

Policy & Resources Committee

Date: **13 May 2021**

Time: **4.00pm**

Venue **Hove Town Hall - Council Chamber**

Members: **Councillors:** Mac Cafferty (Chair), Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Platts (Opposition Spokesperson), Bell (Group Spokesperson), Allcock, Clare, Miller, Moonan and Yates.

Invitee: Dr Anusree Biswas Sasidharan

Contact: **Mark Wall**
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AGENDA

PROCEDURAL MATTERS

179 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

180 MINUTES

7 - 36

- (a) To consider the minutes of the meeting held on the 18 March 2021.
- (b) To note the minutes of the Urgency Sub-Committee meeting held on the 12 March 2021.

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 01273 291006

181 CHAIR'S COMMUNICATIONS

182 CALL OVER

- (a) Items (186 – 187) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

GENERAL MATTERS

183 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented by members of the public to the full Council or as notified for presentation at the meeting by the due date of (10 working days);
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 7 May 2021;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 7 May 2021.

184 ITEMS REFERRED FROM COUNCIL

37 - 40

To consider the following item(s) referred from the Council meeting held on the 2021:

- (1) Green Pride – Notice of Motion.

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 01273 291006

185 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

A STRONGER CITY

186 REVIEW OF THE COUNCIL'S CONSTITUTION

41 - 74

Report of the Executive Lead Officer for Strategy, Governance & Law.

Contact Officer: Elizabeth Culbert

Tel: 01273 291515

Ward Affected: All Wards

187 COUNCIL AND COMMITTEE MEETINGS POST 6TH MAY 2021

75 - 126

Report of the Executive Lead Officer for Strategy, Governance & Law.

Contact Officer: Abraham Ghebre-Ghiorghis

Tel: 01273 291500

Ward Affected: All Wards

PROCEDURAL MATTERS

188 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 15 July 2021 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, each Group may specify one further item to be included by notifying the Chief Executive no later than 10.00am on [Insert Date] 2013 (the eighth working day before the Council meeting to which the report is to be made), or if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting.

PART TWO

PROCEDURAL MATTERS

189 PART TWO MINUTES - EXEMPT CATEGORY 4

127 - 130

To note the part two minutes of the Urgency Sub-Committee meeting held on the 12 March 2021.

Contact Officer: Mark Wall

Tel: 01273 291006

Ward Affected: All Wards

190 PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Mark Wall, (01273 291006, email mark.wall@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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BRIGHTON & HOVE CITY COUNCIL

POLICY & RESOURCES COMMITTEE

4.00pm 18 MARCH 2021

VIRTUAL

MINUTES

Present: Councillor Mac Cafferty (Chair) Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Platts (Opposition Spokesperson), Allcock, Clare, Miller, Simson, Wilkinson and Yates.

Also present: Dr Anusree Biswas Sasidharan, Standing Invitee.

PART ONE

152 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

152.1 Councillors Simson and Wilkinson declared that they were was attending the meeting as substitutes for Councillors Bell and Moonan respectively.

(b) Declarations of Interest

152.2 Councillor Platts declared a personal but non-prejudicial interest in Item 170 Sea Lanes as a colleague at Campaign Collective had worked on the account. For transparency she would leave the meeting for that item.

152.3 Councillor Druitt declared a personal but non-prejudicial interest in Item 168, 2021/22 Local Transport Plan Capital Programme as he was the CFO for the Big Lemon Bus Company and a Director of Community Transport. He had applied and been granted dispensation to speak and vote on the matter by the Monitoring Officer.

152.4 Councillor Miller declared a personal and non-prejudicial interest in Item 163, Central Youth Hub as he was a Trustee of Impact Initiative.

152.5 There were no other declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

152.6 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

152.7 **RESOLVED:** That the press and public not be excluded from the meeting.

153 MINUTES

- 153.1 The minutes of the last meeting held on the 11 February 2021 were approved as a correct record of the proceedings; and
- 153.2 The minutes of the Urgency Sub-Committee meeting held on the 4 February 2021 were noted.

154 CHAIR'S COMMUNICATIONS

- 154.1 The Chair gave the following communications, firstly, that he intended to alter the agenda slightly and to take item 175 A, Procurement of Services Social Value and Community Wealth Building immediately after the petition relating to RISE. He would also bring forward items 174, Council's Constitution and 175, Members Allowances and take them before Item 157 Items Referred from Council.
- 154.2 Before I begin I want to acknowledge the number of people who have come here today and in particular after what I know has been a highly intense period of time for women who have been repeatedly confronted with reminders of the reality of misogyny and hate, gendered violence and safety. Leaders of all political groups have come together, publishing a statement asserting that we share the outrage at the senseless and violent death of Sarah Everard and families of the many women and survivors who face the unacceptable consequences of gender-based violence and street harassment. We have jointly added our support to the growing calls for police to further investigate the death of Blessing OLUeEgun. In reflection of recent events and to raise awareness, we lowered the flags at Hove Town Hall and Brighton Town Hall in memory of all survivors of violence against women and girls and to commemorate those who have tragically died.
- 154.3 I affirm what was said in the statement. That so many women and girls have, in the wake of Sarah's death, shared their traumatic and distressing experiences of harassment and violent physical assaults on social media platforms and in the mainstream press, shows clearly how society has repeatedly failed. I want to update on a number of follow up actions that my colleagues and I have been pushing on this.
- in Oct 2020 we joined with Labour to ask all councillors to support the work of the anti-harassment club in Brighton & Hove who have through powerful work highlighted the sheer scale of the problem in our city.
 - Our equalities portfolio is ably led by my colleague Steph Powell and alongside my deputies Hannah Clare and Sue Shanks further work is now also being started to pick up on the anti-harassment notice of motion from October. Greens also want to be clear this is more than just a conversation about streetlights. TECC committee, responsible for community safety and equalities, will prepare a report on the issues and the opportunities to improve safety in the city and address root causes of gendered based violence. We also want to invite more representatives from the police force to this meeting to address concerns.

- 154.4 The council and my colleagues on Children, Young People & Skills committee have also reported on how personal, social and health education in our local schools covers gender stereotyping, gender equality, sexist and sexual bullying and harassment, consent and healthy relationships. There is also work ongoing within the council to address the consequences of hate and violence. But to truly honour all of those who have spoken out we want to take a stronger lead on this. On top of this people will of course be aware that challenging violence against women and girls was the precise objective of the commission set up in 2018. This commission was set up before the Green administration, back in June 2018. but as far as I am concerned that does not mean that we cannot now push for answers, to get to the bottom of what has happened to the commission process, to make sure that lessons are learned. We have met with both Rise and campaigners and we are resolutely focused on the way forward supporting Rise and also ensuring a smooth and non-disruptive transition for new services that will exist in the city to continue supporting people who are facing DV. We also want to make sure that cross party member oversight, that did NOT happen back in 2018 under the then Chair, happens now.
- 154.5 Having met with campaigners and Rise we knew already that people needed more detail sooner, not later. So, we pushed officers to provide a report to TECC committee last week and we have also brought this report here today to help keep members informed and ensure informed debate and information is shared. Our proposals today for a members working group also now come also with a terms of reference that includes survivor voice as we know we need to learn from the experiences of survivors. I would ask us all today to consider how much emotional labour has gone into sharing the experiences of this week and I thank campaigners for their voice. This item will be moved earlier on in the agenda so that survivors do not have to sit through the rest of the committee.
- 154.6 Today's committee of course also includes additional items that cover support for children, families and young people affected by continued economic insecurity throughout the pandemic; Further to other reports on education capital I also wanted people to know that the conversations that have of course started on school places will be heard at full council. In terms of support for our young people what this committee will cover today will be plans to progress our side of advancing a youth zone to support young people who have experienced serious turbulence in the past year. Plans to acknowledge the contributions of our co-optees and the experience they bring to our council on diversity and equalities.
- 154.7 On issues of recovery and resilience for our city, I also want to touch more on the pandemic. With the next stage of the government 'roadmap' the 29th March, planning continues to ensure our city continues to safely manage the pandemic. Preparations continue for what a government easing of restrictions may mean with a plan being published next week to cautiously begin re-opening. While the Easter break is on the horizon, some key restrictions are still in place including self-contained holiday accommodation which won't open until 12th April at the earliest.
- 154.8 Though Boris Johnson referred to 'data, not dates,' which was followed by a flurry of dates, I am clear that we have to prepare responsibly and stay alert to how the Covid-19 situation in the UK may yet change unpredictably. To fail to do this would be to let

down all of those who have fought hard to stop the spread of Covid-19 in our city. Our brilliant public health officials are watching the local data like a hawk.

- 154.9 While the roadmap may set out the government's aspirations, without public health being front and centre, the best laid plans could go astray. However, preparing for the future doesn't mean we are out of the pandemic. Our focus remains on how we re-open the city in a safe and managed way, to support our tourism, events and hospitality industry but also keep residents and visitors protected from new infection. All of us are keen that Brighton and Hove thrives again and want to welcome visitors that treat where we live with care.
- 154.10 We have always been clear we see recovery from the pandemic as a key way to help play our part for the environment too. So I'm also proud on behalf of all of Green Cllrs and cross party work to share the first report on how we lower carbon emissions by 2030. This is intensive work required in the next three years, so the plan covers community engagement, education and skills, plans to reduce waste and create jobs. Within it are opportunities to reduce fuel poverty, address housing conditions, improve access to lower cost energy and protect communities from the worst of climate change impacts. With warnings from scientists clear, we must stay on course with a plan to reduce toxic emissions in the city.

155 CALL OVER

155.1 The following items were reserved for discussion:

- Item 160 Next Steps – Rough Sleeping and Accommodation During Covid-19 Pandemic and Recovery;
- Item 161 Carbon Neutral Programme
- Item 162 Moulsecoomb Neighbourhood Hub & Housing Scheme Update;
- Item 163 Central Youth Hub;
- Item 164 Pay Policy Statement 2021/22;
- Item 165 Corporate Debt Policy;
- Item 173 Self-Managed Sports Facilities;
- Item 174 Review of the Council's Constitution;
- Item 175 Members' Allowances;
- Item 175(A) Procurement of Services Social Value and Community Wealth Building.

155.2 The Head of Democratic Services confirmed that Items 160 – 165 and 173 – 175(A) had been reserved for discussion, and the items listed below had been their recommendations therein approved:

- Item 159 Covid-19 Winter Grant Scheme Extension;
- Item 166 Schools Information Management System (SIMS);
- Item 167 Annual Planned Maintenance Budget and Asset Management Fund Allocations 2021-22 for the Council's Operational Buildings;
- Item 168 2020/21 Local Transport Plan Capital Programme
- Item 169 Off-Street Car Park and Transport Control Centre Equipment Replacement Amendment
- Item 170 Former Peter Pan Site Madeira Drive – Sea Lanes
- Item 171 Procurement of Arboricultural Services

- Item 172 Playground Refurbishment Programme
- Item 176 Educational Capital Resources and Capital Investment Programme 2021/22
- Item 177 Introduction of a Charging Policy for Children Who Are Accommodated at the Request of Their Parents Under Section 20 of the Children Act 1989.

156 PUBLIC INVOLVEMENT

(a) Petitions

- 156.1 The Chair welcomed Ms Bengel to the meeting and invited her to address the committee and present the petition. He also stated that in view of the importance of the matter raised by the petition and the level of interest he would extend the time to outline the reasons for the petition to 5 minutes.
- 156.2 The Chair also noted that he would take Item 175 (A) which was the report on the Procurement of Social Value and Community Wealth building immediately after the consideration of the petition.
- 156.3 Ms Bengel thanked the Chair and outlined the reasons for the petition and the cause for concern that had arisen following the decision not to award the contract to RISE.
- 156.4 The Chair thanked Nicola for outlining the reasons for the petition regarding the re-commissioning of Domestic Abuse, Domestic Violence and Sexual Services in the city. He stated that, as you are no doubt aware a report on this issue was considered by the Tourism, Equalities Culture & Communities committee last week. A further report is on the agenda for decision at this Committee which recommends the setting up of a cross party members working group to explore the background and issues regarding this procurement and to recommend any improvements required for future procurement exercises, including consideration of social value and community wealth building as part of those processes. Services will continue in the City to support people experiencing domestic abuse.

The Victim Support team who were successful in winning the bid to provide client-based casework services is Sussex-based and supported by over 79 Sussex resident volunteers. Victim Support will be offering a 24/7 helpline which is above what was requested in the specification and webchat service along with online support tools 1-2-1, group and peer support. The service will include a programme of education, training, and community activities to promote safe and healthy relationships and the wider support services available.

Stonewater Ltd who will be providing refuge provision, deliver services in Brighton & Hove and across the UK and are a provider of commissioned housing and support services. The service provides added value with move-on social housing options for refuge residents. They evidenced track record of working with survivors of domestic abuse, including those with multiple complex needs. They are also the providers of an industry leading LGBTQ+ Safe Space that provides accommodation and support for people who identify as LGBTQ+ and have experienced domestic abuse and/or hate crime.

Concern has been raised that services specifically for women will be affected by the new contract. This is not the case. BHCC is aware that domestic abuse disproportionately affects women and women with children, and we have commissioned services that prioritise women's safety as the highest group of people affected.

I would like to take this opportunity to thank RISE for the work they have done over several years to support survivors of Domestic Abuse in the City and following the council's budget meeting 25th February funding is being made available to Rise to assist with the impact of the commissioning decision.

- 156.5 Members of the Committee thanked Ms Bengé for bringing the petition to the meeting and her work in raising the issues that concerned all those affected by the change in provision and the need to support RISE as an organisation in the City going forward. Members agreed that there was a need to examine the procurement process and to take lessons learnt on board for future tendering exercises. Tribute was also paid to the survivors and it was acknowledged that a debt of gratitude was owed to them for their openness and courage to speak on the issue at the recent TECC committee meeting.
- 156.6 Councillor Miller stated that the Conservative Group had concerns about the procurement process and felt that the two questions in the petition should be addressed and proposed that a report be brought back to the committee on this matter.
- 156.7 Councillor Simson formally seconded the proposal and stated that she would like to sit on the Working Group should it be agreed to establish it.
- 156.8 The Chair noted the comments and asked the Executive Lead Officer for Strategy & Governance to outline the position for the Council.
- 156.9 The Executive Lead Officer for Strategy, Governance & Law stated that a procurement process had been followed and the new contractor had a legitimate expectation for it to be honoured. It was possible for the Working Group to review matters and make recommendations, although the contractual obligations would need to be adhered to.
- 156.10 The Chair stated that he felt the petition should be considered by the Working Group and a report on the two questions could then come back to committee. He therefore proposed that the petition should be noted and referred to the first meeting of the Working Group, should it be established, to be considered as part of its review and a report brought back to the Committee.
- 156.11 **RESOLVED:**
- (1) That the petition be noted; and
 - (2) That subject to the establishment of the Working Group, the petition be referred to its first meeting and the Working Group consider whether a report on the questions should come back to committee ahead of its full review of the procurement process.

156.12 The Chair then stated that he would take item 175 (A) and invited the Executive Director to introduce the report.

175 (A) PROCUREMENT OF SERVICES SOCIAL VALUE AND COMMUNITY WEALTH BUILDING

Note: The report had been accepted by the Chair as an urgent item due to the need to consider the matter and progress actions which could not be delayed until the next meeting and due to the fact that a proper appraisal of the issues raised and evaluation of the options could not be completed in time for the report to be published with the agenda.

175.1 The Executive Director for Housing, Neighbourhoods & Communities introduced the report which concerned the re-commissioning of Domestic Abuse, Domestic Violence and Sexual Violence services in the city and across East Sussex. The report had been requested by the Joint Chair of the Tourism, Equalities, Communities & Culture Committee (TECC) and its recommendations were detailed in the report. The Executive Director stated that officers had met with the lead petitioner and were planning to meet again to discuss how various points that had been raised could be taken forward.

175.2 The Head of Safer Communities stated that the Policy & Resources Committee were being asked to approve the establishment of a Member Working Group to review the process and bring forward recommendations in regard to domestic violence services and drew attention to the proposed terms of reference in appendix 3 to the report and the extract from the TECC committee meeting held on the 11 March in appendix 2.

175.3 Members of the committee welcomed the report and sought assurances that the Working Group could look at all aspects of the contract that affected Brighton & Hove and also why the initial procurement process had not been reported to the Procurement Advisory Board (PAB). It was also recognised that the decommissioning of the current service had been and would be very difficult for women across the city and that consideration needed to be given as to how RISE could be supported going forward.

175.4 The Executive Lead Officer for Strategy, Governance & Law confirmed that the Working Group would have a wide remit and be able to bring recommendations forward to the committee which could affect other bodies such as PAB and aspects of financial regulations etc. which would need full Council approval.

175.5 The Chair noted the comments and put the recommendations to the vote which were carried.

175.6 RESOLVED:

- (1) That the recommendations of TECC Committee on 11th March 2021, as set out at paragraph 3.4 in the report be noted;
- (2) That the establishment of a Cross Party Member Working Group be agreed to:

- (i) Carry out a thorough investigation into the events leading to changes to Domestic Abuse, Domestic Violence and Sexual Violence service arrangements.
 - (ii) Review the Council's policy and practice regarding social value and community wealth-building from a commissioning and procurement perspective including the above-mentioned services; and
 - (iii) Recommend any necessary changes and actions for improvement
- (3) That the proposed Terms of Reference for the Members Working Group attached at Appendix 3 to the report be agreed.

175.7 The Chair then called a short adjournment at 6.02pm before reconvening the meeting at 6.12pm.

(b) Public Questions

156.13 The Chair welcomed Susan Goodwin and invited her to put her question to the meeting.

156.14 Ms Goodwin thanked the Chair and asked the following question, setting procurement conditions has been a key way of the Council engaging their contractors fully in equalities laws. Carbon Neutral by 2030 conditions should and could be added to these:

Will BHCC only issue contracts with businesses that have a carbon neutral plan and that can show that they are using renewable materials and carbon neutral transport to deliver these?

This would make a significant transformation to the carbon footprint in Brighton and Hove.

156.15 The Chair replied, thank you for your question, and for highlighting the important role that public sector procurement can play in driving a reduction in carbon emissions and tackling the climate emergency.

While adhering to the conditions of the Equalities Act is legislative requirement, there is currently no legislation requiring businesses to adopt only renewable materials or carbon neutral transport.

The council has adopted a [Sustainable Procurement policy](#) which sets out how sustainability will be embedded into every procurement process or purchasing decision. The Procurement Team have progressively increased quality scoring criteria in in the different tenders. All current, relevant, procurements can expect a minimum of 10% to be included in the tender. This is in addition to 10% for Social Value.

Working with our suppliers is key to delivering the aims of this policy. As such we monitor and measure their performance, encourage them to conduct their operations in line with the council's commitments and embrace continuous improvements as well.

The Council commits, through training and inclusion of Key Performance Indicators, to establish and embed a corporate approach to contract management and contract monitoring to ensure that sustainability-related promises, made by suppliers, are delivered upon through the lifetime of a contract.

I am also pleased that the recruitment will begin shortly for a new Social Value and Sustainability Procurement Manager. This role will manage and monitor;

- a requirement for CO2 reduction into the specification of contracts, where appropriate.
- transport requirements associated with relevant contracts and how these may be minimised, whilst encouraging suppliers to minimise the negative impact of their transport operations
- reporting from suppliers to demonstrate they are minimising the environmental impacts of their supply chain, choosing more sustainable and high-quality products and/or services.
- Suppliers' commitment to mitigating its impact on climate change through supply chain carbon reduction initiatives.

