

Policy & Resources Committee

Date: **19 January 2023**

Time: **4.00pm**

Venue **Hove Town Hall - Council Chamber**

Members: **Councillors:** Mac Cafferty (Chair), Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Allcock (Joint Opposition Spokesperson), Appich (Joint Opposition Spokesperson), Bell (Group Spokesperson), Allbrooke, Evans, McNair and Yates

Invitee: Dr Anusree Biswas Sasidharan

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AGENDA

96 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.

97 MINUTES

9 - 34

To consider the minutes of the meeting held on 1 December 2022.

98 CHAIR'S COMMUNICATIONS

99 CALL OVER

100 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 13 January 2023;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 13 January 2023.

101 ITEMS REFERRED FROM COUNCIL

No items were referred from the Council meeting held on the 15 December 2022

102 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions notified by the due date (10 working days);
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion.

103 GENERAL FUND BUDGET AND RESOURCES UPDATE 2023/24 35 - 58

Report of the Chief Finance Officer

Contact Officer: *Nigel Manvell*

Tel: 01273 293104

Ward Affected: *All Wards*

104 COUNCIL TAX BASE AND BUSINESS RATES RETENTION FORECASTS 2023/24 59 - 70

Report of the Chief Finance Officer

Contact Officer: *Heather Bentley*

Tel: 01273 291244

Ward Affected: *All Wards*

105 PERMISSION TO ESTABLISH AN URGENCY SUB-COMMITTEE TO OVERSEE DISPOSAL OF 31 PALMEIRA AVENUE, HOVE ALSO KNOWN AS PENNY GOBBY HOUSE 71 - 76

Report of the Executive Director Families Children & Learning

Contact Officer: *Carolyn Bristow*

Tel: 01273 291288

Ward Affected: *All Wards*

106 KINGSWAY TO THE SEA 77 - 86

Report of the Executive Director Economy, Environment & Culture

Contact Officer: Mark Fisher
Ward Affected: South Portslade; Westbourne;
Wish

107 FULL REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2023

Report of the Executive Director Governance People & Resources –
report to follow

108 LOCAL LAND CHARGES FEES & CHARGES

87 - 90

Report of the Executive Director Governance People & Resources

Contact Officer: Michael Appleford Tel: 01273 291997
Ward Affected: All Wards

109 PROVISION, INSTALLATION AND MAINTENANCE OF CCTV TRAFFIC ENFORCEMENT CAMERAS AND ASSOCIATED ENFORCEMENT SUPPORT SYSTEM

91 - 108

Report of the Executive Director Economy, Environment & Culture

Contact Officer: Charles Field, Julie Saxby Tel: 01273 293329

Ward Affected: All Wards

110 LIFE EVENTS AND CHARGES REVIEW FOR REGISTRATION SERVICES

109 - 116

Report of the Executive Director Health & Adult Social Care

Contact Officer: Michelle Jenkins Tel: 01273 296271
Ward Affected: All Wards

111 THE UK SHARED PROSPERITY FUND

117 - 152

Report of the Executive Director Economy, Environment & Culture

Contact Officer: Katie Read
Ward Affected: All Wards

112 COMMITTEE CALENDAR

153 - 174

Report of the Executive Director Governance People & Resources

Contact Officer: Elizabeth Culbert Tel: 01273 291515
Ward Affected: All Wards

113 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 2 February 2023 Council meeting for information.

PART TWO

114 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.

Date of Publication - Wednesday, 11 January 2023

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Lisa Johnson, (01273 291228, email lisa.johnson@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 1 December 2022

Hove Town Hall - Council Chamber

Minutes

Present: Councillor Mac Cafferty (Chair) Allcock (Joint Opposition Spokesperson), Appich (Joint Opposition Spokesperson), Allbrooke, Evans, McNair, Yates, Hugh-Jones, Nemeth and Osborne

Also present: Dr Anusree Biswas Sasidharan, Standing Invitee

Part One

69 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

- 1.1 Councillor Osborne was present in substitution for Councillor Gibson
Councillor Hugh-Jones was present in substitution for Councillor Druitt
Councillor Nemeth was present in substitution for Councillor Bell

(b) Declarations of Interest

- 1.2 Councillor Osborne declared he was a member of the South Downs National Parks Authority .

(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 during consideration of the items contained in part two of the agenda.

70 MINUTES

- 70.1 The Minutes of the meeting held on 6 December 2022 were agreed as a correct record.

71 CHAIR'S COMMUNICATIONS**71.1 The Chair gave the following communication:**

Hindsight is a wonderful thing but could any of us have anticipated the impact of the Russian invasion, foresee inflation rising to over 10% and energy costs more than doubling, or predict a truly bewildering mini-budget that has destabilised the economy and increased interest rates, all culminating in a cost of living crisis and a major impact on business survival.

This is, however, where we now find ourselves and I note from the Draft Budget report before us that the cumulative effect of this is expected to increase the council's costs next year by a staggering £39 million. While the government's Autumn Statement announced some additional resources and deferred social care reforms, this is not nearly enough, leaving us £19 million short, and I note that, yet again, it pushes an increasing burden on local taxpayers in order to sustain critical services.

It is a small relief to see that business rates are being frozen but we wait to see if government will fully compensate local authorities for this decision. I am also relieved to see the Household Support Fund extended to next year, without which the council would not be able to continue to support our food partnership or help households in hardship, leaving them facing an even greater cliff edge.

We will see where we get to in February in addressing our budget shortfall but I am under no illusion that this is going to be one of the most challenging budget rounds we have seen in this council. And sadly we are not alone. 60% of councils are facing bankruptcy within the next two years. Local government grants were cut 37% in real terms from 2010 to 2020¹. Our residents are facing an onslaught of crises that we have not previously encountered on this level, and in this combination, at any time. Inflation at a 41-year high; domestic gas and electricity prices increasing by 129% and 66% respectively, in the last year.

At this week's Parliamentary meeting of the Local Government Association- the organisation representing councils- government ministers tried to assure council leaders how councils had been given adequate funding to secure their future. This rings hollow for councils from Kent to Hampshire which are warning they will go under in the next year unless they receive adequate funding. The government is not only aware of this threat they are actively planning for it and in a deeply cynical move the same ministers instead of providing funding have instead been advertising for commissioners to run councils when they anticipate more will go bankrupt because of their cuts. If more councils do indeed go bankrupt they will join Liverpool and Croydon which has now had three bankruptcy notices served by government.

Local councils are the safety net for so many including children in care, vulnerable adults or the homeless, yet the government does little to show that it values this work. Sarah McClinton, president of the Association of Directors of Adult Social Services, writes: "The shocking situation is that we have more people requesting help from councils, more older and disabled with complex needs, yet social care capacity has reduced." Last month the Care Quality Commission warned of a "tsunami of unmet care" and said England's health and social care system was "gridlocked."

While the Conservative-controlled County Councils Network wrote that the recent cuts would “further diminish services to a ‘core offer’ of bare minimum statutory service levels, removing most, if not all, preventative services”, which would be disastrous as well as economically unsound, costing the country a lot more overall.

This has led a number of us to believe that local government is being pushed over a cliff edge. The cost-of-living crisis and the rise in inflation have many causes. But the devastating effects on many people in this country are a result of political choices.

It makes no financial sense to cut local government funding to the point where councils can no longer deliver even basic services. This is no way to run a country, but it seems to be the Tory way.

Locally the impact of twelve years of Conservative Government has been disastrous. Brighton & Hove City Council has had to make £200m worth of savings in that time. This week we introduced our draft budget for 23/24 outlining the cuts that we will be forced to make as a result of chronic underfunding. Like local councils across the country, we face a string of challenges, increased demand for our services, record high inflation and cuts to our budget.

For all of these reasons, we recognise this is a difficult time for the entire city so I completely understand people being distraught, angry or upset. I share your anger about government cuts. The draft budget in front of us will require us to make a number of really horrible decisions.

Please note today councillors are only noting the budget position. However, no decision is being taken on the nursery at this time. The final decision is made at Budget Council in February. This will afford an opportunity for a longer discussion and consultation with the city, affected service users and staff.

We will continue to protect the most marginalised and as leader of the council I am very proud to be working with the council trade unions, UNISON, NEU and GMB and the Labour Group of Councillors to oppose more government cuts on the city, and to [#GIVEITBACK](#). Look for the campaign on Facebook where we’ve set up a petition and open letter.

Also on the agenda today is an update on the development brief for Blackrock. This report outlines some welcome progress and looks to allocate a budget to procure professional support for the production of the brief. Blackrock is an exciting project at the heart of our eastern seafront development.

It will build on the plans already underway expressed through the Eastern Seafront Masterplan, including the Sea Lanes, the newly approved plans for Madeira Terraces, our accessible board walk and development of the reading room. The report also outlines that while we go through this process, we will ensure that the area can be used for other uses- adding to our outdoor space and visitor experience which is synonymous with Brighton & Hove.

I am so pleased to see the Fair and Inclusive Action plan in front of us today. Through our fairer Brighton strategy, we are taking action to make our city a fairer and more sustainable place. But the work has to start within the council organisation. Addressing the disproportionate outcomes for diverse staff groups and communities across the council is essential if we are to create a more inclusive, productive and welcoming organisation. The report outlines that we still have important steps to make to close the gap and as leader of the council I am committed to driving forward this work.

I am delighted that, after two challenging years of hard work and widespread consultation, we have our city downland estate plan in front of us today. It's encouraging that so many people and organisations from all over the city have played a part in creating the plan. The plan includes opening up more land to the public and creating new amenities, meaning it will be easier for the public to visit and enjoy the estate. Essentially this plan includes short, medium and long-term actions with a focus on implementation over the next 10 years with a aim of reversing the loss of biodiversity and working towards and beyond carbon net zero.

