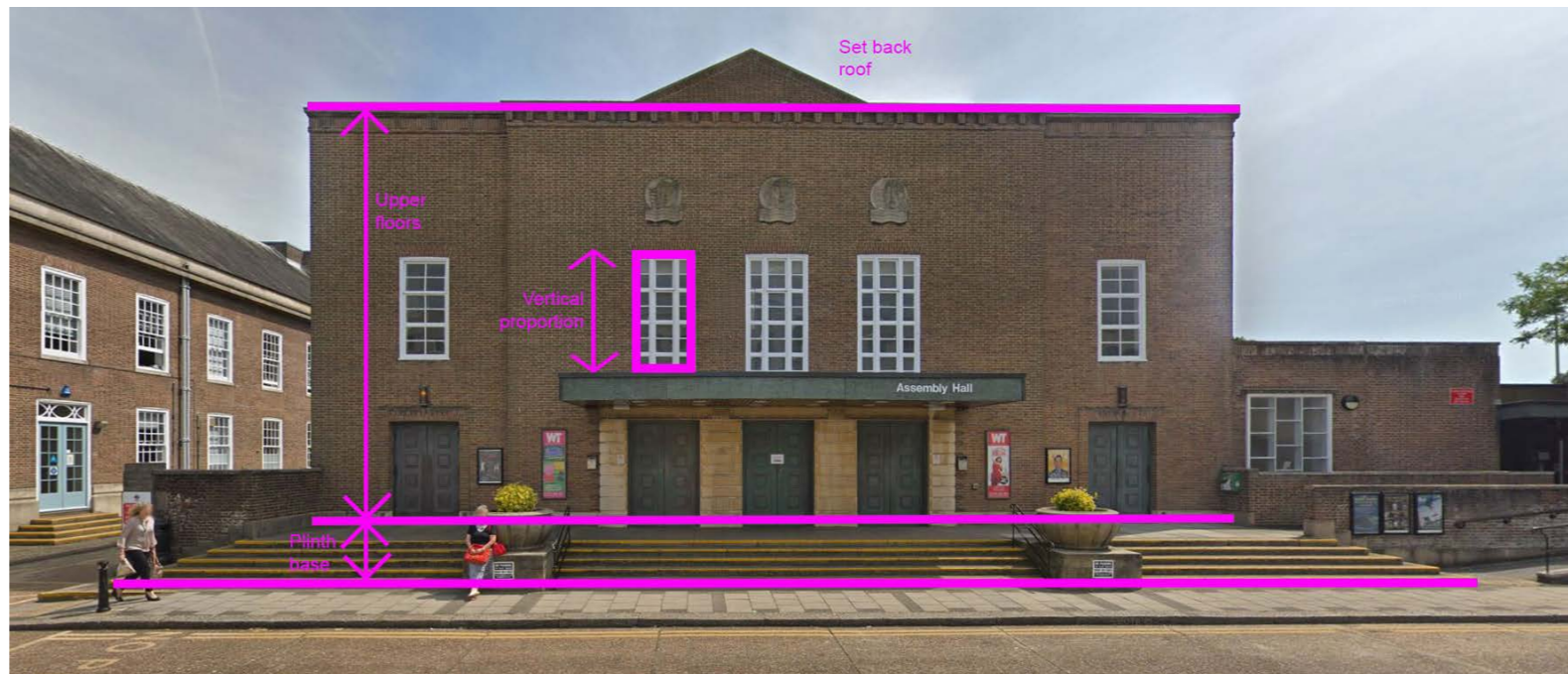
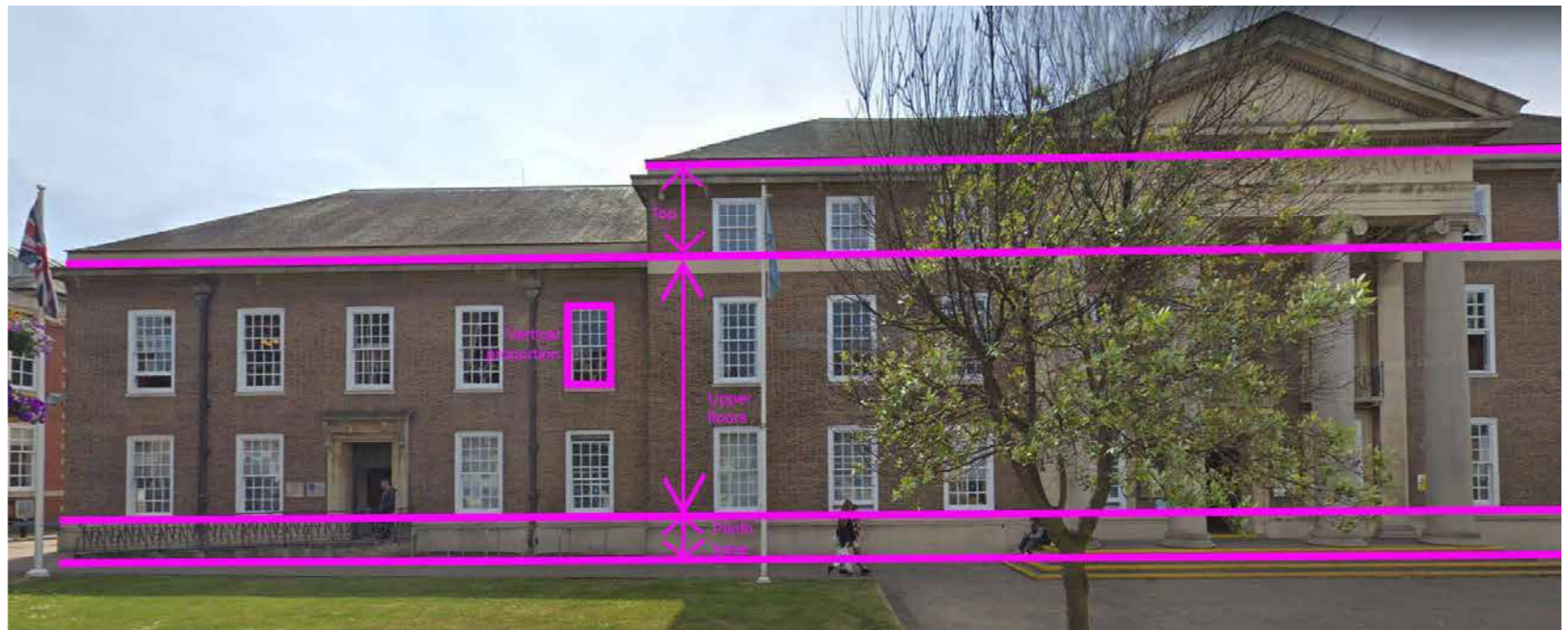
6.0 Analysis of local buildings

6.1 Massing and proportions

The size, mass and proportions of the most prominent local buildings have been assessed. Notwithstanding variations in building use and heights, we have identified some common threads.