Lastly you will see that later on the agenda this afternoon we will be considering the draft Carbon Neutral Investment Programme – which is the initial set of projects that will support the city to transition to carbon neutral by 2030. The draft programme document has a specific section on procurement in recognition that cross cutting themes of the investment programme in recognition of the important role that procurement plays in our efforts to transition the city to carbon neutrality.

156.16 The Chair noted that Ms Goodwin did not have a supplementary question.

156.17 The Chair welcomed Sarah Gorton and invited her to put her question to the meeting.

156.18 Ms Gorton asked the following question, The council declared a Climate and Biodiversity Emergency in December 2018. Bio-diversity is just as crucial. Biodiversity provides functioning ecosystems that supply oxygen, clean air and water, pollination of plants, pest control, wastewater treatment and many ecosystem services. This programme is all about carbon neutral- Brighton and Hove is unique and fortunate in owning much of the farmland around the city. Can we expect another programme on bio- diversity? If so when will this be available? If not can bio-diversity targets be incorporated into this programme?

156.19 The Chair replied, thank you for your question. Biodiversity is also facing a crisis, as you rightly note and as the council acknowledged when declaring both emergencies in 2018. Many of the projects coming out of the Carbon Neutral Programme will have beneficial impacts on biodiversity. The Nature and Environment Priority Topic and the Carbon Offsetting Cross Cutting Theme in particular will have beneficial impacts on biodiversity as well as climate. In addition, we are preparing the City Downland Estate Plan. Natural systems (including Biodiversity) is one of the 'Key Themes' which that plan will address. There will also be a new planning guidance being prepared on Biodiversity, to ensure that we are securing the new 'Biodiversity Net Gain' that is required by planning rules.

However, whilst these are all important activities, your question rightly asks about whether there is an overall programme or plan for biodiversity. The city is part of the Brighton & Lewes Downs UNESCO World Biosphere Reserve, and it is this status that provides the governance of how we manage the natural environment of the city, surrounding downland and the marine environment. In September this year ETS Committee endorsed a refreshed management strategy for the Biosphere for the next five years. One of the core objectives of that plan is 'conservation of nature and culture,' and within that objective there are two strategic themes of 'urban greening' and 'strengthening our natural capital.' Both of these themes will focus on protecting and enhancing biodiversity. A further programme on biodiversity would duplicate the excellent work the Biosphere Delivery Board is doing, but I can assure you that the council works closely with the Biosphere, including being the lead partner and having seats on the Delivery Board, so we are very close to this programme of work.

156.20 Ms Gorton then asked a supplementary question relating to the Downland Estate and the need to ensure that it was protected and would be included in bio-diversity programmes going forward.

156.21 The Chair stated that the council was putting resources into essential work to tackle the climate crisis and improve biodiversity, such as tree planting and creating wild-flower reserves. He was happy to ensure that officers provided more detail in a written reply.

156.22 The Chair welcomed Tash Fairbanks and invited her to put her question to the meeting.

156.23 Ms Fairbanks asked the following question,

Could the Council please clarify how they will:

- a) Communicate the urgent need for rapid progress on carbon reduction to the people of Brighton and Hove? There needs to be a comprehensive communication strategy, involving, for instance, social media, bus stop and bus side advertising, billboard and poster campaigns, inclusion of the issues in all local government communications, leaflets etc. There could be competitions in schools, colleges and in the general community for the best words and images that sum up the issue. Our house is burning, so we have to let people know!
- b) Engage citizens and incentivise residents to play their part in reducing their own carbon footprint, e.g. through using green energy companies.

156.24 The Chair replied, thank you for your question. You are right to identify that how we talk to the city about the climate crisis is important: The actions we can take as a council will only have a marginal impact on the levels of greenhouse gases the city emits. Behaviour change is fundamental to reducing our carbon impact as a city. The Carbon Neutral Programme on today's agenda acknowledges this. With this in mind, the council is in the process of employing a new Climate Change Communications and Engagement Officer to lead on this work. The post holder will be a communications professional who look at all methods for engaging the city on how we deal with the crisis. The type of measures you include in your question are the kind of things they will be looking at.

I also agree with you on the importance of engaging schools and young people in the programme to transition the city to carbon neutral by 2030. The council delivers a very popular schools environmental education programme supporting schools across the city in delivering on the national Eco-Schools programme. Over the coming year the council will be developing an environmental education and youth engagement strategy for making environmental learning, curriculum resources, and youth engagement more aligned with supporting the city's climate ambition. This will be aimed at building capacity, knowledge and confidence of schools, Higher Education establishments and youth organisations in better understanding the challenges of climate change and actions they can take.

Lastly the council recognises the importance of engaging all communities in this effort. The council has a sustainability and carbon reduction community grants programme. In the last round £100k was distributed to over 20 community projects across the city, supporting initiatives aimed at delivering on the city's environmental, climate and circular ambitions and goals.

156.25 Ms Fairbanks asked a supplementary question and queried whether it would be possible to use bus stops, buses and billboards to promote the need for action to be taken.

156.26 The Chair stated that he would be happy to ask officers to explore all the options.

156.27 The Chair noted that Mr Newman was unable to attend the meeting and he would therefore receive a written reply as detailed below:

I completely agree that it is important that we engage our local business community in our programme to transition the city to Carbon Neutral by 2030. I've been so impressed with many of the initiatives that our local businesses are taking to express their commitment to carbon neutrality.

To ensure that the local business community are not missing from this conversation, I have been in touch with both the local Chamber of Commerce and the Economic Partnership to explore how we can better engage the local business community in the carbon neutral programme and how the business community can act as a critical friend to the council. I am wholly committed to making decisions where I can with local business especially where their commitments match our own around things like the circular economy but I'm also wary that I want to make decisions that are done with input or intelligence from local businesses.

156.28 The Chair welcomed Penny Bay and invited her to put her question to the meeting.

156.29 Ms Bay asked the following question, BHCC does not collect food waste which lots of other councils are managing to do very successfully. Food waste can be turned into high quality compost for local use. It is far better to use food waste for compost than to send it to the Newhaven incinerator.

When can we expect a food waste collection scheme to be implemented in Brighton and Hove?

156.30 The Chair replied, thank you for your question about this very important issue. The council is committed to promoting a reduction in food waste and we are actively exploring the introduction of a food waste domestic collection.

Officers are currently modelling options for the introduction of a food waste collections service and a report will be presented to Environment Transport and Sustainability Committee in the summer setting out the options and costs of introducing a new service.

The introduction of a food waste collection would present a substantial cost to the Local Authority. However, as part of the National Resources and Waste Strategy the government have said that they will provide funding to Local Authorities who do not yet have a food waste collection to assist them to introduce a collection. We are waiting for further announcements as to the funding package which has been promised to council's who need it.

What I can reassure you of is the fact that none of our domestic food waste goes to landfill. Less than 3% of all of our waste goes to landfill. This also means that our food waste is not generating the high levels of methane and carbon into the atmosphere through the process of landfill.

In the meantime, we would like to encourage residents to minimise their food waste production and compost any food waste they do generate if they are able to do so. The council works closely with Brighton and Hove Food Partnership who are an excellent organisation working to promote food waste reduction. There are many elements to their work, but they critically aim to ensure that excess food from supermarkets is distributed to those who most need it through foodbanks and community kitchens; they provide healthy eating and cooking classes and work on community food growing projects. The council has created a new Food Policy Officer post who has recently been recruited to work along-side B&H Food partnership and other organisations in the city.

In partnership with B&H Food partnership we provide around 40 community composting schemes. In addition to the council sells subsidised home composters and wormeries for those who have a garden. And if you already have a garden waste collection you can add your food waste to your brown bin.

156.31 The Chair noted that Ms Bay did not have a supplementary question and that concluded the questions.

(c) Deputations

156.32 The Chair welcomed Boyd Darling to the meeting and invited him to present his deputation relating to the grazing on Beacon Hill Nature Reserve.

156.33 Mr Darling thanked the Chair and outlined the reasons for the deputation and the need to address the concerns raised in regard to the proposed changes to grazing arrangements and the erection of permanent fencing on Beacon Hill.

156.34 The Chair thanked Mr Darling for presenting the deputation and stated that firstly, he would like to reassure Mr Darling that the council is committed to the protection of wildlife and increasing biodiversity. Over 90% of the species rich grassland on the downs (like that on Beacon Hill) was lost in the 20th century. The council as well as Sussex Wildlife Trust, The National Trust and the South Downs National Park are all seeking to return grazing to sites like these as the best way to manage their biodiversity.

The council is continually seeking to work more efficiently and reduce the resources needed to carry out its day to day activities. Beacon Hill is one of the most resource intense of the conservation grazing sites to manage in terms of officer time.

A proposal for was therefore put to a meeting with the Beacon Hill Stewardship group to install permanent fencing down the eastern side of Beacon Hill to facilitate the grazing of the site. The fencing would be placed close to the scrub/woodland edge in order to limit its visual impact and have gates where all worn paths cross its line to allow continued public access. It would be industry standard stock fencing as used by the National Trust and other conservation organisations and is not expected to have any significant impact on wildlife; and I take your comments on board. The County Ecologist has been consulted regarding the impact on wildlife of this type of fencing and said , it's not something that she had ever been concerned about.

In seeking to best manage this site for biodiversity (in keeping with the council's declaration of a biodiversity emergency) the council is not seeking to reduce public access. Indeed, by incorporating the old pitch and putt course into the Local Nature Reserve the council has not only increased the area being managed for wildlife but also increased area of open space available to the public by 60%. This increase in area has however increased the time require to graze the site as a whole.

Installing this fence would also remove the need for a portable electric fence which has to be battery charged and checked daily. Removing an electric fence would bring benefits to walkers, wildlife and will be more environmentally friendly.

However at this point this is still a proposal and I would like to thank you for sharing your views and also reassure you that this will be taken into consideration in making a decision as to whether this project goes ahead. The Chair stated that he was happy to have further discussions outside of the meeting.

156.35 The Chair then proposed that the deputation should be noted.

156.36 **RESOLVED:** That the deputation be noted.

157 ITEMS REFERRED FROM COUNCIL

157.1 The Chair noted that three items had been referred from the last Council meeting to the committee for consideration. The first was a deputation concerning fossil fuels and climate change and the council's representation on the East Sussex Pension Committee. He proposed that the deputation should be noted and that the Chief Executive should write to the Pension Committee regarding the issues raised in the deputation.

- 157.2 **RESOLVED:** That the deputation be noted, and the Chief Executive be requested to write to the East Sussex Pension Committee highlighting the points raised in the deputation.
- 157.3 The Chair referred to the Notice of Motion on COP 26 & Wellbeing of Future Generations and proposed that it be noted, and officers be requested to bring a report to a future meeting.
- 157.4 **RESOLVED:** That the notice of motion be noted, and officers be requested to bring a report to a future meeting.
- 157.5 The Chair referred to the Notice of Motion concerning Support for Excluded UK and Those Excluded from Covid Support Schemes in the City. He stated that the council fully supported the ExcludedUK campaign but unfortunately there was a limit to what the council could do as this was bound up in national policy, which was precisely the point of the campaign. However, the council was fully aware of excluded groups and had provided as much information as possible on its web site for businesses and individuals of other potential support that may be available as follows:
- Coronavirus Job Retention Scheme (CJRS) – help to pay furloughed employees' salaries
 - Bounce Back Loan Scheme for small businesses
 - Coronavirus Future Fund
 - Protections if you can't pay your commercial rent
 - Coronavirus Business Interruption Loan Scheme (CBILS)
 - Full refund on statutory sick pay due to Covid-19
 - Self-Employed Income Support Scheme (SEISS)
 - Income Tax and VAT deferred for the self-employed
 - More time to pay Corporation Tax
 - Time to Pay coronavirus helpline
 - Benefits for self-employed workers during the coronavirus pandemic
 - Employment and Support Allowance (ESA)
 - Relief from paying back loans and credit cards
 - Mortgage payment holidays

For individuals in short term hardship, the council also has a number of local welfare assistance services in operation as follows:

- Community Hub for signposting and assistance
- Local Discretionary Social Fund for crisis support
- Welfare Rights advice in terms of eligibility for benefits
- In terms of any council debts owed, an approach to sensitive and ethical debt recovery including referral to debt advice agencies
- Introduction nationally of the government's 'Breathing Space' initiative in May 2021 – a mechanism that puts a statutory hold on debts while the debtor engages with advice
- Maximising discretionary funds where there is entitlement to Council Tax Reduction or Universal Credit / Housing Benefit

- Support for Food Banks and emergency assistance and support for low income families through the Winter Grant package.

However, the council recognised that there were families who were 'just about managing' and who may be on the cusp of welfare benefit entitlement or other forms of support. In this respect, remaining funds from the government Covid Hardship Fund were specifically targeted to groups within the Council Tax Reduction (CTR) caseload who might fall into this category, for example those whose CTR was reduced because their earnings are just sufficient to stop them from receiving maximum CTR. Although applicable to a relatively small caseload this had provided additional assistance.

The Chair stated that the council would continue to provide discretionary funds and signpost people and businesses to appropriate advice agencies to ensure they could get the best advice possible as well as support through temporary hardship. He then proposed that the notice of motion be noted.

157.6 **RESOLVED:** That the notice of motion be noted.

158 MEMBER INVOLVEMENT

158.1 The Chair noted that there was one Member question for the current meeting and invited Councillor Fishleigh to put her question.

158.2 Councillor Fishleigh noted that a small plot of council-owned land in Roedean to the east of Marine Gate and the Gasworks has been identified for disposal. There are various covenants on the land restricting development to 16 homes no more than 30 ft high and preserving access rights and footpaths. 16 homes that sell for multi-millions will do nothing to solve the city's housing crisis.

She therefore asked if the council would consider keeping this land and using it for a development that we can all be proud of, for example, truly eco-homes for low income residents?

158.3 The Chair stated that the site referred to is fairly limited in what can be built on the site. He understood that there were restrictive covenants on the site which limited what could be built to just 16 detached private dwellings with a maximum height of 30 feet. The site had been assessed by our in-house development team that delivers our council house building programme and is considered to be a low priority site given it's potentially high value and the comparatively high cost of developing a small number of council homes on the site. The site has also been assessed as not suitable for development by the Home for Brighton & Hove joint venture that is building homes in the city at a living wage rent.

When sites are not suitable to develop ourselves, we consider selling them for development on the open market and are required to obtain the best price possible as this capital receipt will support the council's financial strategy and the delivery of future services. In this case, if we were to sell the site only the 16 homes could be developed on it. I do agree with your suggestion that the council should be seeking a development that delivers both low carbon homes and homes that are affordable and have asked officers to consider this and these aspects will be controlled through the LA

planning system. Any decision to sell the land would need to come to this committee for consideration so that there is democratic oversight of the future of this important site in the east of our city.

- 158.4 Councillor Fishleigh then referred to the proposed development of a 50m swimming pool on the seafront and questioned whether the impact on the carbon footprint of such a development had been considered.
- 158.5 The Chair stated that with any such development a full environmental impact would be undertaken and noted that information was available on the project.

159 COVID WINTER GRANT SCHEME EXTENSION

159.1 RESOLVED:

- (1) That the indicative additional allocation of Covid Winter Grant of £300,860 be noted;
- (2) That the anticipated underspend of previous Covid Winter Grant allocations of approximately £90,000 in unredeemed vouchers and unrealised allocations as outlined in paragraphs 3.5 and 3.6 be noted; and
- (3) That the proposals in the report to allocate both the underspend and the additional allocation of grant funding referred to in resolutions (1) and (2) above, in accordance with paragraphs 3.5 to 3.7 inclusive, by ensuring the provision of a £20 per child, per week supermarket food voucher over the Easter holidays 2021 to those families whose children are entitled to: free school meals, free childcare places for two-year olds, Early Years Pupil Premium, using the children centres' food bank or are in similar circumstances be approved.

160 NEXT STEPS - ROUGH SLEEPING AND ACCOMMODATION DURING COVID 19 PANDEMIC AND RECOVERY

- 160.1 The Committee considered an extract from the proceedings of the Housing Committee meeting held on the 17 March 2021, together with a report of the Executive Director for Housing, Neighbourhoods & Communities, concerning the next steps to tackle rough sleeping and provide accommodation during the pandemic and recovery from it. The report also provided an update on the cold weather & protect funding, severe weather emergency protocol, government rough sleeping snapshot and the Homeless Bill of Rights.
- 160.2 The Executive Director for Housing, Neighbourhoods & Communities noted that an amendment to the recommendations had been passed at the Housing Committee meeting the night before and was detailed in the extract from the proceedings.
- 160.3 Members of the committee welcomed the report and sought clarification on various points including the next round of government bidding for Housing First and the projections for future homelessness figures, use of emergency accommodation outside of the city and the maximum level of accommodation that was available in the city to

meet homelessness figures. Members also thanked officers for the report and the work that had been undertaken to date.

160.4 The Assistant Director, Housing stated that it was hoped to reduce the use of emergency accommodation with the use of the 'move-on' process and reconnection for rough sleepers. It was also hoped to provide more council owned emergency accommodation in the city. He also offered to provide further information in writing to the committee Members.

160.5 Dr Sasidharan noted the recent court judgement and there being no recourse to public funds and asked what assistance would be made available to rough sleepers.

160.6 The Executive Director for Housing, Neighbourhoods & Communities stated that it was a very complex situation and officers were currently looking at the implications and what could be done to assist people.

160.7 Councillor Gibson noted the amendment to the recommendations that had been agreed at the Housing Committee and stated that he hoped the full Council would support the aspiration to meet the Homeless Bill of Rights commitment.

160.8 The Chair thanked everyone for their comments and then put the recommendations to the vote.

160.9 **RESOLVED:**

- (1) That the Executive Director of Housing, Neighbourhoods & Communities be granted delegated authority to secure accommodation up to the 31st October 2021, by entering into contracts to extend existing arrangements or alternative arrangements where necessary to extend the provision of shorter-term/interim accommodation acquired in response to the Covid 19 pandemic, including a building to deliver the No Second Night Out service up to the beginning of October 2021;
- (2) That it be agreed to continue to support people in the accommodation secured as para 2.9 which includes security, support and food where necessary estimated to cost £2.900m to 1st October 2021 and
- (3) That it be noted that if Contain Outbreak Management Fund (COMF) funding is not available, this could create a service pressure of £2.043m.

160.10 **RESOLVED TO RECOMMEND:**

- (1) That the Homeless Bill of Rights (as referred to in the Homelessness and Rough Sleeping Strategy 2020-25) be adopted as an aspirational document and as the standard against which the Council and its partners judge its policies and practices and outcomes
- (2) That a copy of this resolution is signed by the Leader and sent to FEANTSA to mark its commitment to the international movement of solidarity with homeless people; and

- (3) That the full Council agrees to commit to a process of continuous commitment, improvement and engagement to uphold rights of homeless people.