Finally, today is worlds Aids day. For the first time the Red Ribbon flag is flying from council buildings. This is important because we still need to do much to reduce stigma around HIV. Treatment for HIV is now so effective that that once diagnosed and on treatment it is impossible to pass on the virus. Our city is the host to some of the best HIV support, treatment and prevention services in the country thanks to so many community organisations.

72 CALL OVER

72.1 All items on the agenda were reserved for discussion with the exception of the following items where the recommendations were agreed without discussion:

Item 80 - Annual Waiver Report 2021/22

Item 89 – Charles Kingston Gardens Lease Acquisition

Item 91 – Coroners Service

73 PUBLIC INVOLVEMENT

73.1 There were no Petitions or Deputations, but one Question.

73.2 Mr D Harris asked the following question:

In July I asked "Following allegations of poor management in recent reviews left on the HR Website glassdoor, can you please provide the workforce equality data for managers within Housing in order to understand the full equality dynamics within the department?" Since then and only after chasing 3 times, I was provided with a response 3 months later, this included the entire directorate, which was not what I was asked. Why are officers obstructing my research into housing department equality by providing wrong information?

The Chair provided the following response:

Thank you for your question. As you know, our Director of HR and Organisational Development has been helping you with these queries and the information she sent you

on 2nd November set out our quarterly equality data that shows our workforce profile for Housing, Neighbourhoods and Communities at Management level. This data for representation at different grade levels is not broken down to service level as in some areas the numbers would be below the level that it would be appropriate to report on. The information we have has been shared with you and shows representation at management grades for the council and for the Housing, Neighbourhoods and Communities Directorate.

Mr Harris asked the following supplementary question?

I've also been trying to get some freedom of information on Kendal Court, Again I am facing obstruction, since July I've still not gotten the information on homeless deaths and other queries, especially in light of the building re-opening of late, can the administration please prompt the relevant department to adhere to the corporate plan and provide the FOI data. after all, Transparency is a key corporate value, or I will take it to the ICO. Whilst on the subject of transparency who is now running the Kendal court premises?

The Chair provided the following response:

Your supplementary question needs to be related to the original question and this is a different matter. However, I do understand that you have received responses to your Freedom of Information Act requests, including your request for an internal review. If you remain unhappy with the Council's management of Freedom of Information Requests, this is a matter for the Information Commissioner's Office. I do not have any information about the current ownership/management of Kendal Court.

74 ITEMS REFERRED FROM COUNCIL

74.1 No items were referred from Full Council held on 20 October 2022

75 MEMBER INVOLVEMENT

75(a) Petitions

75.1 There were no petitions

75(b) Written Questions

75.2 Four Written Questions were submitted.

75.3 Cllr Fishleigh submitted a question but was unable to attend the meeting. It was agreed that the following response would be provided:

Question:

Residents would prefer money to be spent on a water fountain in the playground rather than bike racks in Saltdean Oval Park as we already have plenty of railings to lock our bikes to. How much money has been set-aside for these bike racks and what is the process for re-allocating these funds to a water fountain?

Chair's response:

City Parks has sought to add cycle stands to open spaces across the city, as the current provision is very low or in some cases non-existent. Transport produced 27

per cent of the UK's total emissions in 2019, so encouraging people to use a sustainable and green transport system is essential if we are to hit our climate targets. I am proud of our ambition to improve cycling infrastructure in our city. Cycling offers an enjoyable, sustainable, free and accessible option for people to travel.

The funding for the bike racks has come from a successful competitive bid to the Carbon Neutral Fund and is as such not directly transferable to other initiatives.

I am pleased that residents in Saltdean are as enthusiastic about water fountains as I am. I have been pressing for new water fountains in Brighton & Hove since my time in opposition and was pleased to roll out 6 as leader of the council, funded through a successful bid to the carbon neutral fund.

Due to Health and Safety requirements the cost of maintenance of water fountains runs into the thousands each year which is something the council needs time to plan for and accommodate. I would like to see more water fountains throughout the city, reducing plastic waste and helping to hydrate our city and so I will push to see if there is more that we can do. This could be part of a future bid to the council's Carbon Neutral fund.

75.4 Cllr McNair asked the following question:

It has recently been reported that Brighton and Hove is the 5th most expensive City for parking in the UK. Recent Council policies have dramatically increased all sorts of parking fees in the city, with some of the biggest parking charge increases in the city's history having come into effect in May. At this year's budget, the Council hit residents with a 'double whammy' increase to their residential parking permits; increasing fees not just once, but twice - and well beyond that which was recommended by officers. First the Greens introduced steep increases to parking permits at the Draft Budget stage. Then Labour proposed further increases to this on Budget night, which the Greens agreed to and voted for. Residents are furious about the excessive nature of these increases: Increasing parking permit charges once was bad enough (particularly given the poor service in the Council's parking permit department), but this double increase has no doubt make it harder for families to go about their day to day life, increasing their cost of living. One resident, Jonny Whiting, has set up an action group and spoken out on Radio Sussex about this. These double increases have backfired on the Council's own financial position, with the recent targeted budget management report showing that demand for parking has fallen substantially as a result of the higher fees and that the council now faces a £1.477 million shortfall in parking revenue it had expected to receive this year.

These shortfalls include:

- £0.605m shortfall for parking tariff increases and;
- £0.872m shortfall for resident parking permits, where demand has substantially reduced.

Does the Leader of the Council accept that he has gone too far with excessive increases to parking charges in the city, to the point where we now see a £1.477m black hole in the council's finances as a result?

The Chair provided the following response:

Parking tariffs are set at levels designed to meet a range of policy objectives including contributing to managing traffic and congestion, contributing to road safety improvements and highway maintenance, encouraging residents to consider other forms of transport for both health and well-being and carbon reduction objectives, and ensuring that roads and streets remain safe and accessible through enforcement and fines.

While parking revenues are undoubtedly an important source of income, those received from on-street revenues and penalty charges are ringfenced transport related expenditure under the Road Traffic Regulation Act 1984. In this council, revenues are used to fund very substantial spend on Concessionary Fares, Supported Bus routes, financing related capital investment on transport projects and engineering, and contributing to traffic management costs and transport network improvements.

You will be aware that government funding has reduced by over £100 million in real terms since 2009 and this has placed increasing financial pressure on local authorities to be able to sustain investment in these services. While penalty charge notices are set by government, increasing parking on-street and off-street charges has become a necessity to be able to continue to support many services.

While the current weakened state of the economy is potentially having some impact on parking incomes, it is worth noting that the income target increased by £3.4 million in the current financial year. While we are not currently meeting this target, revenues have still increased by around £1.5 million this year which is critically important for the council's overall financial position. Economic conditions have weakened considerably since this target was set and this is a cause for concern and the council will need to monitor this situation to understand if this is likely to have longer term impacts on its medium-term financial strategy.

Cllr McNair asked the following supplementary question:

Will the Leader of the Council help ordinary residents deal with the cost-of-living crisis by looking to cut parking charges?

The Chair provided the following response:

It would be premature for me to discuss that at this stage as the fees and charges come through the service committees in January, and then to this committee after the budget is agreed in February.

75.5 Cllr Nemeth asked the following question:

The Council has significantly increased the cost of Traders permits in the City. A traders permit now cost approximately £800 per year for a standard permit, compared to under £400 before the Green-Labour councils started 11 years ago. The Council is now targeting traders with older vehicles and charging them up to £1400. This compares unfavourably to other local authorities. In Bristol for example, a traders permit costs £224 per year and there is no targeting of older vehicles. In addition to cost, traders in Brighton & Hove have been hit by other inconveniences to doing business in the city in recent years, such as new road restrictions and bus gate

finer. The high permit charges are impacting traders cost of living and ability to do business. Some traders have had enough and are now moving out of the city, which is showing up in the census figures.

Does the Leader of the Council accept that the Council has gone too far and can he explain why a standard traders permit in Brighton and Hove costs £576 more than in Bristol?

The Chair provided the following response:

The traders' permits in Bristol are valid in all of the residents' parking scheme outer residential areas but not in the Central Parking Zone. This is different to the traders permits in Brighton which allows parking across any Controlled Parking Zone in the city including the high demand areas in central Brighton, Brunswick & Adelaide, Central Hove and around the RSCH. This represents very good value for parking in the city to support all the important work traders undertake across the City as it costs just under £2.20 a day when broken down while paid on-street parking can cost over £20 a day in some areas. Traders Permits vary nationally in terms of duration and terms & conditions but in Brighton & Hove the Council has tried to allow flexibility for businesses to support their work by offering different durations from one day to annual. Brighton & Hove traders prices compare favourably with other large cities in the UK and with London Authorities. For example daily traders permits in some areas of Westminster exceed £50 a day and over £40 a day in Camden.

Cllr Nemeth asked the following supplementary question:

What message would you give to the traders on lower incomes who can't keep up with the charges and who are now having to leave the city?

The Chair provided the following response:

There is no evidence of that. I would ask traders to contact me if they are having difficulties and I will see what support can be given.

75.6 Cllr Nemeth asked the following question:

Under the Labour/Green Council there has been an increase of council bureaucracy since 2019, with an explosion of bureaucratic bodies, boards and working groups. Between 2003 and 2019 there were typically just a few working groups, boards and task and finish groups operating that were focused on completing specific jobs. There were generally never more than 5 or 6. Most of these groups are hidden or obscure to the public, do not publish minutes and are not webcast. In the last three years since 2019, under this Labour/Green Council, the number of these bureaucratic bodies has increased to 40. With this higher burden of council bureaucracy, services have got worse, accountability has been dissipated and decision-making has become more obscure. There is a sense among residents that decisions are taken 'behind closed doors' and before residents can have their say or have an influence. This has been exacerbated by the Memorandum of Understanding between Labour/Greens which created new secretive channels for decision-making, codified in a document that was never formally released to the public but provided to council officers.

