



**East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, IP12 1RT**

Cabinet

Members:

Councillor Steve Gallant (Leader)

Councillor Craig Rivett (Deputy Leader and
Economic Development)

Councillor Norman Brooks (Transport)

Councillor Stephen Burroughes (Customer
Services and Operational Partnerships)

Councillor Maurice Cook (Resources)

Councillor Richard Kerry (Housing)

Councillor James Mallinder (The Environment)

Councillor David Ritchie (Planning & Coastal
Management)

Councillor Mary Rudd (Community Health)

Councillor Letitia Smith (Communities, Leisure
and Tourism)

Members are invited to a **Meeting of the Cabinet**
to be held on **Tuesday, 6 October 2020 at 6:30pm**

This Meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel at <https://youtu.be/4Yt-oV9TQ98>

An Agenda is set out below.

Part One – Open to the Public

1	Apologies for Absence To receive apologies for absence, if any.	
2	Declarations of Interest Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Announcements To receive any announcements.	
4	Minutes To confirm as a correct record the Minutes of the Meeting held on 1 September 2020	1 - 8
	KEY DECISIONS	
5	Private Sector Housing Strategy - Update ES/0508 Report of the Cabinet Member with responsibility for Housing	9 - 25
6	Public Space Protection Orders ES/0468 Report of the Assistant Cabinet Member with responsibility for Community Health	26 - 52
	NON-KEY DECISIONS	
7	Appointments to Outside Bodies for 2020/21 (Executive) ES/0511 Report of the Leader of the Council	53 - 65
8	Slaughden Shoreline Management Plan Review ES/0512 Report of the Cabinet Member with responsibility for Planning and Coastal Management	66 - 73
9	Exempt/Confidential Items It is recommended that under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act.	

Part Two – Exempt/Confidential

10 Exempt Minutes

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

KEY DECISIONS

11 Jubilee Terrace Beach Hut Development

- Information relating to any individual.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Close



Stephen Baker, Chief Executive

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email:

democraticservices@eastsoffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development
East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Minutes of a Meeting of the **Cabinet** held via Zoom, on **Tuesday, 1 September 2020** at **6:30 pm**

Members of the Cabinet present:

Councillor Norman Brooks, Councillor Stephen Burroughes, Councillor Maurice Cook, Councillor Steve Gallant, Councillor Richard Kerry, Councillor James Mallinder, Councillor David Ritchie, Councillor Craig Rivett, Councillor Letitia Smith

Other Members present:

Councillor Peter Byatt, Councillor Judy Cloke, Councillor Tony Cooper, Councillor Graham Elliott, Councillor John Fisher, Councillor Louise Gooch, Councillor Mark Jepson, Councillor Ed Thompson, Councillor Steve Wiles

Officers present:

Katherine Abbott (Democratic Services Officer), Karen Cook (Democratic Services Manager), Cairistine Foster-Cannan (Head of Housing), Helen Greengrass (Felixstowe Forward Change Director), Andrew Jarvis (Strategic Director), Nick Khan (Strategic Director), Fern Lincoln (Housing Needs Service Manager), Matt Makin (Democratic Services Officer), Sue Meeken (Political Group Support Officer (Labour)), Brian Mew (Interim Finance Manager), Darren Newman (Regeneration Project Manager), Agnes Ogundiran (Conservative Political Group Support Officer), Deborah Sage (Political Group Support Officer (GLI)), Karen Staples (Regeneration and Growth Manager), Lorraine Rogers (Deputy Chief Finance Officer), Paul Wood (Head of Economic Development and Regeneration).

1 Apologies for Absence

Apologies for absence were received from Councillor Rudd and Councillor Cackett.

2 Declarations of Interest

There were no declarations of interest.

3 Announcements

There were no announcements.

4 Minutes 7 July 2020

RESOLVED

That the Minutes of the Meeting held on 7 July 2020 be agreed as a correct record and signed by the Chairman.

5 Minutes 13 August 2020

RESOLVED

That the Minutes of the Meeting held on 13 August 2020 be agreed as a correct record and signed by the Chairman.

6 Lowestoft Investment Plan

Cabinet received report **ES/0469** by the Deputy Leader and Cabinet Member with responsibility for Economic Development who reported that in September 2019, the Ministry of Housing, Communities and Local Government (MHCLG) invited East Suffolk Council (ESC), on behalf of Lowestoft, to develop proposals for a Towns Deal, forming part of a £3.6 billion Towns Fund. Lowestoft was able to bid for up to £25 million through a five year Town Deal which required the development of a Town Investment Plan, which would make a case for investing in transformative capital regeneration projects in Lowestoft over the next 10 years.

A Towns Board was required to provide strategic direction and oversee the development of the Investment Plan. The Lowestoft Place Board (Towns Board) was established in January 2020 to fulfil this role.

The Deputy Leader reported that the next step was to submit the Town Investment Plan (TIP) to MCHLG by the 31st October 2020, as the basis for agreeing the Town Deal; his report was seeking delegated authority to conclude the Plan, ahead of submission. Furthermore, adequate capacity within the Regeneration Team was required in order to deliver the TIP and therefore due to the majority of posts in the team being temporary in nature the report was also seeking approval for the associated growth in the Council's core budget to extend these temporary contracts.

Cabinet very much welcomed the report and the investment, particularly at this time, with the ongoing pandemic. The Cabinet Member with responsibility for Communities, Leisure and Tourism highlighted that this was a fantastic opportunity for ESC to ensure that it had an overarching plan which would deliver lots of aspects of its policies that, as a council, it was looking to support.

In response to a question from Councillor Byatt, who asked why Oulton Broad Parish Council was represented on the Lowestoft Place Board, it was explained that the TIP covered the broad urban area of Lowestoft and, as part of that, it was felt that with Oulton Broad Parish Council being one of the larger local councils, outside of Lowestoft Town Council, its inclusion was relevant and necessary in order to have full and robust stakeholder engagement. The Government had been very clear when developing the Place Board that it needed to be as inclusive as possible in order to obtain the views of the local area.

Councillor Gooch very much supported the proposals and was pleased that Oulton Broad Parish Council would be involved because it needed to be integrated; Councillor Gooch welcomed the fact that it was an agile document in relation to assessing the wider short, medium and long term impacts of the virus.

RESOLVED

1. That delegated authority be given to the Strategic Director, in consultation with the Cabinet Member with responsibility for Economic Development, to:
 - (a) agree the Lowestoft Investment Plan with the Lowestoft Place Board, in order to submit it by 31 October 2020, and
 - (b) agree Heads of Terms for the Town Deal with the Ministry of Housing Communities and Local Government to take the bid through to the second phase of full business case development for the projects within the Town Deal.
2. That the growth of £65,238 in the core budget be approved, to extend the temporary positions within the Regeneration Team until December 2022 to ensure the completion of the development phase of projects within the Town Deal, and to report further to Cabinet, once Towns Funding is secured, requesting that these roles be made permanent to deliver the 5 year Towns Deal and the 10 year Lowestoft Town Investment Plan.

7 First Light Festival

Cabinet received report **ES/0471** by the Deputy Leader and Cabinet Member with responsibility for Economic Development who provided a reminder in that in January 2019, Cabinet approved the festival and ringfenced £120k to support the festival over three years. In September 2019, Cabinet approved funding to a maximum of £200k for the First Light Festival 2020, to be taken from the 2019/20 Business Rate Retention Scheme. The report before Cabinet sought approval for ESC to support the delivery of the First Light Festival 2021.

Due to the current pandemic the First Light Festival 2020 was unable to go ahead. Financial support for 2020 was therefore limited to £58,844. To celebrate the summer solstice weekend and keep momentum going, the first Light Festival CIC planned a programme of events for 2020 which were live streamed through Facebook and Instagram. Across the week the 15 events achieved the following engagement: videos were viewed 16,747 times; 49,456 people were reached; 184 Facebook pages were liked; there were 11,988 engagements on posts; and there were 3,391 Facebook page views.

It was proposed that Cabinet agreed to support the festival for 2020 on the basis that it would:

- Attract 40-50,000 visitors, with a focus on people from outside of Lowestoft's traditional visitor base;
- Brand Lowestoft as a desirable and attractive tourist destination;
- Extend the area from which people travel to Lowestoft, to include the growing populations of Norwich and Ipswich;
- Contribute directly to the local economy during the festival including increased hotel stays;
- Position Lowestoft as a venue for contemporary arts and events, with the

potential for significant financial support from the Arts Council;

- Identify Lowestoft as, uniquely in the UK, the first place to see the sunrise, allowing the town to trade on its geographical position.

Cabinet very much supported the proposals within the report.

Councillor Byatt gave praise to officers for the work that had been undertaken during 2019 and for what had been an amazing event. In response to a question from Councillor Byatt, who asked if all of the work that was being carried out on the promenade at the moment, with the re-securing of the cliffs, would be complete prior to the festival taking place in 2021, it was explained that the work was always programmed to be completed by the beginning of June; there would be no interruption to the festival as a result of the work taking place.

RESOLVED

1. That the impact of the First Light Festival to the local economy and the positive response to the online events for 2020 be noted.
2. That the festival be supported to a maximum of £140k in 2021, which remains available from the 2019/20 Business Rates Retention scheme.

8 Felixstowe Business Improvement District

Cabinet received report **ES/0470** by the Deputy Leader and Cabinet Member with responsibility for Economic Development who reported that Felixstowe Forward had been supporting the work on establishing a Business Improvement District (BID) in Felixstowe over the last two years. This had involved close collaboration with businesses within the proposed BID area to determine the appetite, geography and ambitions of such an initiative. With the support of an experienced BID development consultant, a draft BID Business Plan had been created which set out how the BID would operate. The BID Working Group would release the full draft business plan as part of the final engagement with businesses.

It was reported that the business led working group, which had been leading on the development of the Business Plan, had indicated that it was ready to progress to the ballot stage of the BID. The intention was for the ballot to take place during October/November 2020, subject to a final consultation or “engagement” with all businesses in the proposed BID area.

The report was seeking Cabinet’s support for the Business Plan, to instruct the Returning Officer to hold the ballot, for the Council to vote in favour of the BID, and to agree that the proposals met the BID regulations.

The creation of a BID in Felixstowe would act as a key vehicle to enhance the trading environment within the town centre and resort area of the town. Furthermore, it would address the current challenges being experienced in the town centre which had been exacerbated by the current pandemic.

The Leader stated that, particularly at this time, it was important that ESC did all that it could to support local businesses and to empower them to help themselves. BIDs

were, generally, the Leader said, producing positive results elsewhere in the UK, and the Government was keen to open up various funding pots that would be available to bid into. The Leader referred to the work that had been undertaken by Helen Greengrass, the Felixstowe Forward Forward Change Director, stating that she had been instrumental in liaising with the local businesses.

Councillor Jepson gave thanks to Helen Greengrass and her team, and to Paul Wood and his team, for the hard work that had been undertaken during the early stages of the consultation period.

Councillor Wiles stated that he very much supported this proposal; he referred to the opening of the high streets and that it had shown how much cooperation between businesses was required to move their aims forward. By working together they would be able to move forward and take control of their own destinies.

Councillor Byatt sought clarification in respect of the physical boundaries of the BID, with officers explaining that the BID area covered the defined town centre, in accordance with the Local Plan, it covered Hamilton Road, roughly from the Orwell Hotel down to the bottom of Bent Hill to the Seafront, and encompassed some of the side roads. The BID also encompassed the seafront, from the Spa Pavilion along to the top of Beach Station Road. It was possible, officers added, that during the consultation, the seafront and/or town centre businesses might feel it appropriate to have a separate BID. However, it was felt that that was unlikely. It was confirmed that the BID would include, approximately, 320 businesses.

Councillor Byatt referred to the successful BID, that had been in place for many years in Lowestoft, he asked if it would be appropriate for all councillors to receive a briefing in respect of BIDs. The Leader responded, stating that he hoped that the local members, where there were BIDs in place, were well aware of the work that was being undertaken, he also felt that it was incumbent on all councillors to ensure that they understood the issues facing local businesses and to offer assistance where possible.

The Cabinet Member with responsibility for Communities, Leisure and Tourism commented that this was a wonderful example of people in the area that were running businesses, getting involved, talking to each other and making positive outcomes.

In conclusion, the Leader commented that it was right and proper for the Council to have one vote; it was for the businesses to make the decision; he did not want the Council to influence that decision.

RESOLVED

1. That the principles of the draft BID Business Plan be supported, and that delegated authority be given to the Strategic Director, acting in consultation with the Deputy Leader and Cabinet Member with responsibility for Economic Development, to agree the final version, once published;

2. That the submitted BID proposals meet The Business Improvement Districts (England) Regulations 2004 (the Regulations);
3. That the Returning Officer be instructed to hold a ballot, running from 13 October to 11 November 2020, subject to the final engagement with businesses in the BID area, indicating the likelihood of a strong vote in favour of the BID;
4. That the Strategic Director be authorised to complete the Felixstowe BID ballot papers by voting in favour for the formation of a BID, using only one of the 11 votes issued to the Council so as not to be perceived as unduly impacting on the outcome of the ballot.

9 East Suffolk Council Outturn Report 2019/20

Cabinet received report **ES/0473** by the Cabinet Member with responsibility for Finance who provided an overview of the Council's draft outturn position for 2019/20 in respect of the General Fund, Reserves, Housing Revenue Account (HRA), the Capital Programme and the Collection Fund.

As part of the General Fund original and revised budgets for 2019/20, use of the In-Year Savings Reserve was planned to balance the budget. However, for outturn, the required use of the reserve was less than expected by £0.391m. For the revised budget, £1.077m was the planned use of the reserve but only £0.686m was required. This therefore provided additional funding in the In-Year Savings Reserve to be available for future year budget pressures. Section 2.2 of the report provided details of key variances to the revised budget for the General Fund.

Individual revenue budget carry forward requests in excess of £30,000 required Cabinet approval as required within the Finance Procedure Rules. For 2019/20 there was one revenue budget carry forward request of £69,500 for Cabinet to consider for approval. This was in respect of the East Suffolk Towns Initiative and further detail was provided in Section 2.4 of the report.

The total balance on the Council's General Fund earmarked reserves at 31 March 2020 was £46.93m and Appendix A provided a reserve summary of the Council's earmarked reserves. The General Fund balance stood at £6m at 31 March 2020.

The Statement of Accounts for 2019/20 was subject to audit and therefore the outturn position for the Council as presented in the report was a draft position.

Statutory amendments to the process for approval and publication of the Statement of Accounts for 2019/20 had been made in acknowledgement of the impact COVID-19 had had on local authorities. The date for signing and dating the draft 2019/20 Accounts was by 31 August 2020. Under normal circumstances this would have been by 31 May 2020. The publication date for final, audited accounts was by 30 November 2020, four months later than the usual date of 31 July 2020.

Councillor Elliott referred to paragraph 2.12 of the report and the slippage within the General Fund Capital Programme; he asked why this was. Officers explained that the largest slippage was in respect of the Felixstowe South Seafront work and Martello

Cafe; this was where work had been programmed in but there had been delays due to unforeseen circumstances.