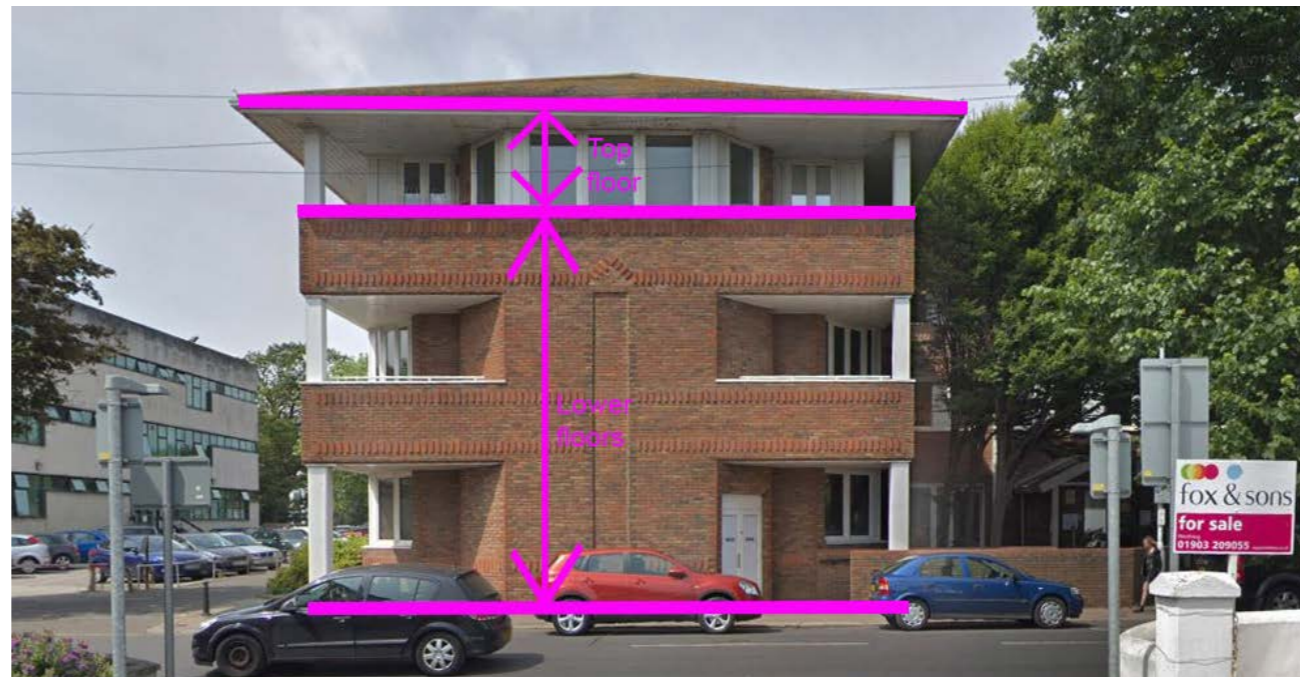
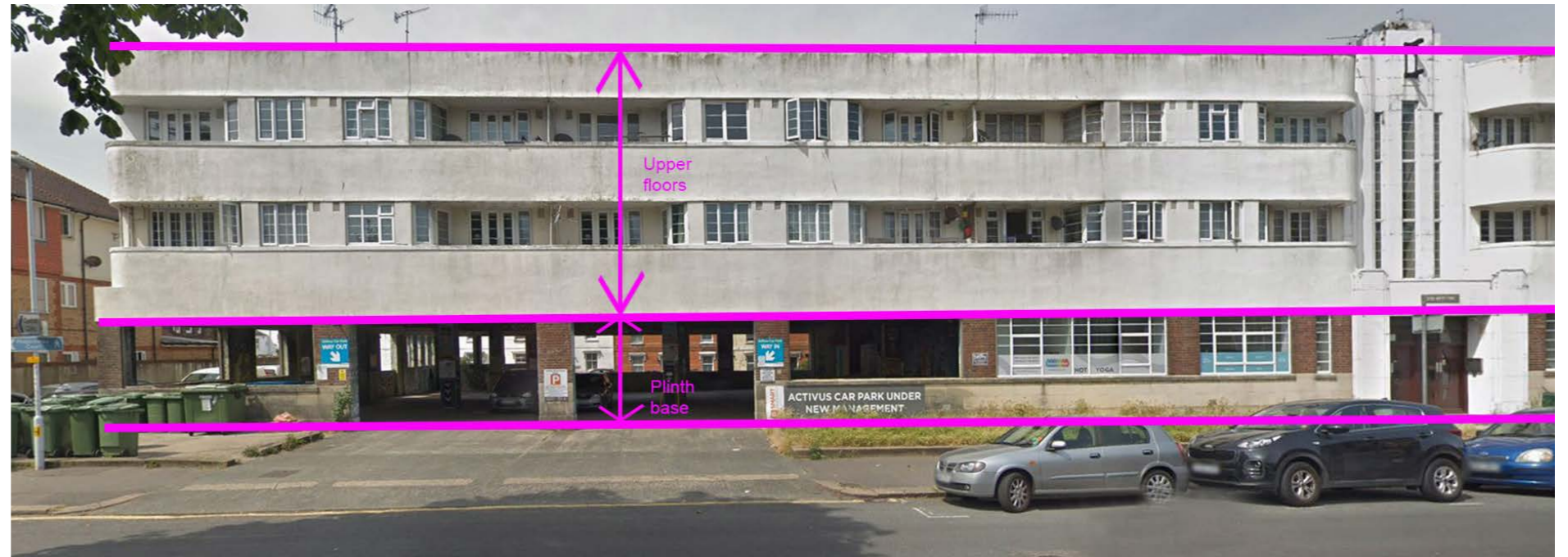
The public buildings in particular follow a similar arrangement and articulation. A plinth element is often employed, to varying degrees, which sets up a relationship with the public realm. Mass is placed above this plinth, often in a horizontal form, with the more contemporary examples using glass to create a floating effect to the upper storeys.

Window proportions vary, but in the most part are vertical in orientation.



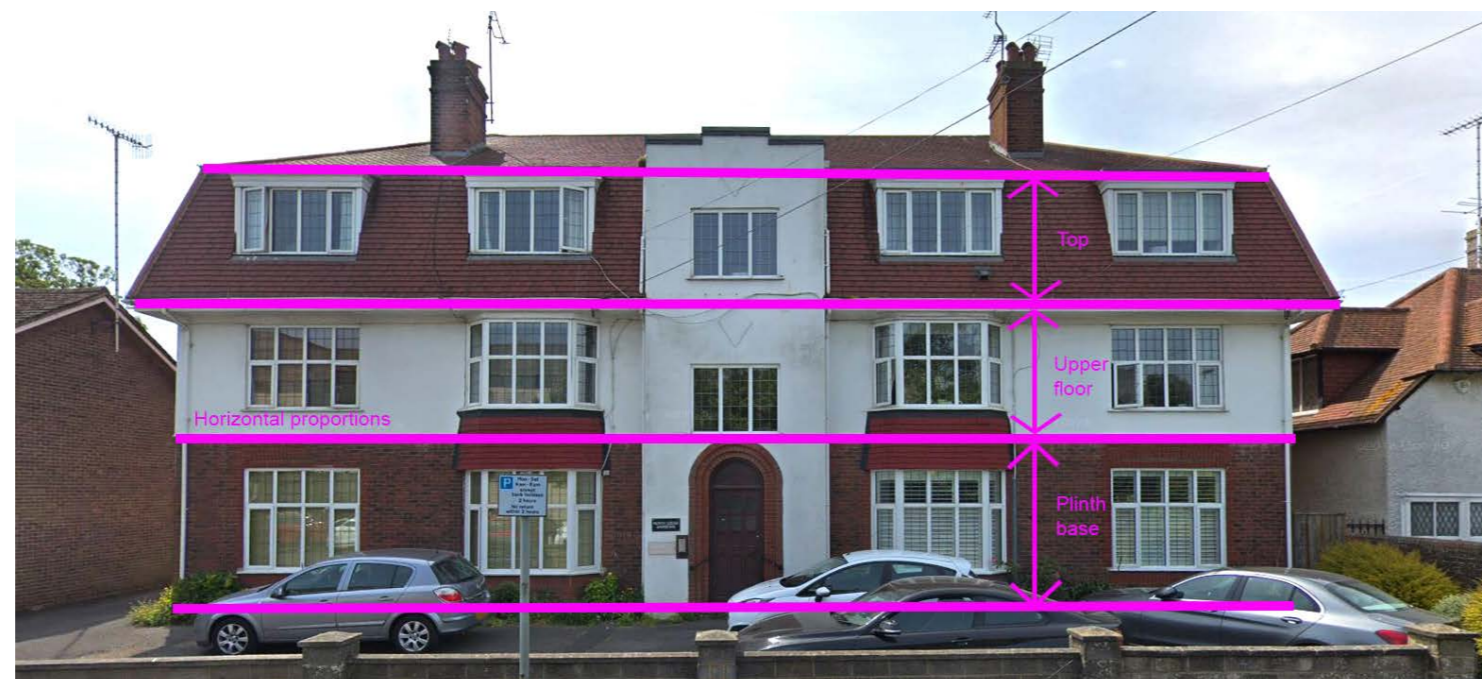
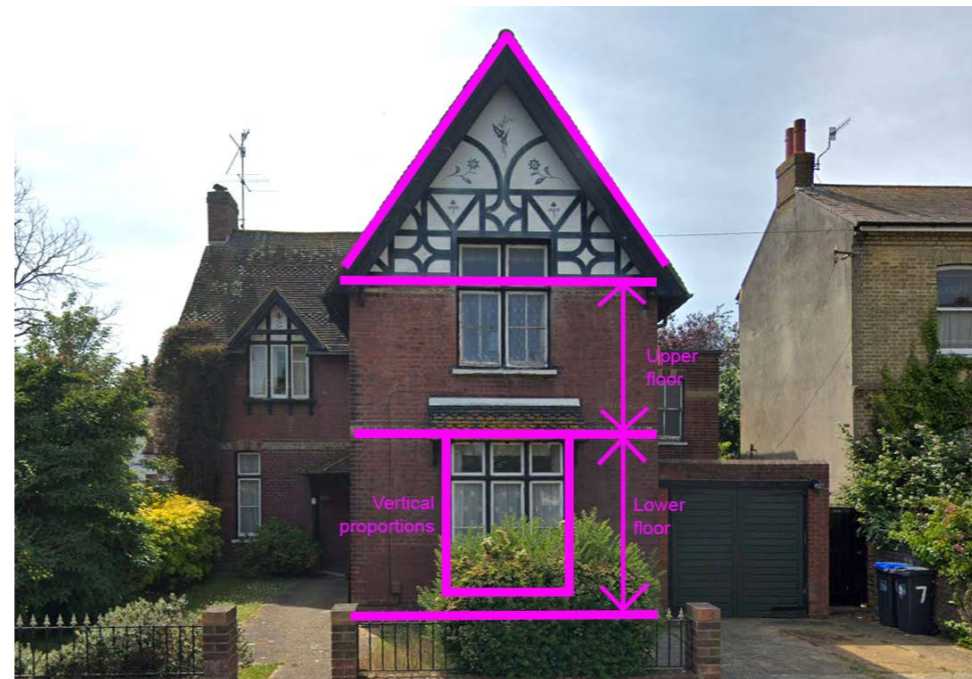
158
6.0 Analysis of local buildings

6.1 Massing and proportions



6.0 Analysis of local buildings

6.1 Massing and proportions



7.0 Massing strategy

7.1 Site plan diagram

The emerging strategy for the arrangement of the WICC and MSCP on the site has stemmed from the work completed at masterplan stage.

The proposal is to create a ground floor and public realm arrangement which responds to the geometry of the main routes to the building, taking into account the approaches from the north/south along Christchurch Road, the east from Chapel Road and the proposed route through the heart of the site from the south.

The upper floors of the building would be rectangular in form, as indicated by the pink dashed line, relating to the local orthogonal arrangement. The west end of the building is aligned with the law courts, reinforcing the building line and minimising the impacts on local residential properties. This area would form the main entrance and includes provision for a drop-off area and generous public realm on Christchurch Road.

Access to the MSCP could potentially be solely from Richmond Road, using the existing access point. Alternatively, access could be gained from Stoke Abbott Road, provided that conflicts with pedestrian movements can be designed out.