Will the Leader of the Council review the burden of council bureaucracy that is hampering the performance of the council and commit to restore democracy and decision-making to the public view where residents can have an influence?

Cllr Allcock raised a point of order regarding the phrase 'Labour/Green Council', which was an inaccurate description. Cllr Nemeth said he would refer to it as a 'Labour/Green coalition style council'.

The Chair provided the following response;

Firstly, I am surprised that you are able to talk about working groups as neither you nor your colleagues attend any.

It is important to be clear that the only decision-making bodies in the Council are Committees, sub-committees and full Council. There are no member bodies that are making decisions behind closed doors because no such Groups have any decision-making power. Therefore, unlike those authorities with Cabinet style decision making arrangements, we can be very clear that this Council's decision making does all take place in the public view. That is the bedrock of the Committee system.

Member Working Groups have been established to focus on specific issues and can only be established with the agreement of P&R or – if it is a task and finish Group – by the parent Committee. Therefore, all Member Working Groups that exist do so based on a majority mandate of Councillors who have voted to set them up based on the agreed Terms of Reference. The advice and recommendations from those Groups are reported to Committee for decision. With the challenges and complexity faced in the City, I do think it is important to try and move sometimes very complex and intractable issues forward by having detailed discussions cross party and by enabling members to develop their knowledge and expertise in these areas. The Committees that make the final decision are then better informed as a result of the expert advice and recommendations received from these Groups.

The other intended aim of Member Working Groups is to ensure that Committees have the time to debate and decide on the issues that require a decision from them. By ensuring there are Board and Working Groups where members can raise other issues outside of the Committee cycle and input their ideas and thinking, this is intended to free up the Committee time to focus on taking decisions and moving the Councils priorities forward. If Groups do not engage with the Member Working Groups and use the Committees as the forum to raise ward issues or request information that has already been provided at relevant Working Groups, this only serves to slow down our ability as a Council to make the decisions needed to improve services.

Having said that I agree that it is essential to keep our advisory bodies and the calls on member and officer time under review. We do regularly undertake a review of the Member Working Groups and look to consolidate or remove these where there is a consensus that they are no longer needed. The next detailed review will take place following the May elections, but in advance of that we are able to consider any specific proposals for discontinuance of any specific Groups if this is raised with officers at Leaders Group.

Cllr Nemeth said that he had attended a high number of Working Groups and was therefore surprised by the Chair's comments that he hadn't attended any.

The Chair clarified that he meant the Conservative Group and not him.

75(c) Letters

75.7 There were none

75 (d) Notices of Motion

75.8 Two Notices of Motion were submitted.

75.9 Cllr McNair proposed the following Notice of Motion on Council Fees and Charges:

This committee:

- 1) Recognises the financial strain that many residents are currently experiencing;
- 2) Notes that Council Fees and Charges in many cases contribute to this strain;
- 3) Further notes that the Council's Fees and Charges have risen excessively compared to surrounding local authorities; and
- 4) Calls on Officers to highlight the Fees and Charges which compare unfavourably with those of surrounding authorities in their reports so that this information can be considered by Committees when setting future Fees & Charges.

Cllr Nemeth seconded the Notice of Motion.

75.10 The Chair noted that there was an amendment from the Green Group.

75.11 Cllr Allbrooke proposed the following amendment, changes in italics:

This committee:

- 1) Recognises the financial strain that many residents are currently experiencing *due to decisions of the Government including the impact of the mini budget on mortgage interest rates which affects homeowners and renters alike;*
- 2) Notes that Council Fees and Charges in many cases contribute to this strain. *due to 12 years of cuts, which have led to all councils having to explore additional revenue streams. In Brighton and Hove this is to replace over £100m of revenue support grant lost since 2010;*
- 3) Further notes that the Council's Fees and Charges have risen excessively compared to surrounding local authorities *similarly to comparator local authorities due to the financial strain all local authorities are facing after the impact of Government cuts and financial decisions referred to at 1) and 2) above;* and

4) ~~Calls on~~ *Notes that* Officers to highlight the Fees and Charges which *and how they* compare unfavourably with those of surrounding *comparator* authorities in their reports so that this information can be considered by Committees when setting future Fees & Charges.

Cllr Hugh-Jones seconded the amendment.

75.12 The Committee voted on the amendment, and it was carried 8 for and 2 against.

75.13 The Committee voted on the Notice of Motion as amended and it was agreed to note it.

75.14 **RESOLVED:** That the Notice of Motion on Council Fees and Charges be noted.

75.15 Cllr Nemeth proposed the following Notice of Motion on the Protection of Urban Fringe:

This committee:

- 1) Notes the recent approval of City Plan Part 2;
- 2) Requests that Officers bring a report detailing the urban fringe sites within the City Plan which are owned by the Council and setting out the legal protections and responsibilities of the Council in relation to those sites as Landlord.

Cllr McNair seconded the Notice of Motion.

75.16 Cllr Osborne raised concerns over the cost implications of providing such a report, and the Assistant Director Legal and Democratic Services confirmed that due to staff resources it would be necessary to outsource the work at a cost of around £50k.

75.17 The Committee voted and it was agreed with 6 votes for and 4 against.

75.18 **RESOLVED:** That it was agreed to undertake the issues as set out in the Notice of Motion.

76 TARGETED BUDGET MANAGEMENT (TBM) 2022/23: MONTH 7 (OCTOBER)

76.1 The Committee considered the report of the Chief Finance Officer which set out an indication of forecast risks as at Month 7 on the council's revenue and capital budgets for the financial year 2022/23.

76.2 Cllr Appich proposed the following amendment to the recommendations (changes in italics):

- 2.1 That the committee note the forecast risk position for the General Fund, which indicates a potential forecast overspend risk of £11.637m. This includes an underspend of £0.208m on the council's share of the NHS managed Section 75 services.
- 2.2 Note the expected provision required in relation to the academisation of Homewood House of £0.250m as set out in paragraph 9.8.

- 2.3 That the committee note the forecast for the Housing Revenue Account (HRA), which is currently an overspend of £1.173m.
- 2.4 That the committee note the forecast position for the Dedicated Schools Grant which is currently an overspend of £0.094m.
- 2.5 That the committee note the forecast outturn position on the capital programme which is a forecast underspend of £0.393m and approve the variations and slippage in Appendix 6 and new schemes as set out in Appendix 7.
- 2.6 *That the committee notes that further urgent work is required to balance the budget within the current financial year.*
- 2.7 *That the committee requests officers report back to service committees and January Policy & Resources Committee, listing the actions they are taking within their directorates under officer delegations together with a list of further recommended actions that could be taken this year to bring the budget under control, including consideration of bringing forward proposed rises to fees and charges and the proposed reduction in payments of concessionary bus fares support to bus companies operating in the Brighton & Hove area in to this financial year – subject to legal advice.*

76.3 Cllr Yates seconded the proposed amendment.

76.4 Cllr Allbrooke confirmed the Green Group would support the amendment.

76.4 The committee voted on the amendment, and it was agreed with two abstentions from the Conservative Group.

76.5 **RESOLVED:** That the Committee -

- (i) Note the forecast risk position for the General Fund, which indicates a potential forecast overspend risk of £11.637m. This includes an underspend of £0.208m on the council's share of the NHS managed Section 75 services;
- (ii) Noted the expected provision required in relation to the academisation of Homewood House of £0.250m as set out in paragraph 9.8;
- (iii) Noted the forecast for the Housing Revenue Account (HRA), which is currently an overspend of £1.173m;
- (iv) Noted the forecast position for the Dedicated Schools Grant which is currently an overspend of £0.094m;
- (v) Noted the forecast outturn position on the capital programme which is a forecast underspend of £0.393m and approve the variations and slippage in Appendix 6 and new schemes as set out in Appendix 7;
- (vi) Noted that further urgent work is required to balance the budget within the current financial year;

- (vii) Requested officers report back to service committees and January Policy & Resources Committee, listing the actions they are taking within their directorates under officer delegations together with a list of further recommended actions that could be taken this year to bring the budget under control, including consideration of bringing forward proposed rises to fees and charges and the proposed reduction in payments of concessionary bus fares support to Brighton & Hove Bus Company in to this financial year – subject to legal advice.

77 TREASURY MANAGEMENT STRATEGY STATEMENT 2022-23 - MID-YEAR REVIEW

77.1 The Committee considered the report of the Chief Finance Officer regarding the 2022/23 Treasury Management Strategy Statement. This had been approved by this committee at its meeting held on 10 February 2022 and by Full Council held on 24 February 2022. The report advised members of the actions taken in the first half of 2022/23.

77.2 Members asked why the cashflow for the period April – September 2022/23 had changed from a £70.4m surplus in the previous year to a £49.7m deficit. Officers advised that it was due to the timing of cash coming in and cash coming out, the overall investments were roughly the same. In the first six months of 21/22 the Council took over the responsibilities for the Coast to Capital LEP which resulted in £66m being transferred to the Council's bank account from the previous accountable body. In this financial year the Council had to make substantial payments back to the government for business rates and business rate grants.

77.3 **RESOLVED:** That the Committee –

- (i) Noted the key actions taken during the first half of 2022/23 to meet the Treasury Management Strategy Statement and practices (including the investment strategy) as set out in this report;
- (ii) Noted the reported compliance with the Annual Investment Strategy for the 6 month period up to the end of September 2022;
- (iii) Noted that the approved maximum indicator for investment risk of 0.05% has been adhered to and the authorised borrowing limit and operational boundary have not been exceeded.