Councillor Elliott referred to the new build programme within the Housing Revenue Account, and the significant variance in that ESC had not spent as much as intended. Councillor Elliott referred to the ambitions of ESC for new build and he wanted to ensure that the ambitions were turned into reality. Officers explained that ESC was committed to fulfilling its development programme and it had an ambitious target to build at least 50 new council homes per year; it was doing all that it could to meet that aspiration. It was confirmed that there were several schemes currently underway and examples were provided. Work was progressing well. The Leader added that, sometimes, for reasons beyond the Council's control, including outside influences, things did not always move at the speed that the Council had the ambition for. He also referred to due diligence having to be undertaken where significant amounts of money were being spent.

Councillor Byatt referred to page 113 of the report, and the additional disabled facilities grant, he referred to improving disabled access to the South Beach in Lowestoft. The Deputy Leader, in response, commented that he was pressing those responsible for this project; he confirmed that, unfortunately, work had been delayed due to COVID-19.

Councillor Byatt also referred to air quality and was pleased to see that there was external funding available for monitoring purposes. The Leader, in response, commented that this remained a key ambition of the Council.

RESOLVED

1. That Council's draft outturn position for 2019/20 together with reserves and balances as at 31 March 2020 be noted.
2. That the Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 as detailed in paragraph 4.1 of the report be noted.
3. That the carry forward of the individual revenue budget of £69,500 in respect of the East Suffolk Towns Initiative, detailed in paragraph 2.4 of the report, be noted.

10 Exempt/Confidential

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of art 1 of Schedule 12A of the Act.

11 Exempt Cabinet Minutes 7 July 2020

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

12 Exempt Minutes 13 August 2020

- Information relating to any individual.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

13 Community Led Housing Fund - Southwold Hospital Scheme

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

14 Re-profiling of Current Rough Sleeping Funding and New Next Steps Accommodation Programme Funding Bid

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The meeting concluded at 7:53 pm

.....
Chairman



CABINET

Tuesday 6 October 2020

PRIVATE SECTOR HOUSING STRATEGY - UPDATE

EXECUTIVE SUMMARY

1. In 2018/19 the Private Sector Housing Strategy was adopted by Suffolk Coastal and Waveney District Councils. 18 months on, the strategy has been reviewed and, in the light of the new East Suffolk Strategic Plan, and lessons learnt from delivery, it is appropriate to ask Cabinet to approve some changes in policy and practice.
2. Key changes include the new Independent Living – East Suffolk agency; changes to discretionary disabled facilities grants; a greener renovation grants policy; implementing the new electrical safety regulations and changes to the civil penalties framework.

Is the report Open or Exempt?	Open
-------------------------------	------

Wards Affected:	All
------------------------	-----

Cabinet Member:	Councillor Richard Kerry Cabinet Member with responsibility for Housing
------------------------	--

Supporting Officer:	Teresa Howarth Principal Environmental Health Officer 01394 444206 teresa.howarth@eastsuffolk.gov.uk
----------------------------	--

1 INTRODUCTION

- 1.1 In 2017 the East Suffolk Housing Strategy was adopted which set out joint ambitions for Housing across Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC), providing the overarching framework for all housing services. The Private Sector Housing Strategy, adopted in 2019 by both SCDC and WDC, is the more detailed plan for this service area. The service deals with housing standards across all tenures, houses in multiple occupation, domestic energy efficiency, fuel poverty, caravans and gypsies and travellers, and disabled adaptations. The strategy identifies the challenges facing the sector, identifies what we have achieved to date and specific actions detailing how we will deliver solutions to the most pressing issues, between now and 2023.
- 1.2 East Suffolk Council has a new Strategic Plan which introduces two new themes: Delivering Digital Transformation and Caring for our Environment. The Council has brought in-house the Independent Living Agency to better support those living with a disability to remain at home with as much independence as possible, and of course the C-19 pandemic has brought new learning about how to work smarter in a crisis. New legislation has been adopted and enforcement action has highlighted some areas where our policies could be improved. All of these matters have led to revisions of the Private Sector Housing Strategy.

2 INDEPENDENT LIVING - EAST SUFFOLK (IL-ES)

- 2.1 East Suffolk is working with Suffolk County Council and the other District and Borough Councils in Suffolk, to establish a new model for effective and efficient delivery of services to residents living with a disability, to replace the contracted service delivered on a County-wide basis by Orbit
- 2.2 The primary purpose of the Independent Living agency is assisting with adaptations via disabled facilities grants (DFG). Agency services support vulnerable residents through complex processes and, in areas where no agency exists, the take up of DFG is low.
- 2.3 The new model has been designed very much with the customer at the centre and looks to streamline the customer journey and speed up delivery. An independent review of DFG delivery was conducted in 2018. Some of its findings are shaping the new service including:
 - Evidence that too many people drop out due to having a contribution to make.
 - An identified need for joining up the process and shifting the thinking from 'welfare' to 'investment' so that decisions are taken in a more preventative way that is based on the long-term health and wellbeing of disabled people and their families.
- 2.4 East Suffolk is piloting many of the new ways of working due to the Council leaving the previous Orbit partnership 6 months ahead of others, a decision approved by the Head of Housing in consultation with the Cabinet Member for Housing, in November 2019.
- 2.5 The new Independent Living - East Suffolk (IL-ES) agency (the agency) is currently resourced by 3 staff transferred from Orbit under TUPE and additional hours provided by staff within the Private Sector Housing (PSH) team. This arrangement is a temporary one whilst the full model is being developed.
- 2.6 40 % of all Suffolk DFG grants originate in East Suffolk and the new agency has been handed a very large caseload from the beginning, rather than there being the gradual handover originally envisaged. The agency already has over 400 cases which based on average grant approvals of c£7,000 (inc fees) per applicant will require a budget of c £2.8m. If all the grants were approved and the works paid for in year this would mean

utilising this year's full Better Care Fund DFG allocation for East Suffolk of £2.3M and result in an anticipated overspend of £0.5m. Given the lead-in times to organising home adaptations, it is unlikely that all works will be completed within this financial year, but if they are the Council has carried forward budget from a previous year's underspend, so will not be under financial pressure in delivering these adaptations.

- 2.7 Separate from usual DFG, the team has also dealt with 134 enquiries and processed 48 Covid 19 grants to support patients out of hospital and prevent the most vulnerable from admission. This has been a vital piece of work and also informs some of the changes to grant regime identified below. Yet further changes involve introducing new digital options that are replacing the work previously done face to face. These will remain as they have proved to be acceptable to our largely elderly client base and save both time and travel costs.
- 2.8 To meet current and future demand for services a new team structure has been devised which will ensure an effective agency can be delivered in the long term. Finalisation of this new structure is awaiting final partnership decisions.
- 2.9 The most effective independent living agencies are based on solutions locally delivered by co-located and multi-disciplinary teams with input from PSH, Adult Care and Health. This is the basis of the proposals that East Suffolk have put forward to the Suffolk Independent Living Partnership. The IL-ES agency is also based around a different funding model. Agency costs are traditionally funded from a fee charged against each individual grant, which is payable from the DFG allocation that is received from central Government annually (the £2.3m). Under the new agency model, it is proposed that agency costs will be funded upfront from this DFG allocation. This is permissible under the rules of the funding and provides a degree of financial certainty, allowing the agency to develop services complimentary to the disabled facilities grants, for example enabling a resident to move into a more suitable property, thereby avoiding the need to fund more expensive adaptation works. Under the traditional model this would not have received an agency fee and therefore would not have been a priority for the service provider.
- 2.10 The agency is using the Council's Dynamic Purchasing System as a pricing tool for grant works. This is a software system that enables streamlined pricing of jobs where there are similar types of work being done and is therefore ideal for adaptation work. Other Councils have shown an interest in utilising for their areas.
- 2.11 Stepping Home – the Stepping Home service provided by the Council in East Suffolk covers the majority of the county excluding the northern part of East Suffolk. The service provides support for medically fit patients who have housing related issues at home that prevent their safe discharge from hospital and thereby result in bed-blocking. It also supports people who are at risk of being admitted to hospital, but who could more suitably be treated at home, if some relatively minor adaptations were undertaken. During the Covid lockdown period this service was under extreme pressure and provided vital support to both Ipswich and West Suffolk hospitals. Stepping Home is a pilot service initially funded by Clinical Commissioning Groups for 12 months. To assist the NHS and reduce bed blocking (an NHS bed is estimated to cost a minimum of £250 per night) East Suffolk has allocated Covid 19 monies to keep the service going until the end of November 2020. Despite notable success it has been very challenging to engage health and social care in the future funding of the service. A proposal has recently been put forward to each of the members of the Independent Living (IL) partnership that each District and Borough allocate £25,000 per annum to support the service moving forward whilst East Suffolk continue to try and obtain health funding for the project.

Final decisions are awaited but initial responses were positive. The consequences of allowing the service to disappear would be significant.

- 2.12 Stepping Home sits as a natural part of the IL-ES agency and similar services are provided in other exemplar agencies across the UK. The situation in the Waveney CCG area is slightly different in that Great Yarmouth Borough Council run a similar service (Be at Home) for patients in James Paget University Hospital which East Suffolk supports financially.

3 CHANGES TO GRANT POLICY

- 3.1 DFGs are mandatory for certain adaptations and are subject to a test of financial resources. East Suffolk has adopted a policy under Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (which allows us to offer discretionary grants). It is proposed that these discretionary grants are varied to meet the circumstances and challenges outlined above. It is proposed that there will be four grants (three new and one existing) for disabled adaptations which are outlined below, and detailed in Appendix A. The new grants would come into force for new applications approved on or after 1 November 2020.
- 3.1.1 **** Out of hospital grants for urgent works in appropriate cases, **not subject to a means test** or any grant conditions, up to a maximum of £10,000.** These grants have evolved from learning under Covid, particularly how important it is to be able to intervene quickly to make, or keep, a home safe for a patient. During Covid modular ramps have been installed under a specific Covid 19 grant provision, within days of an enquiry, by removing the financial assessment and simplifying the procedure.
- 3.1.2 ****Fast track DFG for those who are in urgent need of an adaptation but do not meet the acute need for out of hospital grant. Must either be **in receipt of a means tested benefit** or Council Tax reduction (CTR) and have savings below £10,000 per adult, **OR** the adaptations are for a client **under 18 years of age**. The adaptations must cost no more than £10,000.**
- 3.1.3 **Mandatory DFG where a means test is applied to determine applicant's contribution towards the work**
- 3.1.4 ****Discretionary Supplementary grants are proposed as a new initiative. Research shows that many people who have an assessed contribution fail to have works carried out leaving them at risk in their homes and likely to be a burden on other elements of the health and social care system. The supplementary grant proposes all applicants for mandatory DFG can have access to a grant to fund the first £5,000 of work (Subject to budget being available).**

**** = New grant.**

- 3.1.5 Most of our applicants, who are assessed as having a contribution to pay, are not wealthy, as the means test is far from generous. For example, we recently had a case where the contribution for a couple in their 70s was just over £1700.00, based on an income consisting of two state retirement pensions and industrial injuries benefit. In addition they had capital of £4500. They didn't proceed with the works which would have cost £7000, as they were worried about depleting their small capital. Not

proceeding leaves them at risk of a fall. A fall leading to a hip replacement will costs other parts of the health and care system an estimated £28,000.

3.1.6 There is a risk that more affluent people may apply for this fund when they can afford to pay for their own works but, by requiring them to provide evidence of all their finances for the means test, it is believed this will be a small number of individuals.

3.1.7 This grant will also be available to children's cases where costs of works exceed £30,000, as a discretionary top up.

3.2 Renovation Grants are discretionary grants offered to improve housing standards. The existing policy is proving popular. Grant enquiries increased from 40 in 2017/18 to 153 in 2019/20. To ensure we can continue to offer this support some changes are proposed. These changes also support the Councils strategic aim of Caring for our Environment by introducing energy efficiency and renewable heating opportunities.

3.2.1 The four renovation grants available are Owner's Improvement Grant, Landlord's Affordable Rent Grant, First Time Buyer's Grant and Empty Homes Grant. Full details are included at Appendix A. Changes to policy include removing Council tax Band D properties from eligibility, reducing landlord's grant to 50% of the costs for works that could be required by enforcement and setting a target of EPC band C for energy efficiency. These new grants would come into force for applications received after 31 March 2021.

3.3 Changes to the grant policy for both Disabled Facilities Grants and Renovation Grants will be reviewed after 12 months or sooner, subject to demand on funding, to determine if they are meeting need and any minor changes to policy will be agreed by the Head of Housing in consultation with the Cabinet member for Housing.

4 CHANGES TO ENFORCEMENT ROLE

4.1 Civil penalties and new matrix for HMOs In 2017 the two Councils adopted a policy under the Housing and Planning Act 2016 to enable them to impose Civil Penalties against private landlords who are found to have committed offences Civil penalties are fines imposed by the Council as an alternative to prosecution. There is a need to demonstrate "beyond reasonable doubt" that an offence has been committed, so the burden of proof is similar to a prosecution case. The maximum fine that can be imposed is £30,000.

4.2 The policy has been implemented against several landlords over the last 2 years. The policy has been tested in an appeal to the Residential Property Tribunal and our approach was accepted as reasonable however, the process led to the identification of the need to publish a penalty matrix (the means by which the level of penalty is determined) that more closely aligned to offences relating to Houses in Multiple Occupation. This new matrix is attached at Appendix C and is recommended for adoption, in addition to the existing matrix.

4.3 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 ("the regulations") came into force on 01 June 2020 and place a responsibility on landlords to ensure that the electrical installation within a property is safe. Installations must be inspected and tested at least every 5 years by a qualified person. The requirement commenced for all new tenancies on 01 July 2020 and rolls out to existing tenancies from 01 April 2021.

4.4 Local housing authorities (LHA) must take action under the regulations where a landlord has failed to act. This is initially by way of a Remedial Notice. Where a Remedial Notice is not complied with, the LHA has the ability to carry out remedial action and re-charge the costs of this to the landlord. Where works are of an urgent nature (i.e. an imminent

danger to life or significant risk of harm), the LHA is able to carry out urgent remedial action. Staff within the PSH team regularly check electrical safety but now have specific regulations that align with the annual gas safety checks. Members are asked to agree to delegate the authority to act under the Regulations to the Head of Housing who will cascade the delegation to staff within the team.

4.5 Penalties for breaches of the Regulations are set as part of the Councils policy and the proposals are detailed in Appendix D

4.6 Anti-social Behaviour, Crime and Policing Act 2014. This act introduced Community Protection Notices which enable officers to deal with antisocial behaviour that has a detrimental effect on the quality of life of those in the locality. Currently the Private Sector Housing Team involve the Communities Team in circumstances where a CPN may be appropriate but, on occasions, it would be more effective and efficient for PSH to have the authority to serve these notices, enforce remedial action, issue penalty notices or take other specified action under the Act. Delegations are sought to allow this approach.

5 HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?

5.1 The proposal aligns with the Vision in the East Suffolk Strategic Plan of improving the quality of life for those living in the District. By improving housing to meet the needs of residents, the three-pronged approach of working with communities to make their housing safer and more suitable for an ageing population is met. This proposal also helps deliver the aims of the Housing and Health Charter which include addressing enabling independence.