7.0 Massing strategy

7.2 3D form diagram

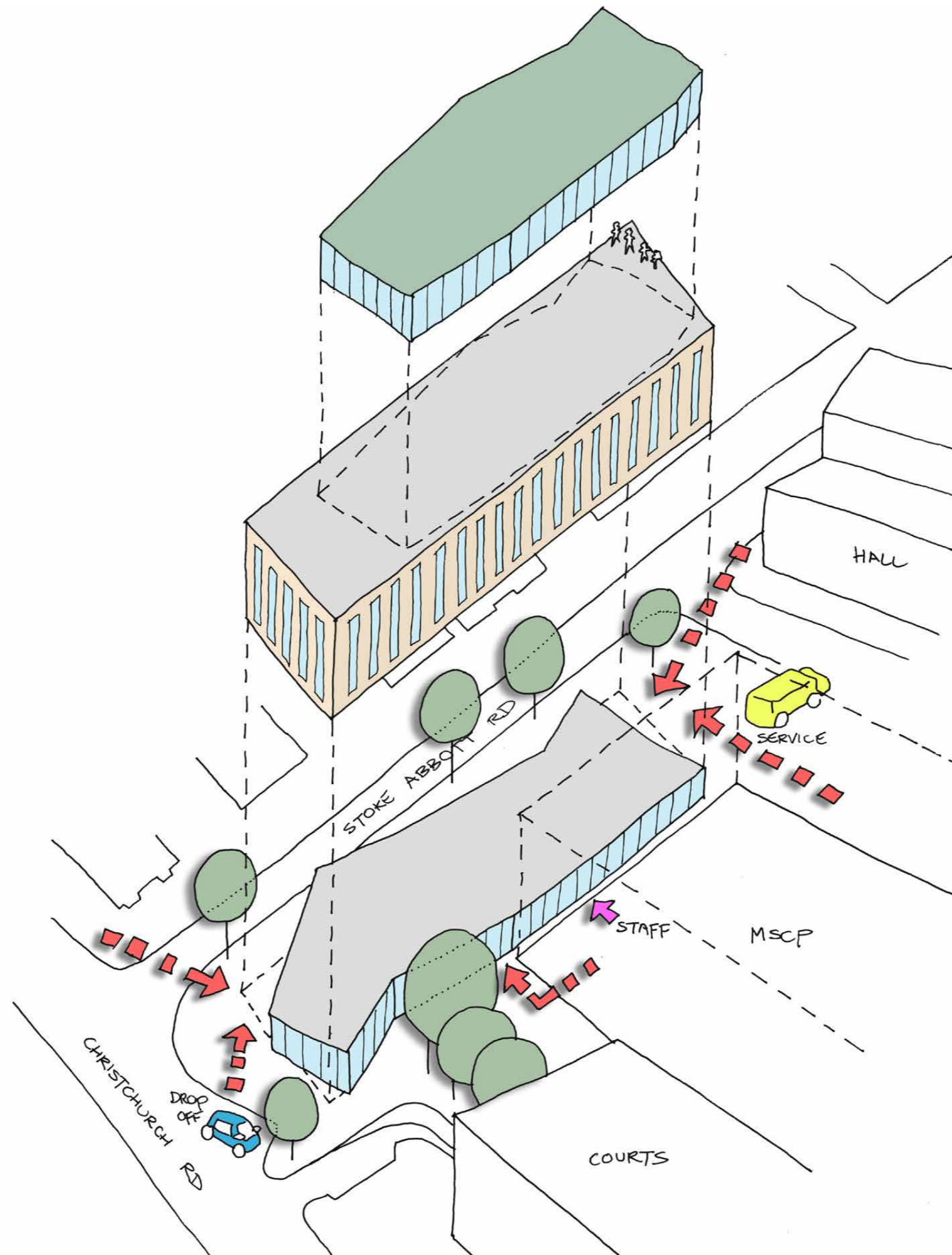
Following the analysis in section 6, a strategy has been developed for the arrangement of the proposed building.

A plinth element is proposed, which creates the ground floor accommodation, contained within a mainly glass clad storey. The form of the ground floor is sculpted to follow the geometry of the main routes to the building, as described in section 7.1.

The upper floors, housing the main bulk of accommodation, are seen as a simple linear form, floating over the ground floor. The window arrangement and material selection for this element could create a strong relationship with the surrounding buildings, employing vertical proportions and repetitive arrangements.

The top floor, housing office space and staff restrooms, reverts to the sculptural, geometric character of the ground floor. This reinforces the simplicity of the middle floors, and creates a form which is set well back from the building edges, reducing the impacts on neighbours and visibility from longer range views.

The currently briefed area of 7,100m² has been examined with the proposed form. This has driven the height of the building, which sits at 5 storeys, including the set back top floor. The MSCP, which is yet to be developed, could be a lower height, to respond to adjacent buildings and to be visually subservient to the WICC.



7.0 Massing strategy

7.3 3D massing in context

A computer model has been purchased, which covers the civic quarter and immediate surroundings. This has and will be used to test the appropriateness of the proposals in context.

This image shows a first pass at the form of the building, with a notional MSCP form also included.



8.0 Key views

8.1 Key view locations

The WICC and associated MSCP are located in a prominent, sensitive location in the heart of the town. The scale of development required to house the proposed quantum of space has generated a 5 storey solution, which will need to be carefully tested to ensure that the impacts on short and long range views are acceptable.

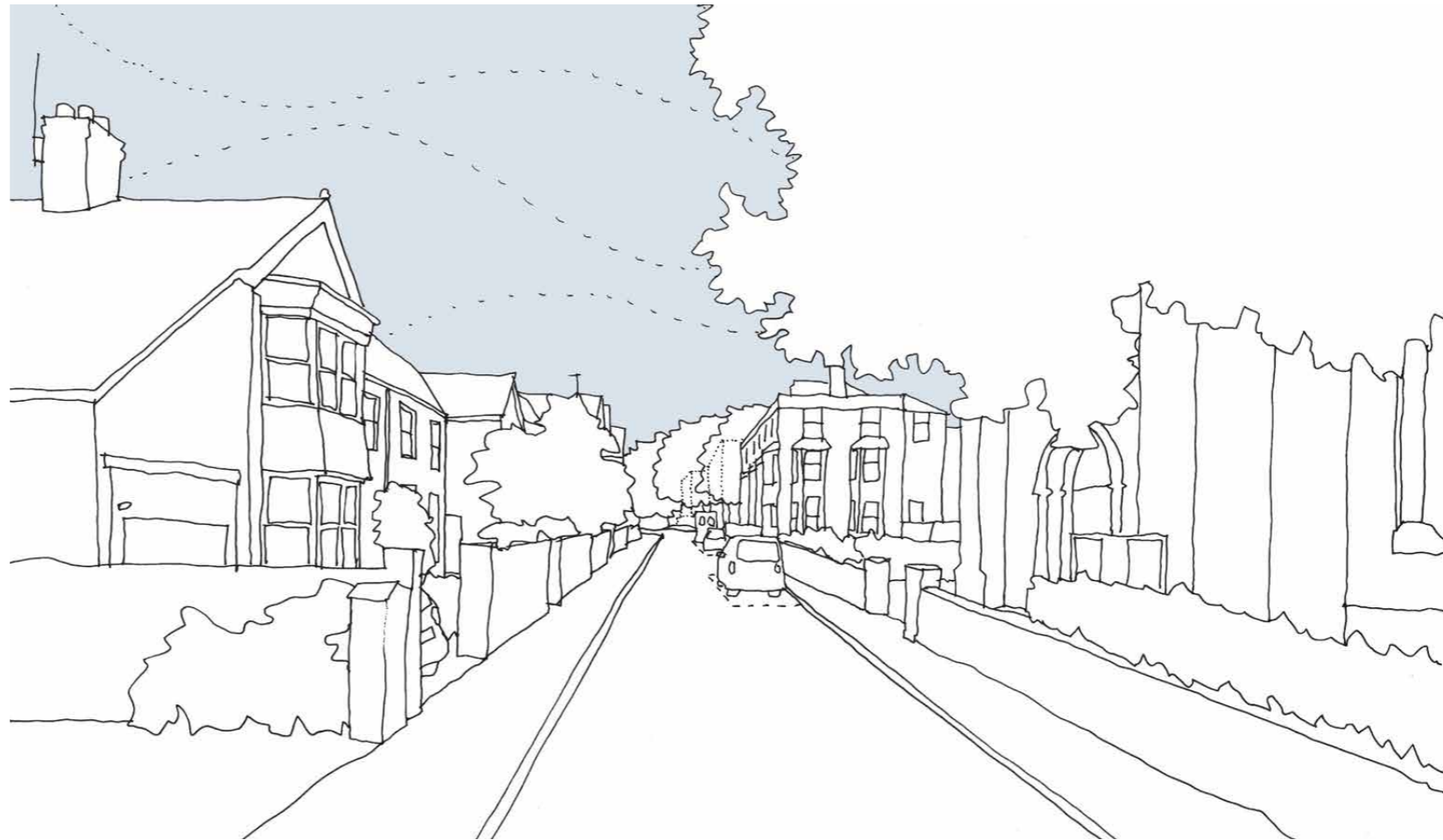
In the first instance, 5 views have been selected to test the proposals. These are shown on the adjacent plan and the sketches on the following pages.

It is expected that the final range of key views will be numerous, and will be agreed through consultation with the planning authority.



