



Lewes District Council

Newhaven

**Local Employment and Training
Technical Guidance Note**

Adopted July 2020

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1.0 Introduction

- 1.1 Lewes District Council has prepared a Local Employment and Training Technical Guidance Note (TGN) for Newhaven to assist in securing local labour agreements as part of development proposals. The level of development up to 2030 in Newhaven and the Newhaven Enterprise Zone will create a significant number of jobs and this TGN will play an important role in helping to secure local employment at both the construction and operational stages of development.
- 1.2 The Local Employment and Training TGN will apply to proposals and developments in Newhaven wards within the boundaries of Lewes District Council as a local planning authority.
- 1.3 This Local Employment and Training (TGN) has been prepared to provide detail to the Lewes District Local Plan Part 1, Joint Core Strategy 2010 – 2030, May 2016 establishing a framework as to how local labour agreements (including employment and training measures) will be secured and how to maximise local employment opportunities at both the construction and first operational phase of a development.

District Local Plan, Part 1, May 2016

- 1.4 This TGN provides more detailed guidance on how the Council will support the intensification, upgrading and redevelopment of existing employment sites for employment uses, and provide opportunities for the improvement of the skills and educational attainment levels of the district's labour supply, including new facilities, as set out in Core Policy 4 (criterion 3, page 97 and criterion 10, page 98) of the Lewes District Local Plan Part 1 – Joint Core Strategy 2010 – 2030. This will help in the delivery of one of the Council's key strategic objectives ie *to stimulate and maintain a buoyant and balanced local economy through regeneration of the coastal towns . . .*
- 1.5 The Council and its local partners are committed to working in partnership with developers and operators to assist in the delivery of this TGN in order to maximise the opportunities available to all parties. Developers and operators that support this TGN and achieve the measures identified within will be recognised by local residents, business and key stakeholders as major contributors towards the growth and success of the local Newhaven economy.
- 1.6 The Local Employment and Training TGN was approved for adoption by Cabinet on 9 July 2020, following a targeted consultation with key stakeholders.

2.0 Strategic Context

2.1 There are a number of national, regional and local strategic policy goals and objectives that provide a strong justification for this document. These policies and objectives are critically important to Newhaven and the Newhaven Enterprise Zone. In summary the key objectives are to improve training and skills in the town for future economic growth.

Re-imagining Lewes District, Corporate Plan 2020- 2024

2.2 Lewes District Council are committed to paying the Real Living Wage where possible and will seek to support and encourage our partners , employers, agencies and those seeking to invest in Newhaven to do the same. The Real Living Wage is based on actual living costs and is above the statutory rate. Further information may be found online.

National Planning Policy Framework (NPPF)

2.3 A key policy direction of the NPPF¹ is to deliver sustainable development, by building a strong and competitive economy. The Framework highlights that planning policies and decisions should help to create the conditions in which businesses can invest, expand and develop. Significant emphasis is placed on the need to support economic growth and productivity, acknowledging local business need and wider development opportunities.

Industrial Strategy

2.4 The Industrial Strategy White Paper sets out five foundations: Ideas, People, Infrastructure, Business Environment and Places. Under the People² foundation the following objectives associated with the construction sector have been identified:

- Establish a technical educational system that rivals the best in the world to stand alongside our world-class educational system
- Create a new National Retraining Scheme that supports people to re-skill, beginning with a £64M investment for digital and construction training.

Construction Industry Training Board (CITB)

2.5 The CITB is the leadership organisation for the UK construction industry. CITB's vision is to attract and support the development of the workforce to deliver quality in the built environment. CITB works with employers to build a qualified, safe and professional workforce and via its strategic plan addresses skill challenges in the construction sector. Areas covered include grants, funding, CITB levy, research, health and safety, employer support, etc.

¹ Revised National Planning Policy Framework, 19 June 2019, Building a strong competitive economy, page 23

² HM Government Industrial Strategy, Building a Britain Fit for the Future, published November 2017, updated June 2018, page 94

Apprenticeship Levy

- 2.6 The Government led Apprenticeship Levy is set at 0.5% on UK employers with an annual pay bill in excess of £3M. The levy funds new apprenticeships and is intended to increase the level, quality and quantity of vocational training and put employers at the centre of the system. A number of construction apprenticeship standards have been approved ranging from Level 2 to degree level.

Local Enterprise Partnerships (LEPs)

- 2.7 Until recently the Newhaven Enterprise Zone has fallen within the catchment of two LEPs – Coast to Capital LEP and South East (SE) LEP – but Coast to Capital was the responsible delivery body. From April 2019, there is a two year transition programme which will see accountability move to SELEP.

The SELEP Skills Strategy 2018 – 2023 documents a vision for skills in the South East to help deliver a flourishing and inclusive economy equipping employers, adults and young people with the skills, conditions and aptitudes to deliver significant growth. Both LEPS have skills high on their agenda.

Newhaven Enterprise Zone Strategic Framework

- 2.8 The Newhaven Enterprise Zone Strategic Framework, 2018 has three priorities, namely quality growth, inclusive growth and sustainable growth. The inclusive growth priority focuses on a number of areas including the following associated with local employment and training:

- Skills
- Further and higher education
- Business productivity

The Newhaven Enterprise Zone has an Employment and Skills Task Group which focuses on growth and needs for the area.

The adoption and implementation of the Local Employment and Training TGN will assist in the achievement of the actions associated with the inclusive growth priority, particularly those focussing on skills, further and higher education and business productivity.