5.2 The proposal to review the Home Improvement Agency is a key action in the adopted Private Sector Housing Strategy, it is key in improving mental and physical health and wellbeing and central to our role in keeping people well and maintaining independence at home. The new working practices embrace the digital aspirations of East Suffolk

5.3 The changes to renovation grant policy align with the new strategic theme of Caring for Our Environment.

6 FINANCIAL AND GOVERNANCE IMPLICATIONS

6.1 The Better Care Fund DFG allocation for East Suffolk is £2.3M annually which will provide sufficient funding to meet the new grant regime.

6.2 The salaries of caseworkers and technical officers will be covered from fees added to each grant or, as detailed above and subject to agreement, by top slicing the DFG. The management and admin costs will be met from the existing revenue budget and any shortfall from repaid DFGs and legal charges from enforcement action which currently stand at approximately £67,000. The annual DFG budget/ repaid DFG can also support the payment of East Suffolk's share of Stepping Home costs and Be At Home.

6.3 The Capital available to support Renovation Grants is approximately £850,000. This has been budgeted across 3 years, giving an annual budget of £250,000 until 2023/24. Funding thereafter will come from balance of capital (approx. £100,000) plus repaid grants, civil penalty receipts and if appropriate, monies secured under section 106 Town and Country Planning Act 1990, linked to affordable rented properties. This restriction on funding will limit the opportunity for financial support for residents and landlord's

during a period of significant growth in demand. The policy change reduces the level of support per grant, helping to prudently manage this limited budget.

- 6.4 Civil penalties and MEES fines are required by legislation to be reinvested in PSH services, so have been earmarked to support the renovation grant programme and other PSH activities.

7 OTHER KEY ISSUES

- 7.1 An Equality Impact Assessment has been completed showing no negative impacts. Furthermore, the decision has been taken to implement equality and diversity data collection from service users to enable the Council to better monitor who is accessing services for the Private Sector Team, to ensure equality of access to all services across the breadth of East Suffolk communities.

8 CONSULTATION

- 8.1 Landlords via the Eastern Landlord's Association
- 8.2 Independent Living- Suffolk Partners.

9 REASON FOR RECOMMENDATIONS

The recommendations below will create a more efficient and effective Private Sector Housing Service and align the approach more closely with the strategic aims of the Council.

RECOMMENDATIONS

1. That Cabinet approves the new improvement agency model and funding structure utilising the Disabled Facility Grant allocation to fund agency costs upfront.
2. That Cabinet approves the funding of East Suffolk's annual contribution to Stepping Home and Be at Home, from the Disabled Facility Grants allocations, subject to continued receipt of Disabled Facility Grant funding from Central Government.
3. That Cabinet approves the new grant regime set out in Appendix A to this report.
4. That Cabinet approves the amendment to the Civil Penalty Policy by adopting the House in Multiple Occupation matrix.
5. That delegated authority be granted to the Head of Housing to utilise the powers under the Private Rented Sector (England) Regulations 2020 and implement the penalty charges as detailed in this report.
6. That delegated authority be granted to Head of Housing to implement the provisions of sections 43, 47, 48, 49 the Anti-social Behaviour, Crime and Policing Act 2014.
7. That Cabinet approves the review of the grant policy, after 12 months or sooner, by the Head of Housing in consultation with the Cabinet Member for Housing to ensure that it is meeting demand and delivering effectively.
8. That Cabinet approves the amendment of the Private Sector Housing strategy to reflect the policy changes agreed in this report and the give delegated authority to the Head of Housing in consultation with the Cabinet Member for Housing to approve the wording within the revised document.

APPENDICES	
Appendix A	Proposed new grant regime
Appendix B	Amendment to Civil Penalty policy – HMO matrix
Appendix C	Electrical safety - penalties

BACKGROUND Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.		
Date	Type	Available From
	Private Sector Housing Strategy	EAST Suffolk website

Appendix A

Grant policy

East Suffolk-disabled adaptations and independent living

Provision	Priority grants	Fast Track Disabled Facilities Grants	Mandatory Disabled Facilities Grants	Discretionary, Supplementary Disabled Facilities Grants
Works for	Discharged from hospital to a safe home; acute admission avoidance and for palliative cases	General adaptations; providing adequate heating; remaining at home for terminally ill (not in palliative stages); out of hospital - but not acute need; help to move and dementia support.	Usual	All applicants for a mandatory DFG can apply for this grant in addition to the statutory DFG to fund the first £5000 of works to incentivise them having adaptations done, rather than remaining at risk. Any applications for persons under 18 years of age, and not subject to a means test, can also apply for this supplementary grant, where the costs are over £30k
Fast track	Yes	Yes	No	No
Eligibility	Works must be supported by a health or care practitioner	Works must be supported by a health or care practitioner	Usual DFG conditions	OT or OTA recommendations
Maximum grant	£10,000	£10,000	Up to £30 000	£5,000
Usual fees	10% fee	10%	15%	15%
Means test	No	Receipt of a means tested benefit or CTR, and each adult has capital of less than £10,000 or are under 18 years of age (no means test).	Yes but passport benefits extended to include CTR	No
Support	Yes	Yes	Yes	Yes
Options for fees-	Mandatory	Mandatory	DIY application £145 Technical support only, 10% Full agency 15%	DIY application £145 Technical support only, 10% Full agency 15%
Repayment conditions	None	Yes as for major DFG above £5k	Yes	No
Private Works	The agency will also offer a fee based support service for clients who do not qualify for grant aid or who wish to have works carried out, outside of the grant scheme, subject to resources, at a fee rate of 15% of cost of works before VAT.			

Renovation grants				
	Owners improvement grant - subject to financial assessment of resources.	Affordable rent grant for landlords	First Time Buyer Grant	Empty Homes Grant
Works for	100% of the cost of remedying significant hazards in the home (less any assessed contribution) including dampness, excess cold and electrical safety; structural repair works, where the costs of repair for one major item of repair are £1,000 or above; providing full or top up funding after application of any Government or other externally funded schemes, for renewable energy installations, high cost insulation, LED lighting and other energy efficiency measures towards a target EPC C;	50% of the cost of: remedying category 1 and high 2 hazards; structural repair works, where the costs of repair for one major item of repair are £1,000 or above; Plus 100% funding (subject to max grant) or top up funding, after application of any Government or other externally funded schemes, for the additional cost towards a target EPC C or above, including LED lighting, renewable heating or high cost insulation.	Remedying category 1 and high 2 hazards, repair works, where the costs are £1,000 or above	All works to make safe, provide amenities, put in good repair and bring to a lettable standard any home that has been empty for more than 5 years. LL can apply to convert vacant buildings into new dwellings, maximum grant per building is £40,000 for two or more units but LHA conditions apply to all units created in the building.
Fast track	OO	LL	FTB	LL
Eligibility	Council tax banding of A,B,C Owned/occupied least 3 years	Landlord being prepared to let at the local housing allowance throughout grant condition period	Council tax banding of A or B All parties first time buyers, less than £7,000 in capital and savings and have borrowed at least 80% of purchase price. Purchased the property no more than two years before application	Home demonstrated as being empty for more than 5 years. Must be let at LHA for 15 years
Minimum Grant	£1,000	£1,000	£1,000	£1,000
Maximum grant	£15,000.00	£15,000.00	£15,000.00	£15,000.00
Exceptional cases can be considered for £5000 of additional grant subject to agreement by Principal EHO				
Usual fees	15% for full agency in exceptional where client cannot manage the process unaided, only			15% for full agency in exceptional where client cannot manage the process unaided, only.
Means test	Yes	No	Yes	No
Support	Yes	No	Yes	No
Repayment conditions/local land charge.	20 years; grants must be repaid in full if the property is sold or otherwise transferred	15 years grants must be repaid in full if the property is sold or otherwise transferred or no longer let at LHA	20 years Grants must be repaid in full if the property is sold or otherwise transferred	20 years Grants must be repaid in full if the property is sold or otherwise transferred

<p style="text-align: center;">Works for:</p> <p>Warm homes grants as a top up to other funding; emergency repairs grants including for heating, (costs between £500 and £5000); works to support hospital admission avoidance or discharge; and decluttering for hoarded properties</p>	
Fast track	No
Eligibility	MTB, Council Tax reduction or income below £15K per year gross.
Grants levels between £500 and £5000	£5,000
Usual fees	Yes
Means test	Receiving a means tested benefit or has a low income (less than £15,000 per annum), and savings of less than £10,000.
Support	Yes
Options for fees-minimum/unsupported/full	10%
Repayment conditions/local land charge.	5 year-local land charge.

Appendix B

FINANCIAL PENALTY MATRIX FOR OFFENCES RELATING TO HMOs:

Culpability/ Severity:

Offence:	Low	Medium	High
Not having an HMO licence	<p>Responsible person unaware of licensing requirement and had not been previously advised/ prompted by the LHA.</p> <p>Licence application and fee submitted quickly after offence identified.</p> <p>Responsible person a first time (inexperienced) landlord who is not a member of the RLA or working via an agent and HMO.</p> <p>Responsible person unaware that his property has become an HMO and applies for a TEN when notified by the LHA.</p>	<p>Responsible person not a first-time landlord but does not have any HMOs within his portfolio.</p> <p>HMO has drifted into the mandatory licensing criteria due to a lack of proactive management by the responsible person.</p> <p>Responsible person is a member of the RLA/ELA and/ or is working in conjunction with a recognised estate agent.</p> <p>Responsible person has not been prompted by LHA to licence the HMO but is regarded as having sufficient experience of being a landlord to have known of the mandatory licensing criteria.</p>	<p>Responsible person has been notified of the need to licence the HMO or has previously been made aware of the mandatory licensing criteria by the Council or other agency but has failed to apply for a licence before it became occupied by 5 or more persons.</p> <p>Responsible person has provided false or misleading information in an attempt to obstruct/ deceive the LHA.</p> <p>Responsible person has provided false or misleading information or failed to provide adequate information that invalidates his licence application and continues not to provide the required information after being requested to do so.</p> <p>Responsible person continues to operate the house as a licensable HMO after the expiry of a TEN.</p>

			<p>Responsible person avoids applying for an HMO licence because they are not legally considered to be a fit and proper person.</p> <p>Responsible person is an experienced landlord that has or has had other HMOs in his portfolio.</p> <p>Responsible person wilfully obstructs the LHA and licensable HMO determination made by exercising a warrant of entry.</p> <p>Responsible person has been prosecuted previously for operate a house as an HMO without the requisite licence.</p> <p>The unlicensed HMO is being used to provide accommodation for persons who do not have the right to rent/ remain in the country and/ or have been victims of modern day slavery/ human trafficking.</p> <p>Responsible person is the subject of a Banning Order.</p>
Financial Penalty (as a stand-alone offence):	£1000	£2000	£5000

Severity & Potential for Harm:

Offence:	Low	Medium	High
Failure to comply with the HMO Management Regulations:	<p>1 – 2 minor regulation breaches that do not pose a serious risk to the health, safety & well-being of the occupants of the HMO and HMO otherwise in a good condition. For example, not displaying contact information; untidy gardens.</p> <p>1 – 2 regulation breaches that contribute to low scoring category 2 hazards when assessed using the HHSRS.</p>	<p>1 – 3 regulation breaches that could cause moderate or serious harm to the occupants of the HMO if not attended to.</p> <p>1 – 3 regulation breaches that have not been adequately addressed after being brought to the attention of the responsible person.</p> <p>Persistent mismanagement of the HMO that gives rise to repeated regulation breaches, that is, the same breaches occur time and time again and are only addressed when brought to the attention of the responsible person.</p> <p>1 – 3 regulation breaches that contribute to category 2 hazards when assessed using the HHSRS.</p>	<p>4 or more regulation breaches of any description.</p> <p>1 or more serious regulation breaches that contributes to a category 1 hazard when assessed using the HHSRS.</p> <p>4 or more regulation breaches that have not been adequately addressed after being brought to the attention of the responsible person.</p> <p>Failure to maintain fire safety equipment or implement adequate fire safety precautions.</p> <p>Serious and regular mismanagement of the HMO by the responsible person leading to frequent breaches of the HMO management regulations.</p>
Financial Penalty (as a stand-alone offence):	£500	£1500	£2500

Combined Offences:

Offence:		Not having a licence		
		Low	Medium	High
HMO Regulation breaches	Low	£1500	£2500	£5500
	Medium	£2000	£3500	£6500
	High	£3500	£4500	£7500

Appendix C

Private Rented Sector (England) Regulations 2020 -Electrical Safety Penalties

The penalty structure has been established in line with the recommendations of the Civil penalties under the Housing and Planning Act 2016: Guidance for Local Housing Authorities as follows:

First Offence	Second Offence	Subsequent Offence
C1 Codes present £5,000	C1 code present £15,000	£30,000
C2 codes present (4+) £2,500		
C2 codes present (1-3) £1,000	C2 codes (no C1 codes) £10,000	
Failure to obtain EICR, with a satisfactory report being produced by the LHA under remedial action (no remedial works required) £500		

Culpability of offender is taken into account by penalties increasing for subsequent offences.

Offences under other Acts, such as the Housing Act 2004, have been considered, but will not impact on penalties for these Regulations as LHAs are already able to charge penalties specifically for those offences.

The *severity of the offence*, incorporating the *harm posed to the occupants*, is linked to the condition reported by the qualified person and the relevant penalty increases to reflect the number and/or type of hazardous conditions found.

Where a landlord has failed to provide a report, where the LHA takes remedial action to commission such a report, with the installation found to be in a satisfactory condition, a penalty will be imposed to reflect:

- the attitude of the landlord
- failure to comply with the requirement for the report to be carried out
- the cost of obtaining a report, with the penalty being a deterrent

CABINET

Tuesday 6 October 2020

PUBLIC SPACE PROTECTION ORDERS (PSPOs)

EXECUTIVE SUMMARY

1. This report is presented to Cabinet to provide information about Public Space Protection Orders (PSPO) and to seek a decision on the extension of three PSPOs in the north of the District.
2. The Anti-Social Behaviour, Crime and Policing Act 2014 replaced Alcohol consumption in Designated Public Place Orders (DPPO) on the 20TH October 2017. DDPOs were introduced in Waveney in 2009 following extensive research and consultation which supported orders in Oulton Broad, Harbour and Kirkley wards.
3. These PSPOs expire on the 19th October 2020. Suffolk Police would like the existing PSPO's to be extended but in order to do so, there must be sufficient robust evidence to support the statutory criteria and meet the legal test laid out in this document Ref (1.7).
4. Alongside PSPOs, there is complimentary legislation that can be considered by Police. Confiscation of Alcohol (Young Persons) Act 1997, Dispersal Powers and Community Protection Notice (CPN).
5. Council Officers have notified Police of the expiration of the existing PSPOs and asked them to provide evidence to support the continuation/extension of all three PSPOs. Unfortunately, no supporting data has been received.
6. Data in relation to ASB in the relevant area is presented in Section 2.2 of this report but it is generic and therefore it is not possible to infer what particular outcome would be achieved through continuation of the PSPOs in each area. This data does suggest that the levels of ASB remains significant in the Harbour ward but not in Kirkley or Oulton Broad wards.