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8.0 Key views

8.2 View 1- Christ Church



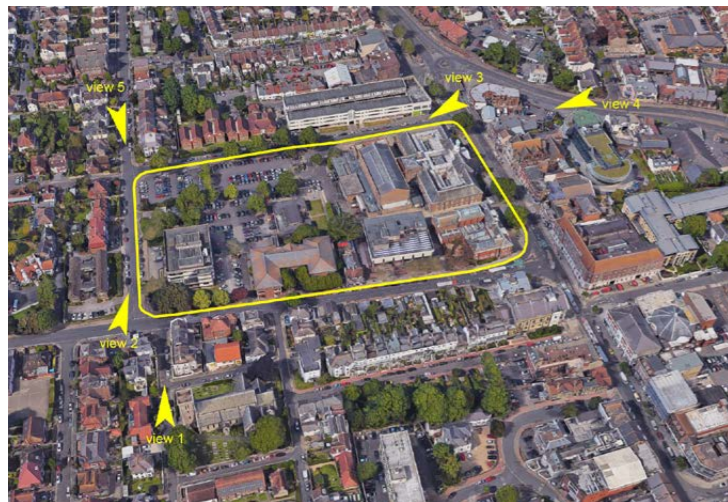
8.0 Key views

8.3 View 2- Richmond Road and Christchurch Road



169 8.0 Key views

8.4 View 3- Chapel Road and Stoke Abbott Road



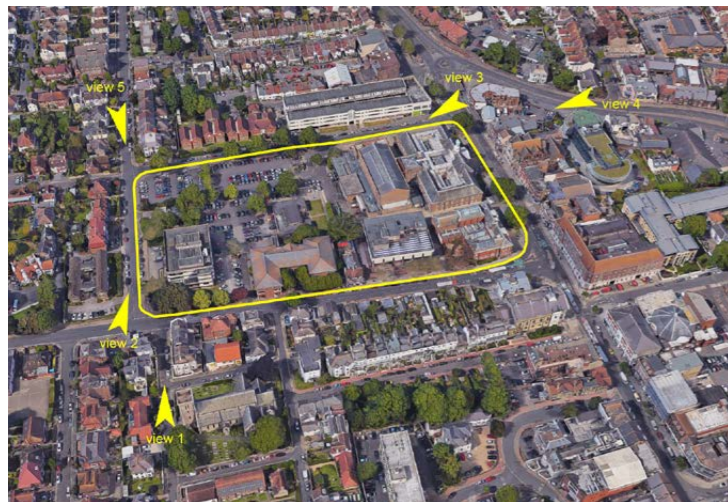
8.0 Key views

8.5 View 4- North Street



168 8.0 Key views

8.6 View 5- Christchurch Road



9.0 Plans

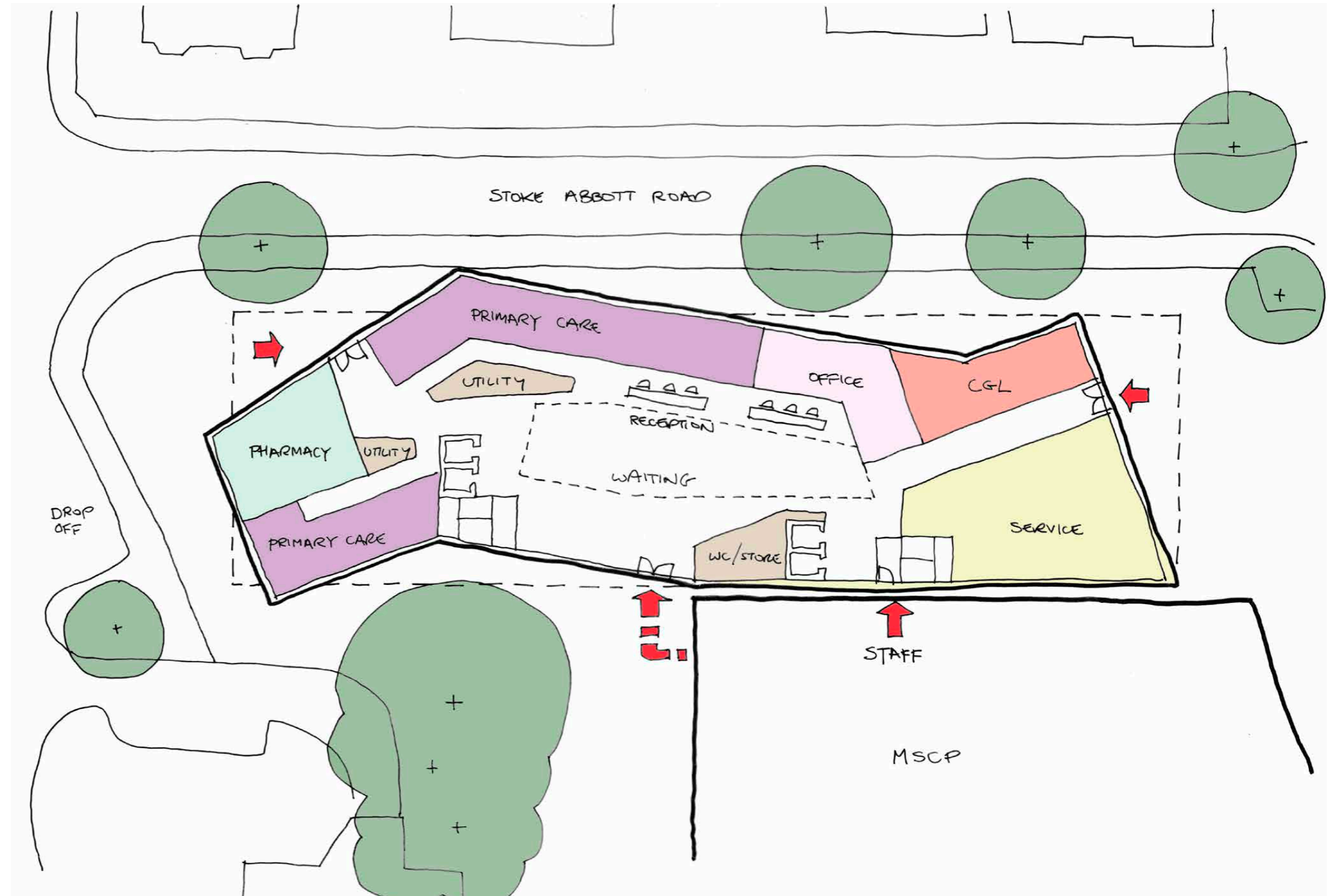
9.1 Level 00

The form of the ground floor responds to the various approaches to the building and relates to the existing mature trees around the site.

The main entrance is proposed at the corner of Stoke Abbott Road and Christchurch Road, with secondary entrance facing Chapel Road, the proposed route from the south, and the required link to the new MSCP.

The waiting area sits at the heart of the plan, with an open aspect to the existing trees to the south. Reception functions relate to this space and are located to provide views of the various entrances.

A pharmacy is located to the west frontage, with GP consulting spaces placed on the less public facades, with the opportunity for protective planting. To the east is located drug and alcohol services close to a discrete entrance, along with service/plant spaces.

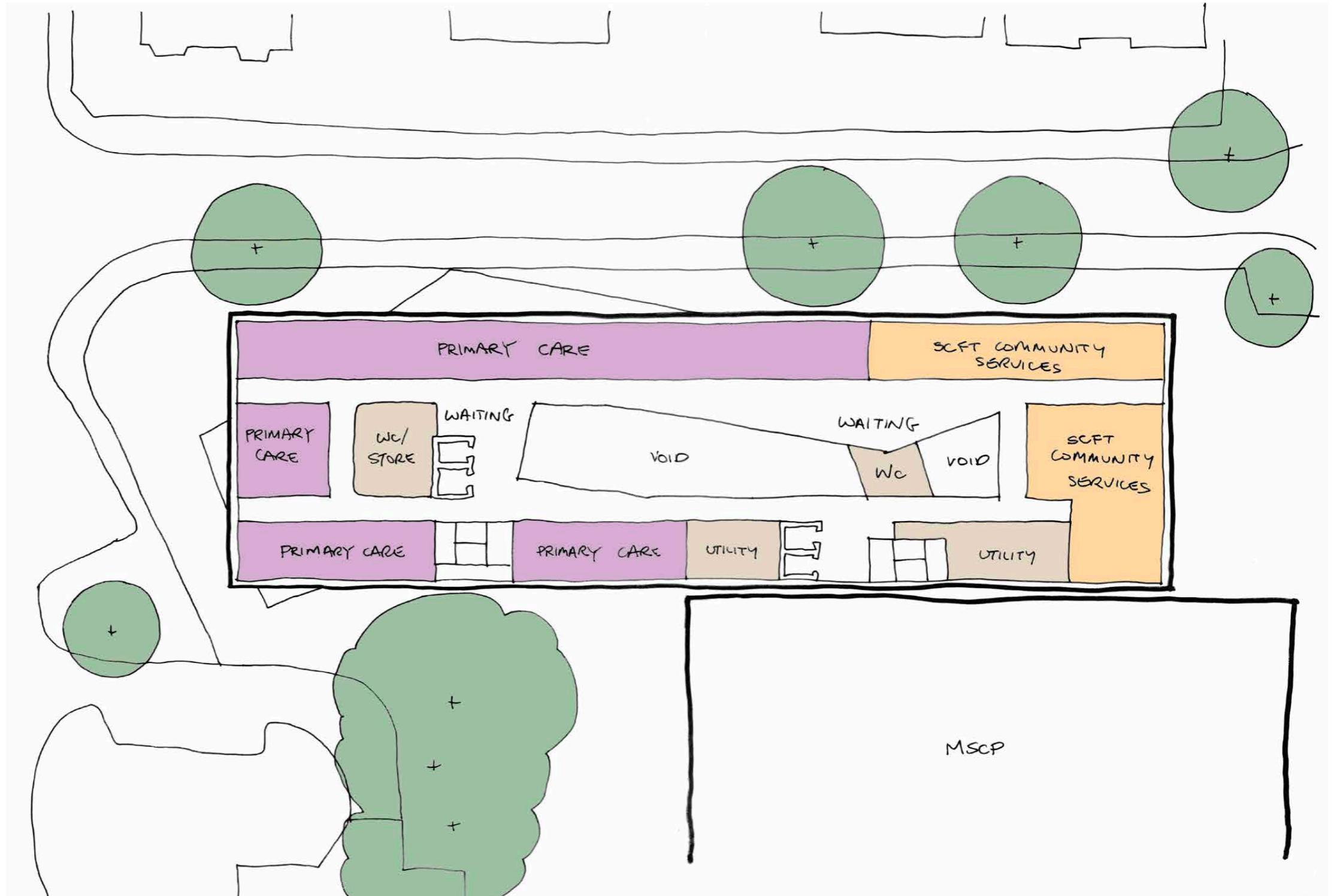


9.0 Plans

9.2 Level 01

The first floor houses the remainder of the GP consulting and support spaces, along with rooms for SCFT community services.