Skills East Sussex (SES) – Construction Task Group

2.9 SES is the County’s strategic body for employment and skills. The Construction Task Group is one of a number of sector task groups established to address employment, education and training. Membership consists of construction SMEs, county, district and borough councils, further and higher education and independent training providers. The Construction Task Group fully supports and encourages the use of planning obligations to secure employment, education and training initiatives on developments.

2.10 The East Sussex Sector Skills Report Update for Construction³ highlighted that the construction industry is sensitive to macroeconomic conditions and cycles of high and low demand with construction often the first sector to be hit in times of financial instability. It also noted that the industry consists of micro businesses resulting in difficulty in training apprentices as well as an ageing workforce struggling to attract new, young entrants.

East Sussex College Group Alliance

2.11 Lewes District Council is working in partnership with the East Sussex College Group (ESCG) on a number of initiatives. The ESCG has two campuses within the Lewes District at Newhaven and Lewes. ESCG provides a range of construction, engineering and wider business apprenticeships, as well as, work experience and social value opportunities. Many of these are offered on day release and from 2019/20 construction and engineering options will be available in Newhaven.

Local Partnerships

2.12 The Council has established working relationships with Jobcentre Plus (JCP) and local employment support organisations. JCP is a key delivery partner working with the Council to co-ordinate employment initiatives such as sector based work academies, job fairs and the promotion of employment and opportunities to the unemployed.

³ Skills East Sussex, East Sussex Sector Skills Report Update – Construction, December 2018, page 5

3.0 Evidence

- 3.1 This section provides evidence to support the justification and continuation of this TGN. The evidence detailed below relates to the two Newhaven Wards – Newhaven North and Newhaven South. Please note at the time of issuing this document, statistical evidence was reported under the former ward names Newhaven Denton and Meeching and Newhaven Valley.
- 3.2 Newhaven Denton and Meeching’s estimated resident population is 8,735 and Newhaven Valley’s⁴ estimated population is 4,244, making an estimated total of 12,979. In 2017 total employee jobs for the Lewes District were 37,000 with 2,250 in construction⁵.
- 3.3 In January 2020 Newhaven Denton and Meeching’s Job Seeker’s Allowance (JSA) and Universal Credit (UC) claimant count was 225 and Newhaven Valley’s claimant count was 130⁶ with the total count for Newhaven being 355⁷. The total claimant count for the Lewes District as at January 2020 was 1335* with the two Newhaven wards being the highest. *These figures count the number of people claiming JSA plus those who claim UC who are out of work.
- 3.4 The Index of Multiple Deprivation (IMD)⁸ 2019 has seven domains namely: income, employment, health and disability, education, training and skills, barriers to housing and services, living environment and crime. People may be counted in one or more of the domains. The IMD provides an overall score of multiple deprivation based on a weighted combination of the seven domains. IMD scores are recorded by Super Output Areas (SOAs) and ranked across England from 1 most deprived to 34,844 least deprived. Two SOAs in Newhaven Valley ward score 5223 and 6735 and two SOAs in Newhaven Denton and Meeching ward score 7680 and 8166 all in the higher range of deprived areas in England. Reporting for the education, training and skills domain⁹ place two SOAs in Newhaven Valley and Newhaven Denton and Meeching wards at decile 1 where 1 means among the most deprived 10% nationally.
- 3.5 The Newhaven Economic Profile July 2017¹⁰, compiled by the Coast to Capital LEP finds *‘the population of Newhaven is lower skilled on average compared to surrounding areas. The level of 16+ population with no qualifications is 25% . . . and higher levels of Level 1 and Level 2 qualifications . . . and Level 4 qualifications much lower.’*

4 East Sussex in Figures, Population, Small Area Population Estimates 2002 - 2017

5 East Sussex in Figures, Employment by Industry UK (SIC) (2007), 2015 – 2017 - Districts

6 East Sussex in Figures, Claimant Count including JSA and Universal Credit, 2018 – 2020 - Wards

7 East Sussex in Figures, Claimant Count including JSA and Universal Credit, 2018 – 2020 - Towns

8 East Sussex in Figures, ID 2019, Index of Multiple Deprivation – Super Output Area

9 East Sussex in Figures, ID 2019, Education, Skills and Training Domain, Super Output Area

10 Newhaven Economic Profile July 2017, Coast to Capital LEP, Skills, Pages 3 - 4

- 3.6 Reporting on apprenticeship starts for all sectors for quarters 1 – 2 ending January 2020 for Lewes District Parliamentary Constituency¹¹ returns 220 starts. Full year reporting for 2018/19 returned 420 starts. Apprentice starts for Lewes District Authority¹² for construction, planning and the built environment sector to quarter 2 ending January 2020 returns 20 starts. The introduction of the Apprenticeship Levy and changes in funding arrangements for SMEs has impacted apprenticeship starts with the National Audit Office's Apprenticeship Starts report dated 6 March 2019 reporting an overall 26% fall for seven sectors since the introduction of the levy in 2017. It is anticipated that the Covid-19 pandemic is likely to have an impact on apprenticeship starts and completions within the Lewes District.

Dedicated measures such as apprenticeship and NVQ¹³ (award, certificate or diploma) start and completion for sub-contractor targets in the construction phase encourage employers to invest in their workforce and raise the profile of the construction industry.

- 3.7 On behalf of the South East LEP, the CITB in conjunction with Whole Life Consultants Ltd were commissioned to undertake a Construction labour and skills analysis for Kent and East Sussex¹⁴. The findings made five recommendations; two of the recommendations outlined below link with initiatives in this document.

'Outreach. Build a more positive image of construction locally with young people and adults. Increase recruitment through new entrance points, career changes and reskilling. Emphasise that construction offers high value rewarding careers for all.'