Is the report Open or Exempt?	Open
-------------------------------	------

Wards Affected:	Oulton Broad, Harbour and Normanston, Kirkley and Pakefield
------------------------	---

Cabinet Member:	Councillor Mark Jepson Assistant Cabinet Member for Community Health
------------------------	---

Supporting Officer:	Julia Catterwell Communities Officer 07768 817607 julia.catterwell@eastsuffolk.gov.uk
----------------------------	---

1. INTRODUCTION

1.1. PSPOs were introduced in 2017 and the three current PSPOs are in place until October 20th, 2020.

1.2. The Home Office guidance states that proposed restrictions should focus on specific behaviours, be proportionate to the detrimental effect that the behaviour is causing/can cause, and be necessary to prevent it from continuing, occurring or reoccurring.

1.3. A PSPO can last up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years.

1.4. The Home Office states that robust Orders will be supported by a solid evidence base and rationale that sets out how the statutory criteria for each of the proposed restrictions have been met, and demonstrates a direct link between the anti-social behaviour and the PSPO being proposed in response to the behaviour.

2. ALTERNATIVE LEGALISATION

2.1. There are a number of alternative forms of legislation that could be used as an alternative to a PSPO, some of these are outlined below:

Community Protection Notice

2.2. An authorised person may issue a community protection notice to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that—

- (a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
- (b) the conduct is unreasonable.

2.3. A Community Protection Notice (CPN) could therefore instead be issued against a perpetrator of persistent antisocial behaviour. Failure to comply can lead to a fixed penalty notice, remedial action, or a court order.

Dispersal Powers

2.4. Authorisations to use dispersal powers under Section 35.

(1) A police officer of at least the rank of inspector may authorise the use in a specified locality, during a specified period of not more than 48 hours, of the powers given by section 35. “Specified” means specified in the authorisation.

(2) An officer may give such an authorisation only if satisfied on reasonable grounds that the use of those powers in the locality during that period may be necessary for the purpose of removing or reducing the likelihood of—

- (a) members of the public in the locality being harassed, alarmed, or distressed, or

(b) the occurrence in the locality of crime or disorder.

(3) In deciding whether to give such an authorisation an officer must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention. "Convention" has the meaning given by section 21(1) of the Human Rights Act 1998.

4) An authorisation under this section—

(a) must be in writing,

(b) must be signed by the officer giving it, and

(c) must specify the grounds on which it is given

3. PUBLIC SPACE PROTECTION ORDERS

Purpose of PSPOs

3.1. The aim of the PSPO is to tackle alcohol related anti-social behaviour and stop groups of people causing alarm, distress, harassment or a nuisance in a public place to improve the quality of life of local residents and support a vibrant, safe town where people enjoy living, working and visiting.

3.2. In summary, Public Spaces Protection Orders should help to:

(a) to support the police in continuing to tackle alcohol related ASB in public places around the town

(b) to provide the police with another effective tool to tackle groups of people causing alarm, distress, harassment, or a nuisance

(c) to demonstrate that anti-social drinking and anti-social behavior is not acceptable and will not be tolerated in the PSPO areas applicable to this order

(d) residents, businesses, and visitors to feel safe in the town e. protect the economic viability of the town

The PSPO Legal Tests:

3.3. The legal tests focus on the impact that anti-social behaviour is having on victims and communities. The Public Spaces Protection Orders that are in place have been made by the council as the activities or the behaviour concerned, carried out, or likely to be carried out in a public space and:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
- is, or is likely to be, persistent or continuing in nature
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed

3.4. Any person who without reasonable excuse:

- does anything that they are prohibited from doing by a PSPO; or
 - fails to comply with a requirement to which the person is subject under a PSPO;
- Commits an offence.

Enforcement

3.5. A person guilty of an offence under the PSPO is liable on summary conviction to a fine not exceeding £500 in relation to alcohol provisions, and £1,000 in relation to all other provisions.

3.6. A fixed penalty notice may instead be issued offering the opportunity of discharging any liability to conviction for the offence by payment of the fixed penalty of £100 to the council within 14 days of issue.

Area Covered by the PSPO

3.7. The PSPO applies to all land:

- which is open to the air (including land which is covered but open to the air on at least one side);
- to which the public are entitled or permitted to have access (with or without payment); and
- which is outlined in red on the plan below

4. Overview of Consultation

4.1 In compliance with the Home Office Guidance, a consultation has been undertaken. This includes a survey sent to all parish/town councils on the 6th August 2020 within the PSPO area to disseminate locally. The survey was added to FRED and the Communities East Suffolk Facebook page also on the 6th August. An advert was placed in the EADT on Monday the 10th August.

4.2. An Advert was placed in the EADT on Monday the 10th August and subsequently in the Eastern Daily Press and the Lowestoft Journal. There were 61 responses from the EADT and two responses from the EDP and Lowestoft Journal. These two responses support the continuation of the PSPO's but also supported the new ASB legislation being less complicated and more flexible to implement.

4.3. The Police have provided interim numbers of when a Police Officer has used the PSPO power and updated their log system. However, The Police have since confirmed that this data incorporates all sorts of ASB so is not exclusive to the PSPO's.

2017 Harbour = 11	Kirkley = 0	O/Broad = 0
2018 Harbour = 141	Kirkley = 0	O/Broad = 0
2019 Harbour = 91	Kirkley = 2	O/Broad = 0
2020 Harbour = 52	Kirkley = 0	O/Broad = 0

5. HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

5.1. PSPOs help to deliver the priority "We will ensure our communities are safe, helping communities to address issues as early as possible, within the Enabling Communities theme of the new Strategic Plan.

6. FINANCIAL AND GOVERNANCE IMPLICATIONS

6.1. If the PSPOs are not extended, the metal signs would need to be removed from the existing locations. The estimated cost of this is between £200-500 and this cost would be funded from the Community Safety budget.

The EADT advert cost £360, Eastern Daily Press advert including on their website on 27th August cost £288.40 and the Lowestoft Journal on 3rd September cost £100.

7. OTHER KEY ISSUES

7.1. This report has been prepared having considered the results of an Equality Impact Ref EQ1A235280867.

8. CONSULTATION

8.1. Survey sent to the parish/town councils to share within their local communities 6th August 2020.

8.2 EADT advert 10th August 2020. Survey placed on FRED and Communities Facebook page 6th August 2020. EDP advert

9. OTHER OPTIONS CONSIDERED

9.1. For the three PSPO's to be discharged and other ASB legislation to be utilised.

10. REASON FOR RECOMMENDATION

10.1. Legislation sets out several additional requirements for consultation before an Order is introduced, once it is implemented and where it is extended, varied, or discharged. We consider that the consultation requirements have been met and there is limited evidence about the need to retain the PSPO's in two of the three areas under consideration, based on the level of ASB recorded, the lack of additional evidence from the Police and the lack of responses to the consultation undertaken.

11. RISK

11.1. Once a PSPO has been made, any person who lives in the area covered by the order (or who regularly works in or visits that area) may apply to the High Court to question the validity of the order on the grounds that the local authority did not have the power to make the order, or to include/impose particular prohibitions or requirements in the order, or that it did not comply with a requirement of the Act in making the order. The High Court must receive an application within six weeks of the order being made. 36.

11.2. Without a PSPO in place, there is a risk that alcohol related ASB and vehicle related noise nuisance will continue and potentially escalate as the police will be unable to effectively address the issues. This would have a detrimental impact on the local community. There is a risk to the reputation of the council if we don't progress the order as we may be seen to be disengaged from the needs of the community and not proactively delivering against our commitment to maintain low levels of crime and anti-social behaviour.

12. CONCLUSION

12.1 In summary, the proposed Public Spaces Protection Order for Lowestoft's 3 areas will help:

- a. support the police in continuing to tackle alcohol related ASB in public places around the town
- b. provide the police with an effective tool to tackle groups of people causing alarm, distress, harassment or a nuisance
- c. demonstrate that anti-social drinking and anti-social behaviour is not acceptable and will not be tolerated.
- e. Ensure visitors feel safe in the town e. protect the economic viability of the town.

12.2 However, given the lack of evidence of a) use during the last three years and b) incidents of ASB in two of the three areas under consideration combined with the risks outlined in 11.1 about the validity of putting a PSPO in place, we believe that the PSPO should only be retained in the Harbour Ward.

RECOMMENDATIONS

1. That Cabinet agrees to extend the Public Space Protection Order for the Harbour ward for a further three years on the basis that the Public Space Protection Order has been used extensively in this ward, along with other legislative tools to support the Police to tackle alcohol related anti social behaviour in this location.
2. That Cabinet agrees that the Public Space Protection Orders for the Kirkley and Oulton Broad wards should not be extended on the basis that there is no evidence that the Public Space Protection Order for these areas has been used or that it has supported the Police in tackling alcohol related anti social behaviour in these locations.

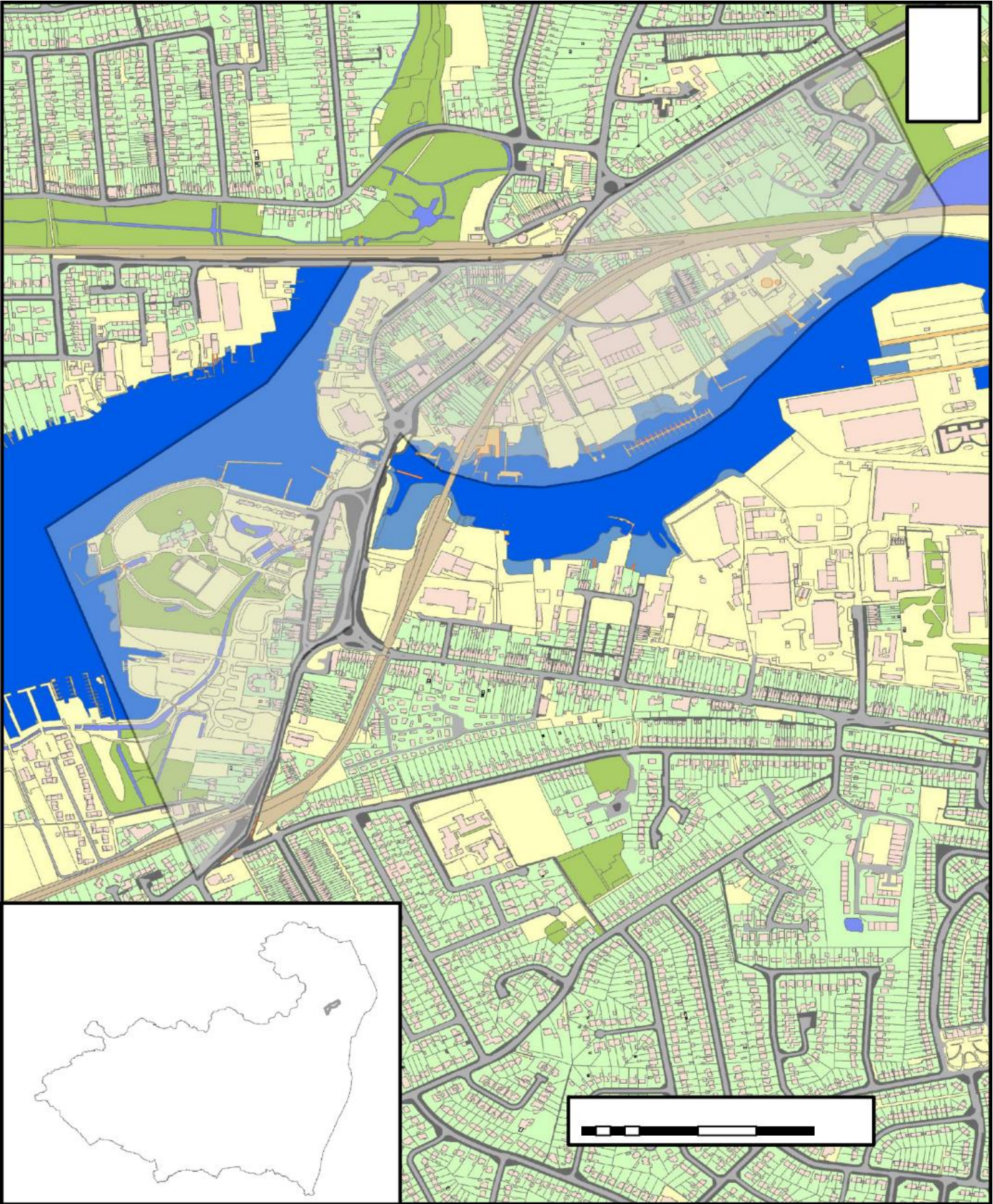
APPENDICES

Appendix A	Maps of PSPO areas and Order
Appendix B	Results of survey

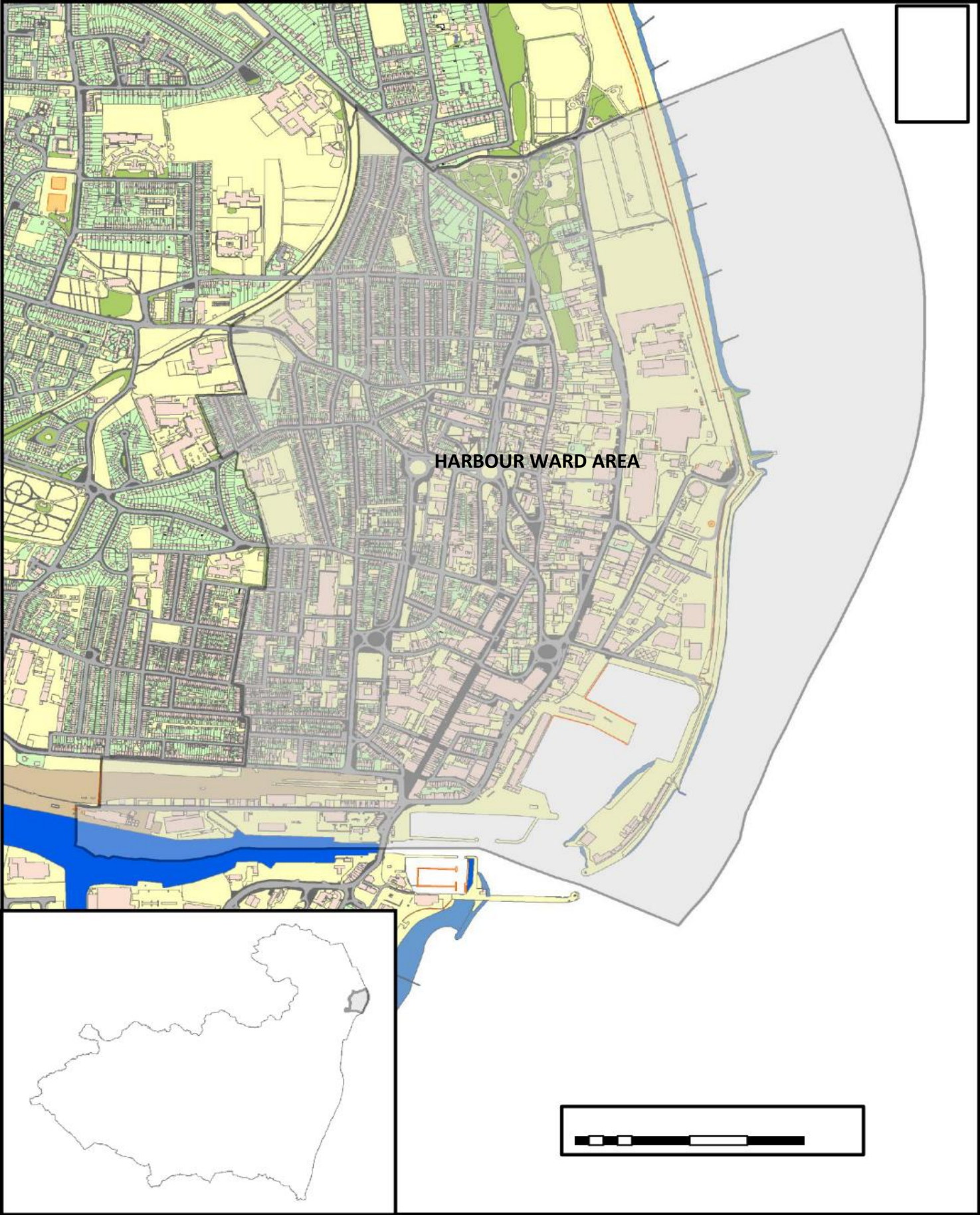
BACKGROUND PAPERS Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	Public Spaces Protection Orders Guidance for Councils	Julia Catterwell