78 DRAFT GENERAL FUND BUDGET & RESOURCES UPDATE 2023/24

78.1 The Committee considered the report of the Chief Finance Officer which provided an update on the council's General Fund resource position for 2023/24 to 2026/27.

78.2 Members referred to the EIA for the Bright Start Nursery and noted the high number of pupils who were eligible for Early Years Pupil Premium, who lived in income deprived families, had Special Educational Needs and identified as being from an ethnic minority, and said that if the nursery closed families may struggle to find alternative suitable places. The Executive Director Families Children & Learning that there would be a full

consultation on the possible closure of the nursery and if it was agree to close it the Council would work closely with families to provide alternative provision.

78.3 Cllr Appich proposed the following amendment (changes in italics):

- 2.1 Notes the updated forecasts and latest resource estimates set out in the report.
- 2.2 Notes the Draft Budget Strategies and first draft savings at Appendix 1 *and requests that the criteria against which these draft savings are measured is published in full for this committee to scrutinise at February Policy & Resources Committee.*
- 2.3 Notes the draft Equality Impact Assessments (EIAs) at Appendix 2 and notes that final EIAs will be provided to February Policy & Resources Committee and Budget Council.
- 2.4 Notes the updated budget gaps set out in paragraph 4.23 totalling £53.739m over the 4-year period, including £18.930m in 2023/24.
- 2.5 Notes the potential actions and routes that the authority may need to consider if it is unable to develop and agree a balanced budget for 2023/24, including accommodating the impact of any projected overspend for 2022/23 as at month 9 (December).
- 2.6 Notes that updated financial data and information from central government regarding the Local Government Financial Settlement (LGFS) may impact further on the development of budget proposals for 2023/24.

78.4 Cllr Yates seconded the amendment. In response to a question he confirmed that the 'criteria' would be based on the Corporate Plan.

78.5 The Committee voted on the amendment, and it was agreed.

78.6 **RESOLVED:** That the Committee –

- (i) Noted the updated forecasts and latest resource estimates set out in the report;
- (ii) Noted the Draft Budget Strategies and first draft savings at Appendix 1 and requests that the criteria against which these draft savings are measured is published in full for this committee to scrutinise at February Policy & Resources Committee;
- (iii) Noted the draft Equality Impact Assessments (EIAs) at Appendix 2 and notes that final EIAs will be provided to February Policy & Resources Committee and Budget Council;
- (iv) Noted the updated budget gaps set out in paragraph 4.23 totalling £53.739m over the 4-year period, including £18.930m in 2023/24;

- (v) Noted the potential actions and routes that the authority may need to consider if it is unable to develop and agree a balanced budget for 2023/24, including accommodating the impact of any projected overspend for 2022/23 as at month 9 (December);
- (vi) Noted that updated financial data and information from central government regarding the Local Government Financial Settlement (LGFS) may impact further on the development of budget proposals for 2023/24.

79 8-9 KINGS ROAD BRIGHTON

79.1 The Committee considered the report of the Executive Director Economy, Environment & Culture which sought approval for the disposal of this mixed-use commercial property.

79.2 Cllr Evans proposed the following amendment (changes in italics):

- 2.1 That Committee agrees to the disposal of the freehold of this property and that delegated powers be given the Executive Director Economy, Environment and Culture and the Assistant Director Legal and Democratic Services to approve terms and take any necessary steps to facilitate this recommendation.
- 2.2 That the net capital receipt be invested in the existing commercial portfolio to reduce inherent risk and secure revenue streams by funding landlords repair liability and reducing obsolescence, *subject to a future report to Policy & Resources Committee, via Asset Management Board, that considers the use of the capital receipt being directed towards investment in social housing/homeless support services, in line with the original intended use of the asset.*

79.3 Cllr Allcock seconded the amendment.

79.4 The Committee voted on the amendment and it was agreed.

79.5 RESOLVED:

- (i) That the Committee agreed to the disposal of the freehold of this property and that delegated powers be given the Executive Director Economy, Environment and Culture and the Assistant Director Legal and Democratic Services to approve terms and take any necessary steps to facilitate this recommendation;
- (ii) That the net capital receipt be invested in the existing commercial portfolio to reduce inherent risk and secure revenue streams by funding landlords repair liability and reducing obsolescence, subject to a future report to Policy & Resources Committee, via Asset Management Board, that considers the use of the capital receipt being directed towards investment in social housing/homeless support services, in line with the original intended use of the asset.

80 ANNUAL WAIVER REPORT 2021/22

80.1 This item was agreed without discussion.

80.2 RESOLVED: That the Committee noted the number and value of waivers authorised under Contract Standing Orders during the financial year 2021/22.

81 BUS & TAXI SHELTERS CONCESSION AGREEMENT

81.1 The Committee considered the report of the Executive Director Economy, Environment & Culture regarding the procurement process for the Bus & Taxi Shelter advertising concession.

81.2 Members asked if those who were successful in the procurement process could they use the unit to install cameras and Wi-Fi alongside the adverts which the BT had done. Officers advised that in the current contract that wouldn't be possible as the Council were strict on the GDPR implications.

81.3 Members asked if the Council had an advertising strategy to control what adverts were shown and were advised that there wasn't currently one.

81.4 RESOLVED: That the Committee –

- (i) Delegated authority to the Executive Director Economy, Environment & Culture to tender for a new Bus & Taxi Shelter Advertising Concession for a period of 8 years with an option to extend for a further period up to 24 months;
- (ii) Agreed an extension to the current concession contract for up to 12 months with an option to extend for a further 6 months while the procurement process takes place.

82 DEVELOPMENT BRIEF FOR BLACK ROCK

82.1 The Committee considered the report of the Executive Director Economy, Environment & Culture which proposed a process and timetable for creating a Development Brief for this important site, as well as procuring professional advice and support for this work.

82.2 Cllr Evans proposed the following amendment (changes in italics):

- 2.1 That Committee agrees the proposals and timetable for producing a Development Brief for the future development of the Black Rock site as outlined in para 3.30-3.42.
- 2.2 That Committee agrees that £100,000 of capital funding is allocated to procure professional support for the production of the Brief associated surveys and investigations.
- 2.3 That Committee agrees to the use of the site for meanwhile uses and entertainment space as detailed in para 3.10-3.23, *and that the meanwhile uses and lettings policies take into account the need to prioritise local businesses and foster a local circular economy.*

82.3 Cllr Appich seconded the amendment.

82.4 The Committee voted on the amendment, and it was agreed.

82.5 RESOLVED: That the Committee –

- (i) Agreed the proposals and timetable for producing a Development Brief for the future development of the Black Rock site as outlined in para 3.30-3.42;
- (ii) Agreed that £100,000 of capital funding is allocated to procure professional support for the production of the Brief associated surveys and investigations;
- (iii) Agreed to the use of the site for meanwhile uses and entertainment space as detailed in para 3.10-3.23, and that the meanwhile uses and lettings policies take into account the need to prioritise local businesses and foster a local circular economy.

83 CITY DOWNLAND ESTATE PLAN

83.1 The Committee considered the report of the Executive Director Economy Environment & Culture which sought approval for the City Downland Estate Plan.

83.2 The Committee asked for the number of tenanted farmers who took part in the consultation. Officers advised that they didn't have that information with them and would provide it after the meeting.

Officers later advised that the engagement was wide ranging, with multiple methods so that individuals/organisations could feed in opinions and ideas. Some of these (e.g. the online portal) could be done anonymously, so it may be that some of the contributions in both the first and second public consultations were from our tenant farmers, but we would not be able to confirm this. A specific farmer stakeholder engagement session was held on the 3rd February 2021 and 13 farmers and four members from the NFU attended, 12 other groups – farmers, Plumpton College, farm shop etc attended other CDEP events but were not able to attend farmer specific stakeholder engagement sessions, 5 farming groups attended the final stage of the first consultation event facilitated by Planning For Real, and 80% plus attended at least one or more CDEP events with only 3 farmers having not attended any event.

83.3 Cllr Appich proposed the following amendment (changes in italics):

- 2.1 Approves the City Downland Estate Plan attached at Appendix 1 of this report as policy.
- 2.2 Notes the extensive consultations undertaken over a two year period to inform the CDEP and that following approval and SDNPA's endorsement in February 2023 the focus will be on the first phase of implementation as set out in the two-year Next Steps section.
- 2.3 ~~Notes~~ *Agrees that any proposals to ringfence additional net income or capital receipts raised from the disposal of Downland Estate assets should be retained for reinvestment within the CDEP through the council's capital programme and that an appropriate reserve fund be maintained. will require a business case to be approved by Policy & Resources Committee within Targeted Budget Management reports or the annual progress report with decisions taken in the context of the council's overall financial position.*

2.4 Notes the implementation of the CDEP will be monitored and progress reported back to Policy & Resources annually, the Asset Member Board being the primary reporting point.

83.4 Cllr Evans seconded the amendment.

83.5 The Committee voted on the amendment, and it was agreed.

83.6 RESOLVED: That the Committee –

- (i) Approved the City Downland Estate Plan attached at Appendix 1 of this report as policy;
- (ii) Noted the extensive consultations undertaken over a two year period to inform the CDEP and that following approval and SDNPA's endorsement in February 2023 the focus will be on the first phase of implementation as set out in the two-year Next Steps section;
- (iii) Agreed that any additional net income or capital receipts raised from the disposal of Downland Estate assets should be retained for reinvestment within the CDEP through the council's capital programme and that an appropriate reserve fund be maintained;
- (iv) Noted the implementation of the CDEP will be monitored and progress reported back to Policy & Resources annually, the Asset Member Board being the primary reporting point.