'Use procurement as a lever to enable positive action. Develop smarter approaches to procurement to encourage those bidding for construction and infrastructure contracts or those funding developments to be mandated to include provision for recruitment, training, apprenticeships and outreach.'

Please Note: Research undertaken for the South East LEP applies to the LEP catchment rather than defined areas or Districts and Borough Councils. Newhaven and the Newhaven Enterprise Zone has been selected as a pilot area for this TGN due to its Enterprise Zone status and the range of developments and development sites that are emerging. The Enterprise Zone is a 25 year programme which commenced in 2017. It consists of eight sites covering 79 hectares and has targets to create 55,000 sqm of employment floor space and refurbish a further 15,000 sqm of employment floor space. The strategic framework provides further evidence to support an Enterprise Zone TGN – <https://newhavenenterprisezone.com/resources/strategic-framework/>

¹¹ Apprenticeship Starts since May 2010 and May 2015 by Region, local authority and parliamentary constituency as of Q2 2019/20 (web link as footnote 12)

¹² Apprenticeship and Traineeship statistical data sourced from Gov.uk website: <https://www.gov.uk/government/statistical-data-sets/fe-data-library-apprenticeships#apprenticeship-and-traineeships-current-data>

¹³ NVQ – National Vocational Qualifications are recognised as an Award, Certificate or Diploma

¹⁴ CITB, Construction labour and skills analysis for the South East LEP (Kent and East Sussex), April 2018

4.0 Use of Planning Obligations

- 4.1 Section 106 planning obligations can be secured new developments to improve employment opportunities, training and skills. The Government has guidelines when Section 106 obligations can be used. This document complies with Regulation 122 of the Community Infrastructure Levy regulations 2010 (as amended) which requires the planning obligation to be:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development and
 - Fairly and reasonably related in scale and kind to the development.
- 4.2 Newhaven and the Newhaven Enterprise Zone has a number of major development proposals that will offer extensive employment, training and education opportunities. A Section 106 planning obligation will ensure commitment from contractors and operators and enable the co-ordination and achievement of employment, education and training activities. Employment and training activities, as described in this TGN would be directly related to the development and the employment and training obligations, as outlined in Appendix 2 would be related to the value and type of build.
- 4.3 In considering these points the Council believes that there is a clear case to require a Section 106 Agreement (or a Section 106 Unilateral Undertaking) to secure local labour obligations from future developments. This will secure contributions from developments that will support and benefit the local labour market and economy, enabling employment growth, raising skills and giving local people opportunities generated by new developments. Specific measures could include training (pre-employment and vocational), apprenticeships, employment support and advice, interview guarantees and work placements. Developers will need to discuss particular measures with the Council and in some instances a specified financial contribution may be taken in lieu of providing specific measures.

5.0 Thresholds and Definitions

- 5.1 This TGN will apply to residential and commercial developments, including those of strategic importance to the Council as outlined in the 'Thresholds for Development' detailed below. For residential development this applies to the construction phase, however, if there are operational jobs associated with the residential development, then both the construction and operational stages will apply. For commercial developments this applies to both construction and operational stages. The Council has set the following thresholds:

Thresholds for Development

Commercial – All developments (other than C3/C4 Planning Use Class), including change of use, that create/relate to 1,000 sq m. This also includes developments of strategic importance (eg essential infrastructure, development identified in Council plans and strategy) and all of those that create 25+ jobs.

Residential - Major developments (within C3/C4 Planning Use Class) that involve 10 or more units.

- 5.2 Appendix 2 provides a table for each type of development and indicates the number of work experience placements*, NVQ (award, certificate or diploma) starts and completions and apprenticeships that should be provided at the construction stage. There is also a table outlining the extra-curricular activity commitments. Appendix 2 provides the benchmark standards for new developments.

* Please Note: Work experience placements will also include T (Technical) Level placements.

6.0 Local Employment and Training Framework

- 6.1 Where proposed developments reach the thresholds set out, the Council will negotiate and seek a commitment to local labour obligations detailing employment and training deliverables and a financial contribution if appropriate.
- 6.2 If there is a commercial end use of the site, a financial contribution will be sought from the developer and not from the operator, which may or may not be the same. Furthermore, employment and training measures and a separate Employment and Training Plan (ETP) for both phases of the development – construction and operation (starting workforce only), who may or may not be the same entity, will be sought recognising the differing labour market needs. If the operational phase of the development has multiple operators, separate and appropriate employment and training measures will be negotiated and sought independently with each operator through their own separate ETP's.
- 6.3 The complexities of multi-site and multi-phase developments are recognised and will be negotiated on a case by case basis in order to achieve a balance between meeting the needs of the TGN and the employment and training needs of the construction supply chain and operator/s.
- 6.4 It is intended that the financial contribution will fund the monitoring of employment and training and the economic impacts of the development and co-ordinate the deliverability of the ETP. Furthermore, the funding will assist towards the co-ordination of recruitment campaigns and pre-employment training for local residents to prepare them for vacancies generated by the development. Monies may also be used to support a Local Employment and Training Grants Programme.
- 6.5 The Council will draft an ETP with the developer and operator outlining how the Section 106 obligations will be achieved.