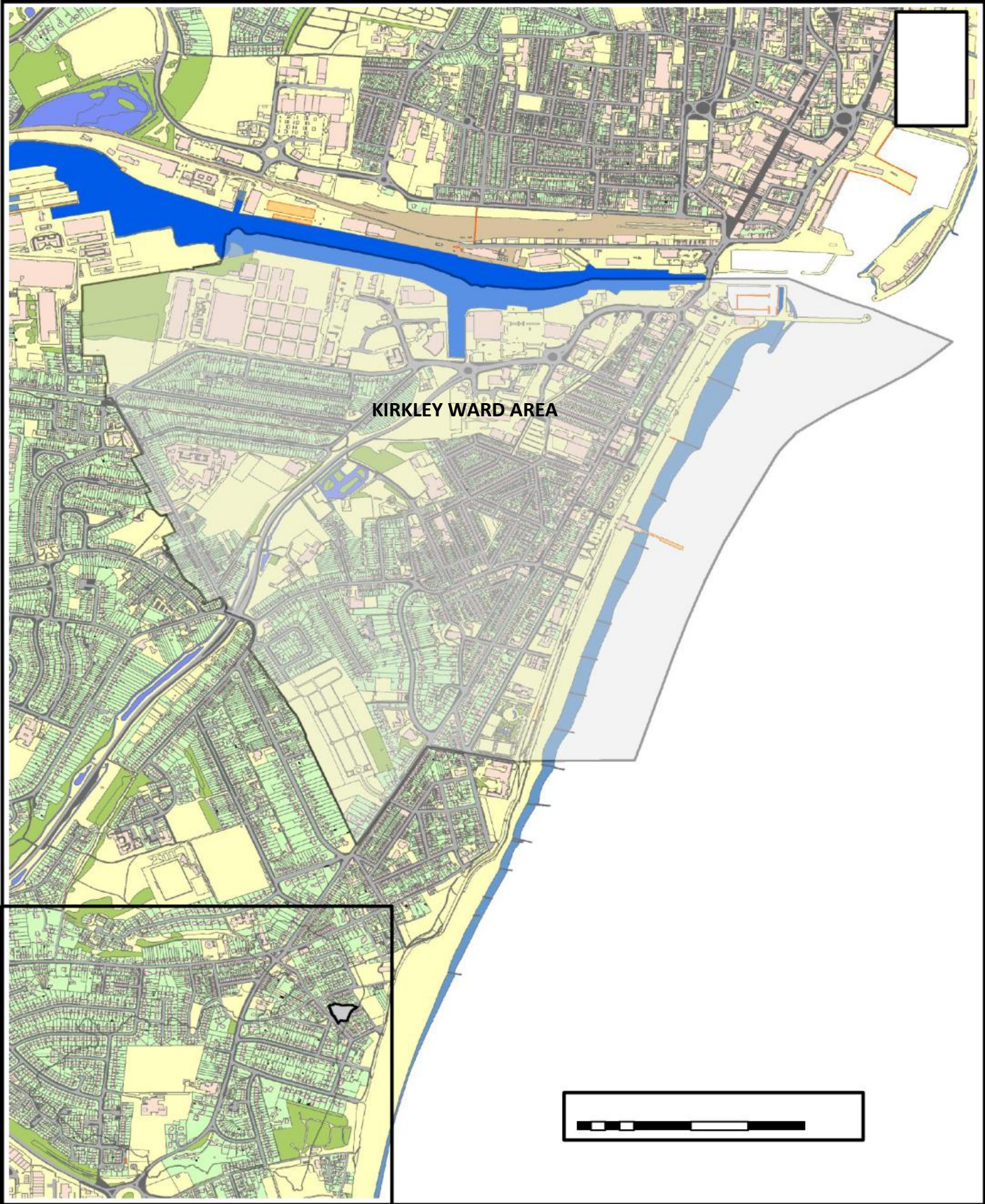
OULTON BROAD AREA



HARBOUR WARD AREA



KIRKLEY WARD AREA



Appendix B

CRIMINAL JUSTICE AND POLICE ACT 2001

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES ORDER 2007

The Waveney District Council (in this Order called “the council”) hereby make the following Order under Section 13(2) of the said Act:

1. The land described in the Schedule below and shown on the map attached to this Order, being land in the area of the Council which is land to which the Criminal Justice and Police Act 2001 applies, is hereby designated for the purposes of that Act.
2. This Order may be cited as the Alcohol Consumption in Designated Public Places Lowestoft Order (No 1) 2008 and shall come into force on 1st March 2009.

SCHEDULE

This Designated Area covers the roads listed below, either in whole or in part and all areas of public open space, play areas, car parks, and cycle paths within the area edged red on the plan: -

Harbour - Central Ward

Adrian Court, Adrian Road, Alexandra Road, Arnold Street, Beresford Road, Boston Road, Britten Centre (including Market Area), Burton Street, Cathcart Street, Chapel Court, Chapel Street, Church Road, Christ Church Square, Clapham Road North, Compass Street, Crown Score, Crown Street East, Crown Street West, Cumberland Place, Dove Street, Dukes Head Street, Factory Street, Gas Works Road, Godfreys Court, Gun Lane, Herring Fishery Score, High Street, Jacobs Court, Jacobs Street, Leiston Road, London Road North, Love Road, Old Market Street, Old Market Plain, Martins Score, Milton Road East, Milton Road West, Newcombe Road, Princes Road, Raglan Street, Rant Score, Reeve Street, Spurgeon Score, St Peter’s Court, St Peter’s Street, Tennyson Road, Thurston Road, Triangle Market, Triangle Yard, Water Lane, Wesley Street, Whapload Road, Wilde Street, Winnipeg Road

Harbour – North Ward

Albany Road, Arnolds Bequest, Belle Vue Park, Cambridge Road, Cart Score, Church Road, Clarence Road, Edinburgh Road, Great Eastern Linear Park, High Street, Ipswich Road, Lighthouse Score, Mariners Score, Mariners Street, Melbourne Road, North Denes – including beach area and sea wall, Osborne Street, Oxford Road, Park Road, Queens Road, Royal Avenue, Sparrows Nest Gardens, St Margaret’s Plain, St Margaret’s Road, Sussex Road, The Hemplands, The Ravine, Whapload Road, Worthing Road, Yarmouth Road

Harbour - South Ward

Alexandra Road, Alma Road, Alma Street, Battery Green Road, Beach Road, Bevan Street East, Bevan Street West, Bon Marche, Camp Road, Clapham Road Central, Clapham Road South, Commercial Road, Denmark Road, Ethel Road, Flensburgh Street, Gordon Road, Granville Road, Grove Road, Hamilton Road, Haward Street, Knights Court, London Road North, Love Road, Marina, Milton Road East, Milton Road West, Newcombe Road, Norwich Road, Old Nelson Street, Police Station Road, Raglan Road, Raglan Street, Regent Road, Rishton Road, Roman Road, Seago Street, Stanley Street, Station Square, Suffolk Road, Summer Road, Surrey Street, Till Road, Toning Street, Trafalgar Street, Trinity Road, Walton Road, Waveney Road, Wollaston Road

Kirkley – North Ward

Anchor Street, Bandstand Pier, Beaconsfield Road, Belvedere Road, Bixley Green, Bixley Road, Bruce Street, Carlton Road, Claremont Road, Clement Road, Clement Square, Cleveland Road, Clifton Road, Economy Road, Enstone Road, Esplanade, Freemantle Road, Grosvenor Road, Horn Hill, John Street, Kirkley Cliff, Kirkley Street, Lawson Court, Lawson Road, Levington Court, London Road South, Lorne Park Road, Lorne Road, Lovewell Road, Marine Parade, Martins Avenue, Mill Road, Newark Road, Ontario Road, Parade Road North, Parade Road South, Payne Street, Pier Terrace, Richmond Place, Richmond Road, Royal Green, Royal Plain, Royal Terrace, Royal Thoroughfare, Salisbury Road, Southwell Road, South Pier, St John's Road, St Leonard's Road, Union Place, Victoria Terrace, Waterloo Road, Wellington Esplanade, Wellington Gardens, Windsor Road, Yacht Basin

Kirkley - South Ward

Apple Tree Close, Badgerwood Close, Carlton Road, Cliff Road, College Road, Fen Park, Harold Road, Hill House Gardens, Jubilee Parade, Kensington Gardens, Kensington Road (part), Kingswear Court, Kirkley Cemetery, Kirkley Cliff Road, Kirkley Gardens, Kirkley Park Road, Laurel Road, London Road South, Pakefield Road, Rectory Road, St Aubyn's Road, St Peter's Road, South Beach, Victoria Beach

Kirkley - West Ward

Birds Lane, Durban Road, Horn Hill, Kimberley Road, Kirkley Run, Notley Road, Riverside Business Park, Riverside Road, Waveney Crescent, Waveney Drive

Oulton Broad – East/West Wards (part)/ Whitton – North Ward (part)

Bridge Road, Commodore Road, Constable Close, Everitt Road, George Close, Harbour Road, Harrison Road, Lakeland Drive, Leathes Close, Lothing Street, Marsh Road, Moor Place, Mutford Close, Nicholas Everitt Park including Colmans Land, Normanston Drive (part), Sea Lake Road, Saltwater Way, The Boulevard, Tideway

Copies of the Order and accompanying map may be inspected at Council Offices during normal office hours. The Order may also be viewed via the Website at: -

www.waveney.gov.uk

Dated 1st March 2009

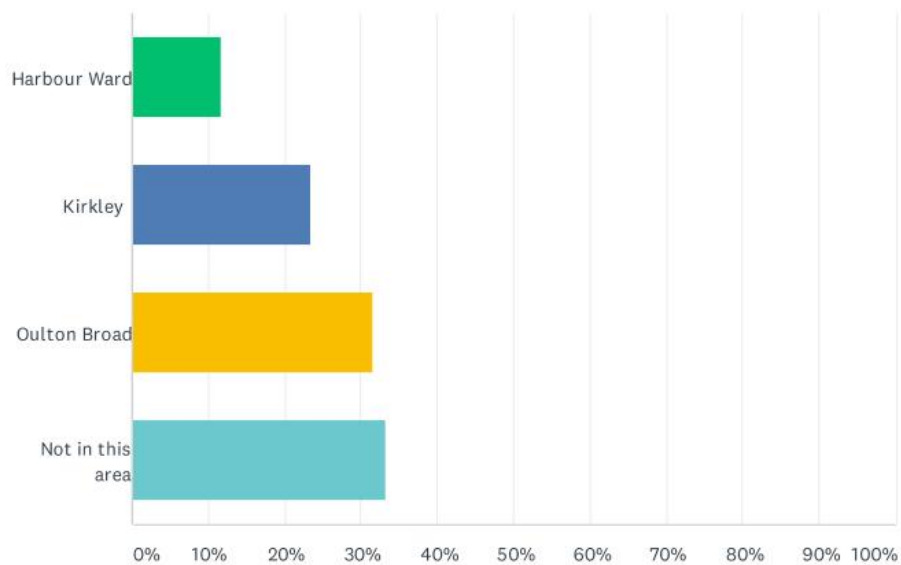
The Common Seal of Waveney District Council was hereunto affixed in the

Please note it is not an offence under this Order to consume alcohol in any place to which a premises licence or club premises certificate has effect and is being used, at that time or for 30 minutes after the cessation of the same. Further it is not an offence to consume alcohol when there is a temporary events notice in effect or facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980.

18/08/20 please note that this Order is the original DDPO that converted to a PSPO in 2017, issued and agreed by Waveney District Council

Q1 Do you live in any of the following area's with a current PSPO?

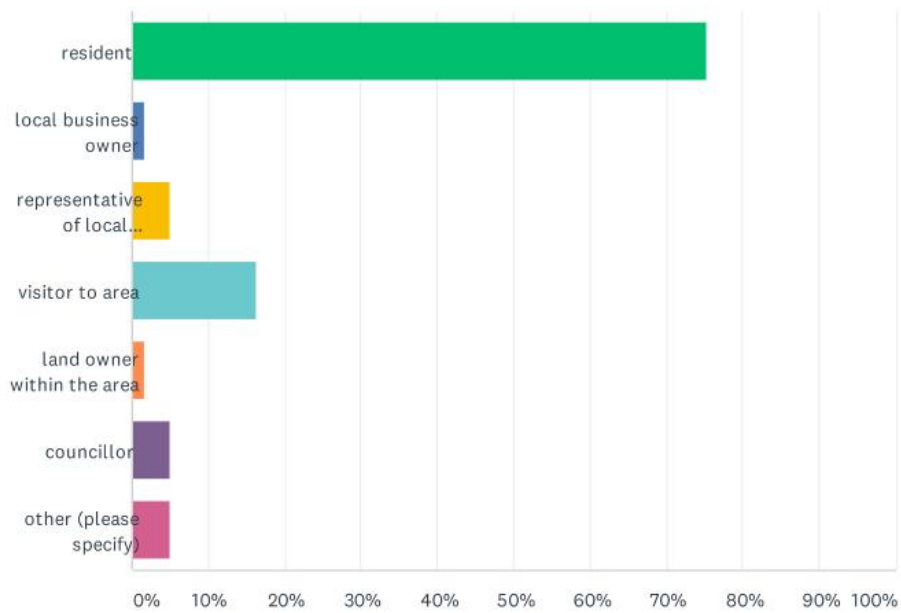
Answered: 60 Skipped: 1



ANSWER CHOICES	RESPONSES	
Harbour Ward	11.67%	7
Kirkley	23.33%	14
Oulton Broad	31.67%	19
Not in this area	33.33%	20
Total Respondents: 60		

Q2 Your relationship to your identified area above.