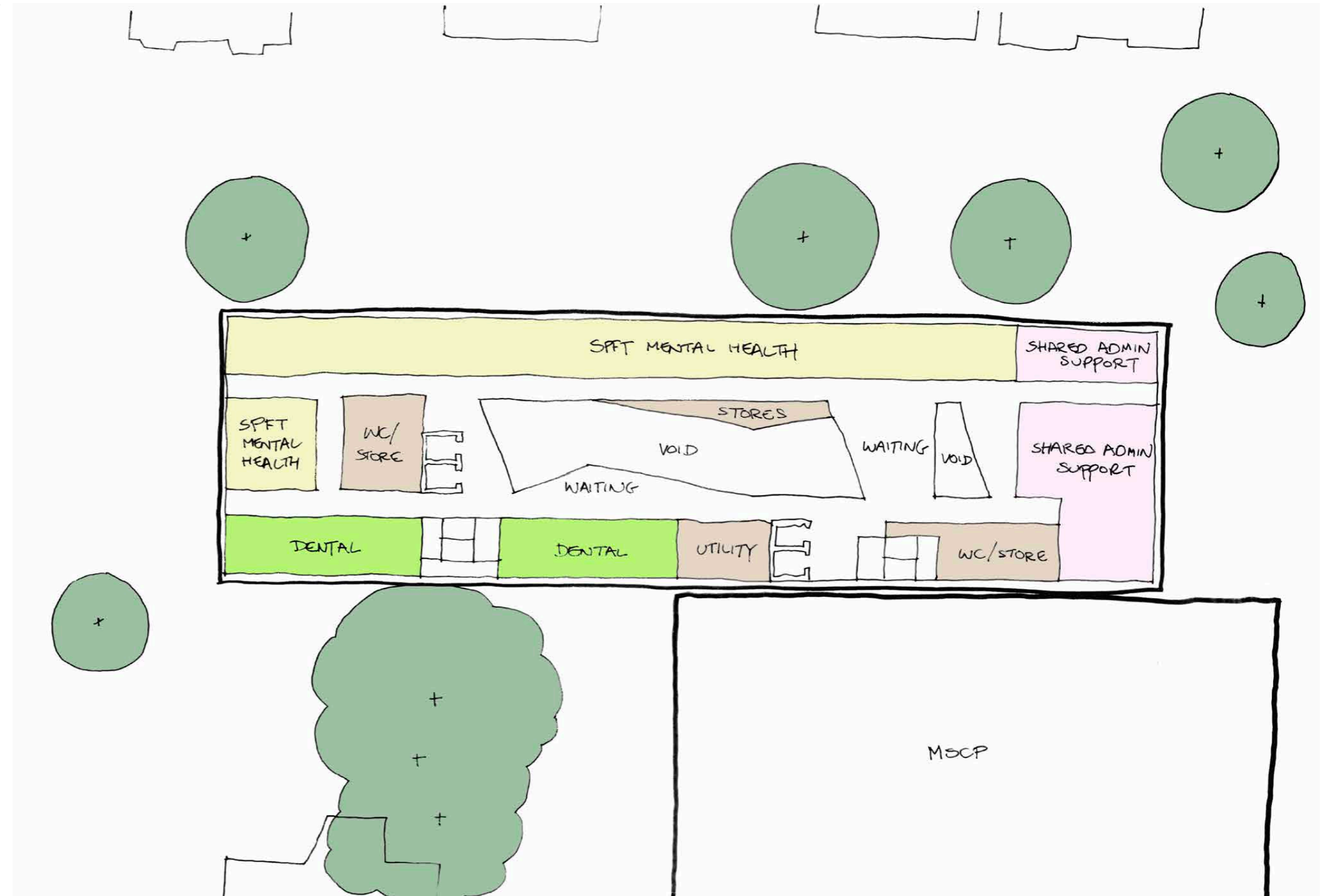
A large void is proposed at the heart of the building, relating to the geometry of the ground floor, and creating a series of interesting sub-waiting spaces up through the building. The lift and stair cores are located so as to relate to the void and waiting areas, to ensure visitors are orientated on each floor.



9.0 Plans

9.3 Level 02

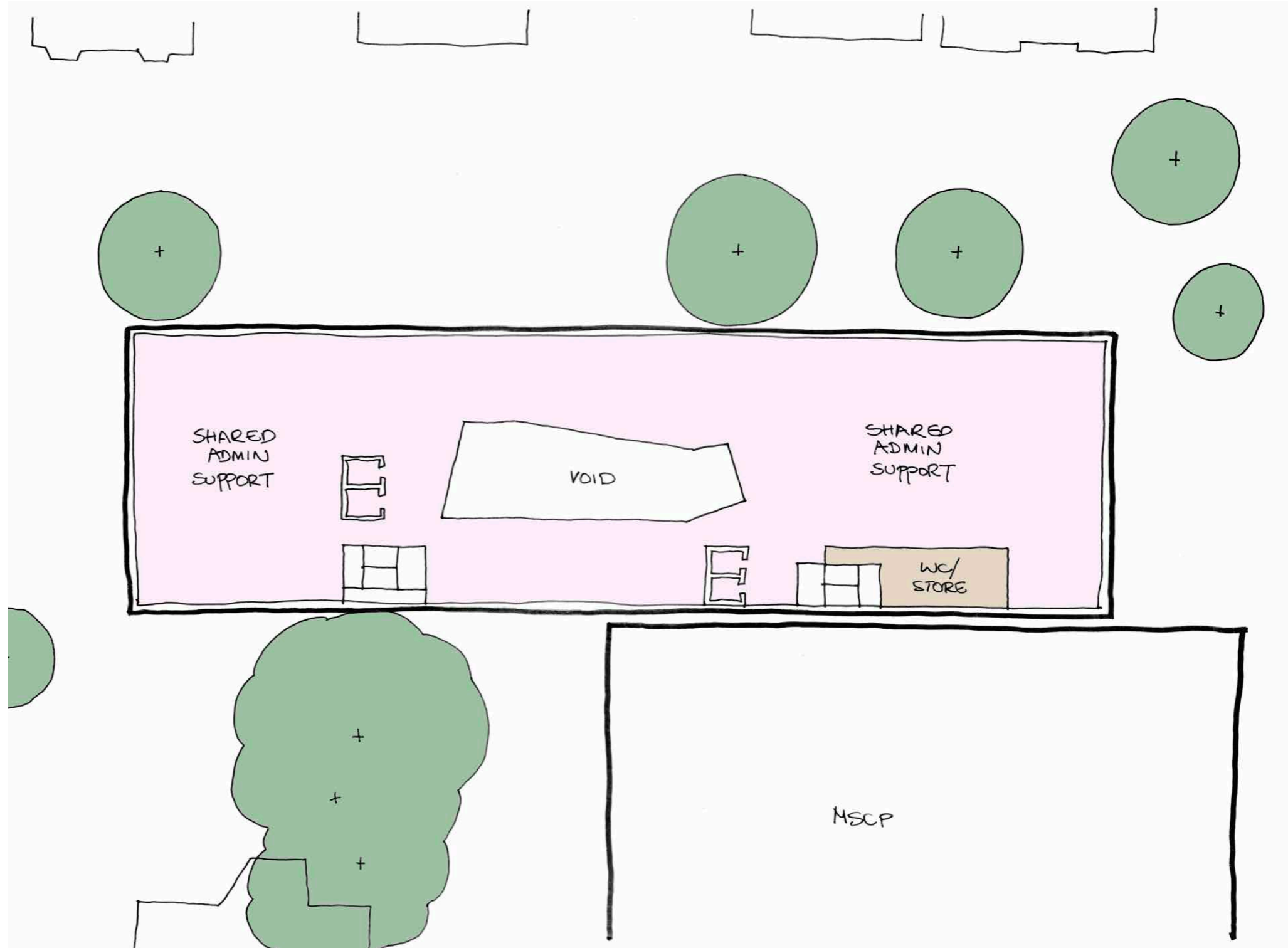
The second floor provides space for SPFT mental health services, largely in the form of interview rooms and group rooms. In addition, dental rooms are shown on this floor, along with some office space.