7.0 Local Employment and Training Measures to be Secured

7.1 It is intended that developments could achieve the following types of measures and activities:

- NVQ (award, certificate or diploma) training for sub-contractors (construction phase only)
- Apprenticeships
- Work experience placements for those unemployed
- Work experience placements for those aged 14-18 years in education
- Skills development workshops with education and training providers for the unemployed or those wishing to re-train
- Targeted recruitment and training campaigns including promotion of vacancies locally, pre-employment training, work trials and guaranteed interviews
- Job Fairs to promote new operational vacancies and opportunities
- Site visits and talks
- Career activities – mock interviews, information events, mentoring
- Meet the Buyer and SME events and activities

7.2 The Council's Legal Department will work with developers in the preparation of the Section 106 (or Section 106 Unilateral Undertaking where appropriate). This can be a complicated legal process and ample time needs to be allowed to complete the process. To this end, the Council uses a standard local labour obligations template to assist in the processing of applications. Developers are encouraged to contact the Council at the earliest opportunity and will need to brief their own legal advisors early in the pre-application process. Legal costs in respect of the Section 106 preparations will be met by the Developer. For further information on what is involved please contact: Sara Taylor, Regeneration – sara.taylor@lewes-eastbourne.gov.uk

8.0 Mechanism for Securing Local Employment and Training Measures

- 8.1 At the pre-planning application stage, prospective developers whose development would exceed the thresholds are encouraged to contact the Council to discuss potential local labour obligations and employment and training measures that are appropriate to the size of the proposal. If the planning application is approved the applicant will be required to enter into a Section 106 Agreement (or Section 106 Unilateral Undertaking if appropriate) with Lewes District Council to secure the financial contribution, agree the employment and training measures and develop an ETP. To discuss potential local labour obligations please contact: Sara Taylor, Regeneration – sara.taylor@lewes-eastbourne.gov.uk

Employment and Training Plan (ETP)

- 8.2 There are two key areas of employment and training for which Section 106 planning obligations will be sought. The first is the construction phase for all qualifying developments and the second is the operational phase (starting workforce) for all large commercial/employment generating developments. The Section 106 obligations will seek to ensure that local people can better access job opportunities arising from developments focusing on helping unemployed people back into work; as well as, matching motivated and skilled local people to new vacancies.
- 8.3 For the construction and operational phases, developers and occupiers will need to be committed to working with the Council to agree a site specific ETP. The agreed Section 106 obligations will contain key local labour, employment and training measures for incorporation in an approved ETP.
- 8.4 In order to formulate an ETP, completed Pro-formas for the construction (Appendix 3) and operational (Appendix 4, if relevant) need to be submitted by the developer with the planning application. If the operator is unknown at this stage, the operator will need to repeat this process for the starting workforce (Appendix 4) as soon as this information is available. Where there are multiple operators, each will be required to complete a Pro-forma.
- 8.5 Following an initial discussion regarding the content of the Pro-forma between the developer and operator (if appropriate) and the Council, the Council will respond with draft ETPs for the construction and operational (if appropriate) phases for approval. The ETP will outline employment and training commitments and how they will be achieved. The development cannot commence until the construction ETP has been approved by the Council.
- 8.6 Following the approval of the ETPs by the Council, the developer and operator will implement the approved ETPs which will be centrally co-ordinated by the Council to ensure that so far as is reasonably practicable the measures are met and regularly monitored. The ETPs are valid throughout the supply chain (eg building supply merchants, sub-contractors, etc) of the construction phase and for all tenants in the operational phase of the development.

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- 8.7 The developer needs to include a written statement in their contracts with the contractor and sub-contractors and inform the freeholder or lease holder of the operational phase of the development, encouraging them to liaise with the Council to discuss, agree and implement the arrangements as set out in this TGN and the site specific Section 106 obligations to ensure the successful and consistent application.
- 8.8 The contractor and sub-contractors in the construction phase shall provide to the Council on a monthly basis a Monitoring Form (Appendix 5) outlining the achievements against the ETP and Section 106 obligations. They will also complete a quarterly economic impact assessment (Appendix 7). The operator shall provide this information once, one month after opening (Appendix 6).
- 8.9 On completion of development and/or one month after opening for operational developments, the Council will review performance against the ETP(s) and Section 106 obligations to formulate an evaluation report to consider the scope for improvement on future developments and to maximise promotional activities of the outcomes of the specific development.

Monitoring Fee

8.10 A monitoring fee will be required to:

- Fund the monitoring of the ETP and Section 106 obligations, co-ordinate and deliver the ETP with the Council and its partners and support training/development initiatives and a grants programme.

8.11 The Council may seek to negotiate additional contributions if the employment and training requirements identified in the Pro-forma are out of the financial scope of local providers funding arrangements and are greater than the monitoring contribution. Additional contributions may also be sought in the event of a development being unable to deliver employment and training obligations; this will only occur when all options of delivery have been exhausted.

8.12 Fee towards monitoring and co-ordination (equivalent to 7.5 hours a week at £20 per hour (inclusive of on costs) x the length of the development in weeks + 8 weeks) = monitoring fee

Example:

If the length of the development is 52 weeks

S106 monitoring fee - £150 x 60 (52 + 8 weeks) = **£9,000**¹⁵

8.13 One month in advance of tendering, the contractor shall provide a detailed programme and an up-to-date schedule of works. All sub-contracting and tendering opportunities need to be advertised locally to make local businesses aware of the opportunities, timescales and procedures to be adopted in tendering for available work.

8.14 The number of apprentices, work experience placements, NVQ (award, certificate or diploma) training starts and completions for sub-contractors and extra curricular/careers activities/programmes for the unemployed written into the approved ETP and Section 106 obligations are non-negotiable. Appendix 2 outlines the minimum measures to be achieved. They are based on construction benchmarks from the National Skills Academy for Construction – Client-Based Approach. This defines employment and training based benchmarks for developments based on build cost and type. The benchmarks have been set as a result of experience from the National Skills Academy for Construction projects and an analysis of labour patterns in the industry. The entry benchmarks have been amended to reflect Lewes District's local priorities and to simplify the process.

¹⁵ The monitoring fee will be subject to index linking.