84 FAIR & INCLUSIVE UPDATE INCLUDING ETHNICITY AND DISABILITY PAY GAP REPORTS

84.1 The Committee considered the report of the Executive Director Governance People & Resources which provided an update on fair and inclusive progress and outlined our priorities and future actions.

84.2 Members were concerned about the phrase 'female and male' being used rather than gender identity and asked how the Council allowed staff to self-define. Officers advised they were working with the LGBTQ forum as to what categories would be used.

84.3 Members noted that men were less likely to attend training. Officers said that the training team were looking at addressing that disparity and would provide more information after the meeting. The following information was later supplied: The training statistics were based on course completion data. Much of the training was statutory with courses being provided for roles that required them. The council employed more females than males, so it was likely that more females attended training. Officers were reviewing the council-wide development offer and how they targeted staff. as part of the implementation of the new learning management system. One of the actions was to review the course descriptors and ensure gender-neutral language to remove barriers. The new learning management system was being implemented in Spring 2023 would also allow more detailed analysis of the data.

84.4 Members noted that the staff subject to disciplinary hearings was higher for male employees, BME and disabled staff and asked why that might be. Officers advised that the numbers were relatively small and would provide further information after the meeting. The following information was later supplied: Not all staff subject to disciplinary procedures provided their equalities monitoring information and because the numbers were small, it was difficult to draw meaningful conclusions. However, officers worked collaboratively with staff networks to understand potential issues. Work planned for next year included joint 'Improving Practice' workshops for the Disabled Workers and Carers Network and HR Advisory Services, similar to those held in 2020 with the BME Workers Forum, which led to commissioning of the specialist equalities training for HR Advisory Services in 2021. Other recommendations in the 2021-22 workforce equalities report include:

- Evaluate the impact of specialist equalities training
- Hold regular workshops with the BME Workers' Forum to maintain trusted working relationships developed through 'Informing Practice' workshops
- Continue with regular discrimination casework review meetings
- Review casework data collection

85.5 Members noted that men remained unrepresented in some areas and asked if information could be provided as to which areas in the workforce that was, and for a breakdown of their ages, sexuality etc. Officers said that men were underrepresented and would provide further information after the meeting. The following information was later supplied: The most recent Our People Data (OPD) report from 30 September 2022 shows the percentage of male employees in each directorate and also shows the age profile of all staff. We have not produced separate age profiles by sex since 30 September 2021 as the distribution of age was found to be very similar across male and female staff and a combined age profile enables the data to be read more easily.

85..6 **RESOLVED:** That the Committee –

- (i) Noted the report and recommendations;
- (ii) Continued to support and champion actions within the Fair & Inclusive Action Plan.

85 FREEDOM LEISURE CONTRACT - RESPONSE TO INCREASED ENERGY COSTS

85.1 The Committee considered the report of the Executive Director Economy, Environment and Culture regarding the increased energy costs and the impact on the Freedom Leisure contract.

85.2 Discussions were held in Part Two on the possible options available, and members were advised that the Council was supporting Freedom Leisure to keep the venues open. A further report would be provided later in the year.

85.3 RESOLVED: That the Committee –

- (i) Noted the contents of this report in relation to the increased costs faced by leisure operators across the UK linked to the energy supply crisis;
- (ii) Agreed that it is necessary to support Freedom Leisure to ensure their continued viability and the delivery of the Sports Facilities Contracts;
- (iii) Authorised the Executive Director of Economy, Environment and Culture to implement the range of mitigation measures outlined in this report at paragraphs 3.18 and 3.23, with the exception of the caveat regarding parking charges outlined in 2.8;
- (iv) Noted that the various measures will be reviewed by officers over six months and a report will be brought to TECC by June 2023 on whether it is possible to revert back to standard contract arrangements. Committee authorises the Executive Director of Economy, Environment and Culture to make revisions and changes to the arrangements based on the ongoing impact, cost and potential changes to utility prices, but agrees that committee approval will be sought if car park charging is required at Withdean Sports Complex.

86 PROGRESS UPDATE AGAINST CORPORATE KEY PERFORMANCE INDICATORS Q2 2022/23

- 86.1 The Committee considered the report of the Executive Director Governance People & Resources regarding the Corporate Key Performance Indicators for Q2 2022/23, the council's current Strategic Risks linked to the P&R Committee and Annual Governance Statement actions.
- 86.2 Cllr Allcock proposed the following amendment (changes in italics):
- 2.1 That P&R Committee note the progress made in relation to Corporate KPIs, particularly the corrective measures outlined for 'red' and 'amber' indicators included in Appendix 2 and provide support and challenge to lead officers to bring performance back on track.
 - 2.2 That P&R Committee note the council's current Strategic Risks linked to the committee as outlined in Appendix 3 and provide support and challenge to Risk Owners in managing these risks.
 - 2.3 That P&R Committee note progress against Annual Governance Statement (AGS) actions as monitored by Directorate Plans included in Appendix 4.
 - 2.4 *That P&R Committee requests the Chief Executive, as Head of Paid Service, provides a detailed report back to this committee on the specific support and challenge they are providing to progress performance in relation to:*
 - *Housing repairs*
 - *Refuse collection*
 - *EHCP (Education, Health & Care Plans)*
 - *Safeguarding Adults*

86.3 Cllr Appich seconded the amendment.

86.4 The Committee voted on the amendment and it was agreed.

86.5 **RESOLVED:** That the Committee –

- (i) Noted the progress made in relation to Corporate KPIs, particularly the corrective measures outlined for 'red' and 'amber' indicators included in Appendix 2 and provide support and challenge to lead officers to bring performance back on track;
- (ii) Noted the council's current Strategic Risks linked to the committee as outlined in Appendix 3 and provide support and challenge to Risk Owners in managing these risks;
- (iii) Noted progress against Annual Governance Statement (AGS) actions as monitored by Directorate Plans included in Appendix 4;
- (iv) Requested the Chief Executive, as Head of Paid Service, provides a detailed report back to this committee on the specific support and challenge they are providing to progress performance in relation to:
 - Housing repairs
 - Refuse collection
 - EHCP (Education, Health & Care Plans)
 - Safeguarding Adults

87 REVIEW OF THE COUNCIL'S CONSTITUTION

87.1 The Committee considered the report of the Executive Director Governance People & Resources which proposed changes to the Council's Constitution. The report had recommendations for both this Committee and Full Council. The report was introduced by the Assistant Director Legal and Democratic Services.

The following Officer Amendment to the report was provided:

1. *To add a new paragraph 3.28 after 3.27 as follows:*

Proposal relating to the appointment of a member to East Sussex Fire and Rescue Service

3.28 *Following the very sad death of Councillor Garry Peltzer-Dunn, the Conservative Group has nominated Councillor Robert Nemeth to be appointed as a member of ESFRS. This appointment can be made by Policy & Resources Committee as opposed to full Council for reasons of timing. The next Fire Authority meeting takes place on 8th December and therefore Policy & Resources Committee is requested to approve the appointment.*

2. *An additional recommendation to read:*

2.5 *Agrees the appointment of Councillor Robert Nemeth as a member of East Sussex Fire and Rescue Service as set out at paragraph 3.28.*

3. *The numbering of the following recommendations to be updated as follows:-*

Full Council

2.6 *Approves the proposed changes referred to in paragraph*

Policy & Resources Committee and Full Council:

2.7 *Authorise the Chief Executive and Monitoring Officer to take all steps necessary or incidental for the implementation of the changes agreed by the Policy & Resources Committee and by Full Council, and authorise the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes.*

2.8 *Agree that the proposed changes come into force immediately following their approval by Policy & Resources Committee or by Full Council, as appropriate.*

87.2 The Committee noted the amendment.

87.3 Councillor McNair noted the suggested limit of 150 words for Member Questions and felt that may not be achievable and was concerned with the shorter minutes and that they still needed to be factual and clear.

87.4 Allbrooke supported the changes to shorter minutes and welcomed that an action log would now also be provided.

87.5 The Committee voted on the recommendations, and they were agreed with two abstentions from the Conservative Group members.

87.6 RESOLVED: That the Committee –

- (i) Recommends to full Council the proposals set out at paragraphs 3.1-3.9 (Council Procedure Rules), 3.14 (Sub-Committee reporting) and 3.20-3.23 (Contract Standing Orders and the Petitions Scheme);
- (ii) Noted the proposals set out at paragraph 3.10-3.12 (Minutes of meetings), 3.24 (the light touch annual survey on the Constitution) and 3.25 -3.27 of the report (the co-option of an additional Independent Person to Audit and Standards Committee);
- (iii) Agreed the proposals to make minor changes to the Scheme of Officer Delegations set out at paragraph 3.15 (Safer Communities) and 3.16 (authorised and unauthorised encampments);

- (iv) Agreed the proposals to make changes to the Downland Advisory Panel Terms of Reference set out at paragraphs 3.17 -3.19 and Appendix 2;
- (v) Agreed the appointment of Councillor Robert Nemeth as a member of East Sussex Fire and Rescue Service as set out at paragraph 3.28;
- (vi) Authorised the Chief Executive and Monitoring Officer to take all steps necessary or incidental for the implementation of the changes agreed by the Policy & Resources Committee and by Full Council, and authorise the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes;
- (vii) Agreed that the proposed changes come into force immediately following their approval by Policy & Resources Committee or by Full Council, as appropriate.