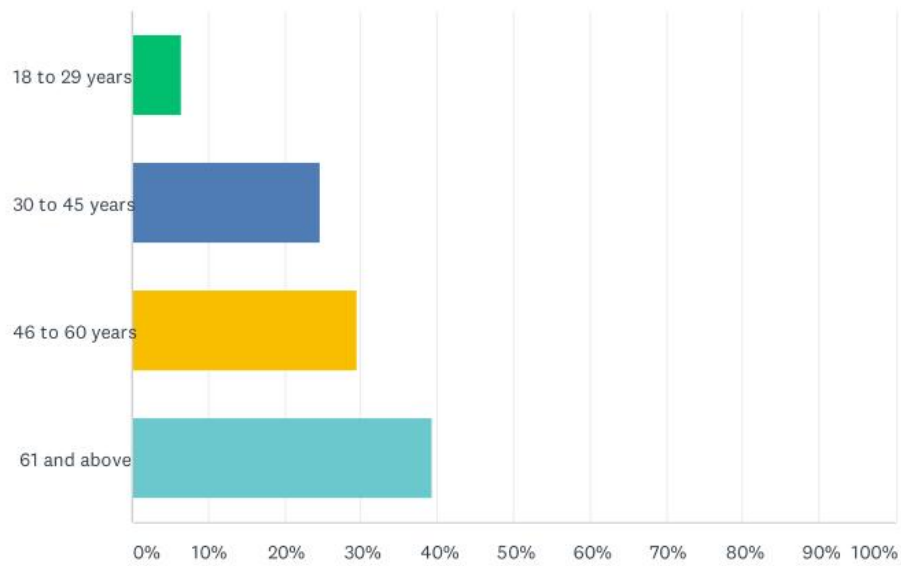
Answered: 61 Skipped: 0



ANSWER CHOICES	RESPONSES	
resident	75.41%	46
local business owner	1.64%	1
representative of local voluntary or community group	4.92%	3
visitor to area	16.39%	10
land owner within the area	1.64%	1
councillor	4.92%	3
other (please specify)	4.92%	3
Total Respondents: 61		

Q3 Please indicate your age range.

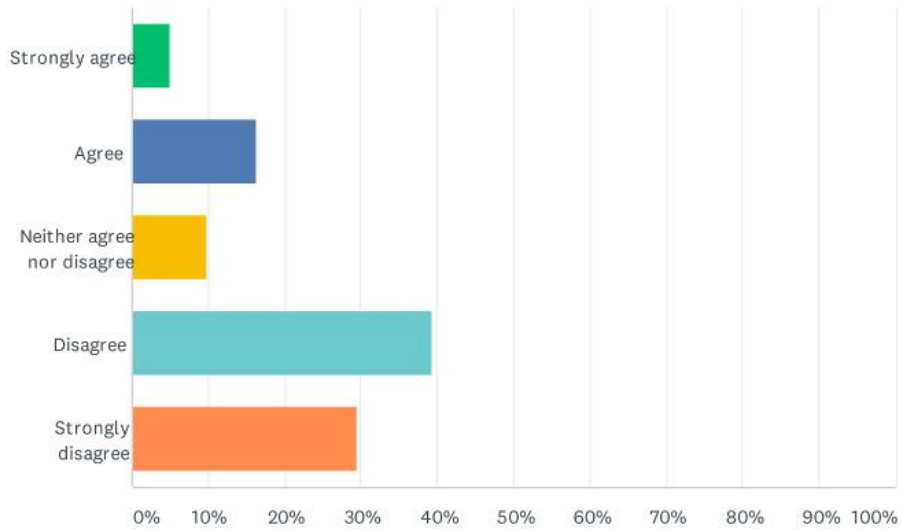
Answered: 61 Skipped: 0



ANSWER CHOICES	RESPONSES	
18 to 29 years	6.56%	4
30 to 45 years	24.59%	15
46 to 60 years	29.51%	18
61 and above	39.34%	24
Total Respondents: 61		

Q4 I have not witnessed any anti-social behaviour in the last twelve months.

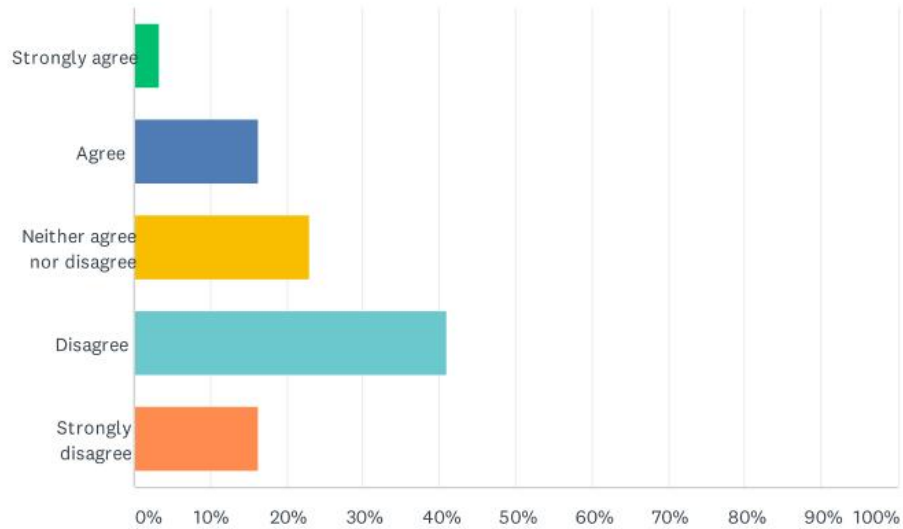
Answered: 61 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	4.92%	3
Agree	16.39%	10
Neither agree nor disagree	9.84%	6
Disagree	39.34%	24
Strongly disagree	29.51%	18
TOTAL		61

Q5 Alcohol related anti-social behaviour has declined in my identified area.

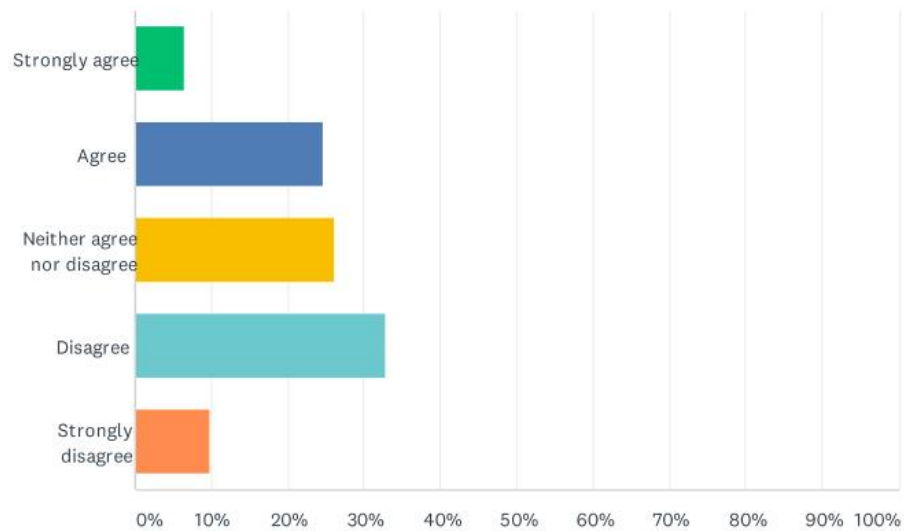
Answered: 61 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	3.28%	2
Agree	16.39%	10
Neither agree nor disagree	22.95%	14
Disagree	40.98%	25
Strongly disagree	16.39%	10
TOTAL		61

Q6 I do not understand the current PSPO legislation.

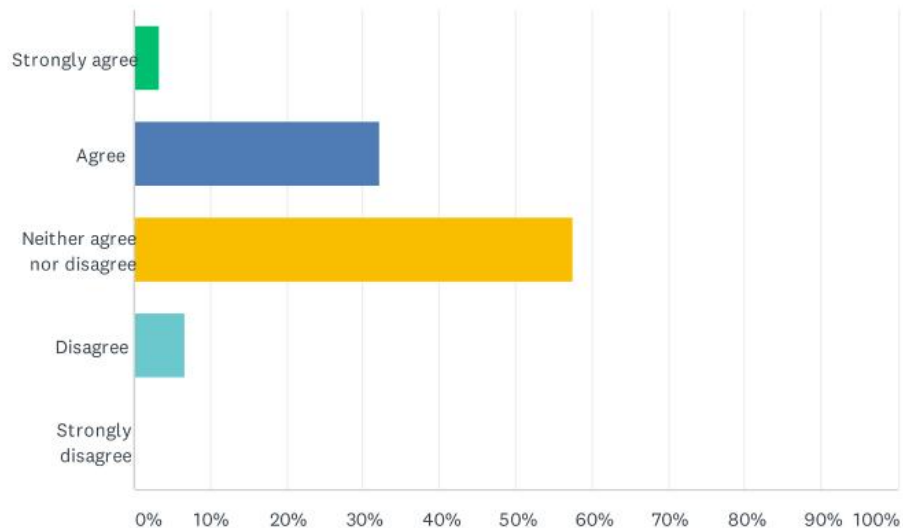
Answered: 61 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	6.56%	4
Agree	24.59%	15
Neither agree nor disagree	26.23%	16
Disagree	32.79%	20
Strongly disagree	9.84%	6
TOTAL		61

Q7 I think the new ASB legislation is less complicated and more flexible to implement.

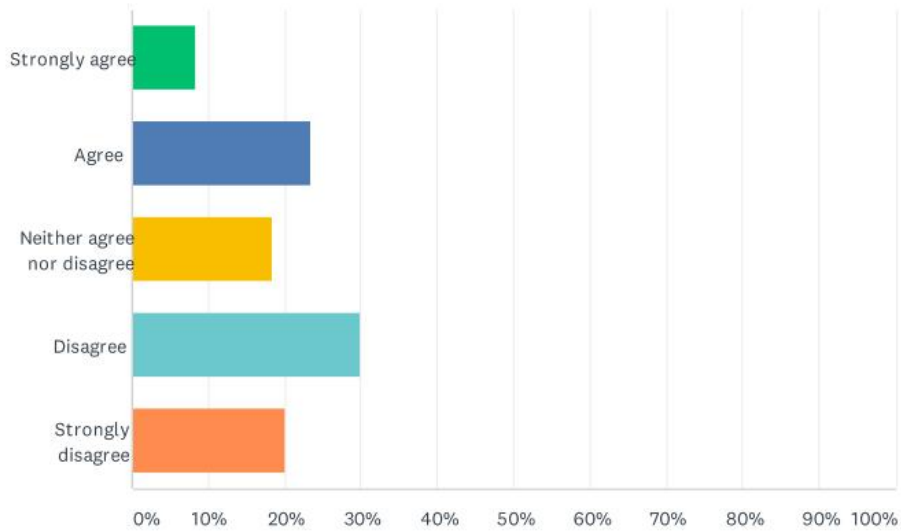
Answered: 59 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	3.39%	2
Agree	32.20%	19
Neither agree nor disagree	57.63%	34
Disagree	6.78%	4
Strongly disagree	0.00%	0
TOTAL		59

Q8 Now that the police have new powers to deal with ASB and problem drinking in all public places, I think the council should not reinstate the present orders covering just a few specific locations.

Answered: 60 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly agree	8.33%	5
Agree	23.33%	14
Neither agree nor disagree	18.33%	11
Disagree	30.00%	18
Strongly disagree	20.00%	12
TOTAL		60

SECOND SURVEY – 19/08/2020

Q1

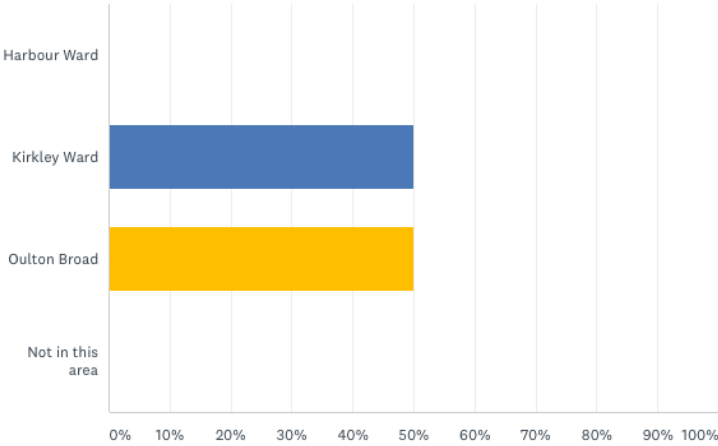


Customize

Save as ▼

Do you live in any of the following area's with a current PSPO?

Answered: 2 Skipped: 0

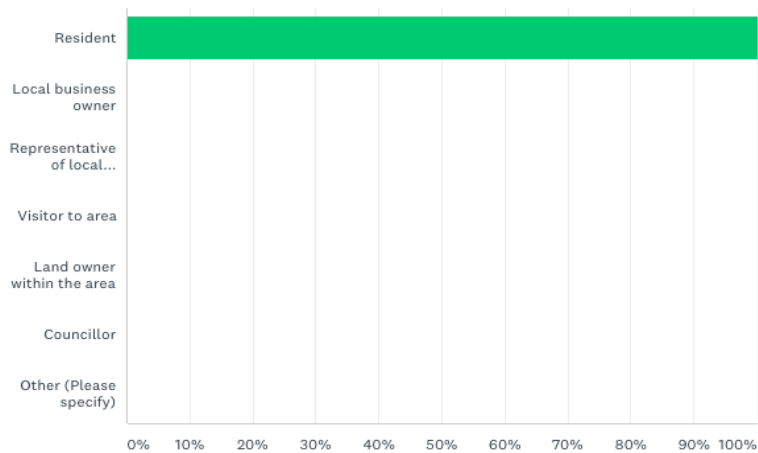


ANSWER CHOICES	RESPONSES
▼ Harbour Ward	0.00% 0
▼ Kirkley Ward	50.00% 1
▼ Oulton Broad	50.00% 1
▼ Not in this area	0.00% 0
Total Respondents: 2	



What is your relationship to your identified area in the question above?