- 8.15 For developments under 52 weeks or where contractors will be on site for limited times only, the Council understands that it is difficult for employers to engage with apprenticeships. In these instances the use of an independent Apprenticeship Training Agency (ATA) is recommended. The Council works with Training and Apprenticeships in Construction (TrAC), our local ATA, which allows contractors to demonstrate and strengthen their support for the apprenticeship employment agenda. TrAC work closely with neighbouring Councils; the inclusion of Newhaven within the geographical catchment will build the pool of construction apprentices and enable easier movement between sites along the south coast. TrAC looks to source the educational element of an apprenticeship from local providers.
- 8.16 For developments expected to last for at least 52 weeks, the Council seeks that an Apprenticeship is facilitated. The developer is responsible for ensuring the relevant number of new apprenticeships is created on site – either directly or through the developer’s managing agents and their supply chain. If apprentices are recruited through the supply chain it must be clearly evidenced that the apprentice appointment is directly associated with the development. The developer is responsible for all associated costs. The Council can help facilitate apprenticeship activity if necessary.
- 8.17 The Council encourages the contractor and supply chain to access sector specific grants through CITB - Construction Skills. The Council can broker this support.

Monitoring at Construction Phase

- 8.18 Provide regular monitoring and information to the Council on:
- The achievements against the ETP and Section 106 obligations, numbers of local businesses contracted and numbers of local people* employed on a monthly basis via completion of a Monitoring Form (Appendix 5)
 - Apprentices, work experience placements and NVQ (award, certificate or diploma) starts and completions and any extra curricular and career activities.
 - A monthly site monitoring meeting
 - Any other relevant information as directed by the Council

* Local people counted at two levels namely, those living in Newhaven North and Newhaven South wards and those living in East Sussex

8.19 The Council will also identify the economic impact of the development on the local economy. As well as the monitoring and information identified above, the development must provide quarterly information to the Council on:

- Where contractors and sub-contractors have been staying overnight, how long and accommodation/entertainment spend?
- Has there been any unplanned expenditure eg purchase of building materials locally and at what value?
- Use of local suppliers for equipment, supplies, etc
- What involvement have contractors and sub-contractors had in local community issues/events?
- Outcomes from Considerate Constructor assessments
- Plus other relevant development related initiatives.

Operational Phase

8.20 The developer is to inform the lease holder about this TGN and the site specific Section 106 obligations. The lease holder needs to complete the Pro-forma (Appendix 4) for submission to the Council as soon as possible after leasing the premises. The Council will draft an operational ETP. Occupiers and their personnel team shall meet with the Council/selected partners to discuss the ETP and agree a targeted recruitment and training campaign to enable local people to acquire the skills needed to gain employment.

8.21 Operators are responsible for ensuring the relevant numbers of apprenticeship, work experience and NVQ (award, certificate or diploma) training places are created and they are responsible for all associated costs.

Monitoring of Operational Phase

8.22 Tenants to provide monitoring information (via Appendix 6) to the Council one month after operation on:

- The achievements against the ETP and Section 106 obligations
- Starting workforce statistics including details of number of local¹⁶ people and unemployed residents
- Apprentice and work experience placements
- Any other relevant information as directed by the Council.

¹⁶ During operational phase local people counted as those living in Newhaven North and Newhaven South wards

Appendices

Appendix 1 – Template Section 106 Obligations - Sample Wording for Local Labour

1. Local Labour

1.1. The Owner shall in connection with the construction and operation of the Development ensure that:

- 1.1.1 [%] of the work during the construction phase should be for Small and Medium Sized Enterprises who are based in East Sussex.
- 1.1.2 All new temporary and permanent vacancies including apprenticeships not identified in the Employment and Training Plan to be reported to the Council in advance of recruitment. The Council and its partners will promote vacancy details to local job seekers and are able to match suitable candidates to job specifications for consideration by the developer/contractor and sub-contractor/s.
- 1.1.3 One month in advance of tendering, the contractor shall provide a detailed programme and an up-to-date schedule of works.
- 1.1.4 All sub-contracting and tendering opportunities to be advertised locally to make local businesses aware of the opportunities, timescales and procedures to be adopted in tendering for available work.
- 1.1.5 To work with the Council in the development and implementation of an Employment and Training Plan to deliver a recruitment and training campaign linked directly to the construction and operational jobs within the Development to prepare the labour market and match suitable candidates to job specifications. To include:
 - 1.1.6 Guaranteed job interviews for those unemployed who have undertaken specific pre-employment training related to the development. The target for which is [%] of the starting workforce.
 - 1.1.7 Advertising all new construction and operational vacancies locally (ie in Newhaven).
 - 1.1.8 The recruitment of [] apprentices, provision of [] work experience placements for those unemployed, [] work experience placements for those aged 14-18 years in education, [] NVQ (award, certificate or diploma) training for sub-contractors associated with the construction of the Development to include [] starts and [] completions and participation in [] extra curricular/careers activities.
 - 1.1.9 To use reasonable endeavours to recruit apprentices and provide work experience placements for those unemployed and work experience placements for those aged 14-18 years in education associated with the operation of the Development.