88 EASTERGATE ROAD FORMER GARAGE SITE REDEVELOPMENT

- 88.1 The Committee considered the report of the Executive Director Housing, Neighbourhoods & Communities regarding the redevelopment of the former garage site in Eastergate Road.
- 88.2 Cllr Allcock suggested officers look at all possible providers, including bringing it in-house, in addition to the YMCA. It was confirmed that all options would be considered.
- 88.3 The Committee voted on the recommendations, and they were agreed with 7 votes for and 2 abstentions.
- 88.4 **RESOLVED:** That the Committee approved a budget for the former garage site at Eastergate Road of £293,000 to allow the completion of design work to the end of RIBA Stage 4 (technical design), and for site clearance works, financed by a mixture of HRA borrowing and Brownfield Land Release Fund (BLRF) grant.

89 CHARLES KINGSTON GARDENS LEASE ACQUISITION

- 89.1 The report was agreed without discussion.
- 89.2 **RESOLVED:** That the Committee –
 - (i) Delegated authority to Executive Director Housing, Neighbourhoods & Communities to accept a surrender of the long lease on Charles Kingston Gardens from Clarion Housing Association Limited, to use as seniors housing subject to all further enquiries to be carried out proving satisfactory;
 - (ii) Approved that the Council makes an offer of up to the agreed sum and approves a budget line in the 2022/23 HRA Capital Programme detailed in the Part 2 report.

**90 NEW HOMES FOR NEIGHBOURHOODS ROTHERFIELD CRESCENT -
PROCUREMENT OF CONTRACTOR**

90.1 The Committee considered the report of the Executive Director Housing, Neighbourhoods & Communities.

90.2 **RESOLVED:** That the Committee –

- (i) Approved the increase of £0.600m in the Design Competition budget allowance to deliver the Rotherfield Crescent scheme for three, three-bedroom homes based on the Pre-Tender Estimate £1.192m;
- (ii) Delegated authority to the Executive Director for Housing, Neighbourhoods and Communities to procure and award a contract for construction via an existing Framework (the preferred route) or other compliant route.

91 CORONERS SERVICE

91.1 This item was agreed without discussion.

91.2 **RESOLVED:** That the Committee –

- (i) Agreed the transfer of Coroner's Officer staff in accordance with the principles set out at paragraph 3.7, subject to the outcome of a staff consultation process;
- (ii) Delegated power to the Executive Director Health & Adult Social Care to enter into an agreement with West Sussex County Council to place WSCC Coroner's Officers at the disposal of BHCC and the Senior Coroner for Brighton & Hove, and to take all steps necessary to give effect to the recommendations in this report;
- (iii) Noted the financial implications of the three-year financial tapering arrangement proposed by Sussex Police (indicative cost to BHCC of £224k per annum by 2025/26).

92 ITEMS REFERRED FOR COUNCIL

92.1 No items were referred to the next meeting of Full Council due to be held on 15 December 2022 for information.

93 CHARLES KINGSTON GARDENS LEASE ACQUISITION

93.1 The Committee noted the information contained in the Part Two papers.

**94 FREEDOM LEISURE CONTRACT - RESPONSE TO INCREASED ENERGY COSTS
PART 2**

94.1 The Committee noted the information contained in the Part Two papers.

95 PART TWO PROCEEDINGS

95.1 **RESOLVED:** It was agreed that the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

The meeting concluded at 9.25pm

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 103

Subject: General Fund Budget Process and Resources Update

Date of meeting: 19 January 2023

Report of: Chief Finance Officer

Contact Officer: Name: Nigel Manvell
Tel: 01273 293104
Email: nigel.manvell@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1 Purpose of the report and policy context

- 1.1 This report provides an interim update on the forecast position for the current financial year, 2022/23, as well as updating on the projected funding and resource position for next year, 2023/24, following the publication of the provisional Local Government Financial Settlement.
- 1.2 The report also provides information about the budget process including the guideline criteria used to help inform options for investments, service pressure funding and savings, together with information about a Budget Categorisation exercise that has been undertaken to provide an alternative analysis of the different types of budgets that the council is responsible for as a further aid to informing the development of options.
- 1.3 Finally, the report seeks agreement to a Budget Protocol that will determine the process for receiving and signing off alternative budget proposals (budget amendments) and provides important advice to all members regarding the legal requirements and responsibilities for setting the Council Tax and approving a balanced budget.

2 Recommendations

- 2.1 That the Policy & Resources Committee notes the Legal Advice regarding the setting of the Budget and Council Tax in Section 8 and Appendix 1 and notes that this will be provided to all councillors for the Budget Council meeting.
- 2.2 That the Policy & Resources Committee agrees the Budget Protocol set out in Section 7 of the report.
- 2.3 That the Policy & Resources Committee notes the latest interim forecast for 2022/23, indicating a General Fund outturn overspend of £10.601m.
- 2.4 That the Policy & Resources Committee notes the latest resource position for 2023/24 indicating an overall budget shortfall of £20.929m with a remaining budget gap of £8.333m to be addressed in order to achieve a balanced budget.

- 2.5 That the Policy & Resources Committee notes the Guideline Criteria and Budget Categorisation information used to inform the development of budget options, including savings proposals.

3 Interim Revenue Budget Forecast 2022/23 (Month 8, November)

- 3.1 The council's financial monitoring process, Targeted Budget Management (TBM), is updated on a monthly basis and reported periodically to Policy & Resources Committee, usually to around 5 meetings per annum. This is due to the timing and availability of meetings and how this fits with the monthly timetable for generating and collating forecasts from across the authority.
- 3.2 The next scheduled report is to February Policy & Resources Committee which will receive the forecast position as at Month 9 (December). This forecast is all important because any forecast under or over-spend impacts directly on the availability of one-off resources to support the following year's budget. An underspend will increase available resources, while an overspend will reduce resources and must be covered by drawing down existing one-off resources, including reserves.
- 3.3 Given the very challenging forecast overspends experienced this year, driven by high inflation, higher than anticipated pay awards, and other impacts on demand caused by the cost-of-living and economic situation, an interim forecast is provided here to keep members abreast of the latest position. A summary is provided with full details to be provided to February Policy & Resources Committee as normal.
- 3.4 The latest position at Month 8 (November) indicates an improvement of approximately £1m from Month 7 with the forecast overspend now standing at £10.601m. This is summarised across directorates as shown in the table below.

Forecast Variance Month 7 £'000	Directorate	2022/23 Budget Month 8 £'000	Forecast Outturn Month 8 £'000	Forecast Variance Month 8 £'000	Forecast Variance Month 8 %
3,173	Families, Children & Learning	103,668	106,884	3,216	3.1%
587	Health & Adult Social Care	75,204	75,732	528	0.7%
2,447	Economy, Environment & Culture	42,809	44,746	1,937	4.5%
862	Housing, Neighbourhoods & Communities	26,166	26,322	156	0.6%
1,241	Governance, People & Resources	31,730	32,803	1,073	3.4%
8,310	Sub Total	279,577	286,487	6,910	2.5%
3,327	Corporately-held Budgets	(34,708)	(31,017)	3,691	10.6%
11,637	Total General Fund	244,869	255,470	10,601	4.3%

- 3.5 This remains a very significant overspend and would severely impact on reserves and balances if sustained at this level. Recruitment and spending controls previously reported to Policy & Resources Committee will therefore remain in force until the end of the financial year to mitigate the position as far as possible. Early implementation of increases to fees & charges will also be considered wherever possible via the January Service Committee cycle.
- 3.6 If a large overspend is forecast at Month 9, consideration will need to be given as to how this can be managed, with options set out in the General Fund budget report alongside any other demands or calls on one-off resources. However, it should be noted that the previous forecast for the Council Tax and Business Rate Collection Funds indicated a combined net deficit of £3.309m due to the economic situation and continuing high numbers of Council Tax Reduction Claimants, alongside the third and final repayment of the deficit sustained during the pandemic. This would also need to be funded from one-off resources.

4 General Fund Budget and Resource Update 2023/24

- 4.1 The Local Government Financial Settlement (LGFS) for 2023/24 was announced on 19 December. The announcement follows on from a 'Policy Statement' issued by government on 12 December which set out the principles and mechanisms the government will apply to Local Government funding over the next 2 years (i.e. remainder of this government's normal term). The Policy Statement contained both positive and negative financial impacts for the council but the net overall impact is negative compared to the resources estimated to be provided from the earlier Autumn Statement.
- 4.2 The LGFS subsequently confirmed the detailed outcome of the Autumn Statement and Policy Statement for each local authority in the country. The overall impact of the LGFS is a decrease in resources compared to those expected to be provided by the Autumn Statement. The main reasons for this are:
- Government is protecting local authorities for the loss of revenues from the freezing of Business Rates but has elected to provide protection based on the lower CPI rate rather than RPI which had always been used in previous years;
 - Government has chosen to protect local authorities with resource increases of less than 3% (mainly non-social care authorities) and has removed the Lower Tier Grant in order to fund this. This council will not benefit from this and therefore loses this grant;
 - The government has top-sliced the Services Grant (effectively Revenue Support Grant) to fund the Supporting Families programme. This is effectively a cut in funding.
- 4.3 Overall, the financial settlement is expected to provide additional funding and resources of approximately £18.2m through a mixture of social care and other grants, an allowable Council Tax increase assumed at 2.99%, and an Adult Social Care precept assumed at 2%. However, this is £2.039m lower than estimated from the Autumn Statement for the reasons outlined above.
- 4.4 While the settlement provides a significant increase in resources it does not even cover the impact of inflation on the cost of services, which is estimated

at £22.5m. This primarily relates to the higher cost of pay awards and increases in social care provider costs, together with other inflationary impacts on energy, supplies and transportation. When other demographic changes (increases in demand), cost pressures and income pressures are added (mainly driven by economic conditions that are suppressing fees & charges incomes), this brings total cost pressures up to £39.1m. When compared to the increase in funding of £18.2m, this means that the council is now facing a budget gap of £20.9m for 2023/24; an increase of £2m compared to the estimated gap advised in the Draft Budget report to Policy & Resources Committee on 1 December.