Answered: 2 Skipped: 0



ANSWER CHOICES	RESPONSES	
▼ Resident	100.00%	2
▼ Local business owner	0.00%	0
▼ Representative of local voluntary or community group	0.00%	0
▼ Visitor to area	0.00%	0
▼ Land owner within the area	0.00%	0
▼ Councillor	0.00%	0
▼ Other (Please specify)	0.00%	0

Q3

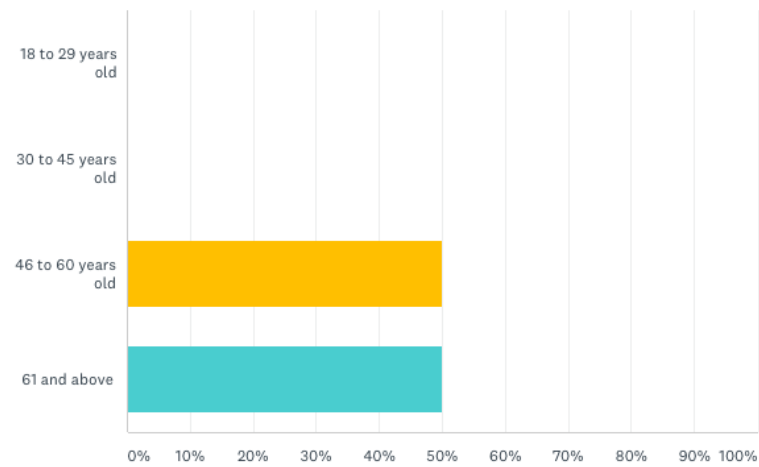


Customize

Save as ▼

Please indicate your age range:

Answered: 2 Skipped: 0



ANSWER CHOICES	RESPONSES	
▼ 18 to 29 years old	0.00%	0
▼ 30 to 45 years old	0.00%	0
▼ 46 to 60 years old	50.00%	1
▼ 61 and above	50.00%	1
TOTAL		2

Q4

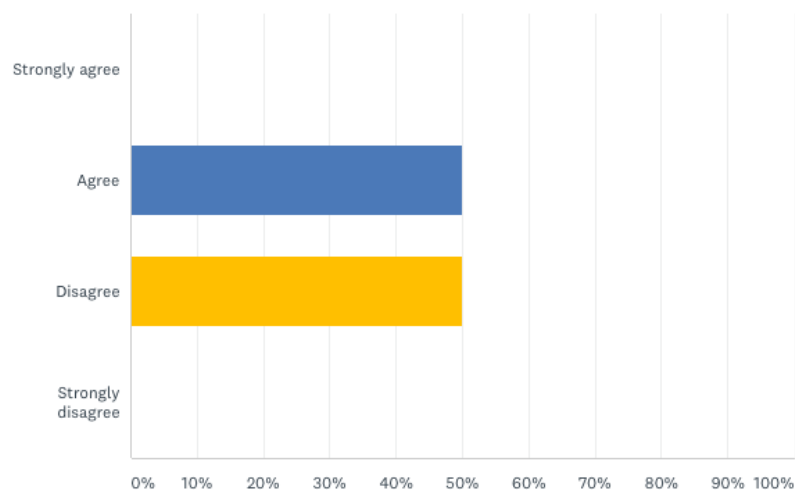


Customize

Save as ▼

I have not witnessed any anti-social behaviour in the last twelve months:

Answered: 2 Skipped: 0



ANSWER CHOICES	RESPONSES	
▼ Strongly agree	0.00%	0
▼ Agree	50.00%	1
▼ Disagree	50.00%	1
▼ Strongly disagree	0.00%	0
TOTAL		2

Q5

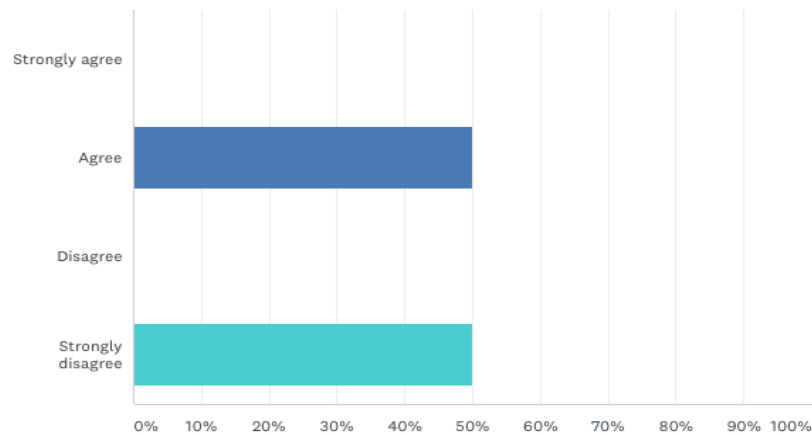


Customize

Save as ▼

Alcohol related anti-social behaviour has declined in my identified area:

Answered: 2 Skipped: 0



ANSWER CHOICES ▼	RESPONSES ▼	
▼ Strongly agree	0.00%	0
▼ Agree	50.00%	1
▼ Disagree	0.00%	0
▼ Strongly disagree	50.00%	1
TOTAL		2

Q6

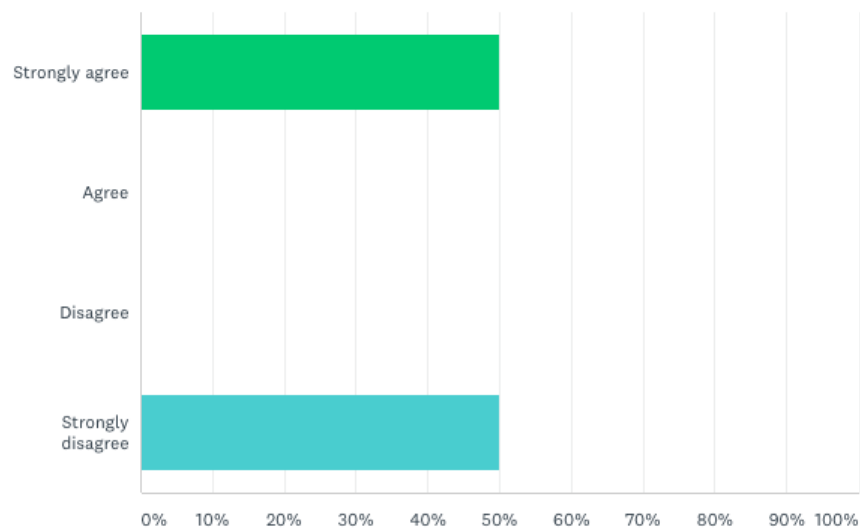


Customize

Save as ▼

I do not understand the current PSPO legislation:

Answered: 2 Skipped: 0



ANSWER CHOICES ▼	RESPONSES ▼	
▼ Strongly agree	50.00%	1
▼ Agree	0.00%	0
▼ Disagree	0.00%	0
▼ Strongly disagree	50.00%	1
TOTAL		2

Q7

Would you like the PSPO's to continue in your area?

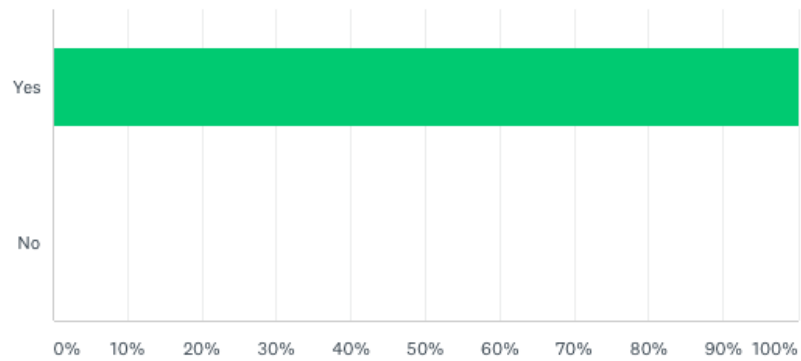


Customize

Save as ▼

Would you like the PSPO's to continue in your area?

Answered: 1 Skipped: 1



ANSWER CHOICES ▼	RESPONSES ▼
▼ Yes	100.00% 1
▼ No	0.00% 0
TOTAL	1



CABINET

Tuesday 6 October 2020

APPOINTMENTS TO OUTSIDE BODIES FOR 2020/21 (EXECUTIVE)

EXECUTIVE SUMMARY

Cabinet is asked to consider the appointments to Outside Bodies (Executive) for the remainder of the 2020/21 Municipal Year, as outlined at Appendix A of this report.

Is the report Open or Exempt?	Open
Wards Affected:	Some Outside Body appointments are of a strategic nature, whilst others are directly related to a particular area or Ward.
Cabinet Member:	Councillor Steve Gallant Leader of the Council
Supporting Officer:	Hilary Slater Head of Legal and Democratic Services 01394 444336 hilary.slater@eastsuffolk.gov.uk

1 INTRODUCTION

- 1.1 In accordance with Part 2 (Section D) of the Council's Constitution, the Cabinet will be appointing Councillor representatives to Outside Bodies where the role relates to an Executive function, as outlined in Appendix A to this report.
- 1.2 The Council, at its meeting on 23 September 2020, considered representation on Outside Bodies where the role related to a Non-Executive function.
- 1.3 Appointment of Councillors to Outside Bodies provides support to the organisation concerned, enables Councillors to fulfil their community leadership roles, and enables appropriate monitoring of performance/budgets in line with best practice.
- 1.4 Appointments made to Outside Bodies should be sensitive to the need to represent, as far as possible, the diverse nature of the local community.

2 HOW DOES THIS RELATE TO THE EAST SUFFOLK STRATEGIC PLAN?

- 2.1 Councillors appointed to Outside Bodies are able to work with and alongside local communities, helping to empower them in terms of addressing local issues to achieve sustainable solutions.
- 2.2 Councillors appointed to Outside Bodies will also work with local communities to deliver a strong and sustainable local economy and help them to feel engaged, value, and empowered to improve the quality of life for everyone living and working in the District.

3 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 3.1 Those Councillors formally appointed to external organisations as the Council's representative are able to claim expenses in accordance with the Members' Allowance Scheme. These costs can be met from existing resources.
- 3.2 Councillors appointed to Outside Bodies have the opportunity to positively impact on the effectiveness of the organisation and the wider community.
- 3.3 Appointments to Outside Bodies may be made under the general power in Section 2 of the Local Government Act 2000 – to do anything which is likely to promote the economic, social, or environmental wellbeing of the area, unless specifically prohibited.
- 3.4 Details of the Council's representation on Outside Bodies are included on the Council's website.

4 OTHER KEY ISSUES

- 4.1 None. The Council needs to appoint to Outside Bodies in order to carry out its business effectively and enables Members the opportunity to carry out their community leadership role.
- 4.2 This report has been prepared having considered the results of an Equality Impact Assessment (EQIA248116491); no negative impacts were identified.

5 CONSULTATION

- 5.1 Key partners have been consulted where appropriate.

6 OTHER OPTIONS CONSIDERED

- 6.1 None – the Council needs to engage and work with external organisations, including the Outside Bodies listed at Appendix A, to continue to deliver the priorities identified in the East Suffolk Strategic Plan.

7 REASON FOR RECOMMENDATIONS

- 7.1 To consider appropriate representation on Outside Bodies as deemed relevant to the Council's community and business interests.

RECOMMENDATIONS

1. That Councillors be appointed to those Outside Bodies outlined in Appendix A for the remainder of the 2020/21 Municipal Year.
2. That the Leader of the Council be authorised to fill any outstanding vacancies left unfilled by Cabinet and that arise throughout the remainder of the 2020/21 Municipal Year.

APPENDICES

Appendix A	List of Outside Bodies for 2020/21 (Executive)
-------------------	--

BACKGROUND PAPERS

Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
10 September 2020	Equality Impact Assessment (Ref: EQIA248116491)	democraticservices@eastsuffolk.gov.uk

APPOINTMENT TO OUTSIDE BODIES 2020/2021 (EXECUTIVE FUNCTIONS)

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
A14 Task Group		1	Norman Brooks
A47 Alliance	2/3 per annum	2	Norman Brooks Alison Cackett
Access and Amenity Fund		1	James Mallinder
Anglia Revenues & Benefits Partnership Joint Committee (ARP)	4/5 per annum	1 2 Named Substitutes	Maurice Cook Steve Gallant – Substitute Richard Kerry – Substitute
Benacre and Kessingland Flood Project		2	David Ritchie Letitia Smith
Coastal Partnership East		2	David Ritchie James Mallinder

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
Community Partnership Board	4	2	Steve Gallant Letitia Smith
Community Partnerships (i) Aldeburgh, Leiston, Saxmundham and villages (ii) Beccles, Bungay, Halesworth and villages (iii) Carlton Colville, Kessingland, Southwold and villages (iv) Felixstowe Peninsula (v) Framlingham, Wickham Market and villages (vi) Kesgrave, Rushmere St Andrew, Martlesham, Carlford and Fynn Valley	4	8	Tony Cooper Judy Cloke Jenny Ceresa Mark Jepson Carol Poulter Chris Blundell

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
(vii) Lowestoft and northern parishes (viii) Melton, Woodbridge and Deben Peninsula			Paul Ashdown Chris Mapey
Community Safety Partnerships		1 to each CSP	Mark Jepson
Disability Forums			
(i) Northern	4 per annum	1	Frank Mortimer
(ii) Southern	4 per annum	1	Chris Mapey
District Councils' Network (Assembly)	3 per annum	1	Steve Gallant Leader of the Council
East of England Local Government Association Leaders' Board		1	Steve Gallant Leader of the Council
East Suffolk Norse Governance Board		1	Stephen Burroughes

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
East Suffolk Norse Joint Venture Company Board		1	Stephen Burroughes
East Suffolk Norse Partnership Board	4 per annum	1	Stephen Burroughes
East of England Local Government Association		1	Craig Rivett
Felixstowe Forward Sponsor Group	6 per annum	2	Steve Gallant Mark Jepson
Galloper Wind Farm Fund Panel		1	James Mallinder
Haven Gateway Partnership	4 per annum	1	Craig Rivett
Ipswich Strategic Planning Area Board		1	David Ritchie

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
Ipswich Transport Task Group			Norman Brooks Steve Gallant (Substitute)
James Paget University Hospital NHS Foundation Trust Governors' Council	5 per annum	1	Mary Rudd
Landguard Partnership Committee	1 per annum	1	Stuart Bird
Leiston Together		2	Tony Cooper TJ Haworth-Culf
Local Government Association: General Assembly		1	Steve Gallant Leader of the Council
Local Government Association: Special Interest Group on Coastal Issues	4 per annum	1	David Ritchie

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
Local Government Association: Special Interest Group Nuclear Legacy Advisory Forum (NuLeAF)	4 per annum	1	Craig Rivett
Lowestoft Coastal Communities Team Committee		1	Letitia Smith
Lowestoft Flood Risk Management Scheme Board		3	David Ritchie (Chairman) James Mallinder Mary Rudd
Lowestoft Place Board	4 per annum	1	Craig Rivett
Lowestoft Rising	6 (bi-monthly)	1	Craig Rivett
Network Rail Group		1	Norman Brooks

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
Norfolk Health & Well-being Board	4 per annum	1	Mary Rudd Mark Jepson (substitute)
Norfolk and Waveney CCG			Mary Rudd
Norfolk and Waveney STP Stakeholder Board		1	Mary Rudd
Places Leisure	4 per annum	1	Stephen Burroughes
Safer Suffolk Foundation Grant Fund Panel		Dependant on number of CSPs	Mark Jepson
Sentinel Leisure Governance Board	12 per annum	1	Stephen Burroughes
Sentinel Leisure Trust Partnership Board	12 per annum	1	Stephen Burroughes
Sentinel Leisure Trust – Trustees/Directors		1	Stephen Burroughes
Sizewell Site		1	Craig Rivett

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
Stakeholder Group			
Southwold Harbour Lands Joint Committee	Ad hoc	4 (can also have 2 named substitutes, if required)	Norman Brooks David Ritchie Craig Rivett Mary Rudd
Suffolk Coast Forum		2	David Ritchie Melissa Allen
Suffolk Coast and Heaths Areas of Outstanding Natural Beauty Joint Advisory Committee	3 per annum	2	Letitia Smith James Mallinder
Suffolk Health & Well-being Board	6 per annum	1	Mary Rudd Alison Cackett (substitute)

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS PROPOSED
Suffolk Local Access Forum		1	James Mallinder
Suffolk Waste Partnership Members' Group		1	James Mallinder



CABINET

Tuesday 6 October 2020

SLAUGHDEN SHORELINE MANAGEMENT PLAN POLICY REVIEW

EXECUTIVE SUMMARY

1. It is proposed that the Shoreline Management Plan policy at Sudbourne Beach, south of Slaughden be changed to Managed Realignment over all epochs until 2105. This constitutes a 'major' change to the Shoreline Management Plan.
2. The current SMP policy along this frontage is to Hold the Line in the short term but no formal policy was set for the medium and long term. Instead an interim policy of No Active Intervention was defined, "pending an agreed management and investment plan for the Alde and Ore area".
3. Since the SMP, the Alde and Ore Estuary Plan has been endorsed by the Local Authorities. This includes the overall vision that the estuary should remain as it is now and to ensure that defences within the estuary are of a standard necessary to withstand overtopping in a 1 in 200-year event.
4. An extensive public consultation has been undertaken and 97% of those who expressed an opinion supported the change.
5. Whilst this policy change does not guarantee that the shingle barrier at Slaughden will be maintained, it will provide flexibility for the council, working with the Environment Agency to manage changes along this shoreline and respond, if required, to extreme events. As such the policy will promote a more resilient approach to managing this shoreline in the future.