- 1.1.10 To agree a final Employment and Training Plan at least 4 weeks prior to the Commencement of Development.
- 1.1.11 To implement the Employment and Training plan prior to the Commencement of Development and to comply with the requirements contained therein for the duration of construction and, where the plan covers the operational phase, until one month after the operational phase has commenced.
- 1.1.12 The Owner shall provide promptly the monitoring information required.
- 1.1.13 The Owner shall issue a written statement to its prospective contractors and sub-contractors at the stage of tendering for work and contracts associated with the construction of the Development stating that any company invited by the Owner shall be given clear written details of the obligation and shall abide by the site's local labour Section 106 (or Section 106 Unilateral Undertaking) obligations and subsequently include a similar term within any contract.
- 1.1.14 The Owner shall issue a written statement to its prospective operator associated with the operation of the Development stating that any company invited by the Owner shall be given clear written details of the obligation and shall abide by the site's local labour Section 106 (or Section 106 Unilateral Undertaking) obligations.
- 1.1.15 The Owner shall make a Local Labour Obligations Monitoring Fee of [] towards the costs on or prior to Commencement of Development.
- 1.1.16 The Owner shall not commence the Development until it has paid the Local Labour Obligations Monitoring Fee to the Council.

Appendix 2 – Benchmark Standards for Work Experience Placements, Apprenticeships and NVQs¹⁷ (Award, Certificate or Diploma) at Construction Phase and Extra Curricular/Careers Activities/Programmes for the Unemployed

The commitment for extra curricular, careers activities and/or working with local unemployed people through various programmes on offer is as follows:

Up to £1m	£1m - £5m	£5m - £10m	£10m - £20m	£20m - £30m	£30m - £40m	£40m - £50m	£50m - £60m	£60m - £70m	£70m - £80m	£80m - £90m	£90m - £100m
2	3	4	5	6	7	8	9	10	10	11	12

The tables¹⁸ in this Appendix detail the Work Experience placements, Apprenticeship and NVQ (award, certificate or diploma) benchmarks that will apply for qualifying developments during the construction phase. The benchmarks vary dependent on the type and cost of the build.

Build types are classified as follows:

- Residential
- Retail, Sports, Leisure and Entertainment
- Factories
- Education (Private/Non County Council)
- Health
- Offices
- Refurbishment/Decent Homes

¹⁷ NVQ – National Vocational Qualification usually represented in the form of an Award, Certificate or Diploma

¹⁸ Client-Based Approach to developing and Implementing an Employment and Skills Strategy on construction projects through on-site training (May 2012)

Residential	Up to 500K	£500K - 1m	£1 - 3.5m	£3.5 - 6m	£6 - 10m	£10 - 15m	£15 - 20m	£20 - 30m	£30 - 40m	£40- 50m	£50- 60m	£60- 70m	£70- 80m
Work Experience Placement for those Unemployed – persons	1	2	3	5	7	9	11	13	16	18	19	20	20
Work Experience Placement for those aged 14-18 yrs in Education – persons	0	0	0	1	1	2	3	3	4	4	4	5	5
Apprentice Starts – persons	0	0	0	2	4	6	7	8	9	10	11	12	13
Apprentice Completions –persons	0	0	0	0	2	3	4	5	5	6	6	6	7
<u>Construction Phase Only</u>													
NVQ Starts for Sub-contractors – persons	0	0	1	2	3	6	8	10	13	15	17	19	21
NVQ Completions for Sub-contractors – persons	0	0	1	2	3	5	7	8	11	12	14	16	17

Retail, Sports, Leisure and Entertainment	Up to 3.5m	£3.5 – 6m	£6 – 10m	£10 – 15m	£15 – 20m	£20 – 30m	£30 – 40m	£40 – 50m	£50 – 60m	£60- 70m	£70- 80m	£80- 90m	£90- 100m
Work Experience Placement for those Unemployed – persons	2	3	4	5	6	7	8	9	10	10	10	11	11
Work Experience Placement for those aged 14-18 yrs in Education – persons	0	1	1	1	2	2	2	2	2	3	3	3	3
Apprentice Starts – persons	0	1	3	4	5	5	6	7	7	8	8	9	10
Apprentice Completions –persons	0	0	1	1	1	1	1	2	2	2	2	2	2
<u>Construction Phase Only</u>													
NVQ Starts for Sub-contractors – persons	1	1	2	4	5	6	8	9	10	11	13	14	14
NVQ Completions for Sub-contractors – persons	1	1	2	3	4	5	7	7	8	10	10	11	12

Factories	Up to 3.5m	£3.5 – 6m	£6 – 10m	£10 – 15m	£15 – 20m	£20 – 30m	£30 – 40m	£40 – 50m	£50 – 60m	£60- 70m	£70- 80m	£80- 90m	£90- 100m
Work Experience Placement for those Unemployed – persons	0	1	1	1	2	2	2	3	3	3	3	3	3
Work Experience Placement for those aged 14-18 yrs in Education – persons	0	0	0	0	0	0	0	0	0	0	0	0	0
Apprentice Starts – persons	0	1	1	2	2	2	3	3	3	4	4	4	5
Apprentice Completions –persons	0	0	1	1	1	2	2	2	2	2	2	2	2
<u>Construction Phase Only</u>													
NVQ Starts for Sub- contractors – persons	1	1	2	3	4	6	7	8	9	10	12	13	13
NVQ Completions for Sub-contractors – persons	1	1	2	3	4	4	6	7	8	9	9	10	11

Education (Private/Non County Council)	Up to 3.5m	£3.5 – 6m	£6 – 10m	£10 – 15m	£15 – 20m	£20 – 30m	£30 – 40m	£40 – 50m	£50 – 60m	£60- 70m	£70- 80m	£80- 90m	£90- 100m
Work Experience Placement for those Unemployed – persons	4	6	8	11	13	16	19	22	23	24	24	25	25
Work Experience Placement for those aged 14-18 yrs in Education – persons	0	1	1	2	4	4	5	5	5	6	6	6	6
Apprentice Starts – persons	0	2	3	5	6	6	7	8	9	10	10	11	12
Apprentice Completions –persons	0	0	2	3	3	4	4	5	5	5	6	6	6
<u>Construction Phase Only</u>													
NVQ Starts for Sub-contractors – persons	1	2	3	6	8	10	13	15	17	19	21	23	24
NVQ Completions for Sub-contractors – persons	1	2	3	5	7	8	11	12	14	16	17	19	20