161 2030 CARBON NEUTRAL PROGRAMME

- 161.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture, which outlined the 2030 Carbon Neutral Programme that was a co-ordinated programme of projects that aimed to help the city address the climate crisis.
- 161.2 The Executive Director for Economy, Environment & Culture stated that the report sought approval for the programme which sought to achieve a carbon neutral city by 2030. He noted that there were five thematic areas which were supported by six cross-cutting themes and that engagement from organisations both within and outside of the city would be required if the objective was to be achieved.
- 161.3 Councillor Miller moved an amendment to the recommendations on behalf of the Conservative Group, which sought the deletion of recommendation 2.5. He stated that given the significant level of spend that would be required it was felt that the committee should have closer oversight and therefore regular reports to future meetings.
- 161.4 Councillor Simson formally seconded the amendment.
- 161.5 Members of the committee welcomed the report and sought clarification on various points including the impact on greenhouse emissions with the improvements to the built environment and the Warmer Homes programme. Members also queried whether there were sufficient resources to take the programme forward and noted the need to bring other organisations on board if the target of 2030 was to be achieved.
- 161.6 The Executive Director for Economy, Environment & Culture stated that there was an aim to reduce emissions and this was detailed under the energy theme rather than built environment, although it would cut across both themes. He also noted that there would be a new Key Performance Indicator (KPI) that would be reported on regularly and that all Directorate Plans incorporated the objective to achieve a carbon neutral city by 2030. The recent Budget Council meeting had also approved resources for additional posts to support the programme and these were being recruited to. In regard to the amendment he noted that no changes to the current arrangements were being proposed and that the Carbon 2030m Working Group would have oversight. However, if carried it would mean some reports having to come to committee for project approval which would add a potential delay and more work for officers.
- 161.7 The Chair thanked everyone for their comments and then put the amendment to the vote which was carried by 6 votes 3 with 1 abstention.
- 161.8 The Chair then put the recommendations as amended to the vote which were agreed,
- 161.9 **RESOLVED:**
 - (1) That the 2030 Carbon Neutral Programme be approved;

- (2) That the oversight of the Sustainability & Carbon Reduction Investment Fund (SCRIF) is transferred from the cross-party SCRIF Member Oversight Group (MOG) to the cross-party 2030 Carbon Neutral Member Working Group, and the SCRIF MOG is stood down;
- (3) That the 2030 Carbon Neutral Programme which is attached in Appendix 1 be approved;
- (4) That the transfer of oversight of the Sustainability & Carbon Reduction Investment Fund from the cross-party SCRIF Member Oversight Group (MOG) to the cross-party 2030 Carbon Neutral Member Working Group and the ending of the SCRIF MOG be approved;
- (5) That the updated draft Terms of Reference for the 2030 Carbon Neutral Member Working Group, which is attached in Appendix 2, and the ending of the SCRIF MOG be approved;
- (6) That the overall unallocated SCRIF resources to support the 2030 Carbon Neutral Programme is £7.118m, of which £3.9m will be allocated alongside the Local Transport Plan investment programme and £3.218m will be allocated through the SCRIF be noted; and
- (7) That the establishment of the Climate Assembly Action Capital Investment Fund of £1.404m to support the 2030 Carbon Neutral Programme be noted.

161.10 The Chair then adjourned the meeting for a short break from 9.01pm to 9.11pm.

162 MOULSECOOMB NEIGHBOURHOOD HUB & HOUSING SCHEME UPDATE

162.1 The Executive Director for Economy, Environment & Culture introduced the report, which provided an update on the Moulsecoomb Neighbourhood Hub and Housing Schemes initially presented to Housing committee on 29 April 2020 and Policy & Resources Committee on 30 April 2020. He also noted that an extract from the Housing Committee meeting held on the 17 March had been circulated in addendum 2.

162.2 Members of the Committee welcomed the report and thanked offices for the work that had been undertaken and noted that the scheme brought a number of benefits to the city.

162.3 The Chair then put the recommendations to the vote which were carried.

162.4 RESOLVED:

- (1) That the progress made on the Moulsecoomb Neighbourhood Hub & Housing Scheme and the rationale for high-level design changes to the masterplan be noted;
- (2) That the impact that the coronavirus pandemic has had on the programme's delivery timeline be noted;

- (3) That the current financial position of the project and the governance arrangements in place to monitor delivery be noted, and
- (4) That officers be authorised to progress the conditions on the change of use consent for the former Portslade Sixth Form site development as set out in paragraph 3.26 of the report.

163 CENTRAL YOUTH HUB

- 163.1 The Executive Director for Families, Children & Learning introduced the report which provided details on the potential to form a partnership with OnSide and Brighton Youth Centre to bid for funding from the Government's Youth Investment Fund to develop a Youth Zone in the city. She noted that there was an extract from the Children, Young People & Skills Committee meeting held on the 8 March in support of the proposal. She noted that should the bid be successful then a further paper outlining how the project could be taken forward would be brought to committee.
- 163.2 Members of the Committee welcomed the report and noted that the proposal for a Youth Zone in the city was welcomed by young people and that there would be continued investment in the neighbourhood youth hubs across the city. It was felt that it would bring benefits to the city and for both the central and neighbourhood provision of youth services and it was hoped that the bid would be successful.
- 163.3 Councillors Simson and Miller expressed some concern over the proposal and its sustainability and accessibility for young people living in the outskirts of the city. There was a need to build stronger youth services across the city and it was difficult to gauge the impact a central provision would have on these. As such Councillor Simson stated that she would abstain from voting on the matter.
- 163.4 The Chair noted the comments and put the recommendations to the vote which were carried.
- 163.5 **RESOLVED:**
- (1) That it be agreed that the Council can enter into a non-legally binding Memorandum of Understanding with Brighton Youth Centre and OnSide as a basis to submit a funding application and to develop proposals for a Youth Zone in the centre of Brighton;
 - (2) That it be agreed to submit a joint funding application with OnSide and Brighton Youth Centre to the Youth Investment Fund; and
 - (3) That the revised funding arrangements as set out in the Central Youth Hub report and financial implications be approved.

164 PAY POLICY STATEMENT 2021/22

- 164.1 The Committee considered the report of the Assistant Director of Human Resources & Organisational Development, concerning the Pay Policy Statement for 2021/2022

which needed to be approved by the full Council before the start of the financial year. She noted that there were no proposed changes to the policy for the coming year and that it was recommended for approval by the full Council.

- 164.2 Dr Sasidharan asked whether it was possible to share the equalities impact assessment that related to the policy.
- 164.3 The Assistant Director stated that she would ensure a copy was sent to Dr Sasidharan.
- 164.4 Councillor Yates welcomed the report and noted that further reports on the BAME and Gender pay gaps were due to come to the committee later in the year.
- 164.5 The Chair then put the recommendations to the vote.
- 164.6 **RESOLVED TO RECOMMEND:** That the pay policy statement for 2021/22 attached at Appendix 1 to the report be recommended to the full Council for adoption.

165 CORPORATE DEBT POLICY

- 165.1 The Acting Chief Finance Officer introduced the report which detailed the annual review of the Council's Corporate Debt Policy. He also noted that a Bill was progressing through Parliament which would result in a more holistic approach being taken towards debt management and recovery to help people from spiralling into debt.
- 165.2 Members of the Committee welcomed the report and referred to the Equalities Impact Assessment (EIA) which it was felt was a good example of what needed to be included in such a document.
- 165.3 The Chair thanked officers for the report and put the recommendations to the vote which were carried.
- 165.4 **RESOLVED:**
- (1) That it be noted that the proposed policy commits the council to ending the use of committal proceedings to enforce Council Tax collection, in all but the most exceptional of circumstances
 - (2) That the Equality Impact Assessment at Appendix 2 to the report be noted; and
 - (3) That the revised policy at Appendix 1 to the report be approved and that it be put into practice with effect from 1 April 2021, subject to having due regard to any necessary consultation and engagement processes.

166 SCHOOLS INFORMATION MANAGEMENT SYSTEM (SIMS)

- 166.1 **RESOLVED:** That the Acting Chief Finance Officer be granted delegated authority to take all necessary steps to:
- (i) Procure and award a contract for pupil management software licenses for an initial term of three (3) years and an option to extend for up to a further period of two (2) years;

- (ii) Grant the optional extension referred to in (i) above, subject to the satisfactory performance of the licensor and the software.

167 ANNUAL PLANNED MAINTENANCE BUDGET AND ASSET MANAGEMENT FUND ALLOCATIONS 2021-22 FOR THE COUNCIL'S OPERATIONAL BUILDINGS'

167.1 RESOLVED:

- (1) That the annual programme of planned maintenance works for the Planned Maintenance Budget as detailed in Appendices 2 and 3, at a total estimated cost of £3,631,190 be approved;
- (2) That the Asset Management Fund allocation for 2021-22 totalling £1,000,000, as detailed in paragraph 3.4.2 of this report be approved; and
- (3) That delegated authority be granted to the Executive Director Economy, Environment & Culture to procure the Planned Maintenance Budget and Asset Management Fund improvement works and award contracts within these budgets, as required, in accordance with the council's Contract Standing Orders.

168 2021/2022 LOCAL TRANSPORT PLAN CAPITAL PROGRAMME

168.1 RESOLVED: That the 2021/22 Local Transport Plan capital programme budget allocation of £4.538 million, as set out in Appendix 1 of the report be agreed.

169 OFF-STREET CAR PARK AND TRAFFIC CONTROL CENTRE EQUIPMENT REPLACEMENT AMENDMENT

169.1 RESOLVED: That the Executive Director, Economy, Environment & Culture be granted delegated authority to increase the value of the contract by £400,000, giving a new total contract value of £1.4m.

170 FORMER PETER PAN SITE MADEIRA DRIVE - SEA LANES

170.1 RESOLVED:

- (1) That the Policy & Resources Committee agree to the grant of a 25-year Agreement for Lease to Sea Lanes Brighton Limited.
- (2) That delegated powers be given to the Executive Director of Economy, Environment & Culture, Assistant Director Property & Design and Head of Legal Services to agree terms and take any necessary steps to facilitate this recommendation.

171 PROCUREMENT OF ARBORICULTURAL SERVICES

171.1 RESOLVED: That the committee delegates authority to the Executive Director of Economy Environment and Culture to take all necessary steps to:

- (i) Procure and award an arboricultural contract for up to £2 million for an initial term of three [3] years and a possible extension of up to 24 months; and
- (ii) Grant the optional extension to the contract referred to in 2.1 [i] subject to satisfactory performance of the contractor.

172 PLAYGROUND REFURBISHMENT PROGRAMME

172.1 RESOLVED:

- (1) That the playground refurbishment programme set out in appendix 1 be approved;
- (2) That borrowing of up to £0.539m to contribute to the refurbishment of playgrounds be approved;
- (3) That the Executive Director for Economy, Environment & Culture be granted delegated authority to procure and award contracts for up to £3m for playground refurbishment over a period of up to 4 years; and
- (4) That it be agreed that the refurbishment programme is informed by consultation with disability groups in order to improve disability access to local playgrounds.

173 SELF MANAGED SPORT FACILITIES

173.1 The Executive Director for Economy, Environment & Culture introduced the report which outlined the approach taken to transferring sports facilities in parks to sports clubs and user groups in order to ensure the future sustainability of the facilities. He noted that an extract from the proceedings of the Environment, Transport & Sustainability Committee meeting held on the 19th January had also been included in the papers and that the committee was asked to approve the additional criteria to be considered when a transfer was proposed which was detailed in appendix two the report. He stated that lessons had been learnt from earlier transfers and it was hoped that the revised process would prove to be more effective.

173.2 The Committee welcomed the report and the revision to the criteria following lessons learnt with earlier transfers. Members noted that oversight of any transfer would be managed through the lease agreement and thanked officers for their work. Members also welcomed the intention to support community groups and those on low incomes and asked if the provision could be reviewed to see if it could be strengthened.

173.3 The Chair noted the comments and put the recommendations to the vote which were carried.

173.4 RESOLVED:

- (1) That the additional criteria which are to be considered in determining the transfer of outdoor sports facilities in parks to community organisations as set out in appendix 2 and that they are added to the CATP as an appendix be approved;

- (2) That a further condition of transfer which will allow the use of the facilities by local residents on low incomes at a reduced rate be approved; and
- (3) That that consultation with the community and its representatives takes place before any lease or license is granted be approved.

174 REVIEW OF THE COUNCIL'S CONSTITUTION

- 174.1 **RESOLVED:** That the item be deferred for consideration at the next committee meeting on the 13 May 2021.

175 MEMBERS' ALLOWANCES

- 175.1 The Committee considered the report of the Executive Lead Officer for Strategy, Governance & Law, concerning the recommendations of the Independent Remuneration Panel (IRP). relating to changes to the Members Allowances Scheme. The Executive Lead Officer noted that the Chair of the IRP was in attendance and he wished to thank the Panel for their work. He also noted that whilst the Panel made recommendations to full Council on the level of allowances attributable to each post, the numbers of committees, Chairs and roles was determined by the Council. He stated that following a change in Administration in July 2020, the option for various roles to be job-shared was taken up and this followed from reports to TECC and P&R on the Fawcett Society Report and the objective to encourage more people to become councillors and offer opportunities to a wider group of Members. The current Scheme restricted the ability to claim only claim one SRA and therefore did not reflect the ability to job-share more than one role.
- 175.2 The Executive Lead Officer for Strategy, Governance & Law stated that the IRP had received the views of Members and met with councillors to consider the possibility of amending the Members Allowances Scheme and their recommendations were reflected in the report. He also noted that an amendment from the Labour and Conservative Groups was due to be considered and in his capacity as the Monitoring Officer he needed to draw to the committee's attention that should the amendment be carried, he would need to submit a report to the full Council to ensure that it also received and considered the recommendations of the Independent Remuneration Panel.
- 175.3 The Chair noted the comments and invited Councillor Platts to move the joint amendment on behalf of the Labour and Conservative Groups.
- 175.4 Councillor Platts stated that both the Labour and Conservative Groups had concerns about how the job-sharing of Chairs' roles was working and felt that the Administration had not been clear about how the new arrangements would enable effective management of the decision-making process. She stated that the ability to job-share was supported by both Groups as it provided flexibility and recognition of time commitments that might prevent someone from undertaking a role full-time. However, it was felt that greater clarity was required where more than one role was being job-shared and others not, but part of the special responsibility allowance was being sought. It was therefore proposed that further discussion was required and further consideration by the IRP before any changes were made.

- 175.5 The Chair noted that the amendment had been moved and invited the Chair of the IRP to comment.
- 175.6 The Chair of the IRP thanked the Chair and stated that the Panel had recommended a Scheme for Members Allowances ahead of the last elections which would then last for the duration of the Council. He noted that the Panel had reserved the right to review the Scheme annually and to make any additional recommendations in light of any changes during the term of the Council. In this regard, it had considered the question of job-sharing of roles and had sought the views of Members before reaching its conclusions. He also noted that the amendment referred to the saving that had been agreed at the Budget Council meeting and stated that the Panel were minded to accept the decision as the overall budget was for the Council to determine and the Panel's role was to look at the impact on the Allowances Scheme. Whilst Members had previously contributed towards the cost of having a parking permit, the decision of Council meant that the Scheme should be amended to reflect that permits would no longer be given to Members.
- 175.7 The Chair thanked Mr. Childerhouse and the Panel for their work to date.
- 175.8 Councillor Miller formally seconded the amendment and stated that the Conservative Group had expressed reservations about the intention to job-share roles and how that would work effectively. There was also concern of the potential for any additional special responsibility allowances that were attributable to be back-dated at this point when further clarity was required on how they would operate and further consideration of how the overall Scheme should apply was required.
- 175.9 Members of the Committee noted that a budget saving had been approved at Budget Council which resulted in a potential £25k saving from additional parking revenue for Norton Road with the removal of permits for councillors. The IRP had been asked to consider this in light of the need to amend the Allowances Scheme to reflect the decision as those councillors who had previously opted for a permit had also been required to make a contribution towards the cost of the permit. The Committee noted that it did not prevent councillors from using the car park, it would just be that there was no guarantee of a space and it would be at their personal cost.
- 175.10 Members of the Committee felt that the job-sharing of roles had worked well and referred to the document that had been circulated at the council meeting in July which outlined how they would operate. It was suggested that the introduction of job-sharing had enabled more Members to gain experience and understanding of senior roles which would not have been open to them. However, other Members argued that opposition roles were not recognised within the Scheme and those spokespersons also undertook a greater level of workload and responsibility. It was felt that there was a need for greater clarity on job-sharing could work and what roles would be suitable for such an arrangement and therefore more time was required before changes were made to the Scheme.
- 175.11 Councillor Clare noted that any delay in changing the Scheme would result in the option to back-date payments would be lost for the current year. She noted that the current Scheme required the Deputy Leader of the Council to Chair a policy committee.

However, this meant that as she and Councillor Shanks job-shared the role, they also had to Chair a committee and therefore were only in receipt of 50% of the Deputy Leader's SRA. They believed that it was appropriate to be able to receive 50% of the Chair's SRA and thereby equate to a full SRA which was not possible under the current Scheme. She also referred to the Fawcett Society's report and the need to improve opportunities for women and others to take up positions of responsibility within local government as councillors and had hoped that the Council would take this forward rather than sit back. She also felt that the level of allowances for councillors were not sufficient and that it had become a full-time role and should be recognised as such.

175.12 Dr Sasidharan stated that she wished to echo the comments and agreed that the Basic Allowance for councillors needed to be reviewed and increased to recognise the value the role of councillor brought to both a local authority and its community. She believed that the ability to job-share was an important point of principal and should be recognised for the flexibility and equality that it offered.

175.13 Councillor Platts reaffirmed the Labour Group's support for job-sharing but felt that there was a need to address the confusion that had so far resulted and for greater clarity to the Scheme to be determined before changes were made.

175.14 Councillor Gibson stated that he hoped further dialogue could be held before full Council on the 25 March and that an equal payment for each role undertaken on a job-share basis could be recognised and any back-dated payments implemented as these roles had been fulfilled for the last year.

175.15 The Chair noted the comments and reiterated that the IRP were an independent panel of people which made recommendations to the full Council. He had not been made aware of the confusion caused from roles being job-shared and felt that it was a progressive way of working that should be favoured and supported by all Members. However, he noted that an amendment had moved and therefore put it to vote which was carried by 6 votes to 4.

175.16 The Chair then put the recommendations as amended to the vote which was carried by 6 votes to 4.

175.17 **RESOLVED TO RECOMMEND:**

- (1) That the comments of the IRP regarding their encouragement to the Council to consider further information being shared regarding the nature and practical implementation of job share roles for Councillors be noted;
- (2) That a report be brought to the next meeting of Policy & Resources Committee to detail which jobs could be job shared in any revisions to the Scheme; and
- (3) That an Options Paper be brought to the next meeting of Policy & Resources Committee to decide on any revisions to the Members Allowances Scheme with regards to car parking passes, and for the options to include; separating the two car park concessions and reducing them, for permits to be limited in number per political group, choosing to have permits for one site only, allowing Councillors to

make a larger monthly contribution for both car parks near the Town Halls or other suggestions which the IPR believe relevant.

A PROCUREMENT OF SERVICES SOCIAL VALUE AND COMMUNITY WEALTH BUILDING

Note: The minute relating to the item is detailed at Item 156 in the minutes, having been taken in conjunction with the petition on RISE.

176 EDUCATION CAPITAL RESOURCES AND CAPITAL INVESTMENT PROGRAMME 2021/22

176.1 RESOLVED:

- (1) That the allocation of funding as shown in Appendices 2 and 3 for inclusion within the Council's Capital Investment Programme 2021/22 be agreed; and
- (2) That Assistant Director of Property & Design be granted delegated authority to procure the capital maintenance and basic need works and enter into contracts within these budgets, as required, in accordance with Contract Standing Orders in respect of the entire Education Capital Programme.

177 INTRODUCTION OF A CHARGING POLICY FOR CHILDREN WHO ARE ACCOMMODATED AT THE REQUEST OF THEIR PARENTS UNDER SECTION 20 OF THE CHILDREN ACT 1989

177.1 **RESOLVED:** That the introduction of the Charging Policy, as set out in Appendix 1 to the report to seek to recoup partial costs in defined circumstances when a child becomes Looked After at the request of parents be approved.