9.0 Plans

9.4 Level 03

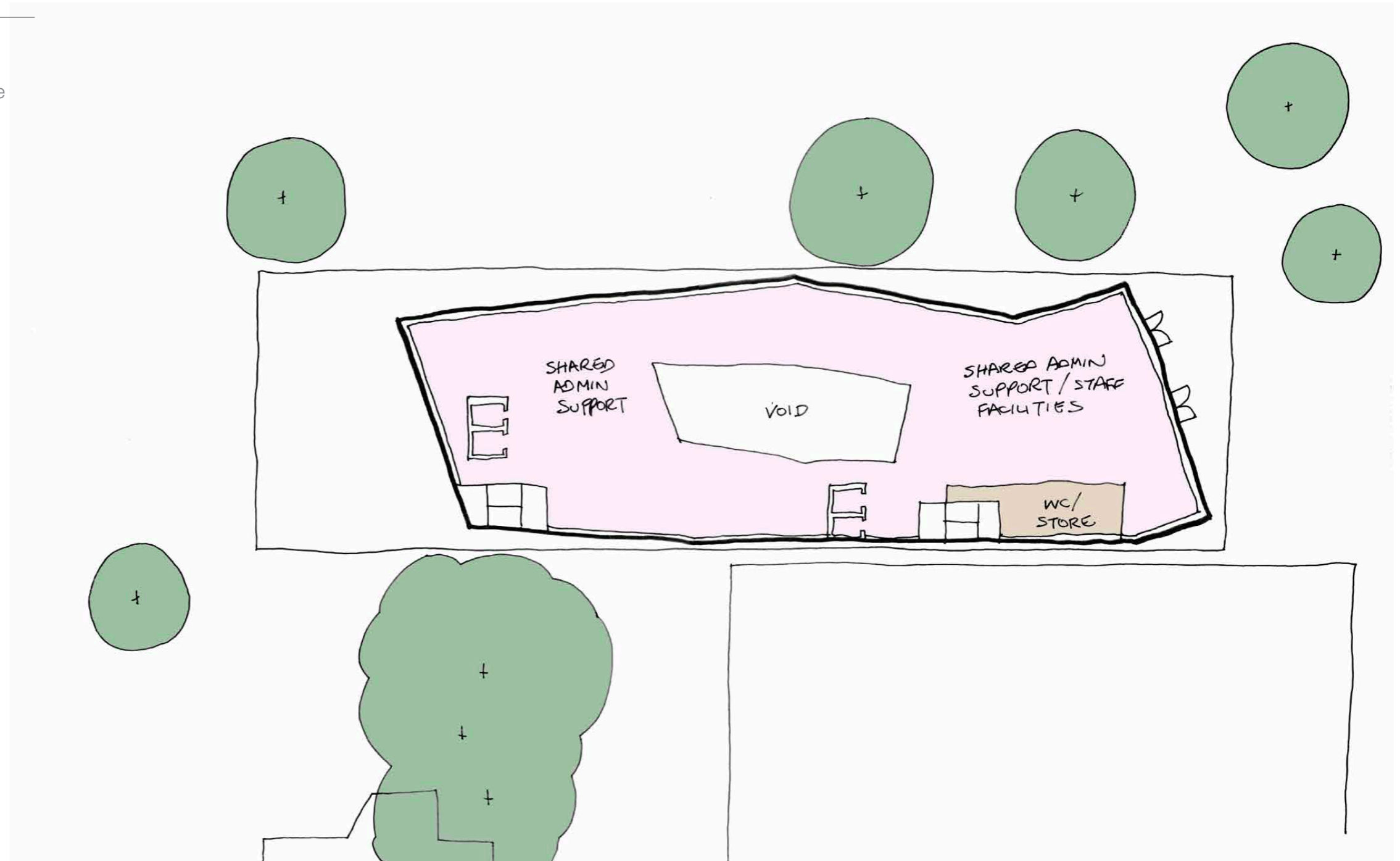
The third floor is given over entirely to office use. The void is carried through from the floors below, to encourage daylight down through the building.



9.0 Plans

9.5 Level 04

The fourth floor reverts to the sculptural form of the ground floor and contains the balance of the office space, plus staff support/rest facilities. These could potentially open out onto a staff terrace.



9. Further development of the design concept for Worthing Integrated Care Centre

9.6 Perspective Sketch

This sketch indicates the evolution of the design concept this the Masterplan was originally developed



10.0 Transport

11.0 Notes

10.1 Transport

The new facilities will create a demand for a number of modes of travel to access the services on offer. The site is well served by public transport, with local bus routes and a train station within reasonable walking distance.

The demand for car parking will need to be assessed in the next stage. The building will house a large number of staff and an analysis of the need for critical car spaces, particularly for those staff working out in the community, will be carried out. In addition, some demand will be generated by building visitors.

This is combined with the removal of the existing surface car park, which is currently used by staff only during office hours and by the public out of hours.

The masterplan proposals include the creation of a multi-storey car park in the centre of the site. This will be shared between the WICC use and a wider demand for parking within the town centre. The size and form of this MSCP is yet to be developed.

Access to the MSCP will be a key concern. Potential options include a new access from Richmond Road to the south and/or access from Stoke Abbott Road, as existing. These options will be considered, with input from a highways consultant, in the next stage.

10.2 Servicing and Drop-Off

The sketch proposals show that a visitor drop-off can be placed on the Christchurch Road frontage, for which a generous forecourt area has been allowed.

Servicing areas are proposed to the east of the building, with access from Stoke Abbott Road. Detailed work will be needed to resolve how servicing movements can work with pedestrian movements in this area.

11.1 Notes and next steps

The purpose of this document is to provide an initial proposal for the WICC and associated car park and for potential improvements to the 'Civic Quarter' site as a whole.

The site presents an excellent opportunity, in terms of location, prominence and size. The scale of development will generate much interest from a number of parties and a full consultation process with key stakeholders will be necessary.

A number of factors will impact on the final design and masterplan strategy and the more detailed design work involved in developing proposals for the WICC. The following, non-exhaustive, list of issues will be addressed as design work progresses:

Investigations and consultations:

- Planning- particularly in relation to height, mass and impacts on the historic environment and neighbours
- Highways- to agree site access, parking and other requirements
- Capacity of existing services
- Rights of Light
- Existing ownerships, in particular the disused public house
- Restrictive covenants or other legal considerations
- Coordination with other council lead developments/improvements within the site area



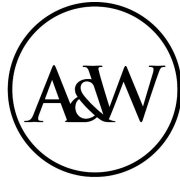
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ADUR & WORTHING
COUNCILS

Joint Strategic Committee
7 November 2019
Agenda Item 11

Key Decision [Yes/No]

Ward(s) Affected: Northbrook

Delivering New Homes for our Communities - Fulbeck Avenue

Report by the Director for the Economy

Executive Summary

1. Purpose

- 1.1 To update members as to progress and developments on the development of new homes on the Fulbeck Avenue site with Boklok Uk Ltd.
- 1.2 To seek the Committee's approval for the sale of the land to Boklok UK under revised terms to those set out at the June meeting of the Joint Strategic Committee.

2. Recommendations

It is recommended that members of the Joint Strategic Committee:

- 2.1 Note the progress made since June for the sale of the land to Boklok for the redevelopment of the Fulbeck Avenue Site;
- 2.2 Agree the proposed route set out in this report for the sale of the land at Fulbeck Avenue;
- 2.3 Delegate authority to the Head of Major Projects & Investment, in

consultation with Worthing Borough Council's Executive Member for Resources, to agree the heads of terms for the sale of the land at Fulbeck Avenue to Boklok UK, and thereafter to enter into the conditional sale contract for the sale of the land subject to those heads of terms;

- 2.4 That as a condition of exercising his delegated authority at clause 2.3 the Head of Major Projects and Investment obtains a suitable valuation report to confirm what the best consideration that may be reasonably obtained by the Council for the sale of Fulbeck Avenue will be.

3. Background

- 3.1 Our 'Platform' commitments seek to make the best use of council owned land and buildings to deliver investment to support our local economy for the benefit of local communities. The Joint Strategic Committee considered a report at its June 2019 meeting detailing proposals for working with Boklok UK on the future development of the Fulbeck Avenue site. The committee agreed that in order to deliver new affordable and low cost homes to the housing market that we would dispose of land by way of a building lease to Boklok UK.
- 3.2 The report identified the opportunity that through working in collaboration (through a formal "Collaboration Agreement") with BoKlok will enable the Council to make a strategic intervention into the housing market in Worthing. By working on this collaborative approach the Council will have a partner capable of delivering housing options at pace, across a number of different site types and locations. Boklok's "Left to Live" affordable housing model aims to provide "genuinely affordable" homes by reversing the normal market based calculation of housing affordability.
- 3.3 It was agreed that an agreement for lease for the Fulbeck Avenue development should be progressed independently from the Collaboration Agreement which would act as a pilot scheme for the strategic relationship, to enable Boklok to demonstrate visibility of a deal flow, to support the business case for entering into the UK and this region. It was proposed that this agreement would take the form of the building lease model approach.
- 3.4 In the interim period the Council and Boklok have been working to prepare a detailed development scheme. This has included further work on design, preparing for public consultation. and undertaking detailed due diligence on property title, technical feasibility, achievement of best consideration and procurement advice.

4. Issues Arising from Proposals Considered at July JSC

4.1 As part of the due diligence process the Council received legal advice from Trowers & Hamlin on the EU Procurement Regulations. Trowers & Hamlin were of the view that there were elements of the proposed deal that could render the agreement to be classified as a public works or services contract for the purposes of the Public Contracts Regulations 2015. In evaluating this risk, the Head of Major Projects & Investment in consultation with the Chief Financial Officer and the Solicitor to the Council & Monitoring Officer, concluded that the alternative arrangements proposed below in this report should be the way forward, as this removes the risk of procurement challenge and enables the same or similar outcomes as set out in the initial report to be achieved.

5. Revised Approach for Fulbeck Avenue

5.1 The proposed alternative arrangement to avoid any risk of non compliance with the Public Contract Regulations 2015 is to sell the freehold of the site to Boklok and ensure that the Contract for sale of land is a straight forward sale contract with no binding obligation on BokLok to undertake any works, with the sale transaction being for best consideration.

5.2 The specific provisions of the contract for sale, would need to be drafted carefully to provide both parties with sufficient commercial comfort to move forward without creating any binding obligation in the contract for sale of the land.

5.3 The Council remains satisfied that affordable housing will be delivered as a requirement in the planning process (see below), leaving the remainder of the site to benefit from Boklok's style and expertise in delivering modular housing, and it is proposed that Members agree to enter into a conditional sale agreement for the land subject to planning permission being granted.