Health	Up to 3.5m	£3.5 – 6m	£6 – 10m	£10 – 15m	£15 – 20m	£20 – 30m	£30 – 40m	£40 – 50m	£50 – 60m	£60- 70m	£70- 80m	£80- 90m	£90- 100m
Work Experience Placement for those Unemployed – persons	2	3	4	5	7	8	10	11	11	12	12	13	13
Work Experience Placement for those aged 14-18 yrs in Education – persons	0	1	1	1	2	2	2	2	2	3	3	3	3
Apprentice Starts – persons	0	1	2	4	4	5	5	6	7	7	8	8	9
Apprentice Completions –persons	0	0	1	1	1	2	2	2	2	2	2	2	2
<u>Construction Phase Only</u>													
NVQ Starts for Sub-contractors – persons	1	2	2	5	6	8	10	12	14	15	17	18	19
NVQ Completions for Sub-contractors – persons	1	2	2	4	6	6	9	10	11	13	14	15	16

Offices	Up to 3.5m	£3.5 – 6m	£6 – 10m	£10 – 15m	£15 – 20m	£20 – 30m	£30 – 40m	£40 – 50m	£50 – 60m	£60- 70m	£70- 80m	£80- 90m	£90- 100m
Work Experience Placement for those Unemployed – persons	1	2	2	3	3	4	5	5	6	6	6	6	6
Work Experience Placement for those aged 14-18 yrs in Education – persons	0	0	0	1	1	1	2	2	2	2	2	2	2
Apprentice Starts – persons	0	1	2	3	3	4	4	5	5	5	6	6	7
Apprentice Completions –persons	0	0	1	1	2	2	2	2	2	2	3	3	3
<u>Construction Phase Only</u>													
NVQ Starts for Sub- contractors – persons	1	1	2	4	5	6	8	9	10	11	13	14	14
NVQ Completions for Sub-contractors – persons	1	1	2	3	4	5	7	7	8	10	10	11	12

Refurbishment/Decent Homes	Up to 3.5m	£3.5 – 6m	£6 – 10m	£10- 15m	£15 20m	£20 30m	£30 – 40m	£40 – 50m	£50 – 60m	£60- 70m	£70- 80m	£80- 90m	£90- 100m
Work Experience Placement for those Unemployed – persons	2	4	5	6	8	9	11	13	13	14	14	15	15
Work Experience Placement for those aged 14-18 yrs in Education – persons	0	0	0	1	1	1	1	1	1	2	2	2	2
Apprentice Starts – persons	0	1	3	4	5	6	6	7	8	8	9	10	11
Apprentice Completions –persons	0	0	1	2	3	4	4	4	4	4	5	5	5
<u>Construction Phase Only</u>													
NVQ Starts for Sub-contractors – persons	1	1	2	4	6	7	9	11	12	13	15	16	17
NVQ Completions for Sub-contractors – persons	1	1	2	4	5	6	8	8	10	11	12	13	14

Notes: The numbers in the tables refer to total amount of work experience placements and apprenticeships in each category expected by value of development. For projects in excess of the development costs listed above, targets need to be negotiated with the Council.

Source: Client-Based Approach to developing and Implementing an Employment and Skills Strategy on construction projects through on-site training (May 2012)

Appendix 3 – Sample Proforma for Construction Phase

Proforma for Construction Phase

Date	
Author	
Site name	
Developer	
Main contractor	
End user operator/s	
Estimated build value	
Planned start date (Includes site preparation, demolition, enabling works, etc)	
Planned completion date (Handover/occupancy)	
Total number of weeks (start to completion)	

Number of apprentices (starts and completions)	
Number of TrAC apprentices	
Number of work experience placements for those unemployed	
Number of work experience placements for those aged 14-18 years in education	
Number of NVQ starts for Sub-contractors (starts and completions)	
Number of extra curricular, careers/ employment support activities, etc	
Additional labour market measures	
Anticipated new vacancies	

Appendix 4 – Sample Pro-forma for Operational Phase

Pro-forma for Operational Phase

Date	
Author	
Site name	
Planned opening date	
End user operator	
Contact for operational phase (Name, title, email, telephone no)	

Total number of new jobs	
Number of apprentices	
Number of work experience (WE) placements for those unemployed	
Number of WE placements for those aged 14-18 yrs in education	
Recruitment plans (job promotion, open days, jobs fair)	
Curriculum, careers/employment support proposals (site visits, talks, mock interviews, mentoring, participation in employability programmes)	

Breakdown Number of Jobs

Number of jobs (eg 2)	Type of Roles (eg Retail Assistants)	Hours (eg 11 hours per week)	Skills, Qualifications and Qualities Seeking (eg right attitude)

Outline your own company's recruitment process and pre- employment training if applicable	
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Appendix 5 – Sample Monitoring Form for the Construction Phase

Please complete and submit this form at the end of every month and email to sara.taylor@lewes-eastbourne.gov.uk

All sub-contractors in the development chain are required to complete this form under the site's Section 106/Unilateral Undertaking. **All recording relates to on site activity only.** If you need assistance in completing this form contact as detailed above.