178 ITEMS REFERRED FOR COUNCIL

178.1 **RESOLVED:** That item 161, 2030 Carbon Neutral Programme be referred to the full Council meeting for information.

The meeting concluded at 10.20pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

POLICY & RESOURCES URGENCY SUB-COMMITTEE

4.00pm 12 MARCH 2021

VIRTUAL

MINUTES

Present: Councillor Councillor Mac Cafferty, Bell and Williams

PART ONE

1 PROCEDURAL MATTERS

The Chair welcomed everyone to the virtual P&R Urgency Sub-Committee meeting. He noted that the meeting itself had been called as a matter of urgency to deal with the item listed on the agenda.

(a) Declarations of Substitutes

1.1 Councillor Williams declared she was attending in substitute for Councillor Platts.

(b) Declarations of Interest

1.2 There were no declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public be excluded from the meeting as there were confidential items listed for consideration.

PART TWO SUMMARY

2 HOUSING REPAIRS AND MAINTENANCE SERVICE HARMONISATION - EXEMPT CATEGORY 4

- 2.1 The Urgency Sub-Committee agreed the action to be taken having considered the matter and the recommendations listed in the report.

3 PART TWO PROCEEDINGS

- 3.1 **RESOLVED:** That the item listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

The meeting concluded at 4.30pm

Signed

Chair

Dated this

day of

Subject:	Green Pride. Items referred from the Council meeting held on the 25 March 2021		
Date of Meeting:	13 May 2021		
Report of:	Executive Lead Officer for Strategy, Governance & Law		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive the following Notice of Motion which was debated at and referred from the full Council meeting held on the 25 March 2021.

2. RECOMMENDATIONS:

- 2.1 That the Committee responds to the motion concerning the Green Pride event either by noting it or where it is considered more appropriate, calling for an officer report on the matter as requested, which may give consideration to a range of options.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 The following resolution from the full council meeting held on the 25 March 2021 for the committee to consider is detailed below:

COUNCIL

4.30pm 25 MARCH 2021

VIRTUAL

MINUTES

Present: Councillors Robins (Chair), Mears (Deputy Chair), Allcock, Appich, Atkinson, Bagaean, Barnett, Bell, Brennan, Brown, Childs, Clare, Davis, Deane, Druitt, Ebel, Evans, Fishleigh, Fowler, Gibson, Grimshaw, Hamilton, Heley, Henry, Hills, Hugh-Jones, Janio, Knight, Lewry, Littman, Lloyd, Mac Cafferty, McNair, Miller, Moonan, Nemeth, Nield, O'Quinn, Osborne, Peltzer Dunn, Phillips, Pissaridou, Platts, Powell, Rainey, Shanks, Simson, C Theobald, West, Wilkinson, Williams and Yates.

PART ONE

NOTICES OF MOTION

137. GREEN PRIDE

137.1 The Mayor noted that a revised version of the notice of motion had been circulated with addendum 1 and that he was required to call on Councillor Miller to explain the revision and see Council's agreement to the revised motion be taken in place of the original one listed in the agenda.

137.2 Councillor Miller stated that following the publication of the agenda he had received legal advice which required a revision to the wording of the motion.

137.3 The Mayor sought Council's agreement to the revised motion being taken which was agreed.

137.4 The Notice of Motion as listed in addendum 1 was proposed by Councillor Miller on behalf of the Conservative Group and formally seconded by Councillor Bagaeen.

137.5 Councillor Clare moved an amendment on behalf of the Green Group which was formally seconded by Councillor Littman.

137.6 Councillors Childs and Brennan spoke in favour of the original motion and Councillor Miller confirmed that he was not prepared to accept the amendment.

137.7 The Mayor noted that the amendment had not been accepted and therefore put the amendment to the vote and called on each of the Group Leaders to confirm their position as well as the Groups in turn followed by each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the amendment and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were against the amendment and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative were against the amendment and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she wished to abstain from voting on the amendment;

Councillor Fishleigh confirmed that she was voting for the amendment;

Councillor Janio confirmed that he was voting for the amendment;

Councillor Knight confirmed that she wished to abstain from voting on the amendment.

137.8 The Mayor confirmed that the amendment had been lost.

137.9 The Mayor then put the following motion the vote:

This Council agrees to:

1. Request the Policy & Resources Committee to consider the prohibition of the use of Preston Park and any other council property, park, green or open space for the event Green Pride as a commercial event, in which the organiser charges stall holders and accepts sponsorship, or takes money in relation to the event, save if agreed by Council officers and to call for a report as necessary in order to be able to approve the prohibited use of council land and property as outlined; and
2. Support the use of medicinal cannabis and CBD oil in line with national legislation and the right to protest on the issue of cannabis use, using areas designated by Council officers, other than when the organiser seeks to make money.

137.10 The Mayor then called on each of the Group Leaders to confirm their position as well as the Groups in turn followed by each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were against the motion and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were in favour of the motion and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative were in favour of the motion and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was voting against the motion;

Councillor Fishleigh confirmed that she was voting for the motion;

Councillor Janio confirmed that he was voting for the motion;

Councillor Knight confirmed that she wished to abstain from voting on the motion.

137.11 The Mayor confirmed that the motion had been carried.

Subject:	Review of the Council's Constitution
Date of Meeting:	13 May 2021
Report of:	Executive Lead Officer for Strategy, Governance & Law (Monitoring Officer)
Contact Officer: Name:	Abraham Ghebre-Ghiorghis
Email:	abraham.ghrebre-ghiorghis@brighton-hove.gov.uk
Ward(s) affected:	All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1 This report proposes changes to the Council's Constitution for approval by Policy & Resources Committee and (where relevant) Council. The proposals set out in the report have been considered by the cross-party Constitutional Working Group (CWG) and by Leaders Group.

2. RECOMMENDATIONS:

That the Policy & Resources Committee:

- 2.1 Recommends to Full Council the proposal to make changes to the Council's Procedure Rules in Part 3.2 of the Council's Constitution indicated in paragraphs 4.1 - 4.7 inclusive and Appendix 1.
- 2.2 Agrees the proposals to make changes to the Council's Member Working Groups and Advisory Bodies in Part 4 of the Council's Constitution as set out in paragraphs 4.8 to 4.11 inclusive and Appendices 2 & 3.
- 2.3 Recommends that Full Council approve the appointment of a co-optee to represent the perspective of disabled people to Environment, Transport & Sustainability Committee and a representative from Parent Carers' Council (PaCC) to be co-opted onto the Children, Young People & Skills Committee, as outlined in paragraph 4.12 of the report.
- 2.4 Recommends that a report be brought to the next Committee meeting, addressing proposals for the payment of an allowance to those co-optees and standing invitees described in paragraph 4.13.
- 2.5 Agrees the proposal to make changes to the Scheme of Delegations to Officers in Part 6 of the Council's Constitution as set out in paragraphs 4.14 to 4.15 inclusive and Appendix 4 of the report.
- 2.6 Recommends to Full Council the proposal to make changes to the rules on Petitions in Part 8.10 of the Council's Constitution as set out in paragraphs 4.16 to 4.18 inclusive and Appendix 5 of the report.

That Full Council:

- 2.7 Approves the proposed changes referred to in paras 2.1, 2.3 and 2.6 above and as set out in Appendices 1 and 5.

That both Policy & Resources Committee and Full Council:

- 2.8 Authorise the Chief Executive and Monitoring Officer to take all steps necessary or incidental to the implementation of the changes agreed by the Policy & Resources Committee and by Full Council, and that the Monitoring Officer be authorised to amend all parts of the Council's constitutional documents necessary to incorporate the changes, and to republish the Constitution.
- 2.9 That the proposed changes come into force immediately following their approval by Policy & Resources Committee or adoption by Full Council, as appropriate.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council is required to keep its Constitution under review with a view to achieving efficiency, economy and effectiveness. The cross-party Constitutional Working Group (CWG) was set up to assist with this by considering proposals and advising the Council on proposed changes to the Constitution. The current members of the CWG are Councillors Clare (Chair), O'Quinn and Nemeth. The proposals set out in the report were discussed by the CWG and also by Leaders' Group.

4. PROPOSALS

Changes to the Council's Procedure Rules – Part 3.2

- 4.1 A series of proposals to the rules governing the conduct of the council's meetings are proposed as described below and the relevant updated sections of Part 3.2 of the Constitution are attached as Appendix 1.

4.2 Notices of motion

Currently the total number of Notices of Motion which may be submitted to each meeting of Full Council is six: two per Group. Joint Notices of Motion are not normally counted which has led to some uncertainty and inconsistency. It is proposed that the rules be clarified by providing that – as well as each Group being able to submit two Notices of Motion – each Group is also entitled to co-submit a maximum of two additional Notices of Motion with another Group.

4.3 Voting on Recommendations

Currently there is inconsistency as to whether recommendations are required to be put to the meeting as one vote or whether they are voted on individually. It is proposed that the Rules be amended to include explicit reference to the discretion of the Chair to decide how recommendations are put, the Chair being best placed to judge which approach to adopt on a case by case basis.

4.4 Amendments to written reports

As currently worded, the rules on amendments appear to conflict, with Rule 14 appearing to allow verbal amendments contrary to the notice requirements in Rule 15. It is proposed that Rule 14.2 be amended to ensure clarity.

4.5 Amendments negating the motion

Rule 13.4 currently provides that an amendment 'shall not have the effect of simply negating the motion before the meeting'. It is suggested that the concept of a 'negating amendment' would be clarified by providing the definition as set out in Appendix 1.

4.6 Points of Order

The high number of interjections presented as Points of Order at some Full Council meetings has been observed. It has been noted that many do not meet the definition provided in Rule 15.10, and that dealing with them takes up time in the meeting. To ensure the effective running of the council's business, it is therefore proposed that the Rules be amended to provide that a member who has had two Points of Order ruled as inadmissible will not be permitted to raise a third Point of Order at the same Full Council meeting.

4.7 Smoking

It is considered that the current prohibition on smoking in council meetings is no longer required due to the legal prohibition in place. As a result, it is proposed that it be deleted.

Changes to the Council's Member Working Groups and Advisory Bodies - Part 4

4.8 Following a review of the Council's Member Working Groups and Advisory Bodies, the following bodies are proposed to be deleted, for the reasons indicated:

Cross Party Members and Stakeholder Steering Group for the Disability and Special Educational Needs review	This member working group is no longer necessary now that the Special Education Needs Review has been completed.
Health & Social Care Integration X-Party Members Working Group	This member working group has not met for some months and is not considered to be needed.
Modernisation Member Oversight Group	This member working group has recently been paused as the work of the Council's modernisation programmes are reported to the relevant service Committees as necessary.

Adoption Panel	This body is no longer required due to a change in the law which established a joint body – Adoption South East –from April 2020 to carry out relevant functions.
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4.9 The following changes are proposed to the Terms of Reference of existing Member Working Groups as set out fully in Appendix 2:

- (i) The Terms of Reference of the Homelessness Reduction Board be amended to future proof it, in case of future changes in political representation.
- (ii) The remit of the 2030 Carbon Neutral Group be expanded to incorporate the allocation of funding required to deliver the plan (an action previously overseen by a task & finish group which has now been disbanded: the Sustainability & Carbon Reduction Investment Fund Member Oversight Group).

4.10 The following additional Member Working Groups are proposed to be established with the Terms of Reference which are set out in Appendix 3 alongside some additional explanatory text which it is proposed be inserted in the Introduction to Part 4 of the Constitution in order to provide additional clarity re the role of Member Working Groups and the principles on which they are established:

- (i) A City Downland Estate Advisory Panel to exist alongside the Asset Management Board (AMB), to provide a dedicated forum for considering relevant issues.
- (ii) Cross-Party Working Group for Planning Policy to provide Planning Committee with input on planning policy and guidance (NB this was proposed by [Planning Committee](#) but has yet to receive formal approval from Policy & Resources Committee).
- (iii) Youthwise: an advisory body which aims to demonstrate the council's commitment to listening to the voice of young people and involving them in decisions that may impact on them (NB this was proposed by [Children, Young Persons & Skills Committee](#) but has yet to receive formal approval from Policy & Resources Committee).

4.11 In relation to the chairing of Member Working Groups, the current expectation is that the Chair of each MWG shall normally be appointed from the Council's largest political group unless Policy & Resources Committee has made other express provision. It is proposed that the word 'normally' be deleted so as to make that provision unequivocal and thereby ensure clarity and consistency but to also retain the option for Policy & Resources Committee (or other relevant Committee in the case of task and finish Member Working Groups) to agree other provision for chairing when they agree the Terms of Reference, as is currently the case.

Co-optees and standing invitees

4.12 It is proposed that the Council's existing arrangements for encouraging input from relevant groups in the area be enhanced by appointing the following additional non-voting co-optees to those of the Council's Committees specified below. It should be noted that options for future representation on other Committees will be kept under review, while the project to explore all available means of supporting co-optees and standing invitees to participate effectively in the Council's decision-making remains ongoing:

- An additional co-optee to Environment, Transport and Sustainability Committee to represent the perspective of disabled people;
- A representative from Parent Carers' Council (PaCC) to be co-opted onto Children, Young Persons and Skills Committee.

4.13 It is further proposed that a role description is developed for co-optees and standing invitees and that a report is brought back to this Committee to consider whether co-optees and standing invitees who are appointed and attend Council Committee meetings in a personal and voluntary capacity should receive an allowance to acknowledge the value they bring to the Council's decision-making. Such a proposal would also require consideration by the Independent Remuneration Panel.

Changes to the Scheme of Delegations to Officers – Part 6

4.14 It is proposed that the delegations to the Executive Director – Economy, Environment & Culture be amended to make specific reference to the power to enforce the environmental offences included in the updated Environmental Enforcement Framework, which was approved by Environment, Transport & Sustainability in September 2020. The proposed amended wording is set out in Appendix 4.

4.15 It is further proposed that the Executive Director – Housing, Neighbourhoods & Communities is delegated sole responsibility for services to rough sleepers. This proposal is considered to provide greater clarity than the current arrangements where the function is delegated concurrently to two Executive Directors. The proposed amended wording is set out in Appendix 4.

Changes to the Council's Petitions Scheme – Part 8.2

4.16 It is proposed that the council's current Petitions Scheme be amended to embed in it the requirement that all supporters of a petition submitted in paper or via the Council website demonstrate that they live, work and/or study in the area of B&H by providing a relevant postcode.

4.17 The proposed amendments also embed into the Scheme that petitions received from petition portals outside of the Council will also be encouraged to demonstrate that signatories live, work and/or study in the area of B&H by providing a relevant postcode, with the aim of ensuring consistency.

4.18 The proposed amended wording is set out in full at Appendix 5 to this report.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Committee or Council could decide not to implement the changes set out in this report, with the impact of retaining the status quo. However, the proposals have been made to improve clarity and understanding of the Constitution for both elected members and the public.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 The proposals in this report have been reviewed in detail by elected Members in the Constitution Working Group and Leaders Group. The proposals do not represent changes to the decision-making structure or framework and due to the procedural nature of the changes that are proposed it is not considered that community engagement would be appropriate.

7. CONCLUSION

- 7.1 The proposals reflect the Council's ongoing efforts to review its Constitution to ensure that it is reflective of current practice and priorities and to achieve clarity and increased efficiency. As a result, it is recommended that the proposals in this report be approved.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 There may be potential cost implications arising from any proposed allowances for co-optees, which will be the subject of a further report and would be subject to approval by the Independent Remuneration Panel. Financial implications will be provided for these reports.

Finance Officer Consulted: Nigel Manvell Date: 05/05/21

Legal Implications:

- 8.2 Policy & Resources Committee and, where specified in this report, Full Council have the authority to make the changes to the Council's Constitution which are set out in the report. The intention is for the proposals to be implemented with immediate effect following the decision of the relevant decision-making body, unless expressly stated to the contrary.

Lawyer Consulted: Victoria Simpson Date: 04/05/21

Equalities Implications:

- 8.4 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not.

- 8.5 The Council's public sector equality duty has been considered by officers and the proposals of this report have been assessed for their equalities impact. There are anticipated benefits to disabled people in respect of the proposal to introduce an additional co-optee to ETS and CYPS Committee and to younger people in relation to the establishment of Youthwise.

SUPPORTING DOCUMENTATION

Appendices:

- Appendix 1 – Part 3.2 (tracked changes version)
- Appendix 2 – Part 4 – extracts (tracked changes version)
- Appendix 3 – Part 4 – extracts (tracked changes version)
- Appendix 4 – Part 6 (tracked changes version)
- Appendix 5 – Part 8.10 (tracked changes version)

Background Documents

None

Appendix 1: Extracts from the Council Procedure Rules – Part 3.2

Rule 8: Notices of Motion

Procedural Requirements

- 8.1 Notice of every motion, other than a motion which under Procedure Rule 13 may be moved without notice, shall be given in writing. It shall be signed by not fewer than two Members of the Council and delivered to the Chief Executive (see Procedure Rule **Error! Reference source not found.**) by not later than 10.00 am on the ninth working day before the relevant Council meeting.

Number of Notices of Motion

- 8.2 The maximum number of notices of motion to be presented at a Council meeting shall be as follows:

the three largest Political Groups:

- 2 each **plus also 2 additional notices of motion per Group jointly with another Group.**
- any other Group: 1

- 8.3 Any Member not belonging to a Political Group may present not more than 1 notice of motion, at the discretion of the Mayor.
- 8.4 Where Members of a Political Group submit more than the permitted maximum number of notices of motion, the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from members of a Political Group shall be taken in the order in which they are received, up to the permitted maximum number.

Substantive and Declaratory Motions

- 8.5 A notice of motion shall be placed on the agenda for the Council meeting unless the Members submitting the motion ask that it be first considered by a Committee or Sub-Committee. However, if the motion includes a proposal for the Council to take any substantive action or incur any expenditure (substantive motion) it shall only be considered to the extent that either the matter is noted by the Council or is referred to the relevant Committee or Sub-Committee for consideration.
- 8.6 The Policy & Resources Committee or the Monitoring Officer may issue guidance on the application of Procedure Rule 8.5 above.

Members' Right to Speak

- 8.7 When a notice of motion is taken at a meeting of a Committee or a Sub-Committee, a Member who has signed the motion shall have the right to attend and address the meeting.

Reporting of Outcome of Notice of Motion

- 8.8 A notice of motion referred to a Sub-Committee will be reported to the next meeting of the parent Committee and to the next meeting of the Council under Procedure Rule 24. A notice of motion referred to a Committee will be reported to the next meeting of the Council for information.

Moving a Motion

- 8.9 A motion of which notice has been given must be moved at Council either by a Member who gave the notice or by some other authorised Member (authorised by the Mayor). If no such Member moves the motion it shall be postponed by consent of the Council, or treated as withdrawn.

Relevance

- 8.10 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Authority, the area of Brighton & Hove and/or its inhabitants.

Consultation

- 8.11 Where the Council is in the process of consulting with the public on a proposal, no notice of motion expressing support or objecting to the proposals shall be accepted.

[..]