- 4.5 The Draft Budget report to Policy & Resources Committee included first draft savings proposals of £12.6m toward meeting the budget gap. Assuming that these remain intact and were to be accepted by Budget Council in February, this would reduce the gap to £8.3m which will need to be addressed to achieve a legally balanced budget.
- 4.6 The situation for 2023/24 is therefore very challenging due primarily to abnormal inflationary impacts, resulting in a very large budget shortfall when compared to the resources available from government grant and allowable local taxation. It is, however, a legal requirement for local authorities to set a balanced budget. The council must address any projected budget shortfall (gap) and officers have therefore continued to develop options for addressing the remaining budget gap of £8.3m next year. This is likely to mean identifying increasingly more challenging proposals that will need to consider the impact on services and residents.
- 4.7 Like many councils across the country, the council's financial position means that it will need to consider which services it can afford to continue to provide at the current level of service but must, in the first instance, ensure that it is able to fulfil its statutory responsibilities and duties. Further savings proposals will therefore need to be brought forward to the February Policy & Resources Committee and Budget Council for all councillors to consider when setting the Council Tax and approving the budget for 2023/24.

5 Developing Options for the 2023/24 Budget

Scenario Planning

- 5.1 The 'General Fund Budget Planning & Resources Update 2023/24' report to July Policy & Resources Committee set out potential scenarios for the 2023/24 budget based on best, midpoint and worst case estimates of inflation, demographic changes (demand), funding, and resources (taxation). This indicated potential budget shortfalls ranging from £13m (best case), to £21m (midpoint), and £31m (worst case). Officers embarked on developing savings proposals to address the minimum shortfall (£13m), together with additional 'back-stop' proposals to address the midpoint shortfall (£21m) until further information was available from government. As noted above, at the Draft Budget stage, first draft proposals of £12.6m have been identified.

Developing Options

- 5.2 The development of budget savings proposals requires directorates to review all activities and services and consider potential savings opportunities which can come from:

- Efficiencies through changing or modernising processes or utilising new systems or technologies;
- Economies through procurement savings, commissioning or providing services differently, working through partnerships, or by re-providing services with alternative, lower cost provision;
- Generating additional income from fees and charges;
- Stopping, closing or reducing non-statutory services.

However, the council provides a very wide range of services and therefore some consideration of how savings opportunities align with the council's overall priorities and statutory responsibilities is important. The criteria set out in Appendix 2 have therefore been developed and can help to inform the development of options by using the rating scale as a guide to assessing the contribution that services and/or proposals make to identified priorities. This is not a precise exercise and there is inevitably a level of subjectivity but it provides a useful framework for members and officers to review and compare options. In summary, the criteria enable consideration of how much a service, investment or saving supports or detracts from the following Corporate Plan objectives:

- Long-term Financial Sustainability
- Community Wealth Building Potential
- Contribution to 2030 zero net carbon target
- Addresses Housing & Homelessness Pressures
- Supports a diverse, welcoming & tolerant city
- Supports Health and Wellbeing
- Supports those facing the impacts of austerity

5.3 Similarly, officers have undertaken a Budget Categorisation exercise to define the different types of services and budgets across the council and the role that they play. For example, many services are required to meet statutory duties and responsibilities such as Adult Social Care, while others are not statutory but provide essential services such as Street Lighting, while other services can generate income that help the authority to mitigate costs and overheads. Six broad categories have been identified as follows:

Budget / Service Category	Meaning / Example
Statutory	Unavoidable statutory duty or service requirement / e.g. Adult and Children's Social Care
Business Critical	Non-statutory but without these services the council could not function / e.g. Operational Buildings, IT infrastructure and networking
Income Generating	Services that generate significant incomes which, if withdrawn, would create a budget pressure or loss / e.g. Commercial Property Rents
Business Important	Non-statutory but without these services many legal, financial and service risks would increase, the council would be unlikely to function as efficiently or effectively, and/or overall costs are likely to increase /

	e.g. Support Service functions such as Procurement Team
Policy Priority	These are non-statutory, discretionary services that meet current Corporate Plan policy priorities / e.g. Welfare Support or Sustainability Services
Discretionary	Non-statutory, discretionary services that the council has elected to or has historically provided or commissioned / e.g. Early Years Nurseries

5.4 The overall analysis of the council's General Fund service budgets (excluding Schools and Housing Revenue Account) is as follows:

Budget / Service Category	Directorate £m					Total £m
	EEC	FCL	GPR	HASC	HNC	
Statutory	48.305	96.994	10.686	98.834	13.671	268.490
Business Critical	18.197	2.775	11.333	4.366	0.484	37.155
Income Generating	-37.515	-0.093	-1.184	-0.273	-0.398	-39.463
Business Important	0.328	0.704	6.941	0.591	0.320	8.884
Policy Priority	6.422	1.516	1.735	5.098	2.967	17.738
Discretionary	0.123	0.754	0.000	0.000	0.354	1.231
Total	35.860	102.650	29.511	108.616	17.398	294.035

5.5 The table shows that the great majority of services provided by the council are provided, commissioned or procured to meet statutory duties. As expected, however, this does not mean that statutory services cannot be considered for potential savings, efficiencies or economies. In fact, as many statutory services regularly experience significant increases in demand, through either growing need or demographic changes in the population, for example social care, it is increasingly important to explore different ways to meet need and demand in the most cost effective way. For social care services, this means working with partners, such as the NHS, to find ways to support people that achieve the same or better outcomes for them but at lower overall cost.

5.6 The council also has a duty of 'Best Value' requiring it to demonstrate that it continually seeks best value, i.e. good value for money, in the provision, commissioning or procurement of services. It therefore compares provision with other similar councils or providers so that it can understand how costs contrast. This is also considered by the External Auditor who provides an Annual Report commenting on the council's arrangements for securing economy, efficiency and effectiveness in the use of the resources available to it, including commenting on its governance (decision-making) arrangements.

5.7 The Budget Categorisation above provides another way to look at the council's budgets and services which can aid the development of options and indicate where to explore options in the first instance, but all savings options still need to be considered in terms of their deliverability, contribution to Corporate Priorities, and wider impact on services and residents.

Managing Risk

- 5.8 Managing risk is another key factor in developing robust budget options and savings. There are many potential savings possibilities, as identified in the draft budget proposals, however they do not all carry equal delivery risk. Some proposals can be complex to implement, may require co-ordination or agreement with partners, may require up-front spend-to-save investment to enable delivery, or may be uncertain due to demographic or market factors. The latter can apply particularly to savings relating to income generation where the price-elasticity of demand is important to understand and can vary widely for different fees & charges.
- 5.9 The council uses a Red, Amber, Green (RAG) rating approach to assess the deliverability of savings proposals. RAG ratings have been used for many years to aid budget planning but also to inform the level of overall risk inherent in the delivery of savings. Green rated proposals are those that are relatively straightforward to deliver (or have already been achieved in the current year), Amber rated proposals will usually be more complex but potentially achievable, while Red rated proposals will be very complex, may contain a number of uncertainties or working assumptions, or may require extensive consultation. The RAG rating takes into account delivery risk by considering the potential for the following factors to impact on achievement of savings:
- The outcome of consultation with partners, businesses, stakeholders or affected service users or customers or their representatives;
 - The outcome of consultation with staff and trades unions;
 - Complexity of service redesign, recommissioning, re-procurement or other processes required to achieve a saving;
 - Complexity of managing changes to, withdrawal, decommissioning or reduction of services including putting in place any alternative provision and/or managing equality impacts;
 - Complexity of changing the method of delivery of services;
 - Complexity of implementing proposed changes to fees & charges including the impact of the price-elasticity of demand.
- 5.10 For the last two years, the achievement of savings was impacted significantly by the pandemic which had a wide range of negative impacts, particularly in terms of diverting organisational capacity toward responding to the pandemic. However, the government provided significant additional resources to local authorities to buffer the impact of the pandemic and this enabled the council to manage within its budget despite the challenges.
- 5.11 The current year's economic situation is making matters much more challenging. Pandemic funding support has ended but the new and financially more serious challenge that has emerged in the form of high inflation, a suppressed economy and rising demands and costs related to the cost-of-living crisis is having a very substantial impact on the achievement of savings this financial year for which approximately 49% were at risk of non-achievement as at the end of October.
- 5.12 In previous years, the council maintained sufficient reserves and balances to cover significant under-achievement of its savings programmes. This

enabled the Section 151 Chief Financial Officer (CFO) to place reliance on reserves and balances to manage the assessed (RAG rated) delivery risks in the savings programmes each year. However, the position is now potentially different, particularly if a large overspend is sustained this financial year as a result of inflation and economic conditions, including impacting on the achievement of planned savings. An overspend would result in a call on the council's reserves and balances, meaning that they could be significantly reduced and may not be sufficient to cover the assessed risks in the savings programme next year, particularly given the much greater scale of savings potentially required.

- 5.13 The overall risk within the budget proposals will be assessed by the council's CFO who is required, under Section 25 of the Local Government Act 2003, to report on the robustness of the estimates included in the budget and the adequacy of the reserves for which the budget provides. This report has to be considered by the Policy & Resources Committee and the full Council as part of the budget approval and Council Tax setting process. If, in the opinion of the CFO, the council's reserves and balances are inadequate to meet the assessed risks within the budget proposals, including savings, the CFO will be required to advise the Council of the position and this will normally mean that further cost reductions and savings options will need to be identified within an appropriate time frame to secure the council's financial sustainability and resilience.