Is the report Open or Exempt?	Open
-------------------------------	------

Wards Affected:	Aldeburgh & Leiston
------------------------	---------------------

Cabinet Member:	<p>Councillor David Ritchie</p> <p>Cabinet Member with responsibility for Planning and Coastal Management</p>
Supporting Officer:	<p>Sharon Bleese</p> <p>Coastal Manager (South)</p> <p>07990 793662</p> <p>Sharon.bleese@eastsoffolk.gov.uk</p>

1 INTRODUCTION

- 1.1 The Suffolk Shoreline Management Plan 2 (SMP) from Lowestoft Ness to Felixstowe Landguard Point was adopted in November 2011 by the lead authority Suffolk Coastal District Council (SCDC), Waveney District Council (WDC) (now combined as East Suffolk Council), Environment Agency (EA) and endorsed by the Anglian River and Flood Coast Committee (RFCC).
- 1.2 A Shoreline Management Plan provides a large-scale assessment of the flood and erosion risks associated with coastal processes. It set out policies for the short (first 20 years – in this case up to 2025), medium (20 to 50 years) and long (beyond 50 years) terms for stretches of the coast known as policy units. There are four Shoreline Management Plan policies that have been used for all Shoreline Management Plans in England and Wales: ‘No Active Intervention’, ‘Hold the Line’, ‘Management Realignment’ and ‘Advance the Line’.
- 1.3 This review has concentrated on the stretch of shoreline that extends between the Martello tower at Slaughden, south to Lantern Marshes, known as Sudbourne Beach. This is SMP Policy Unit ORF15.1.
- 1.4 Here, the current SMP policy is to ‘Hold the Line’ in the short term (up to the year 2025), but no formal policy was defined for the medium and long term (beyond the year 2025). Instead the SMP has an ‘interim policy’ of ‘No Active Intervention’ for the medium to long term, which was pending the development of the Alde and Ore Estuary Management Plan.
- 1.5 Environment Agency guidance¹ sets out the procedure for considering a change to an SMP. The change in policy proposed here constitutes a ‘major’ change, as defined by 2013 Environment Agency guidance². This defines several criteria for defining a major change:
- 1) Changes to a policy, or epoch in which a policy is to be implemented, or changes to the action plan that are likely to result in this.
 - 2) Changes to the action plan that are likely to significantly impact on SMP implementation, such as significant new schemes and studies, or significant changes to existing ones.
 - 3) Mapping corrections that affect the number of properties protected from flooding or erosion.
 - 4) Changes impacting an internationally designated site, e.g. SAC, SPA, Ramsar.

Changes here fall under criteria 1.

- 1.6 The 2013 Environment Agency guidance identifies several reasons why a change to SMPs may be necessary:
- 1) significant new **research** or evidence on parameters that informed the decisions taken whilst developing the SMP;
 - 2) significant changes in **Government policy** – such as on spatial planning and adaptation – since the SMP was approved;

¹ Environment Agency (2013) Strategic planning for flood and coastal risk management: Shoreline management plans - monitoring, change and reporting. Operational instruction D12_34.

² Environment Agency (2013) Strategic planning for flood and coastal risk management: Shoreline management plans - monitoring, change and reporting. Operational instruction D12_34.

- 3) significant new evidence arising from further investigation into local options, such as from a **Strategy Plan / scheme feasibility study**;
- 4) a severe **event** has made an element of the existing SMP policy or action plan untenable;
- 5) textual **correction or clarification** of meaning required since SMP approval;
- 6) **organisational change** amongst those involved in SMP development that may affect SMP implementation;
- 7) a need to update or amend programmes of work following **work progressed**.

The recommended change in policy is for reasons (3) **Strategy plan** and (4) **event**.

- 1.7 In making a 'major' change to an SMP, a formal approval process needs to be followed. This is to make sure that any changes to the SMP are consistent with the national framework guidelines, reflect the complex and different pressures on the coast and are legal. This process includes: initial agreement from the Suffolk Coast Forum (as agreed June 2019), public consultation (undertaken during October and November 2019) and approval by Cabinet.
- 1.8 Once approved by Cabinet a major change in policy has to be notified to the Anglian (Eastern) Regional Flood and Coastal Committee before final signature from the Environment Agency.

2 SMP POLICY CHANGE PROPOSAL

- 2.1 Slaughden beach comprises a narrow shingle ridge which encloses the River Ore. Recent natural changes along the coastline, due to significant events, mean that that in places the existing shingle barrier has become more vulnerable than it used to be. Without works to help maintain this feature, this barrier is at potential risk from breaching, which could substantially alter not only the River Ore, but also the wider Alde and Ore Estuary.
- 2.2 Since the SMP, the Alde and Ore Estuary Plan has been endorsed by the Local Authorities. This sets out the overall vision that the estuary should remain as it is now and to ensure that defences within the estuary are of a standard necessary to withstand overtopping in a 1 in 200-year event.
- 2.3 These changes since the SMP have therefore prompted the need for a review of current policy.
- 2.4 The review has involved three phases. Phase 1 has looked at alternative policy options and the ways these could be implemented. Phase 2 has involved additional environmental studies considering whether the approaches were compliant under the Conservation of Habitat and Species Regulations 2017 and the Water Environment (Water Framework Directive) Regulations 2017. Phase 3 (discussed below) has involved an appraisal of potential environmental impacts and consultation.
- 2.5 Following review and approval of Phase 1 and 2 reports by the Project Review Group, a recommendation was made to the Suffolk Coastal Forum that subject to further studies a headline policy change for the policy unit to Managed Realignment was appropriate. The government (Defra) definition of Managed Realignment is 'allowing the shoreline to move backwards or forwards, with management to control or limit movement'.
- 2.6 Although it is not necessary to define a preferred approach to delivering a policy of Managed Realignment as part of a policy review, an additional study (Phase 3 report) was then

undertaken to look at which approaches would be more environmentally acceptable. This assessment has looked at several alternative measures that could be used to implement a policy of Managed Realignment along (A) the defended section up to the Martello Tower and (B) the undefended and eroding section from Martello Tower down to the southern end of Sudbourne Beach. Further south, the beach widens and is building, so no measures are required here.

Along A, the following measures were considered:

- maintain and improve the existing revetment
- widen the defence, by adding a buffer of shingle on the rear face of the ridge
- a new embankment constructed along the estuary channel

Along B, the following measures were considered:

- widen the shingle ridge by adding shingle to the landward side of the ridge
- 'natural' shingle ridge management, minimising intervention but still maintaining and managing the barrier to minimise risk of a permanent breach
- a new embankment constructed along the estuary channel.
- a new embankment constructed between the shoreline and the channel.

These different measures were appraised against the same environmental criteria as in the original SMP to determine possible impacts of the different measures. In undertaking this work, expert advice was provided by Natural England and the Alde and Ore Partnership.

- 2.7 The conclusion from the Phase 3 report was that dependent on the measures adopted and their implementation, a change in SMP policy to Managed Realignment would be environmentally acceptable. It is, however, recommended that further appraisals will be required should a scheme be undertaken to carry out the SMP policy, with specific focus on potential loss or damage to internationally designated habitats within the site.
- 2.8 Community consultation undertaken between October and November 2019 (see below) supports the change in policy, with 97% of respondents in agreement.

3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 3.1 We set out clearly in our East Suffolk Strategic Plan that 'we will put the environment at the heart of all we do'. Our measures of success includes that 'national and local policies reflect our environmental concerns'. The Coastal Partnership East service plan, contributing to the Strategic Plan commits to supporting communities to adapt and thrive in the face of a changing climate. Shoreline Management Plans are the principle document guiding local decisions around coastal management. The SMP policies were adopted in 2010 using data from 2005/2006. Assumptions made about how the coast might be managed have since changed based upon a changing climate and new evidence. To meet our objectives and measures of success set out under 'Caring for the Environment' it is vital that we review our coastal management policies and ensure that they are providing the right management intent based upon the best data and evidence.
- 3.2 Significant research has been undertaken by the Environment Agency on the benefits to mental health and well being of visiting, working on or living at the coast. Equally, there is research to suggest the adverse impacts on the mental health of those who rely on the coast for their livelihoods or home of uncertainty of future management intent. This policy change provides reassurance to the local community that a resilience approach

can be taken, in line with the resilience approach adopted by the Alde and Ore Estuary Management Plan, as opposed to the previous policy of No Active Intervention.

4 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 4.1 The change in SMP policy in itself does not commit the District Council to additional financial expenditure as the District Council has permissive powers regarding coast protection.
- 4.2 The change in policy was initiated by East Suffolk Council, as the local authority with erosion risk management responsibility over this frontage, and was agreed by the Environment Agency and Natural England officers.
- 4.3 This policy review has involved working closely with the Environment Agency, Natural England, the Alde and Ore Estuary Partnership, Suffolk County Council, National Trust and the Water Management Alliance (WMA), representing East Suffolk Internal Drainage Board.
- 4.4 The policy change was submitted to and agreed by Suffolk Coast Forum in June 2019, subject to community positive consultation. The Suffolk Coast Forum has representation from:
- Coastal Partnership East
 - East Suffolk Council, Babergh District Council, Ipswich Borough Council, Suffolk County Council
 - The Estuary Partnerships (Blyth, Alde & Ore, Deben and Stour & Orwell)
 - Government Agencies including Natural England, Environment Agency and Marine Management Organisation
 - Marine Pioneer
 - East Suffolk Internal Drainage Board
 - Eastern Regional Flood and Coastal Committee
 - Suffolk Coast & Heaths Area of Outstanding Natural Beauty
 - Suffolk Coast Against Retreat (SCAR) - a community-based organisation

Associate members include:

- RSPB
- National Farmers' Union
- Country Land & Business Association
- Crown Estate
- National Trust

5 OTHER KEY ISSUES

- 5.1 Not applicable.

6 CONSULTATION

- 6.1 A major change in SMP policy requires a public consultation before this change can be progressed to local authority approval.
- 6.2 The consultation was run from 1st October to 30th November 2019. The consultation was targeted at the wider public, including individuals, community or interest groups and impacted Parish Councils. Everyone was invited to get involved through visiting the council website (www.coasteast.org.uk) to view the options report and complete an on-line questionnaire, by email, or by attending community drop-ins held on Friday 18th

October (3 pm – 7 pm) and Saturday 19th October (10 am – 1 pm) at Aldeburgh Community and Sports Centre.

- 6.3 A total of 152 responses were received, with 180 people attending the drop-in events. The majority of responses were from residents (51% of those who provided details) or local to the area (24% of those who provided details). Responses were also received from community representatives, business owners, holiday home owners and visitors.
- 6.4 Of the 152 respondents, 147 supported the proposed change in policy (97%), 4 disagreed with the change and 1 person did not express a preference. This represents exceptional support from the community.

7 OTHER OPTIONS CONSIDERED

- 7.1 **No change from the current SMP policy (No Active Intervention).** This policy would mean there would no further management of this frontage in the future. As the shingle ridge is already narrow, there is a risk that this would result in a permanent opening forming, linking the open sea and the estuary. There could be a significant and uncertain effect on the wider estuary and the natural and human environment it supports. This would also not align with the vision of the Alde and Ore Estuary Plan.
- 7.2 **Hold the Line policy.** This was considered but it was discounted due to: technical challenges to delivering this option and long-term sustainability issues, the potential impact on coastal processes, significant negative impacts on the natural environment, substantial costs both now and continuing in the future.

8 REASON FOR RECOMMENDATION

- 8.1 There was no formal policy identified in the SMP, instead an interim policy of No Active Intervention was defined. Since the SMP the shingle barrier has narrowed further and there is a high risk of it becoming breached. A formation of a permanent breach would have significant impacts on the Alde-Ore Estuary, which are very uncertain at present. This outcome would also be contrary to the objectives of the Alde and Ore Estuary Plan, which was endorsed by the Local Authorities after the SMP was adopted.
- 8.2 A revised policy of Managed Realignment will enable the council, working together with the Environment Agency, to provide resilience against erosion whilst working with a dynamic coast, through maintaining the shingle ridge to minimise the risk of a permanent breach. This does not, however, commit the local council to additional financial expenditure, but does allow a more flexible approach to the situation than the current interim policy of no active intervention, which infers no further investment or management works.
- 8.3 Any future works will, however, still need to appraise the potential loss or damage to internationally designated habitats within the site.
- 8.4 There is a consensus between those agencies that manage the coast in Suffolk, as well as significant support from the local community, for the proposed change to this SMP policy.

RECOMMENDATIONS

1. That SMP Policy Unit ORF15.1 – Sudbourne Beach to be changed to Managed Realignment in all 3 epochs
2. That the text in the SMP Policy Unit ORF15.1 is revised to:-

	Policy Plan			
	2025	2055	2105	Comment
Existing policy	Hold the Line	No Active Intervention	No Active Intervention	An interim policy pending an agreed Management and Investment Plan for the Alde and Ore area.
Revised policy	Managed realignment	Managed realignment	Managed realignment	Measures to maintain barrier resilience and minimise the risk of a permanent breach forming, whilst working with the dynamic coastline and ensuring continued sediment connectivity.

BACKGROUND PAPERS

Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
2018-2019	Stage 1, 2 & 3 of the SMP Review	https://www.coasteast.org.uk/media/1420/screening-appraisal-document-draft-issue v1 3 inc-app.pdf
June 2016	Geomorphological Report on policy unit ORF15.1	https://www.coasteast.org.uk/media/1419/geomorphological-assessment-of-smp2-coastal-managment-area-orf-151-report-to-the-aoa-final-220616.pdf
October 2019	Consultation Booklet for Slaughden SMP Review	https://www.coasteast.org.uk/media/1422/slaughden-booklet-2019.pdf
June 2019	Jacobs Presentation to SCF	https://www.coasteast.org.uk/media/1424/scf-presentation-13-june-2019 slaughden.pdf