Rule 13: : Motions and Amendments

Motions where Notice is Not Required

- 13.1 The following motions may be moved without notice at any meeting:
- (a) to elect in the event of a vacancy a Mayor, or Deputy Mayor, or Chair, or Deputy Chair or to appoint a person to preside at the meeting at which the motion is made;
 - (b) motions relating to the accuracy of the minutes;
 - (c) motions relating to a change in the order of business;
 - (d) motions extending the time limit for speeches;
 - (e) “that the Council (or Committee or Sub-Committee) proceed to the next business”;
 - (f) “that the question be now put”;
 - (g) “that the debate be now adjourned”;
 - (h) “that the Council (or Committee or Sub-Committee) do now adjourn”;

- (i) motions as to the termination of meetings;
- (j) motions relating to the suspension of these Procedure Rules without notice;
- (k) motions to exclude the public from a meeting where there is likely to be otherwise disclosure of exempt or confidential information, in accordance with the Access to Information Procedure Rules set out in Part 7.1 of the Constitution;
- (l) motions giving consent of the Council, Committee or Sub-Committee where it is required under these Procedure Rules;
- (m) motions to appoint a Committee or Member arising from an item on the summons for the meeting;
- (n) motions to refer a petition which has been presented to the Council or any other matter to a Committee or Sub-Committee or other appropriate body or individual for consideration;
- (o) motions relating to deputations under Procedure Rule **Error!**
Reference source not found.

Moving Recommendations

- 13.2 On consideration of a report or a recommendation from a Committee, Sub-Committee or officer, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice. **Where more than one recommendation is being proposed, then it will be at the discretion of the Mayor or Chair to decide whether they are voted on individually or one at a time.**

Amendment to Motions

- 13.3 Subject to the requirements of Procedure Rule 15.4 as to notice, an amendment to a motion may be moved, but shall be relevant to the motion. No amendment shall be moved to an amendment.
- 13.4 An amendment shall be either to refer the matter to a Committee, Sub-Committee or an officer for consideration, to leave out some or all words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting. **A negating amendment is one which – while on the same subject as the original motion - would if passed generate the same outcome as a simple vote against the proposal. A negating amendment is one which would nullify the proposal in its entirety, thereby resulting in no change to the status quo.**

Alteration/Withdrawal of Motions/ Amendments

- 13.5 With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion of which they have given notice;

- (b) with the further consent of the seconder, alter a motion which has been moved and seconded; if the alteration is one which could be made as an amendment.

13.6 With the consent of the seconder and the meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No Member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.

The 6 Month Rule

13.7 At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period. Such a motion may be moved if it is recommended by a Committee or Sub-Committee or notice of such motion has been given by as many Members as will constitute a quorum of the Council (fourteen) on the summons to the meeting.

Consent

13.8 Where the consent of the Council, Committee or Sub-Committee is required for anything, that consent may be given either by the Mayor or Chair asking the meeting whether there are any objections to the consent being given, and if no objection is raised, giving that consent, or if objection is raised or if the Mayor or Chair so chooses, by a motion moved, seconded and put to the meeting.

Rule 14: Written Reports

14.1 No report upon which decisions are proposed to be made shall be taken at any meeting of the Council, a Committee or Sub-Committee, unless it is in writing.

~~14.2 Verbal amendments and additions to written reports may normally be made unless the effect of them is to nullify the recommendations in the report and replace them with others. Where exceptionally amendments and additions are not allowed for special reasons, then those must be recorded in the minutes.~~
Verbal amendments and additions to written reports may only be made by Members in accordance with Rule 15.4 (notice of amendments) and Rule 13.4 (amendments not to have effect of negating the motion)

14.3 With the agreement of the Mayor or Chair, then unless any Member objects, officers may revise or modify recommendations to reports where it is considered necessary to do so to ensure technical accuracy or to facilitate an agreed outcome.

14.4 Where petitions under Procedure Rule 10, Members' letters under Procedure Rule **Error! Reference source not found.**, motions under Procedure Rule 8

or deputations under Procedure Rule 11, are referred to a Committee unaccompanied by a written report, the Committee may discuss the petition, letter, motion or deputation, as the case may be, in general terms and note the same, or ask for an officer report on the matter. No decision which requires the Council to take substantive action or incur expenditure may be taken in response to a request in a petition, notice of motion or otherwise in the absence of an officer report.

Rule 15: Rules of Debate (All Meetings)

General

- 15.1 The rules of debate in this Procedure Rule shall apply to all meetings of the Council, Committees and Sub-Committees. In the case of Committees and Sub-Committees, however, the Council recognises that a greater informality may be exercised by the Chair in order to efficiently transact the business before the meeting. Such informality shall be at the discretion of the Chair.

Seconding Motions and Amendments

- 15.2 A motion or amendment shall not be discussed unless it has been proposed and seconded.

Reserving Speech

- 15.3 When seconding a motion or amendment, a Member may reserve their speech until a later period of the debate by declaring their intention to do so.

Notice of Amendments

- 15.4 Copies of amendments will be prepared and circulated prior to the start of a Council meeting only if such amendments are presented to the Chief Executive by 10.00am on the day of the Council meeting (or, in the case of any meeting scheduled for 12 noon or earlier on any day, by 4.00pm on the preceding working day). Amendments for which notice has not been given may be permitted at any time at the discretion of the Mayor or Chair if they consider it appropriate with regard to the complexity of the matter, the question of whether notice has been given as soon as is reasonably practicable and any other circumstances that appear to be relevant. Such amendments shall be put in writing unless the Mayor or Chair exercises their discretion to allow an amendment to be put orally.

Taking of More Than One Amendment at a Time

- 15.5 More than one amendment may be moved and discussed at any one time. and will be dealt with at the discretion of the Mayor or Chair.

- 15.6 If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.

Speeches

- 15.7 If two or more Members offer to speak, the Mayor or Chair shall call on one to speak.
- 15.8 When speaking, a Member shall address the Mayor or Chair.
- 15.9 A Member shall direct their speech to the question under discussion, or to a personal explanation or to a point of order under the provisions of Procedure Rule 15.10.

Points of Order

- 15.10 A Member claiming to speak on a point of order or in personal explanation shall be entitled to be heard forthwith. The point of order shall relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and the way in which the Member raising it considers that it has been broken. Personal explanation shall be confined to some material part of the speech by the Member which may appear from the current debate to have been misunderstood. **A Member who has already had two points of order ruled as inadmissible by the Chair shall not normally be permitted to raise a third point of order at the same meeting.**
- 15.11 The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

Procedural Motions

- 15.12 When a motion is under debate, no other motion shall be moved except the following:
- (a) to withdraw or amend the motion;
 - (b) a closure motion under the next paragraph;
 - (c) a motion dealing with the prevention of disorder;
 - (d) a motion to exclude the press and public.

Closure Motions

- 15.13 The following closure motions shall be permitted during discussion of another motion. They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the person presiding shall proceed as follows:
- (a) **“that the meeting proceed to the next business”**. The person presiding shall permit the mover of the original motion to reply, and then put to the vote the motion to proceed to the next business; if that motion is carried the original motion shall lapse;
 - (b) **“that the question be now put”**. If the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed they may refuse to accept the motion; if they accept the motion, they shall put to the vote forthwith the motion that the question be now put; if this is carried, they shall permit the mover of the original

motion (at meetings of the Council) any right of reply to which they are entitled and then put that motion to the vote;

- (c) **“that the debate be now adjourned”** or **“that the meeting do now adjourn”**. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, they may refuse to accept either of these motions, and instead put the motion that the question be now put; if they are of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council, Committee or Sub-Committee, as the case may be.

[..]

Rule 30: Smoking at Meetings

~~30.1 Any person at or attending a meeting of the Council or of a Committee or a Sub-Committee shall observe the Council's rule that no smoking be permitted in such meetings.~~

Appendix 2 – proposed amendments to the Terms of Reference of existing member working groups in Part 4

TERMS OF REFERENCE FOR THE HOMELESSNESS REDUCTION BOARD

1. Name

1.1 Homelessness Reduction Board (HRB).

2. Purpose

2.1 The purpose of the HRB is to promote homelessness reduction and prevention through the development of improved and integrated homelessness services as set out in the Homelessness and Rough Sleeping Strategy.

2.2 Brighton & Hove City Council's Housing Committee has the overall responsibility for the Homelessness and Rough Sleeping Strategy. The role of the HRB is to ensure that structures are in place to deliver on strategic priorities contained in the strategy.

2.3 The HRB will also monitor relevant actions agreed in the Council's Corporate Plan and the Housing Committee Work Plan.

2.4 Each strategic priority will be included in an action plan. This will consist of the work of the council and its commissioned services. Housing and Health & Adult Social Care will work in partnership with Health, Children's Services, the Probation Service, Sussex Police, and our voluntary and third sector partners to develop collective commitments to tackle homelessness and rough sleeping. Once these commitments are made, they will be included in the action plan and monitored.

3. Status

3.1 The HRB shall be an advisory board to Housing Committee and the Health & Wellbeing Board. The HRB will not have subcommittee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply.

3.2 However, it is expected that the Board will be established on a cross party basis.

4. Areas of focus

1. To promote integration and joint working in Homelessness & Rough Sleeping services across the City in order to improve the homelessness outcomes of the people of Brighton and Hove;

2. To develop the Joint Strategic Needs Assessment (JSNA), relating to homelessness & rough sleeping, for the City;

3. To cooperate in the development of other strategies for the City. To ensure that homelessness is accurately reflected in these strategies and integrated across the City;
4. To receive the Clinical Commissioning Group's draft annual commissioning plan and to respond with its opinion as to whether the draft commissioning plan takes account of the Homelessness Reduction Strategy.
5. To establish and maintain a dialogue with the Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework;
6. In line with government guidance to promote transparency and accountability the HRB will involve stakeholders
7. To review annual progress against city priorities and the approved annual action plan
8. To consider reports, where appropriate, from relevant programme boards and related multi-sector committees with a remit for public health in order to inform the Homelessness Reduction Strategy including: Alcohol Programme Board, the Substance Misuse Programme Board and the Sexual Health Programme Board.
9. Leadership and Agenda Setting and Accountability
 - Promote creative and innovative approach to homelessness reduction.
 - Promote the agenda on integration - both in terms of sharing commissioning resource but also in terms of delivering a joined up service for homeless people.
 - Provide collective leadership to a whole range of City-wide collaborative working and whole system issues - including emergency planning, resilience and preparedness, urgent care etc.

5. Reporting

- 5.1 The HRB will report to Housing Committee & Health & Wellbeing Board (as appropriate) with recommendations as necessary.

6. Membership

- 6.1 Membership of the Board shall consist of three voting elected Members, appointed on a cross party basis (currently 1:1:1) .and the non voting members listed below.
- 6.2 It will have a panel of non-voting members formed of the Chair of Health and Wellbeing Board and representatives of other public bodies and organisations working to alleviate and address issues associated with homelessness and rough sleeping.

Voting members:

Chair of Housing Committee
Opposition Spokesperson Housing Committee
Group Spokesperson Housing Committee

Non voting Members

- 1 Chair of Health & Wellbeing Board
- 2 Clinical Commissioning Group
- 3 Probation Service
- 4 Prison Service
- 5 Brighton & Sussex University Hospital Trust
6. Sussex Partnership Foundation Trust
7. Sussex Police
8. Two members of the Homelessness & Rough Sleeping Strategy Operational Board.

Officers in attendance:

Executive Director Neighbourhoods, Communities & Housing
Executive Director Families, Children and Learning
Executive Director Health and Adult Social Care.

Quorum

At each meeting, the quorum requirement is at least two voting members

Chair

The Board will be chaired by the Chair of the Housing Committee.

The appointments may be made, in accordance the wishes of the political groups, at the meeting of Policy & Resources Committee when the terms of reference are agreed or notified to the Chief Executive by the Group following the meeting.

7. Meetings and ways of working

- 7.1 The timing and number of meetings will be dictated by the volume of business for the HRB. The group will meet at least quarterly.
- 7.2 Board papers will be circulated at least 5 working days in advance of the board meetings.
- 7.3 Board papers will be published on the council's website after the meeting, except where the Board determine that the information contained therein would be exempt from disclosure.

7.4 It is expected that the Member Working Groups will reach decisions by consensus where possible. Where there is no agreement, the voting Members will cast a vote and if there is an equality of votes Chair shall have the right to exercise a casting vote.

7.5 The Group will agree ways of working appropriate to the role and remit of the Group.

8. Review

8.1 These terms of reference may be reviewed and amended by Policy & Resources Committee.

TERMS OF REFERENCE FOR 2030 CARBON NEUTRAL PROGRAMME CROSS PARTY MEMBER WORKING GROUP

1. Name 2030 Carbon Neutral Programme Cross-Party Member Working Group (MWG).

2. Purpose A 2030 Carbon Neutral Programme has been established to help achieve a key policy objective of Brighton & Hove City Council in becoming carbon neutral by 2030. The Cross-Party MWG will oversee the programme development and implementation, including the development of an engagement programme and City Assembly.

2. Status The 2030 Carbon Neutral Programme MWG shall be an advisory board to the Policy & Resources Committee. The Board will not have subcommittee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply. However, it is expected that the Board will be established on a cross-party basis.

3. Areas of focus

The focus of the Cross-Party MWG is to have oversight of the development and delivery of the 2030 Carbon Neutral Programme to help ensure the core programme objectives are met. These objectives are set out in the PID and are to:

- Agree a methodology for recording emissions that allows the Council and the City to readily compare our progress with other UK and international cities working to achieve similar targets (e.g. the SCATTER model developed by Manchester University).
- Develop and deliver an engagement plan / City Assembly process to harness the knowledge and enthusiasm of partners and local residents.
- Develop a high-level plan to meet the 2030 target – delivered through a coordinated programme of projects.
- Develop a communications plan to support activities and engagement.
- Continue to collate information on our current carbon reduction initiatives and assess the contribution these will make to the 2030 target.

The MWG also oversees the allocation of funding from the Sustainability & Carbon Reduction Investment Fund, and all tasks incidental to that.

4. Reporting

The Board will report to Policy & Resources Committee, with recommendations as necessary.

6. Membership

Membership of the Board shall consist of 5 elected Members, following nominations by their Group Leaders to reflect the political composition of the Council.

7. Meetings and Ways of Working

The timing and number of meetings will be dictated by the volume of business for the MWG. The Group will agree ways of working appropriate to the role and remit of the Group.

8. Review

These terms of reference may be reviewed and amended by the Policy & Resources Committee from time to time.

Appendix 3 – new member working groups and advisory bodies – Part 4

(i)&(ii): new member working groups:

CITY DOWNLAND ESTATE ADVISORY PANEL- TERMS OF REFERENCE

Introduction

Brighton and Hove City Council holds, in public ownership, 12,500 acres of Downland Estate surrounding and within the City of Brighton and Hove. The City Downland Estate covers the council's tenanted farmland and grazing land managed by the Estates Team and "conservation land" managed by Cityparks. The city is one of the largest landowners in the South Downs and its estate is the largest publicly owned estate in the Park.

Some years ago, the council adopted a City Downland Estate policy whose overarching aim and vision is to: *reconnect the people of Brighton & Hove to a more biodiverse Downland with better education, improved access and a better sense of connection to the land*

ETS Committee in July 2013 adopted the policy statement to:

'Sustain natural resources provided by the council's downland estate by working in partnership with relevant stakeholders and potential beneficiaries and pursuing an economically sustainable approach for the council and its tenant farmers.'

The City Downland Estate is mainly within the South Downs National Park which itself has two statutory purposes and a Special Duty:

- *To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;*
- *To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.*
- *Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.*

Brighton & Hove is part of the Living Coast UNESCO World Biosphere Region which extends from the Adur to the Ouse and covers the City Downland Estate. The core of the biosphere is BHCC land. The Biosphere has three key objectives:

- *To conserve and enhance nature*
- *To support sustainable human development*
- *To promote environmental awareness, knowledge, learning and engagement*

and six themes:

- *Urban Greening*
- *Strengthening our Natural Capital*
- *Thriving Communities – health, wellbeing & economy*
- *Climate Change & Carbon*
- *Awareness, Understanding & Engagement*
- *The Living Coast as a site for Research & Knowledge Sharing.*

There are other legislative drivers such as the Water Framework Directive which will shape future policy development for the City Downland Estate.

Two years ago, Brighton & Hove City Council passed a notice of motion committing it to net zero carbon emissions by 2030. Since then, the Corporate Plan passed under the Labour administration reiterates the commitment to net zero carbon emissions by 2030 and promises to promote and protect biodiversity. It undertakes to develop a new City Downland Estate plan to promote biodiversity, mitigate climate change and deliver health and social benefits for communities.

Asset Management Board

Within the council, the purpose of the Asset Management Board ('the Board') is to advise the Policy & Resources Committee and other relevant Policy Committees on policy, governance and strategies relating to the management of the Council's urban and rural estates, and how this relates to the Corporate Strategic Plan.

It currently has oversight of the city council's operational and non-operational portfolios. It reviews and monitors the management of the city council's urban and agricultural asset management policies. Among other things, it advises P&R Committee on maximising the use of the council's commercial assets in the context of the council's budget and the development of an asset investment strategy for the council's urban portfolio to reduce its latent risk and consolidate its performance. It continues to promote regeneration in the City, with a focus on low-cost housing, community wealth building and moving to a low-carbon economy. It advises on the implications of Brexit in relation to the council's urban and rural estates; agree an approach to define and measure social value in relation to the council's rural and urban estates and reviews the circumstances under which agricultural land can be identified for release or acquisition, alongside a wider review of the agricultural strategy in the council's Asset Management Plan (AMP) and considers the definitions of agricultural core and non-core property. It is currently (December 2020) advising on the development of a Whole Estate Plan for the City Downland Estate in partnership with South Downs National Park.

Property & Design are currently conducting a consultation on a Whole Estate Plan facilitated by community consultation experts Planning for Real around how we best protect the city's water, enhance biodiversity, improve access to the downland, regenerate the soil, encourage sustainable agriculture and mitigate and adapt to the

climate emergency, all within the context of the council's commitment achieve net zero carbon emissions by 2030.

The council is committed to making the consultation as inclusive and thorough as it can be, given the current Covid-related restrictions. To this end, it has sent postcards to around 140,000 households with Brighton & Hove addresses; is conducting a number of online Planning for Real Zoom sessions and is inviting input via the website and the Bang the Table platform.

Purpose of the Downland Advisory Panel

The council recognises that, in addition to engaging local residents, it particularly needs input from key stakeholders such as the SDNPA, the Downland Alliance, the Sussex Wildlife Trust, the Permaculture Trust, the Brighton & Hove Food Partnership, Southern Water, the Local Access Forum, the Brighton & Hove Estate Conservation Trust, BMECP/the Trust for Developing Communities and tenant farmers.

Following the initial round of Planning for Real consultations, it is proposed that these organisations be approached for specific input into the discussion and to gauge their interest in serving on the Advisory Panel.

Once the WEP is completed, the purpose of the Downland Advisory Panel will be to provide advice on its implementation within the SDNPA purposes and duty, the Biosphere objectives and the incorporation of BHCC Corporate Plan objectives around carbon neutral 2030 and community wealth-building. This means advice on policy development, plans and delivery. The Advisory Panel will report annually to the P&R Committee on implementation of the Whole Estate Plan and to the Asset Management Board on an ad hoc basis but at least twice a year.

The advice will be used to inform decisions made by the council to further its policy aims.

Day to day management of the estate will be undertaken by the council within policies agreed by the Council.

Membership

Membership of the Panel needs to reflect the main and varied interests in the Downland Estate, specifically, the interests of future generations and the city's BME communities, as well as bringing in different expertise from different organisations able to advise on aspects of Downland policy which will allow the purpose of the Panel to be met. Membership will be by invitation from the Council and the Panel and will be kept under review as the Advisory Panel develops.