Date	
Company name, address and contact number of headquarters	
Company number of employees	
Company contact name	
Number of staff on site	
Number of staff on site previously unemployed	
Number of staff <u>on site</u> who live in 1) Newhaven North and Newhaven South 2) East Sussex*	1) Newhaven North and Newhaven South = 2) East Sussex* =
Number of NEW apprentices <u>on site</u> and level of apprenticeship (intermediate, advanced or higher) Provide details of qualification title and level	
Number of EXISTING apprentices <u>on site</u> and level of apprenticeship (intermediate, advanced or higher) Provide details of qualification title and level	
Number of apprenticeship completions whilst <u>on site</u> Provide details of qualification title and level	
Number of completed work experience placements for those unemployed	
Number of completed work experience placements for those aged 14-18 in education	
Number of NVQ starts (award, certificate, diploma) <u>on site</u> for Sub-contractors Provide details of qualification title and level	
Number of NVQ completions (award, certificate, diploma) <u>on site</u> for Sub-contractors Provide details of qualification title and level	
Number of extra curricular, careers/employment support activities Date and details of activity	
Number on site in receipt of the Living Wage	
Number on site who identify as LGBTQ+	
Please list the contact details of any new sub-contractors to be used on site	

* East Sussex reporting should **INCLUDE** numbers for Newhaven North and Newhaven South

Appendix 6 - Sample Monitoring Form for the Operational Phase

Monitoring Form – Operational Phase

Please complete and submit this form after 4 weeks of opening and email to . . .
To be inserted

All sub-contractors in the development chain are required to do so under the Section 106 Agreement.

If you need assistance in completing this form contactvia email at

Date	
Company name	
Company contact name	
Number of staff employed	
Number of staff employed who live in Newhaven North and Newhaven South	
Number of staff previously unemployed	
Number of NEW* apprentices on site and level of apprenticeship (intermediate, advanced or higher)	
Number of work experience placements for those unemployed	
Number of work experience placements for those aged 14-18 in education	
Curriculum, careers/employment support activities (site visits, talks, mock interviews, mentoring, participation in employability programmes)	

***Since operation of development**

Appendix 7 – Sample Quarterly Economic Impact Checklist

QUARTERLY ECONOMIC IMPACT CHECKLIST

Main Contractor’s Name/Site:

Details of construction staff staying locally:

Total Number of Staff Staying Overnight:		
No of Nights or Weeks (insert numbers):	Nights:	Weeks:
Names of Hotels/Accommodation Used:		

What is the estimated value (£s) of overnight accommodation/entertainment per night to the local economy?

Accommodation spend per night	£
Entertainment/other spend per night	£

What positive experiences have occurred as a result of the development and/or have been experienced by the staff that you can tell us about?

What local suppliers (Builders’ Merchants, etc) have you used?

Estimated value of spend with local supplier (£s)?

Up to £5K	£5K+ - £10K	£1K+ - £1.5K	£10K+ - £15K	£15+ - £20K	£20+ - £25K	Estimated Cost (£25K+)

Any unplanned expenditure eg purchase of building materials locally, and/or additional local contracting opportunities?

Estimated value of the unplanned spend (£s) to the local economy?

Up to £5K	£5K+ - £10K	£1K+ - £1.5K	£10K+ - £15K	£15+ - £20K	£20+ - £25K	Estimated Cost (£25K+)

What involvement have you had in the community eg events/activities?

Copies of Considerate Constructor Reports? Please attach

Appendix 8 – Index Linking

Contributions shall be index linked and varied as necessary by the application of the following formula:

$$A = \frac{B \times C}{D}$$

Where:

A is the sum actually payable on the relevant specified date, eg date local labour monitoring contribution is due;

B is the original sum specified in the local labour agreement;

C is the inflation index for the month preceding the specified date;

D is the inflation index for the month preceding the date of the signed local labour agreement;

C divided by D is equal to or greater than 1

Please note: Inflation Index means the 'all items' index figure of the Retail Prices Index published by the Office for National Statistics.

Appendix 9 – Glossary

Term	Definition
B1(a)	Planning Use Class - General office use
C3	Planning Use Class - Residential self-contained unit
C4	Planning Use Class - House in multiple occupation
CSCS	Construction Skills Certificate Scheme
CITB	Construction Industry Training Board
ESCC	East Sussex County Council
ETP	Employment and Training Plan
JSA	Job Seeker's Allowance
LDC	Lewes District Council
Local People	Local people counted at two levels namely, those living in Newhaven North and Newhaven South wards and those living in East Sussex
NEET	Not in Employment Education or Training
NPPF	National Planning Policy Framework
NVQ's	National Vocational Qualifications (represented as industry specific awards, certificates or diplomas)
NVQ Starts/Completions for Sub-contactors	Target that describes NVQ starts at levels 2, 3, 4 or 5 for individuals working in the project supply chain, not directly employed by the main contractor
Operator	End user of the premises
Section 106	Section 106 Agreements can be used to secure planning obligations related to new developments including improving training and skills
SME's	Small and Medium Sized Enterprises
SELEP	South East Local Enterprise Partnership
T Levels	Technical Level qualifications requiring a work experience placement
TrAC	Training and Apprenticeships in Construction
Unemployed	People who are jobless, have been actively seeking work in the past four weeks and are available to start work in the next two weeks; or they are out of work, have found a job, and are waiting to start it in the next two weeks.
Unilateral Undertaking	This is a Section 106
UC	Universal Credit
Work Experience Placement for those Unemployed	The placements are to support those unemployed who are seeking employment and wish to gain experience in the workplace to help them find employment. The minimum duration of a work experience placement should be 5 working days.
Work Experience Placement for those aged 14-18 in Education	The work experience placements are to support young people in education. Work placements can support those undertaking related qualifications to the build and operation of the site. The minimum duration of a work experience placement should be 5 working days.