5.4 BoKlok UK would agree to work collaboratively with the Council and take into consideration any ideas or requests of the Council to develop plans for new homes on the site. BoKlok UK would be required to provide 30% of the homes as affordable homes in accordance with the Worthing Core Strategy 2013 and this would be a planning obligation. These units would be available to purchase by a registered provider as per normal practice. BoKlok UK would offer the remaining 70% of the homes constructed on their "Left to Live" business model.

- 5.5 The June JSC report identified a timeline for the project proposing that a planning application will be submitted in January 2020. This is unlikely to be affected by the revised approach should it be agreed by Members.
- 5.6 Local authorities are given powers under s123 of the Local Government Act 1972 Act to dispose of land in any manner they wish, including sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable, unless the Secretary of State consents to the disposal, or the disposal is less than a £2m threshold level. Consideration in section 123(2) is confined to transaction elements which are of commercial or monetary value. As a result, in coming to the view as to whether best consideration reasonably obtainable has been achieved in a transaction the Council cannot take into account factors such as job creation, regeneration or other social outcomes which do not have a direct or monetary value to the Council. In complying with its duty to dispose of land for best consideration reasonably obtainable, the expert valuation report will consider not just the monetary value of the sale, but the commercial value to the Council. Inevitably, the consideration received will reflect the nature of the development and be supported by the expert valuation report.
- 5.7 While this more simplified land deal approach will provide benefits in terms of removing the risk of the transaction being at odds with the Public Contracts Regulations 2015 and enable the development to proceed without delay, it will also result in the Council having less control over the eventual form of the development in the long term. Once the Council has sold the land to BoKlok there is limited recourse should they change their development strategy, business model, or investment approach. However the requirement for Boklok to consider our objectives and requirements, enables us to work in good faith and collaboratively with Boklok in developing its project and the planning process will ensure that the affordable housing is delivered.

6. Financial Implications

- 6.1 The cost of undertaking the legal advice, further feasibility studies, independent valuations, and other work required has been estimated at £25,000. This is being funded from the Worthing Borough Council Major Projects & Investment revenue budget.
- 6.2 As part of the land deal, the Council will be disposing of the freehold of the land at Fulbeck Avenue to Boklok. The final consideration for the land is yet to

be determined but will be supported by the expert independent valuation

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 7.2 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.
- 7.3 S1 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
- 7.5 As confirmed in the report, the Council must comply with its duty to obtain best consideration for any disposal of land under s123 Local Government Act 1972. By section 128(1) of the Act specific consent of the Secretary of State is not required for the disposal of any interest in land that the Council considers will help it to secure the promotion or improvement of the economic, social or environmental well being of its area and the undervalue is less than two million pounds.
- 7.6 Any disposal of the land at an undervalue must not amount to unlawful state aid, and in the event there is an undervalue proper enquiries should be made of Boklok to ensure that the sale is state aid compliant.
- 7.7 The terms of the contract for sale of land should avoid creating a public services or works contract as defined by the Public Contract Regulations 2015.

Background Papers

Report to the Joint Strategic Committee on the 4th June 2019 - Delivering New Homes for our Communities - Fulbeck Avenue

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Sustainability & Risk Assessment

1. Economic

The proposal to market the site for a mixed use scheme accords with the Adur and Worthing Economic Plan 2013 - 2023 where the Economic Priorities are named as Support Business, Develop Growth, Enhance Business Environment, Advance Local Skills, Encourage Sustainability and Promote Health and Wellbeing. The Economic Plan also states “It is vital that Adur and Worthing provides foundations for business to operate effectively” and promotes the following aims:

- Support Business
- Develop Growth
- Enhance Business Environment
- Advance Local Skills
- Encourage Sustainability
- Promote Health and Wellbeing

2. Social

2.1 Social Value Conditional disposal and redevelopment of the site with mixed use will enhance the town and help to support the economic prosperity of the District.

2.2 Equality Issues Matter considered and no issues identified.

2.3 Community Safety Issues Matter considered and no issues identified.

2.4 Human Rights Issues Matter considered and no issues identified.

3. Environmental

Marketing the site for a conditional disposal will bring forward development of the remaining, redundant brownfield site as identified as the strategy for Shoreham within Platforms for our Places.

4. Governance

An internal officer board consisting of representatives from key departments essential to successful delivery has met and reviewed the programme at key stages of the marketing exercise.



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
7 November 2019
Agenda Item 12

Key Decision: No

Ward(s) Affected: All

Worthing Coastal Protection Scheme

Report by the Director for Digital and Resources

Executive Summary

1. Purpose

- 1.1 This report provides an update to members on the progress made in respect to the Worthing Coastal Protection scheme, considers and agrees the preferred option for rock groynes and approve Capital investment to assist with the further development of the project.
- 1.2 Members to agree that the Head of Facilities & Technical Services in consultation with the Executive Member for Regeneration using delegated powers award the contract for the initial design and modelling works up to the value of £500,000

2. Recommendations

2.1 The Joint Strategic Committee is asked to:

- i) Members to note the progress on the project.
- ii) Members to note the future requirements for the associated Maritime structures along the frontage to be improved and commit to making provision within the future capital investment programme once the full extent of the works are established.
- iii) Recommend to the Council the approval of the provision of £500,000 within the capital investment programme for 2020/21 funded jointly by the Environment Agency £200,000 and the Council £300,000 for the modelling and initial design stage of the preferred option.
- iv) Approve the delegation to the Head of Facilities & Technical Services in consultation with the Executive Member for Regeneration to award the contract for the initial design and modelling works up to the value of £500,000.
- v) To note that a further report will be presented to members outlining the final cost of the scheme once the modelling has been completed.

3. Background

- 3.1. The Beachy Head to Selsey Bill Shoreline Management Plan (SMP) identifies that the frontage at Worthing consists of a wide sandy lower beach and a narrow shingle upper beach. The coast is protected by a groyne field, mostly constructed of timber, but with some more recently constructed in rock. There are also concrete splash walls and rock revetments along the frontage; however the shingle beach is the principal coastal defence.
- 3.2. The River Arun to Adur Flood and Erosion Management Strategy was completed and approved by the Environment Agency's Large Project Review Group (LPRG) in 2011. It categorises the frontage under the 'Hold the Line - Sustain' policy, meaning that the current defences need to be strengthened to keep the levels of flood and erosion risk the same as it is now. It states that the approximate number of properties at risk from flooding and erosion if defences are not maintained in 100 years' time would total 2030 within Worthing.

- 3.3. In 2016 WBC commissioned expert Consultants Mott MacDonald (MM) to assist them with the preparation of an initial Outline Business Case (OBC) for the beach frontage between the Ferring Rife in Arun DC and Navarino Road in Worthing.
- 3.4. An OBC provides the rationalisation behind the Technical, Strategic, Financial, Commercial, environmental and economic impacts of the proposals identifying outcome measures in accordance with the current Environment Agency Flood and Coastal Erosion Risk Management (FCERM) appraisal guidance and Grant in Aid (GiA) criteria. GiA is the amount of Partnership funding the Government through the Environment Agency (EA) contributes to the project; any shortfall in funding will have to be met by external contributions.
- 3.5. The initial draft OBC identified that the proposed options for works will protect 205 residential homes from flooding and 838 residential homes from coastal erosion and flooding for the next 50 years. Table 1 below ranks the options considered within the OBC and indicates that option 4a as being the preferred option. This option proposes that the existing deteriorating timber groyne fields along the Worthing frontage be replaced with Rock groynes at 85m spacings (centre to centre) together with shingle replenishment works.

Table 1 Financial and non-financial ranking of each option

Option	Description	PV Costs £k (including risk)	Ranking	
			Financial ¹	Non-Financial
1	Do Nothing	<i>N/A – considered only as a baseline for economic appraisal</i>		
2	Do Minimum	7,347k	1	7
3	Do Something – Timber Groynes	46,636k	3	6
4	Do Something – Rock Groynes	44,511k	2	4
5	Do Something – Rock and Timber Combination	47,994k	4	5
4a	Do Something – Rock Groynes and Recharge to 1% AEP	45,947k	5	1
4b	Do Something – Rock Groynes and Recharge to 0.5% AEP	53,844k	6	1
4c	Do Something – Rock Groynes and Recharge to 0.33% AEP	56,159k	7	1

4. Current Situation

4.1. Several reviews and refinements of the preferred option 4a as detailed in the initial OBC have taken place. These reviews have enabled officers in collaboration with the consultant to establish a more informed and comprehensive view of this option. As well as underpinning the economics and benefits of progressing this option through to design.

4.2. The review works considered amongst other things the following:-

- Removing the area of frontage within Arun District Council and incorporating the frontage Navarino Road to Brooklands,
- The sensitivity for groyne spacing and beach shingle recharge for the whole frontage, hence the recommendation for modelling.
- Delaying the construction start date until 2022/23

As a direct consequence of this review work the Partnership funding (PF) score, which predicts the amount of Grant in Aid (GiA) funding from the Secretary of State the project attracts via the EA, has increased meaning the external contributions required have reduced significantly.

The table below compares the original OBC figures with revised figures

OBC	Description	Commence on Site	Cost of Works	PF Score	WBC Contribution
Original	Rock Groynes & Shingle Replenishment for 1/100 storm event	2019	£39,603,934.00	69%	£10,537,944.00
Revised	Rock Groynes & Shingle Replenishment for 1/100 storm event	2022	£45,947,000	95% - 89%	£2,231,000 - £5,119,000

4.3. The latest PF score indicates that the preferred option 4a would require between £1.9m - £4.8m contributions from Worthing Borough Council in year 2022/23.