- Farming representatives x 2
- Council officer representatives and Land Managing Agents
- 5 members, to reflect the constitution political party representations on the council
- SDNPA x 1
- Downland Alliance representative x1
- Sussex Wildlife Trust x 1 who should also represent the SWT's youth rangers
- BMECP/the Trust for Developing Communities x 1

- Permaculture Trust x 1
- Brighton & Hove Food Partnership x 1
- Moulsecoomb Forest Garden and Wildlife Project x 1
- Aquifer Partnership x 1
- Local Access Forum x 1
- Brighton & Hove Estate Conservation Trust x 1
- Sussex Partnership NHS Foundation Trust x 1
- The Living Coast x 1

Expert advice will need to be drawn on as required and decided by the Advisory Panel from, for example, investment and business experts, tourism professionals, the National Trust and ecologists.

Governance

The Advisory Panel will be chaired by the member from the party that currently holds the administration. The secretariat will be provided by Brighton and Hove City Council. While the Council's political make-up is represented on the Panel, members also have the opportunity to influence Downland policy through the Asset Management Board. The focus of the panel is on hearing from key stakeholders.

The schedule of meetings will need to be agreed by the Advisory Panel with regard to the level of advice requested. Each year the Council should set out its work programme with the Advisory Panel. This will provide an indication of the type and level of advice that is likely to be needed and a schedule of meetings can be established as required which also allows for flexibility.

Review

The work of the Advisory Panel is subject to review by the Asset Management Board. However, the Panel will report directly to the Policy & Resources Committee and shall do so at least once a year.

CROSS-PARTY WORKING GROUP FOR PLANNING POLICY – TERMS OF REFERENCE

Purpose

The purpose of the Cross-Party Working Group for Planning Policy (“the CPWGP”) is to help the City Council develop and implement its Development Plans and Planning Policy Guidance as part of its activities, including partnership work with other agencies and bodies.

Status

The CPWGP shall be an advisory board to the Tourism, Equalities, Communities & Culture Committee. The CPWGP will not have subcommittee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply. However, it is expected that the CPWGP will be established on a cross party basis.

Areas of focus

The CPWGP will oversee the progress of the development and reviews of the Council’s Development Plans and other Planning Policy Guidance, and review their content having regard to evidence, national planning policy and guidance, best practice and corporate priorities.

Reporting

The CPWGP will report to the Tourism, Equalities, Communities & Culture Committee, making recommendations as necessary.

Membership

Membership of the CPWG will consist of 3 elected Members, following nominations by the Group Leaders to reflect the political composition of the Council.

Meetings and ways of working

The timing and number of meetings will be dictated by the volume of business for the CPWGP. The Group will agree ways of working appropriate to the role and remit of the Group.

Review

These terms of reference may be reviewed and amended (subject to formal Policy & Resources Committee) by the Tourism, Equalities, Communities & Culture Committee from time to time.

(iii) Advisory bodies:

YOUTHWISE – TERMS OF REFERENCE

Purpose

Views and recommendations from this group will be taken into account and will be represented at the Children, Young People and Skills Committee by the Councillors and Youth Council representative.

Membership

- Councillors – usually one Member from each of the three political groups in the council who attend the Children, Young People and Skills Committee
- Young people from different areas, groups and youth services in the city including representatives from the Youth Council, Children in Care Council, commissioned youth projects and other youth organisations.
- Executive Director or Assistant Director for Families Children & Learning.
- Youth workers to support young people if deemed necessary
- Council Officer to oversee organisation and administration

Frequency – Every 3 months, with task and finish groups as agreed and additional meetings set up when deemed necessary. Young people to meet before the more formal meeting with councillors and senior officers.

Venue – The young people were keen to hold the meeting in various venues because it would be good to get to know other youth venues. Agreed to rotate venues across the city and include more formal meeting places to give young people that experience.

Agenda The young people would like the agenda going out well in advance (month before the meeting) so they have time to garner the views from the young people in their group so their voices can also be brought to the meeting. Agenda items can be proposed by young people, councillors or senior council officers.

Chairing The Chair of Children, Young People and Skills Committee Lead to chair the meeting with, if there is a volunteer, a young person.

Organisation/Administration Council Officer to organise the meeting, consult and agree an agenda, circulate papers a month in advance and type up notes from meeting and circulate. Communication We need to reach out to other young people; past members have been involved, mainly due to knowing and having a good relationship with a youth worker. It was agreed that we need a robust communication plan with the meeting dates, agenda items and how they can feed into the group published widely via various routes such as Facebook. It was agreed that further discussion is required on this.

Additional proposed text for the Introduction to Part 4, to clarify the role of Member Working Groups:

D. Member Working Groups – ad hoc and permanent

Member Working Groups may be set up to support the Council's decision-making in a particular area. They may be tasked with making recommendations and/ or comments to their parent Committee as a way of reducing Committee workloads.

Member Working Groups do not have decision-making powers. They are established on a cross party basis and substitutions are permitted. The Chair of each Member Working group will be appointed from the council's largest political group unless Policy & Resources Committee or other relevant Committee has made alternative express provision. While all Member Working Groups are expected to achieve consensus where possible, the Chair shall have the right to exercise a casting vote.

The principles for setting up a Member Working Group are as follows:

1. Member Working Groups may either be 'task and finish' member groups (time-limited for six months with the option of being extended once, for a further six months) or permanent groups (likely to be required for at least a year).
2. Permanent groups may only be established by the Council's Policy & Resources Committee or by Full Council, normally at the recommendation of the parent Committee. Their Terms of Reference are published in the Council's Constitution. They are reviewed annually and will only be retained where clear evidence of their effectiveness has been identified.
3. Ad hoc groups may be set up by any of the Council's Committees. The parent Committee must agree their Terms of Reference and will receive reports back on a regular basis (at least annually). Where there is a need to continue an ad hoc group for twelve months or more, then it must be established as a permanent Member Working Group. These Groups were previously sometimes referred to as 'Policy Panels', a term no longer in use.
4. All Member Working Groups will use a standard Terms of Reference template to ensure consistency and good governance and will normally include in their membership the Chair or Deputy Chair of the parent Committee.

Appendix 4 –the Scheme of Delegation to Officers – Part 6

Extract from the delegations to the Executive Director – Neighbourhoods, Communities and Housing

3. Housing Related Support Services

Subject to any instructions of the Chief Executive given from time to time, to exercise the Council's functions in relation to housing related support services for adults generally.

~~Note: this power is delegated concurrently to the Executive Director of Health and Adult Social Care.~~

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Extract from the delegations to the Executive Director – Adult Social Care

[..]

(3) Section 75 Arrangements

To exercise the Council's functions under or in connection with the adult social care and health partnership arrangements with health bodies made pursuant to Section 75 of the National Health Service Act 2006, to the extent that the arrangements permit an officer to exercise the functions.

~~(4) Housing Related Support~~

~~Subject to any instructions of the Chief Executive given from time to time,~~

~~(i) to be the lead director responsible for the co-ordinated commissioning and management of associated funds in relation to housing related support services;~~

~~(ii) to exercise the council's function in relation to housing related support services for adults generally.~~

~~[Note: the power referred to in paragraph (5)(ii) above is delegated concurrently to the Executive Director of Housing, Neighbourhoods and Communities.]~~

[..]

Extract from the delegations to the Executive Director – Economy, Environment & Culture

[..]

23. Environmental Awareness and Enforcement

To exercise all the functions of the Council regarding the promotion of environmental awareness, and to take all steps necessary to enforce the environmental powers available to the Council, including (but not limited to) all steps necessary or incidental to the enforcement of the offences described in the Council's Environmental Enforcement Framework or other relevant policy, concordant or strategic document in place at the relevant time.

Appendix 5: amends to the Council’s Petition Scheme– Part 8.1

How to petition the Council – Petitions Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. You can send us a paper petition and/or set up an e-petition online through our website.

We expect all petitioners and signatories – who may be of any age – to live, work or study in the area of Brighton & Hove. For this reason, we require all petitioners and signatories to provide the full postcode of either their home address or the address of the organisation they work or study at when submitting a paper petition or signing an e-petition via the Council’s website.

The expectation that supporters of a petition live, work and/or study in Brighton & Hove also extends to petitions presented via websites external to the Council.

How to submit a petition

Paper petitions and e-petitions submitted via the Council’s website must include –

- a clear and concise statement covering the subject of the petition;
- what action the petitioners wish the Council to take;
- the name, ~~address~~ contact details **and postcode** of the petition organiser so that we can contact them to explain how we will respond to the petition;
- the name, ~~address~~ signature **and postcode** of any person supporting the petition;

~~Petitions can be signed by any person of any age who lives, works or studies in Brighton & Hove or who uses services provided by Brighton & Hove City Council.~~

Petitions must relate to what the Council does or relate to an improvement in the economic, social or environmental well-being of the area covered by Brighton & Hove City Council to which any of our partner authorities¹ could contribute.

[..]

Subject:	Council and Committee meetings post 6th May 2021		
Date of Meeting:	13 May 2021		
Report of:	Executive Lead Officer, Strategy, Governance & Law		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 01273 291500
	Email:	Abraham.ghebre-ghiorghis@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to seek the agreement of council regarding arrangements for meetings of Council, Committees and other bodies after 6th May 2021 when the legislation enabling the current arrangements for virtual meetings comes to an end.

2. RECOMMENDATIONS:

- 2.1 That Members note that the regulations under which we currently hold virtual meetings came to an end on 7th May 2021 and therefore the need to make different arrangements to comply with legal requirements;
- 2.2 That Members note the public health considerations and the measures proposed to minimise risk to health;
- 2.3 That Members agree the proposals set out in the protocol in Appendix 1 together with the supporting documents in Appendices 2 to 6 of this Report as a working arrangement to manage Council and Committee meetings during the time between 13 May and the end of July 2021;
- 2.4 That Members agree the enhanced delegations to Officers as set out in Appendix 1 and the flowchart in Appendix 2;
- 2.5 That Members authorise the Chief Executive and the Executive Officer for Strategy, Governance & Law to take such steps as are necessary to ensure that the arrangements for meetings are safe.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council runs a committee system where all Member level decisions are taken by full Council, committees or sub-committees in accordance with the framework contained in sections 101 and 102 of the Local Government Act 1972 and schedule 12 to the same Act.

- 3.2 Paragraph 39 (1) of the Schedule 12 to the 1972 Act provides: "...all questions coming or arising before a local authority shall be decided by a majority of the members of the authority *present and voting* thereon at a meeting of the authority." (Emphasis supplied). This has generally been interpreted to mean Members have to attend meetings in person if they are to be able to vote.
- 3.3 Following the outbreak of the Covid-19 pandemic, the Government introduced legislation under the Coronavirus Act 2020 in the form of the **Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Amendment) Regulations 2020** ("the Regulations"). The Regulations authorised local authorities to hold "virtual" meetings of the Council and its committees, providing members are able to follow the proceedings and the public are able to hear, and if possible, view the proceedings.
- 3.4 The Regulations expire on 7th May 2021 and, in the absence of a new legislation to extend the Regulations, the Council will have to run its meetings in accordance with the law as it existed before the current enabling provisions were introduced, i.e. by ensuring that members attend meetings in person rather than remotely.
- 3.5 The LGA and many local authorities, including Brighton & Hove City Council, have been lobbying the Government to introduce legislation extending the current arrangements beyond 6th May. This has included a joint letter from leaders of all political groups in the council. However, in the government's view, that will require primary legislation and there was no time available before the 6th May in the parliamentary programme.
- 3.6 On 25 March 2021, Luke Hall, MP, Minister of State for Regional Growth and Local Government wrote to leaders of local authorities confirming that the government will not be introducing legislation extending the current regulations.
- 3.7 In addition, the government has issued updated guidance on use of Council buildings, including guidance on meetings. Some of the key recommendations are:
- For authorities with an executive system, use of Leader or Executive Member individual decision-making as a preference
 - Recommending delegation to Officers
 - For local authorities with no local elections, to bringing forward the date of annual Council to take place before 7th May
 - To provide facilities for the public to follow meetings remotely, to minimise need for in-person attendance
 - To conduct meetings by taking necessary precautions, including wearing of face cover, social distancing, sanitisation facilities.

The guidance was updated to take account of the recent court case and may accessed on the following link: [Guidance on local authority meetings](#)

- 3.8 There was a court case brought by the Local Government Group (representing local authority lawyers) the Association of Democratic Services Officers and one local authority (Hertfordshire CC) applying for a declaration from the High Court to the effect that the Local Government Act 1972 does not require attendance in person and virtual attendance counts as “attendance” for the purposes of the Act. The case was heard on Wednesday 21st April and the High Court ruled that attendance at meetings have to be in person to comply with the 1972 Act. The court also confirmed subsequently in a follow up judgement that the public have to be granted access to local authority meetings in person and virtual attendance by the public does not comply with the 1972 Act.
- 3.9 Given the above, most local authorities are making their plans to introduce revised arrangements. As most authorities have an executive (or ‘cabinet’) system, they are not as affected as those, like Brighton & Hove, who run a committee system. This is because, in an executive system, the Leader and any Executive Member can make decisions on their own - and do not need to convene a meeting. In these cases, executive functions constitute the overwhelming majority of council functions and therefore, the total impact of the changes on council business is significantly less for authorities with an executive system than in authorities with a committee system
- 3.10 We have checked what other local authorities are doing. These differ and include:
- returning back to the pre-Covid arrangements with all meetings held in person (physically;)
 - delegating all non-executive functions to officers after consultation with the Chair;
 - changing executive arrangements so that what was transacted by Cabinet is done by the Leader alone;
 - allowing a hybrid meeting where some members attend a physical meeting and can vote whereas others join virtually with the Chair’s agreement but can’t vote;
 - adopting voluntary “pared down” meetings where members agree voluntarily to reduce the number of members to attending to what is necessary to meet a quorum with the seats allocated proportionately;
 - hiring bigger venues or delegating powers to officers to do so;
 - restricting attendance of the press and the public; and
 - designating absence due to the arrangements as being authorised absence for the purposes of section 85 of the Local Government Act 1972 (member who fails to attend meetings for 6 months ceases to be a Member.)
- 3.11 Given the uncertainties, and to ensure measures are appropriate to Brighton & Hove, Officers obtained advice from Leading Counsel. His advice was that unless there is a change in legislation or the application for a declaration from the High Court is successful, the Council’s options are limited to:
- a. Introducing a pared down meeting arrangement, where Members agree a reduced number of members to attend meetings;

- b. Delegating powers to Officers to make decisions after consulting the Chair or Group spokespersons; but the delegation has to be unfettered - and not be required to be exercised in accordance with the wishes of the groups.
- 3.12 In Counsel's view, Hybrid meetings where some members attend remotely, even if they are not voting, is unlawful. Counsel also advised that a virtual advisory committee or panel whereby members meet virtually but, instead of making decisions, make recommendations to an officer who holds the legal decision-making power is not lawful. We are not clear what external advice, if any, other authorities have received.
- 3.13 Given the need to return to some form of physical meeting, a group of Officers from IT&D, Legal Services, Democratic Service, Premises, Health & Safety and Public Health have been working to find arrangements that would enable the Council decision-making process to continue to operate in a Covid-safe way. These took into account the legal position, advice from Health & Safety and Public Health as well as comments from Members. Although, on current projections, the situation with the pandemic is expected to improve with vaccination, it is not clear whether there will have been sufficient improvement before May and there may, of course, be a possible deterioration as the easing of the lockdown starts to take effect.
- 3.14 The proposals from the working groups are set out in the draft protocol in Appendix 1 to this report and the supporting appendices that follow. The arrangements are intended to cover only the period between 13 May (when we have the first P&R meeting after 7 May) and 15 July when we have full Council meeting.) This is a total of 15 meetings over a period of 9 weeks. A list of the meetings scheduled for that period is set out in Appendix 5. There is a meeting of the Health & Wellbeing Board scheduled for 27th July, but we have not decided the arrangements for this as it requires consultation with the CCG and other member organisations. There are no regular meetings planned during the summer recess with the next meeting being on 7th September. We will have a clearer picture in July as to what measures, if any, we will need to put in place for meetings from September onwards. These measures are only designed as an interim facility. Any subsequent changes would be subject to a further consideration by members before the end of the period covered by these proposals.
- 3.15 Government guidance recommends greater use of officer delegated powers in order to minimise the need for in-person meetings. The proposals in the appendices have been drawn up to reflect the continued desire for member oversight and scrutiny, and to reflect the preferred committee decision-making system in Brighton & Hove. The proposals are designed to facilitate a version of in-person decision making to ensure member oversight, while minimising risk in accordance with public health advice and ensuring officer delegated powers are still used proportionately.
- 3.16 The proposals reflect advice from Public Health and Corporate Health and Safety as well as corporate guidance on ways of working. These are set out below under Public Health Implications. In summary the response of Public Health is that the risk of Covid-19 infection will be reduced if options are sought that

reduce the number of people present, and minimise the duration of time people are spending in a larger group indoors, maximising physical distancing, wearing masks, enhanced cleaning regimes and requiring LFD testing. Both the public health of members, officers and members of the press/public is taken into consideration as part of the proposals in Appendix 1.

- 3.17 A full risk assessment and equalities impact assessment of changes in the draft protocol has been undertaken and a summary of the assessment is attached as Appendix 7 together with the Equalities Impact Assessment, which is attached as Appendix 8. The risk assessment is even more relevant now given the result of a survey of Health & Safety reps published by the TUC.

<https://www.tuc.org.uk/news/workplace-safety-representatives-sound-alarm-survey-reveals-widespread-covid-secure-failures-0>

According to the report, almost one in ten (9 per cent) said their employer had not carried out a risk assessment, while 17 per cent said they did not know whether a risk assessment had taken place. Of those who said their employers had carried out a risk assessment, more than a fifth (23 per cent) said they felt the risk assessments were inadequate.

3.17. Arrangements for Licensing Panels

Where Licensing Panels are held in accordance with the Licensing Act 2003, they are not subject to the requirement in the Local Government Act 1972 to hold meetings in person. It is therefore proposed that, until otherwise decided, these panels will continue to meet in person where that is allowed.

There are six Licensing Panels scheduled for May 2021 and therefore, in order to align with the Council's aim of minimising the number of in person meetings to those that are required by law, it is proposed that the Panels continue to take place virtually for this period. Arrangements are in place to ensure the live webcasting of the proceedings as well as specific invites for the press and parties to the Hearing and the ability to enable computer access to those making representation at HTH if they do not have internet access.

Licensing Panels dealing with licensing matters under other legislation will be subject to the same rules as other committees and sub-committees.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Officers considered the option of hybrid meetings or returning to normal physical meetings in full for all meetings. However, these were either unlawful or pose significant health and safety concerns. We will however monitor the situation and if there is change in the law or better practice from elsewhere, we will effect modifications to the proposed arrangement, seeking member agreement as necessary.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1. Given the short timescales, it has not been possible to consult with the local community.

6. CONCLUSION

- 6.1 The proposals summarised in Appendix 1 to the report provide a safe and proportionate way to proceed and are in line with external legal advice.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Some of the measures such as hand sanitation, supply of masks and security will involve additional costs, but this is not quantified at this stage. It is expected that these costs will be covered by the ways of working budget which covers Covid-19 related arrangements for Council Offices

Legal Implications:

- 7.2 The legal implications are set out in the body of the report. As and when there are developments at national level either in term of legislation or caselaw, we will review them and take any steps necessary to make our arrangements compliant with legal requirements.

Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 23/03.2021.

Equalities Implications:

- 7.3 A high-level assessment of equalities implication has been undertaken. Some members of the community with mobility or other special needs may prefer to be able to access the meeting remotely. The subtitle system in Teams has enabled those who are hard of hearing and deaf to participate. Virtual meetings have also enabled greater participation in some meetings. A combination of webcasting and access to Teams for those presenting questions, petitions and deputations as well as some access to the meeting venue in special cases is included in the planning. The situation will be monitored on an ongoing basis and reasonable adjustments made.

Sustainability Implications:

- 7.4 The return to physical meeting will involve more travelling and therefore increased emissions. The full impact is difficult to gauge and will be part of the assessment for the longer-term arrangements.

Brexit Implications:

- 7.5 None

Public Health Implications:

- 7.6 **Advice on minimising risk of Covid with face to face council meetings:**
The risk of Covid 19 infection will be reduced for all those attending council committee meetings by
- Reducing the total number of people present
 - Requiring LFD testing

- Reducing the duration of contact with others (i.e. length of meeting)
- Maximising the physical distance between all those attending the meeting (at least 2m and implement one way systems)
- Maximising fresh air ventilation by a combination of opening the doors and putting the ventilation system at a sufficiently high level to ensure effective ventilation.
- Safe positioning of seating (side by side rather than face to face reduces risk of infection spread)
- Wearing a face mask to an approved standard (all those present who are able to wear Type iiR Surgical Face Mask)
- Ensuring enhanced cleaning regimes in the Council Committee rooms

7.7 **current situation in the city – case rates and vaccination (if useful)**

In mid-March infection rates in the city reduced to a low of 25 /100,000 population. Schools have now re-opened, and more mixing is occurring as the city starts to open up. Last week we saw cases increase again by a third in the city. We are starting to see the benefits of vaccination for those over 60 in terms of less infection and hospital admissions, but it will be some months before all those over 50 and in our national priority groups have been vaccinated twice. Until that time and when local infection rates are low for all age groups minimising risks of infection in the workplace and public spaces through the city should be a priority to reduce the risk of serious illness and death. The risk from the more infectious new variants in circulation should not be underestimated.

7.8 **corporate guidance on ways of working and working from home**

In line with the Government's Covid roadmap, senior council officers will review the policy that staff work from home wherever possible no earlier than 21st June 2021. Any changes to the capacity of our offices will not take place until September at the earliest. This provides officers with the time needed to assess any new government advice before planning and implementing changes to the workplace. Existing restrictions include physical distancing, enhanced cleaning regimes, and a risk assessed approach for determining who can safely work from our office. Staff should only be working from our offices if they:

- Deliver a service that cannot be provided from home
- Need to use specialist equipment or software that can't be provided at home

There are also cases where staff may need to work from a council building for one of the following reasons:

- Working from home adversely affects their mental or physical health
- There is no adequate space available to work from home
- Working from home causes financial difficulties.

In these cases, a risk assessment must be completed by the staff member's line manager to protect the health and wellbeing of the staff member and their colleagues. The risk assessment will help staff balance the risk of staying at home with the risk of coming into the office, where they may be in the same space as people from outside of their household.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1: Protocol for meetings after 6th May 2021 with plans

Appendix 2: Flowchart for decision-making

Appendix 3. Criteria for selecting items for inclusion on committee agenda

Appendix 4. proposed allocation of seats in Committees

Appendix 5: List of meetings

Appendix 6: Floor Plan for full Council

Appendix 7: Risk Assessment

Appendix 8 Equalities Impact Assessment

Background Documents

None

Proposed Arrangements

1. DURATION OF ARRANGEMENTS

- These arrangements shall remain in force until the end of July but may be reviewed by Council or the Policy & Resources Committee, or by the Chief Executive with the agreement of group leaders at any time.
- If any decisions need to be taken during the summer recess, they will be dealt with either using Officer Urgency Powers or by setting up an urgency sub-committee as appropriate, and using the same proposed arrangements as agreed below

2. Full Council Meetings

- The annual Council meeting and the one in July are to be held, but as a voluntary reduced attendance meeting at Hove Town Hall.
- The numbers attending will be limited to the minimum necessary for the quorum to hold a legal meeting. This is currently 14 and the seats are to be shared between the different groups in proportion to the number of seats each group has at Council and the Independent Members.
- The party split in terms of seats shall be Green 5, Labour 5, Conservative 3 and Independents 1.
- The above arrangements shall be voluntary and, should there be no agreement, Officers will have to identify an alternative venue as neither Hove Town Hall nor Brighton Town Hall can accommodate 54 Councillors and key Officers.
- Groups are encouraged to set up a substitute panel of members from their Group who can “stand in” if any Councillors are unable to attend for health or other reasons.

3. Policy and Regulatory Committees

- All Policy and Regulatory Committees, subcommittees and hearing panels will take place with the minimum number to satisfy the quorum. For a committee of 10, it is 3. A breakdown on the allocation of seats is attached as Appendix 4 to the report.
- An indicative list of the meetings coming up between 13 May and the end of July is attached as appendix 5 for information.
- Given the specialist quasi-judicial nature of its role it is not proposed to reduce the number of attendees at planning committee. Attendance at the Health and

Wellbeing Board needs to be agreed with the CCG and other attendees. This will be finalised before the first meeting on 27 July.

4. Precautionary Measures to Minimise Risk to Health

As part of the plan to minimise risk to health and safety, and having taken public health and health and safety advice the following measures , it is proposed to put in place the following arrangements:

- Anyone entering the meeting venue will be required to wear a mask. The Chief Executive, after taking advice from public health officers, may issue guidance about the appropriate masks to wear. There will be spare masks available in case they are needed because the mask that a person has does not comply with council standards. The minimum mask standards will be circulated in advance, but will most likely require ii R type masks or transparent masks.
- All those attending will be expected to have undergone a Lateral Flow Test for Covid with a negative result. Those attending will be supplied with test devices or they could collect them from the Customer Centre at Hove Town Hall. Members may have administered tests at authorised chemist shops if they prefer. There will also be a facility at Hove Customer Centre for an administered test until the end of June 2021
- Every effort shall be made to ensure that the meeting venue is sufficiently ventilated. All doors, including the entrance and exit doors and backdoor to the outside will be kept open with security presence as necessary
- The entry and exit routes and social distancing will be marked with signs and where possible people will be asked to use different entrance and exit routes.
- The arrangements will take account of equalities implications and every effort will be made to ensure reasonable adjustments are made when needed. An equalities impact assessment will be undertaken and all actions implemented before the first meeting. These will include making reasonable adjustments, including, for example, people unable to hear masks for health reasons.

5. Officer attendance

- Officers, with the exception of the relevant Executive Director, the Legal Adviser and Decision support officer, shall join the meeting of Council, committee or sub-committee only remotely, unless specifically required to attend in person by the Chair or Executive Directors. Officers will follow risk assessments that are already rolled out as standard practice to ensure the safety and wellbeing of staff.

6. Attendance of Co-optee and Standing Invitees

- It is expected that attendance by co-optees and standing invitees will be reduced by agreement with the co-optees or standing invitees.
- Voting co-optees will be expected to be present at the meeting in person. Non voting co-optes and Standing Invitees will be able to join remotely subject to any legal advice to the contrary.

7. Attendance by the Public and the Press

- The government's guidance on local authority meetings refers to local authorities having a legal obligations to ensure that members of the public have access to most of their meetings.
- For physical meetings, the government guidance actively encourages local authorities to continue to provide remote access until at least 21 June, at which point it is anticipated that all restrictions on indoor gatherings will have been lifted in line with the Roadmap. However, it is for individual local authorities to satisfy themselves that they have met the requirements
- The High Court case on local authority meetings considered the issue of public attendance and ruled that the public should be allowed to attend in person but the numbers may be restricted based on health risks.
- Given the above, and having regard to the health risks and advice received, the Council will make a facility for limited public attendance (currently expected to be between 5 and 7.) The Chief Executive and the Executive Lead Officer for Strategy, Governance & Law will be authorised to determine the numbers subject to consulting with the Chair and Public Health.
- Members of the public presenting questions, petitions, deputations or other representation will be allowed to attend in person in cases where there is no alternative reasonable arrangement. Those attending the meeting to make presentations will need to leave at the end of their item unless they have secured a seating in the public gallery.
- Seating available in the public gallery will be allocated by prior booking and a ticketing system will be put in place.
- A space will be made available for one member of the press. Member of the press will also be able to join meetings via the MS Teams system as now.

8. Reducing length of meetings

- In accordance with government and our own public health guidance, every effort will be made to reduce the length of time taken at meetings.
- This includes limiting items coming to meetings only to what is essential, offering those who ask questions the option of a written response. guidance from Public Health, assessments can be made for the duration that these arrangements are in place as to the necessity and time sensitivity of items
It is suggested that members work constructively to help reduce the length of time for meetings in order to minimise exposure for this period (and should there be support, a guillotine could be considered after a set time.)
- A suggested criteria for the selection of items for inclusion on the agenda is attached as Appendix 3.
- To support continuation of council business but minimise the need for meetings, government guidance also recommends use of officer delegated powers which are referred to below.

9. Delegations to Officers

- Subject to first consulting with relevant Group Spokespersons, Executive Directors shall have enhanced delegated authority to make decisions on matters related to their area of responsibility. This is in line with government advice and reflects the need to reduce the need for and duration of meetings.
- Executive Directors will consult the committee spokesperson from each political group to inform any decisions around whether to use the enhanced delegated authority in cases that would, in the past, have come to the committee. However it is considered essential that oversight and scrutiny still continues during the relevant period.
- A flowchart setting out this proposed decision making route and member oversight is set out as a guide.
- To facilitate Consultation with members of all groups, such consultation may take place during committee pre-meet, or separately if necessary.
- If spokesperson of a Group objects to the decision being taken by an officer and there is no power under the current scheme for officer delegations for officer to make the decision, it shall be referred to the relevant committee for decision.

- To comply with legal requirements such delegation shall be unfettered and, although the Officer is required to consult with Group Spokespersons, he/she shall not be obliged to follow the views of the consultees on the substantive decision.
- The above delegations require the approval of Policy & Resources Committee and it is proposed to take this to the 13th May P&R meeting.

10. Facilitating the tabling of amendments and Motions

- In the interests of facilitating a smooth and speedy dispatch of Council business and given the reduced attendance, Members will be expected to support the tabling of amendments by formally seconding it for the purposes of enabling it to be tabled but without prejudice as to how they may vote.

11. Working Groups and Non-Decision-Making Panels

- Given that these are not governed by legislation, it is proposed to continue to hold these meetings virtually for the duration of these arrangements

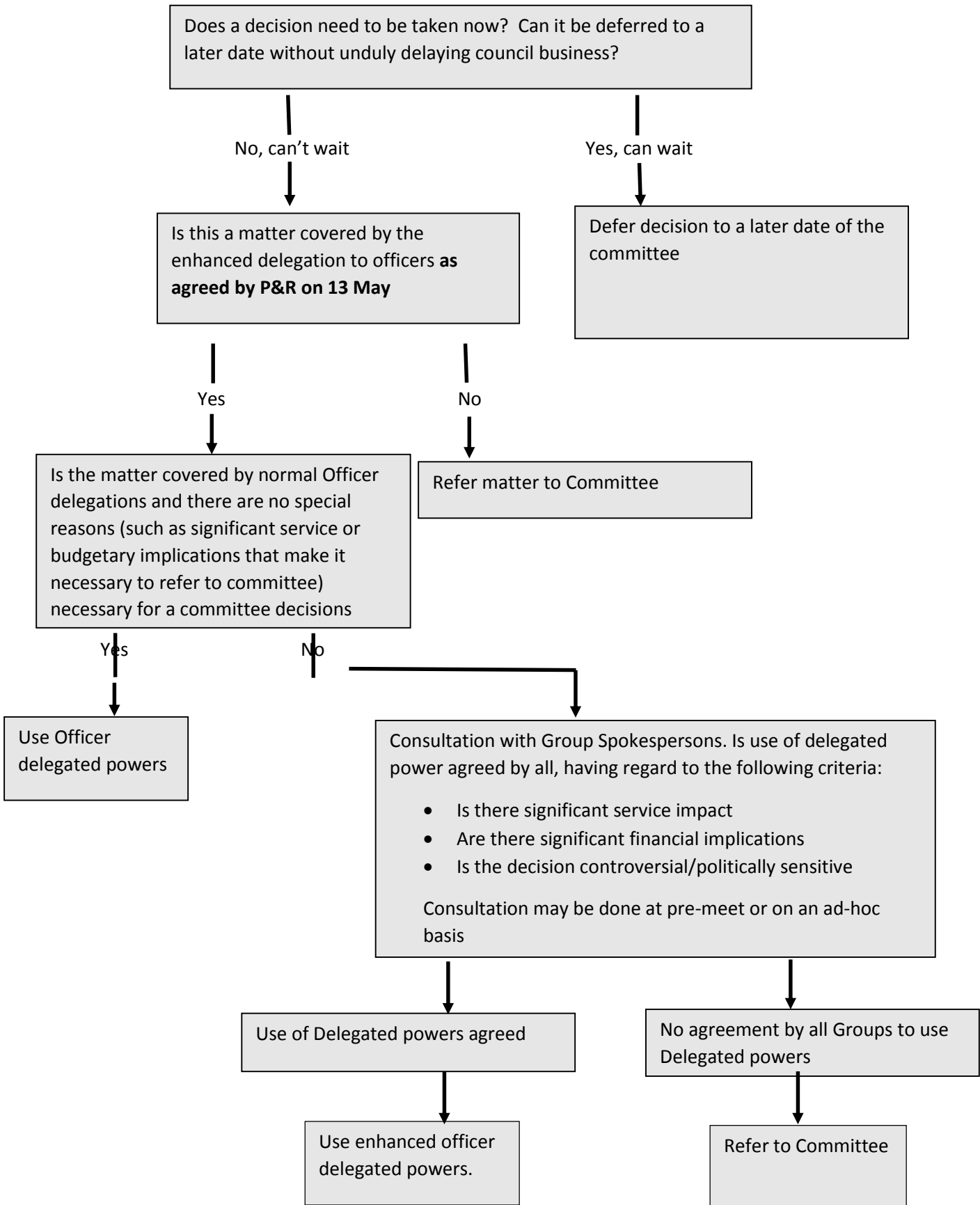
12. General Authority to Take Steps Necessary to Ensure Health & Safety and Operational Practicability

- The Chief Executive is authorised to make decisions regarding venue, time of meetings, any IT facility and any other measures (such as issuing guidance regarding social distancing, security etc) as he considers necessary in order to secure the health and safety of those attending.

13. A flowchart

A flowchart outlining the Officer decision-making route under the proposed additional powers is attached as appendix 4 for information for information.

Decision-Making Flow Chart



CRITERIA FOR REFERRAL TO A COMMITTEE FOR A DECISION

1. Is this a decision that needs to be taken now?
2. Is it covered by existing officer delegations?
3. Is it politically controversial or is it of significant public interest?
4. Does it have significant financial implications?
5. Does it have significant service implications?
6. Does any group want it referred to a committee?

Committee Allocations for Physical meetings 2021

Appendix 4: Allocation of seats

	GREEN	LABOUR	CONSERVATIVE	INDP
No. Cllrs - 54	19	18	13	4

Group	Council	P&R	CYPS	ETS	HOUSING	TECC	Licensing	Planning*	Audit & Standards
Size	14	10	10	10	10	10	15	10	8
Green	5	1	1	1	1	1	1	3	1
Labour	5	1	1	1	1	1	1	3	1
Conservative	3	1	1	1	1	1	1	2	1
Independent	1						1	2	
Total	14	3	3	3	3	3	4	10	3

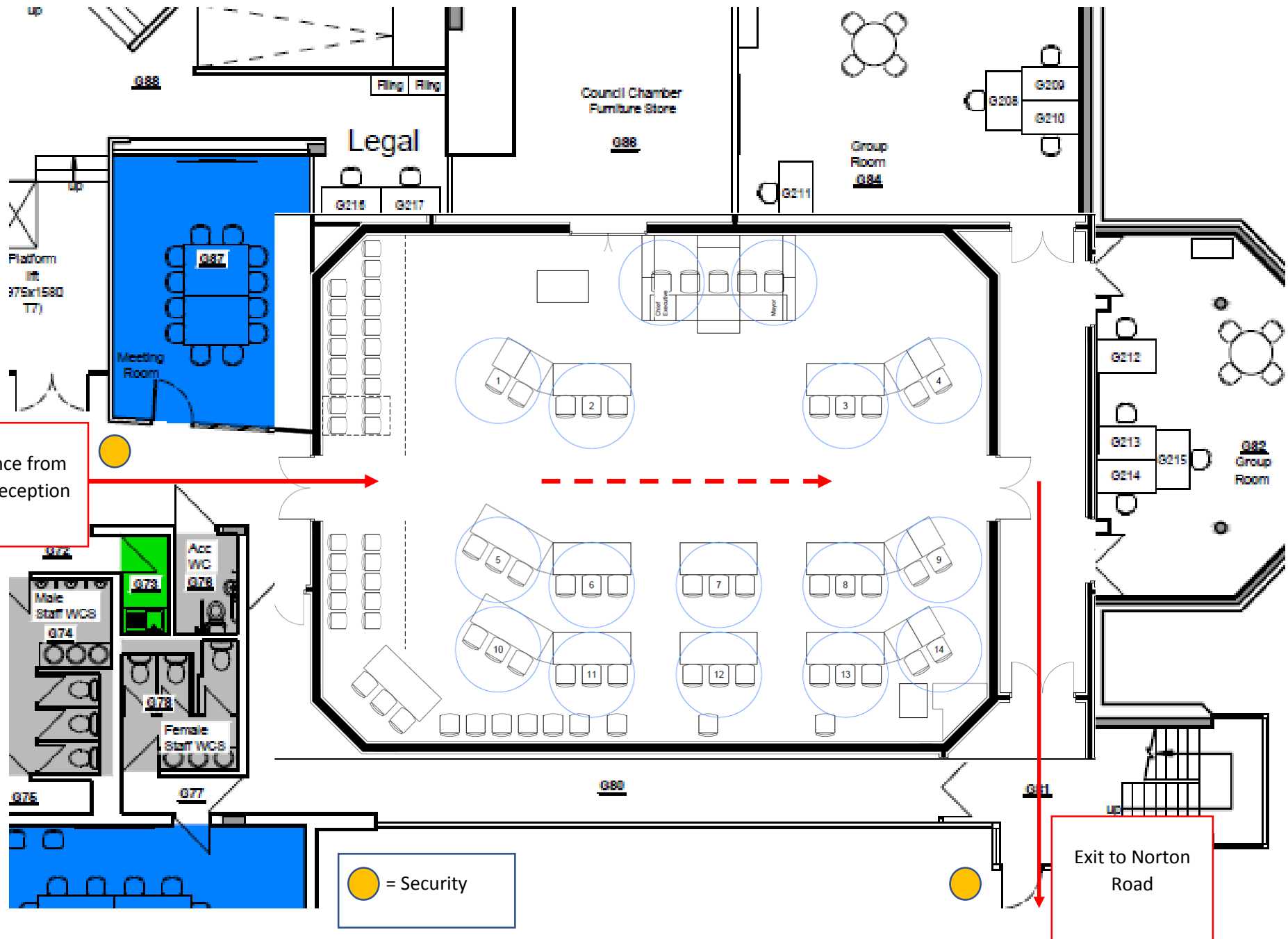
	RECOVERY SUB	HOSC	Licensing Panels	Personnel Appeals	Urgency Sub
Size	5	3	3	3	3
Green	2	1	1	1	1
Labour	2	1	1	1	1
Conservative	1	1	1	1	1
Independent					
Total	3	3	3	3	3