4.4. To maintain the 1/100 year level of storm protection, Worthing Borough Council will have to fund maintenance works at approximately £2.2m every 10 years for 50 years. Total maintenance cost of £8.8m

4.5. The reviews that have taken place have indicated that if the groyne spacing is increased from 85m to 90m, the PF score would be increased to 100% which would require the Council to make no

Contributions towards the project (maintenance costs will remain unchanged). To verify these potential savings consultants would need to undertake physical & numerical modelling to optimise the groyne spacings at the initial design stage.

- 4.6. The EA have indicated to officers that they would be expecting the Council to identify further opportunities and benefits that could be considered when finalising the OBC as well as ensuring the scheme supports the local proposed regeneration projects.
- 4.7 The preferred scheme only includes the coastal defence structures, therefore, the Council will have to consider any alterations the Leisure facilities they currently maintain, 3 Boat Launching Ramps, together with Southern Water's 10 surface water outfalls, which are likely to be required as a consequence of the project.
- 4.8 The Council has aspirations to improve Worthing Lido and there is the opportunity to include within the modelling process any potential changes to this Structure that may affect the movement of beach material along the frontage, hence the design of the overall scheme.
- 4.9 Consultants are currently finalising the OBC for submission to the EA's Large Project Review Group (LPRG)
- 4.10 Planning Services have confirmed that the Coastal scheme works would be undertaken under permitted development.

5. Future programme

- 5.1 Investigate further opportunities for regeneration that can enhance the OBC submission and provide confirmation to the EA in writing from the Council's Chief Executive that the Council will commit to funding any shortfall should it be required on the project.
- 5.2 Finalise the OBC and submit it to the EA's LPRG in December this financial year for approval in February 2020.
- 5.3 Investigate opportunities for external contributions.
- 5.4 During the development of Full Business Case (FBC) Officers will be engaging with residents, local groups, stakeholders and statutory consultees. Officers will also engage with the local community, residents and businesses where any construction work may cause significant disruption to the local area.

- 5.5 Opportunities for secondment to the consultants to work on the FBC and the detailed design for the project from the Engineering Team will be considered.
- 5.6 Finalise the design of the project and submit FBC.
- 5.7 In addition to the above there is the opportunity to include within the modelling process any other potential redevelopment schemes that could influence the natural coastal processes. As mentioned in 4.8

Project Plan

Activity	Date
Early Engagement with Southern Water	Spring 2020
Detailed design of scheme including numerical and physical modelling & contract documents	Summer 2020
Early Contractor Engagement	Autumn 2020
Stakeholder Engagement	December 2020
Contract documents produced and tendering for Site Supervision	July 2021
Appointment of Project Management & Site Supervision Consultant to oversee construction works	Jan 2022
Full Business Case Submission	March 2022
Construction work to be started on site	April 2022
Construction work substantially completed by	March 2023

6. Procurement

- 6.1 The procurement of the works will be undertaken to comply with Worthing Borough Councils Standing Orders to ensure that the works are competitively tendered and in accordance with the Public Contract Regulations 2015
- 6.2 A Steering group will oversee the procurement encouraging collaborative working and ensuring best value, competitive and sustainable supply chains.
- 6.3 The project will involve the design and construction of the rock groynes and shingle replenishment works.

The project will be formed of 3 separate contracts –

- 1. The Design
 - 2. The Construction
 - 3. Project Management & Site Supervision
- 6.4 The Design and Construction Contracts will be procured through the Environment Agency's Next Generation Supplier Arrangements framework. (NGSA)
 - 6.5 The project management and site supervision works will either be tendered directly by Worthing Borough Council or using the EA's NGSA.

7. Financial Implications

- 7.1 The Modelling of the frontage will provide an optimum spacing for the proposed groynes, the amount of work that will be required on the existing maritime structures and enable the cost of replacing the groynes to be reviewed.
- 7.2 Without this modelling it is difficult to forecast the amount of funding the council required for this work, it is estimated that the 3 public boat launching ramps would cost £300k each. The funding required for any additional modelling due to proposed alterations to the existing structures or outfalls is unknown.
- 7.3 Both physical and numerical modelling will identify potential savings reducing the Council's contribution to the construction of the scheme. It is proposed that modelling is undertaken in 2020/21 at a cost of £500,000. This will be part funded jointly by the Environment Agency

(£200,000) with a contribution from the Council of £300,000. This does not currently feature in the Council's capital programme for 2020/21 and it is proposed to fund this work as follows:

Funding source	£'000
Capital Receipts earmarked for coastal defences	88
Additional prudential borrowing	212

The Council will need to fund the additional debt charges associated with this borrowing at an annual cost of £7,500. This will need to be funded as part of the development of the 2020/21 revenue budget.

- 7.4 As part of this scheme, Worthing Borough Council would have to commit to future works for 50 years commencing from 2023 at an estimated cost of approximately £2.2m every 10 years. Future work will need to commence from 2033. Members should note that the extent of any future works works will depend on the depletion of shingle beach through storms & longshore drift, however current costs are not significant in this regard.
- 7.5 The table below shows the total estimated construction cost based upon the current OBC excluding any works required to the boat launching ramps and outfalls. These additional schemes will be bid for as part of the annual capital programme approval process.

Financial Year	Type of Work	Grant in Aid Environment Agency	WBC Contribution	Total (£)
2015 to 2020	Finalise OBC	95,000	63,000	158,000
2020 to 2021	Modelling design	200,000	300,000	500,000
2021 to 2022	FBC & Design	1,060,000	0	1,060,000
2022 to 2023	Construction	39,473,000 - 42,361,000	1,868,000 - 4,756,000	44,229,000
Total (£)		40,828,000 - 43,716,000	2,231,000 - 5,119,000	45,947,000

- 7.6 If approved, Worthing Borough Council will need to fund the revenue consequences of any borrowing required to fund the eventual construction costs scheme (currently estimated at between £1,868,000 - £4,756,000) as well as setting aside resources to fund

the 10 yearly revenue maintenance obligation. Overall the Council will need to fund the following costs from 2022/23 onwards:

	2022/23 £'000	2023/24 (full year) £'000
Debt charges (interest at 2.5% and an asset life of 50 years)	23 to 59	66 to 168
Annual set-aside for 10 year maintenance liability		220
Less: Reduction in current maintenance budget		-84
Total revenue impact of proposed coastal defences	23 to 59	202 to 304

- 7.7 The EA will require as part of the OBC process a letter from the Council's Chief Executive that the Council will commit to funding any shortfall should it be required on the project. However members should be aware that the current OBC contains a 31% optimism bias which should be sufficient to ensure that the scheme will cost no more than the expected £44.23m.

8. Legal Implications

- 8.1 WBC is a Coast Protection Authority (CPA) under Section 1 of the Coast Protection Act 1949. By Section 2A of that Act a Coast Protection Authority is also a Coastal Erosion Risk Management Authority.
- 8.2 By Section 4 of the Coast Protection Act 1949, the Council as a CPA shall have the power to carry out such coast protection work whether within or outside of its area, as may appear to the CPA necessary or expedient for the protection of any land in its area providing that; (a) the work is desirable having regard to the national flood and coastal erosion risk management strategies; and (b) the purpose of the work is to manage coastal erosion risk within the meaning of Part 1 of the Flood and Water Management Act 2010.
- 8.3 Section 111 of the Local Government Act 1972, provide the power to the Council to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.

- 8.4 S1 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
- 8.5 Section 1 of The Local Government (Contracts) Act 1997 provides that every statutory provision conferring or imposing a function on a local authority confers the powers on the local authority to enter into a contract with another person for the provision or making available of assets or services, or both (whether or not together with goods) for the purposes of, or in connection with, the discharge of the function by the local authority.
- 8.6 Under the Public Contract Regulations 2015 where a Public Authority is to enter into a contract for the supply of goods & services, and the value of those goods and services exceeds a financial limit of £181,302,176 (or for works contracts £4,551,413, any procurement exercise to contract for those goods and services must be conducted in accordance with the Regulations and a failure to do so may be declared upon receipt of a procurement challenge, anti-competitive and in breach of the Regulations.
- 8.7 Where the Council obtains grant funding for any of its coast protection works, the Council must ensure that the funding is spent in accordance with the grant funding terms and conditions.

Background Papers

None.

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Sustainability & Risk Assessment

Sustainability matters were considered as part of the development of the Strategy and SMP but will again be considered again as part of the development of these schemes.

The proper management of the coastline is essential and the programme of works for the 100 year period of the study will maintain the standard of defence keeping pace with current climate change predictions.

Worthing Borough Council is the Operating Authority for significant parts of this coastline and has certain duties and permissive responsibilities under the Coast Protection Act 1949 and 1991 Land Drainage acts. The 2014 Strategy contains a more detailed risk assessment of the assets across the whole frontage. A loss of life and property risk assessment will be incorporated within the proposed option.

1. Economic

The 2014 Strategy preferred option was developed for outline design taking into account the newly available information and taking consideration of technical viability, buildability, sustainability, access restrictions and health and safety. The option was considered over an appraisal of 100 years. A detailed costing exercise was undertaken to develop costs for the option based on these outline designs using Early Supplier Engagement (ESE).

2. Social

2.1 Social Value

Engagement, with the local community, will also be necessary to inform residents and business of key activities being planned where any construction work may cause significant disruption to the local area.

2.2 Equality Issues

Matter considered but no issues identified

2.3 Community Safety Issues (Section 17)

Matter considered but no issues identified

2.4 Human Rights Issues

Failure to protect property could be construed as interfering with the right to quiet enjoyment of property and possessions.

3. Environmental

The Project Steering Group work in partnership to guide the development of technically, economically and environmentally sustainable coastal flood and erosion risk defences along the coastline from Sea Lane Ferring to the Brooklands.

4. Governance

The scheme is being led by the Council in their capacity as Risk Management Authority under the Coast Protection Act 1949 and 1991 Land Drainage acts. The scheme will be managed in accordance with the principals of PRINCE2.