Allocations based on Quorum for committee – other than Planning*

The allocations do not show Co-optees and Standing Invitees

Appendix 2: Meetings after 7th ay 2021

13 May:	Policy & Resources
20 May:	Annual Council
8 June:	Housing Committee (2:00)
	Health & Wellbeing Board (4:00)
9 June:	Planning Committee (2:00)
	Housing Management Area Panel (19:00)
14 June:	Children, Young People and Skills
17 June:	TECC Committee
22 June:	ETS Committee
23 June:	Housing Committee
29 June:	Audit & Standards
1 July:	Policy & Resources
7 July:	Planning Committee
14 July:	HOSC
15 July:	Council
20 July:	GBEB



Entrance from main reception

Exit to Norton Road

● = Security

Risk Assessment Form

For further info on risk assessment see: BHCC Risk Assessment Guidance

To calculate Risk Rating (R): assess the likelihood (L) of an accident occurring against the **most** likely impact (I) the accident might have, taking into account the control measures already in place. $L \times I = R$

Task / Activity Covered by the assessment	Risk Assessment for: Council Chamber Hove Town Hall - reducing risk and spread of COVID-19 to staff and others.			National Covid 19 Alert Tool	Likelihood (L)	X	Impact (I)	
				1	Almost Impossible	1	Insignificant (minor injury, no time off)	
Workplace	Hove Town Hall, Norton Road, Hove, BN3 3BQ			2	Unlikely	2	Minor (non-permanent injury, up to 7 days off)	
Date of Assessment	08.04.2021	Date Assessment to be reviewed		3 Current Level	Possible	3	Moderate (injury causing more than 7 days off)	
Person Completing	Sean Didcott	Manager	Paul Holloway	4	Likely	4	Major (death or serious injury)	
Staff involved in assessment	Mark Wall, Head of Democratic Services			5	Almost Certain	5	Catastrophic (multiple deaths)	
<p>The following caveat applies to this risk assessment;</p> <p>Staff and Members who are in the clinically extremely vulnerable group (as defined by Government guidelines) are not advised to attend Council Committee meetings and therefore this risk assessment assumes that staff or members in that category are not in attendance.</p>					Low =1-3	Moderate = 4-7	Significant = 8-14	High = 15-25

100

What are the significant, foreseeable, hazards? (the dangers that can cause harm)	Who is at Risk?	Current control measures (What is already in place/done)	Risk Rating			What additional controls will be put in place to reduce the risk further?	Revised Risk Rating		
			L	I	R		L	I	R
1.									
<p>Contact with other people – Waiting/reception area/Council Chamber</p>	<p>Staff and all attendees</p>	<p>Those attending meetings would enter via the main entrance and be directed by security to either the public gallery or to the Council Chamber where seats were provided prior to moving up the table to speak.</p> <p>The public gallery can seat up to 25 members of the public. Up to 15 members of the public would enter/exit the Chamber throughout the duration of the meeting.</p> <p>Council Members and staff present inside the Chamber.</p> <p>A single meeting could last up to 8 hours in duration.</p> <p>Whilst there is only one meeting per day, the Chamber may be used for other purposes prior to the meeting.</p> <p>There are no windows that can be opened in the Chamber and temperature is maintained by air conditioning units.</p>	3	5	15	<p>Guidance will be issued to all attendees setting out the safety protocols in place.</p> <p>This will include the following measures:-</p> <p>If a person due to attend the Council Chamber is feeling unwell or showing symptoms of COVID-19 or if a member of their household is showing symptoms of COVID-19 they must not attend and must follow the guidance on self-isolation.</p> <p>Members of the public and officers will be encouraged to attend meetings online. If necessary to attend in person, numbers will be strictly limited to maintain social distancing measures.</p> <p>A one way system will be in place, with a separate entrance and exit. Security staff will be in attendance to provide instruction and show people where to go.</p> <p>Face coverings must be worn at all times and hand sanitiser positioned in the entrance point must be used.</p> <p>Attendees must maintain a 2m distance from others within the building at all times.</p> <p>Staff and elected Members will be encouraged to take a Covid test in advance of the meeting.</p>	2	3	6

			<p>A single disabled access toilet is situated outside the public gallery.</p> <p>Separate male, female and accessible toilet facilities are available outside the Chamber</p>			<p>The number of attendees will be reduced at Committee and full Council, reducing footfall.</p> <p>Members will be seated and layout arranged as per attached plans to maintain social distancing.</p> <p>Shared carafes and glasses are not to be used in the Chamber; all attendees will be requested to bring their own bottled water with them.</p> <p>Only one meeting to be held per day and the Chamber must be thoroughly cleaned between each use.</p> <p>Ventilation system to be set to highest appropriate level.</p> <p>Only one member of the press will be permitted into the Chamber and seated to maintain social distancing measures.</p> <p>Separate male, female and accessible toilet facilities are available outside the Chamber; up to 1 person to use the female toilets and up to 1 person to use the male toilets at any one time on a one-in, one-out basis. Signage displayed outside the toilets.</p> <p>The toilet lid should be in the closed position prior to flushing to minimise aerosol contamination (signs displayed). Hand washing/ sanitising after using the toilet (hand gel provided and signs displayed at all hand washing stations). Hands should be dried with non-touch electrical driers.</p>		
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Contact with other people – Committee Members prior to the meeting	Members	Pre-meets of up to 6 people in each of the three Group rooms would take place up to one hour prior to the meeting. For full Council meetings, 54 Councillors would meet across the three Group rooms.	4	5	20	Pre-meets to take place virtually prior to arriving at Hove Town Hall.	1	1	1
Contact with surfaces		Door handles, toilet, sink/taps, hand gel/soap dispensers, chairs, tables are handled/touched by more than one person.	3	5	15	Cleaning of Hove Town Hall facilities is managed and carried out by Nviro. Cleaning team instructed to pay special attention to the cleaning of door handles, light switches, desks and surfaces, taps and soap dispensers. Chamber to be cleaned by the cleaner after every use. Pedal bins with lids to be used to dispose of used tissues/general rubbish. Regular hand washing/sanitising to be carried out (hand gel provided and signs displayed at all hand washing stations. Sanitising wipes placed on each table).	2	3	6
Becoming ill whilst attending the Council Chamber	All attendees	Attendee(s) become ill whilst attending the Council Chamber after developing symptoms of COVID-19. This includes a fever, a new dry cough, shortness of breath, loss of taste and/or smell, fatigue and general body aches.	3	5	15	If an attendee becomes ill after developing symptoms of COVID-19 the ill person must return home immediately and arrange a test. They must then follow the guidance on self-isolation until they receive their result. If the user is too unwell to leave Hove Town Hall unaccompanied, move them to a designated 'safe zone' (G82) to wait for transport. The 'safe zone' and any room that the unwell person has been in, must be deep cleaned afterwards. For cleaning after a known or suspected case of COVID-19 refer to the specific guidance .	2	3	6

	Fire evacuation	All attendees	Upon the start of a fire, the alarm is activated by a sensor. The alarm system is tested quarterly. The fire evacuation muster point is currently behind the Norton Road Car Park.	2	3	6	Upon hearing the alarm, all attendees must leave the building immediately and do not have to stay 2m apart if it would be unsafe to do so. Meeting organisers should ensure that attendees are advised to stay away from the building until the all-clear to return is given by Security.	2	3	6
	Wellbeing	All attendees	Those required to attend meetings in person may feel more anxious than normal.	3	3	9	<p>Clear communication prior to attending meetings and protocols in place agreed cross party and shared with officers. Signage displayed to positively promote the safety measures in place to reassure all attendees and to reduce anxiety.</p> <p>Communicate new arrangements in place early enough to allow attendees enough time to raise any concerns prior to the meeting date.</p> <p>Those officers who it is anticipated will attend in person (for example legal officers, democratic services officers) offered briefings and the opportunity to raise any concerns. Alternative arrangements to be put in place where officers are not comfortable with attendance in person.</p>	2	2	4

List of key Government guidance

- <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/offices-and-contact-centres>
- <https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>
- <https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>
- <https://new.brighton-hove.gov.uk/hr-covid-19-advice>



Equality Impact and Outcome Assessment (EIA) Template - 2019

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Arrangements for Council Committee Meetings 07 May to 20 July 2021	ID No.⁶	SGL06
Team/Department⁷	Strategy, Governance & Law		

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Focus of EIA⁸

From 07 May 2021, the Council will be required to hold physical rather than virtual committee meetings. Resuming physical meetings presents obvious Covid risks and these will be mitigated through a number of measures: reducing the number of elected members and officers required at meetings to the minimum; asking attendees to take Lateral Flow Tests in advance of meetings; requiring all attendees to wear masks; social distancing at meetings etc. Members of the public wishing to participate in or observe meetings will be asked to do so virtually. The intention is to ask political groups to limit their attendance so as to accord with the minimum requirement for meetings to be quorate: this is 3 members for most committee meetings and 14 members for meetings of Full Council. Different arrangements may be required for Planning Committee and the Health & Wellbeing Board.

These arrangements have potential implications for equalities, both in terms of the members and officers attending meetings, and in terms of public access to meetings.

In terms of public access, these arrangements will be largely similar to the arrangements that have been in place over the past year for observing virtual meetings via webcast and participating in meetings via Microsoft Teams. Observing or participating in meetings digitally poses problems for some members of the public, particularly those who have limited access to or are uncomfortable using digital technologies. However, digital meetings have also made accessing local democracy easier for a range of people who may have struggled to access physical meetings. As we move forward it will be important to recognise and where possible retain features that have improved access for some communities.

2. Update on previous EIA and outcomes of previous actions⁹

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action plan below)

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age ¹⁴	<p>Member/officer attendance: older people are at greater risk from Covid, but are also more likely to have been vaccinated than younger people. Given that only a proportion of committee members will be asked to attend meetings physically, Groups should be able to manage attendance so members at greater risk of Covid infection are not exposed to unnecessary risk. (However, this is not the case for independent members). Officers should be able to manage attendance in a similar way to minimise age-related risk.</p> <p>Political groups will need to be supported to help elected members understand the risks posed by attending</p>	<p>The Council has been operating virtual meetings since mid-2020 and public participation has been generally effective via Microsoft Teams, including participation by older people.</p>		<ul style="list-style-type: none"> • No specific actions are planned for public access – current arrangements for virtual meetings will continue for members of the public and these have been successful to date. • BHCC will provide support to Political Groups to manage the attendance at physical meetings of elected members. • Attention needs to be given to the risk of Covid infection posed by physical meetings, particularly to those with greater than average vulnerabilities. • Attention should also be given to other potential access issues, given that it is almost

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>physical meetings, and the mitigations that have been employed.</p> <p>Public: members of public will be required to continue to observe meetings via the BHCC webcast and to participate in meetings (public Qs/deputations/petitions) via Microsoft Teams. There is a risk that digital-only access poses disproportionate challenges for older people.</p>			<p>12 months since we last held physical committee meetings: members and/or officers who had no particular access issues a year ago, may now have issues that need to be addressed.</p> <ul style="list-style-type: none"> • Whilst the main Political Groups will have the option of choosing which of their members attends a given meeting in person, this option is not open to Independent members. It is therefore particularly important that Independent members understand the risks of attending meetings in person and are comfortable with the measures being put in place. • Officer attendance will be kept to the minimum: e.g. the

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
				<p>relevant Director(s) or their representatives; the committee legal adviser; the committee clerk. Managers in the relevant BHCC departments will need to work with individual staff members to ensure that officers attending meetings are aware of the risks posed and that managers are aware of any vulnerabilities officers may have and have put additional mitigatory measures in place where appropriate.</p>
Disability¹⁵	<p>Disabled people may be at greater risk of mortality/morbidity from Covid.</p> <p>Committee meetings will take place in Hove Town Hall Council Chamber, which has disabled access. Members of the public will continue to</p>			<ul style="list-style-type: none"> • Managers will need to communicate and work with disabled staff who need to physically attend meetings to understand and mitigate any risks arising from impairments or health conditions.

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>observe and participate virtually in committee meetings.</p> <p>However, there is a specific potential impact for D/deaf or Hearing impaired people:</p> <p>Members/officers: all people attending committee meetings will be required to use masks at all times. This means that it will not be possible for attendees to lip-read. In addition, the captions option on Microsoft Teams which improves access for people with hearing impairments will not be available for people attending meetings in person.</p> <p>Public: similarly members of the public who lip-read will not be able to follow meetings where all attendees are masked.</p>			<ul style="list-style-type: none"> • Managers should not assume that they are already aware of staff vulnerabilities and must engage individually with staff to assess and meet additional needs. • Managers will need to work with any disabled elected members who need to physically attend meetings to understand and mitigate any risks arising from impairments of health conditions. • Consideration should be given to using BSL interpreters at meetings to support members/officers who are D/deaf and people with hearing impairments, if they require this access support. • Using BSL interpreters

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Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
				<p>will not improve access for members of the public observing meetings via webcast.</p> <ul style="list-style-type: none"> • Consideration should be given to permitting members of the public who register an interest to join the Microsoft Teams meeting call for a committee meeting, so they can use the captions facility on Teams. • BHCC should explore the potential to introduce a captioning facility to webcasts.
Gender reassignment¹⁶	No risks have been identified here.			
Pregnancy and maternity¹⁷	Members/officers: pregnant woman are at greater than average risk from Covid infection as they are not eligible for vaccination. It is envisaged that this can			<ul style="list-style-type: none"> • Managers will need to work with officers/elected members planning to attend meetings in person to identify those at greater infection risk

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	be managed by Groups/directorates given that only a proportion of a committee's membership are required at any meeting.			due to pregnancy/maternity and to provide additional protection where appropriate.
Race/ethnicity¹⁸ Including migrants, refugees and asylum seekers	People from Black and Minority Ethnic backgrounds have experienced disproportionate mortality and morbidity from Covid.			<ul style="list-style-type: none"> • Managers will need to work with officers/elected members identifying as Black and Minority Ethnic to ensure that any additional needs are identified and met. • Officer attendance will be kept to the minimum: e.g. the relevant Director(s) or their representatives; the committee legal adviser; the committee clerk. Managers in the relevant BHCC departments will need to work with individual staff members to ensure that officers attending meetings are aware of the risks posed and that

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
				managers are aware of any vulnerabilities officers may have and have put additional mitigatory measures in place where appropriate.
Religion or belief¹⁹	No risks have been identified			
Sex/Gender²⁰	No risks have been identified			
Sexual orientation²¹	No risks have been identified			
Marriage and civil partnership²²	No risks have been identified			
Community Cohesion²³				
Other relevant groups²⁴	Managers will need to work with individual officers/elected members who need to attend meetings in person to identify and meet any			<ul style="list-style-type: none"> • Managers will need to work with individual officers/elected members who need to attend meetings in person to identify and

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	additional needs.			meet any additional needs.
Cumulative impact²⁵				

Assessment of overall impacts and any further recommendations²⁶

Moving back to physical BHCC meetings is unlikely to have a significant impact on equalities generally. For members of the public, committee meetings will continue to be accessed by digital means – e.g. webcast or Microsoft Teams for people directly participating in meetings. For elected members and officers, physical attendance at committee meetings will need to be managed to minimise risks to people at greater vulnerability to Covid infection, either because of their age, ethnicity, disability, health or vaccination status. Given that only a proportion of members will be asked to attend any committee meeting in person, it should be possible for Political Groups supported by BHCC HR to manage attendance accordingly. However, this will not be possible for Independent members. BHCC Departments will need to work with BHCC officers who will need to attend meetings in person to identify any vulnerabilities and put appropriate measures in place. This may include not requiring vulnerable staff members to attend meetings in person.

As we move to a hybrid physical/digital model it is important that the benefits that digital access has presented to many people are recognised and preserved.

There is a specific potential impact in relation to access for people who are D/deaf or have a hearing impairment, as the requirement for people participating physically in meetings to wear masks at all times will mean that lip-reading is not possible. The obvious mitigation for this is to commission BSL-interpreters for meetings. For public access, consideration needs to be given to allowing members of the public who have registered a need to join the Microsoft Teams call for a meeting (permitting them to use the captioning facility on Teams). In addition, the feasibility of introducing captioning for webcasts needs to be explored.

4. List detailed data and/or community feedback that informed your EIA

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)

5. Prioritised Action Plan²⁷

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
<p>Age (older people at greater risk of Covid infection/younger people less likely to be vaccinated)</p>	<p>General measures:</p> <p>Limit member and officer attendance to minimum required to run meetings properly and in accordance with law. (This will allow political groups and BHCC departments to shield particularly vulnerable people.)</p> <p>Require all those attending meetings to have a negative Covid test.</p> <p>Require all those attending meetings to wear appropriate masks at all times.</p> <p>Thorough cleansing of Council Chamber in advance of meetings.</p> <p>Social distancing at all meetings.</p>	<p>Minimise risk of Covid infection from resuming physical committee meetings</p>	<p>Zero Covid infections linked to meetings</p>	<p>May to July 2021</p>

	<p>Managers to work with individual officers/elected members (specifically including Independent members) who need to attend meetings in person to understand any additional vulnerabilities and put additional mitigatory measures in place</p>			
<p>Disability</p>	<p>General measures:</p> <p>Limit member and officer attendance to minimum required to run meetings properly and in accordance with law. (This will allow political groups and BHCC departments to shield particularly vulnerable people.)</p> <p>Require all those attending meetings to have a negative Covid test.</p> <p>Require all those attending meetings to wear appropriate masks at all times.</p> <p>Thorough cleansing of Council Chamber in advance of meetings.</p>	<p>Minimise risk of Covid infection from resuming physical committee meetings</p>	<p>Zero Covid infections linked to committee meetings</p>	<p>May to July 2021</p>

	<p>Social distancing at all meetings.</p> <p>Managers to work with individual officers/elected members who need to attend meetings in person to understand any additional vulnerabilities and put additional mitigatory measures in place</p> <p>Consider using BSL interpreters to support people attending meetings in person who are D/deaf and people with hearing impairments.</p> <p>Consider allowing members of the public who are D/deaf and people with hearing impairments to join teams call for meetings (and thereby access captioning function)</p> <p>Explore feasibility of introducing captioning function to BHCC webcasts</p>			
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<p>ethnicity</p>	<p>General measures:</p> <p>Limit member and officer attendance to minimum required to run meetings properly and in accordance with law. (This will allow political groups and BHCC departments to shield particularly vulnerable people.)</p> <p>Require all those attending meetings to have a negative Covid test.</p> <p>Require all those attending meetings to wear appropriate masks at all times.</p> <p>Thorough cleansing of Council Chamber in advance of meetings.</p> <p>Social distancing at all meetings.</p> <p>Managers to work with individual officers/elected members who need to attend meetings in person to understand any additional vulnerabilities and put</p>	<p>Minimise risk of Covid infection from resuming physical committee meetings</p>	<p>Zero Covid infections linked to committee meetings</p>	<p>May to July 2021</p>
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	additional mitigatory measures in place			

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment: Giles Rossington

Date: 06/04/21

Directorate Management Team rep or Head of Service/Commissioning:

Date:

CCG or BHCC Equality lead:

Anna Spragg

Date: 6 April 2021

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write 'not applicable'.

¹⁰ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?¹⁰
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹¹ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.

-
- Try to consult in ways that ensure all perspectives can be considered.
 - Identify any gaps in who has been consulted and identify ways to address this.

¹² Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹³ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹⁴ **Age:** People of all ages

¹⁵ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁶ **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

¹⁷ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁸ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁹ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

²⁰ **Sex/Gender:** Both men and women are covered under the Act.

²¹ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²² **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²³ **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²⁴ **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

²⁵ **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²⁶ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁷ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Document is Restricted