6 General Fund Budget Setting Process and Protocol 2023/24

- 6.1 The council has a well-established process for developing its General Fund budget proposals and putting these before councillors for decision at Budget Council in February of each year. This process has become increasingly challenged in recent years due to a range of factors including:
- (i) Successive financial settlements since 2009/10 where the resources provided by central government or allowed to be raised through local taxation have fallen well short of the growth in costs and demands faced by councils, particularly in relation to social care, resulting in the identification of large £multi-million annual savings programmes;
 - (ii) The provision of short term settlements for local government with considerable uncertainty and movement from year to year. The 2023/24 financial settlement will be the fifth single-year settlement in a row;
 - (iii) Successive governments' failure to review the system of local government finance including resolving the long-term funding of social care. Further delays to the Fair Funding Review, Business Rates review, and social care funding reform have now been confirmed.
 - (iv) Other factors including managing through the pandemic and more recently responding to economic conditions and the cost-of-living crisis.
- 6.2 However, the normal process is that in advance of Budget Council the Administration's budget proposals will have been worked up including service, legal and financial implications and incorporated in full into the General Fund Revenue and Capital Budget Report despatched for Budget Council.

- 6.3 The council's budget process allows all parties to engage in the examination of budget proposals and to put forward viable alternative budget and council tax proposals to Budget Council on 23 February 2023. Budget Council therefore has the opportunity to debate the proposals put forward by the Policy & Resources Committee at the same time as any viable alternative proposals.
- 6.4 Any proposed amendment from a Group (or Independents) will require evaluation by finance officers to determine the service, financial and legal implications of implementing those proposals. The proposals will be held confidentially from the other political Groups by the finance officers involved and all proposals will be required to be received and assessed in accordance with the protocol below.
- 6.5 A proposed change to the Budget Protocol below is to disallow Budget Amendments coming to the February Policy & Resources Committee. This had not previously been common practice with Budget Amendments normally being reserved for Budget Council. However, in recent years a few Budget Amendments from various Groups have come to February Policy & Resources but these cause a number of issues.
- 6.6 First, they are not covered by the Budget Protocol and therefore the timeline for evaluating and assessing them is not clear. Second, such amendments are effectively amending next year's budget before it has even been considered by Budget Council which is the committee responsible for agreeing the Budget and Policy Framework. Third, the final package of budget proposals are not usually available until they are published for February Policy & Resources Committee, meaning that there is insufficient time for the development or clearing of amendments. Finally, there is a potential for unsafe decisions to be made, for example, if there is insufficient time to properly update Equality Impact Assessments or fully evaluate the service, legal and financial implications or risks.

7 Budget Protocol 2023/24

The budget protocol for setting the 2023/24 Council Tax, General Fund and Housing Revenue Account Revenue and Capital Budget will be as follows:

- (i) Budget Amendments shall not be allowable at the February Policy & Resources Committee. For the avoidance of doubt this does not apply to reports referred to Policy & Resources Committee by Service Committees including any referred Fees & Charges reports, the HRA budget (recommended by Housing Committee), or any other decision referred or recommended to Policy & Resources Committee by another committee.
- (ii) Each recognised political Group shall be allowed a maximum of 6 Budget Amendments. Collectively, Independent Members shall be allowed a maximum of 2 Budget Amendments in total.
- (iii) All proposed amendments must have been received by finance officers no later than 10 working days before Budget Council (i.e. by 12 noon on Thursday 9 February).
- (iv) All amendments will have had to have been assessed and evaluated by finance officers and the relevant Executive Director no later than 12

noon 5 working days before Budget Council. (i.e. by 12 noon Thursday 16 February 2023).

- (v) The Chief Executive, Chief Finance Officer and Monitoring Officer will have final sign-off and will not normally allow an amendment where a proposal is not considered to be robust or viable for one of the following reasons:
 - a. The proposal is legally unsafe and/or carries an exceptionally high risk of non-delivery;
 - b. There is insufficient evidence or information to assess the potential net saving;
 - c. The proposal is adding to, or bringing forward, an existing saving without further information as to how this can be achieved;
 - d. The alternative proposal requires one-off investment, additional organisation capacity, and/or loan financing that cannot be supported;
 - e. The alternative proposal is beyond the powers and duties of the local authority.
- (vi) The Mayor will refuse to accept any amendment that has not been “signed off” by the Chief Executive, Chief Finance Officer and Monitoring Officer.
- (vii) All amendments will be treated in strictest confidence by finance officers and other such officers that the Chief Executive, Chief Finance Officer or Monitoring Officer need to consult in order to assess and evaluate an amendment. They will not be shared until the designated time detailed in (viii) below.
- (viii) All amendments will be shared **at 12noon on Monday 20 February 2023** between the Group Leaders by the Monitoring Officer or their nominated officer (usually the Head of Democratic Services).
- (ix) The Chief Executive shall have a “brokering” role if this would appear to facilitate agreement on particular amendments or proposals.
- (x) A Whips meeting will be arranged following the sharing of amendments for the afternoon of **Monday 20 February 2023** with the Monitoring Officer and Head of Democratic Services so that any matters relating to the Budget Council meeting on the 23 February and the recently circulated amendments can be discussed.
- (xi) There will be a meeting of Group Leaders (attended by the Chief Executive, the Chief Finance Officer and other relevant officers) **at 3:00pm on Wednesday 22 February 2023** with a view to exploring agreement on proposed amendments (i.e. potential composite or All-Party amendments).
- (xii) There will be a second meeting of Group Leaders, with relevant Officers in attendance, on **Thursday 23 February at 10:00 am**, unless the Chief Executive considers that, given any progress made on 22 February, it is not needed.
- (xiii) Any variations to the amendments or any new amendments arising from the Group meetings shall be limited to grouping and repackaging of amendments or other changes providing that they do not, in the opinion of the Chief Finance Officer, involve significant costing or

evaluation that cannot reasonably be done within the available timescale.

- (xiv) Should Council fail to set the Council Tax on the 23 February 2023, a further meeting will need to be held prior to 10 March and a reserve date of **Tuesday 28 February 2023** is being held for this purpose. Further meetings with Group Leaders will be arranged as appropriate.

8 Legal Advice to all members on setting the Budget and Council Tax

- 8.1 Under section 30 (6) of the Local Government Act 1992 the Council has a duty to set the Council tax by the 10 March 2023. A failure to set the tax by then does not in itself invalidate the tax demands but it has other adverse consequences including the potential loss of income to the Council.
- 8.2 The legal obligations for setting the budget mean in practical terms that:
- The local authority has a legal duty to set a lawful budget in time.
 - Members should not put forward proposals that would mean setting an unlawful budget and need to take officer advice in particular from legal and finance to ensure that their proposals are in order as per the Budget Protocol in Section 7 above;
 - Members jointly and severally (collectively and individually) have a fiduciary duty to Council Tax-payers. This means they have a duty to facilitate, rather than obstruct, the setting of a lawful budget, a process that requires flexibility and compromise.
 - Failure to set a lawful budget in time can lead to a loss of revenue, significant additional administrative costs and reputational damage.
 - Failure to set a lawful budget may lead to intervention from the Secretary of State under section 15 of the Local Government Act 1999 (as previously seen in authorities in relation to a failure of governance.)
 - It may give rise to personal liability for individual Members for misfeasance in public office, negligence or breach of statutory duty.
- 8.3 The full legal advice regarding the setting of the Budget and Council Tax is set out in Appendix 1 for members' consideration and guidance. In previous years, this advice has been provided to Group Leaders for dissemination but it is considered that this advice should be in the public domain and should be noted by Policy & Resources Committee as the lead committee responsible for the development of the annual budget.
- 8.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 impose an obligation on the Council to amend standing orders to require the vote of Members on the budget to be recorded. The votes on any amendments and the substantive budget will normally be conducted by electronic voting and the individual votes will be reflected in the minutes.
- 8.5 The Council will be asked to agree that Council Procedural Rules be suspended in accordance with council procedural rule 1.7 to the extent that it is necessary to enable the business to be conducted.

9 Practical Implications of failing to agree a Balanced Budget

- 9.1 Notwithstanding the legal advice and guidance to members above and in Appendix 1, based on the experience of a small number of authorities across the country, the practical implications of failing to agree a balanced budget, as legally required, are likely to be as discussed below.
- 9.2 If, after appropriate debate and any necessary adjournments, a lawful and balanced budget cannot be agreed by Budget Council on 23 February 2023, a further meeting of the Council will be required and a reserve date of Tuesday 28 February is being held in this respect. In the event that a lawful budget cannot be agreed at the reserve meeting the next steps are likely to depend on the extent of any impasse. If it appears that agreement is not completely out of reach, a further meeting or meetings of the council will need to be held as quickly as practicable to ensure the council does not lose revenues and can lawfully enter into new commitments and contracts.
- 9.3 In the event that a lawful budget still cannot be agreed, the Chief Executive, Chief Finance Officer and Monitoring Officer will need to consider whether or not a statutory intervention is appropriate. This may be by way of a Section 114 report (LG Act 1988) or Section 5 report (LG & Housing Act 1989) as detailed in Appendix 1. Issuing a Section 114 report would require notification and consultation with the Department of Levelling-Up, Housing & Communications before being issued.
- 9.4 In cases where this has occurred, the level of external scrutiny, challenge and government intervention has increased and a level of local control and democracy is lost in almost all scenarios. This can range from independent financial/best value reviews being instructed by the Secretary of State (in all cases) to the installation of government appointed commissioners (e.g. Liverpool) under Section 15 (LG Act 1999).
- 9.5 The Secretary of State will consider the options available taking into account the council's financial resources and make-up and could agree that a Section 114 report needs to be issued, which would give the Council 21 days to respond with an action plan to achieve a balanced budget, or may instead entertain an application for assistance through a 'capitalisation direction'. It is also possible that both may apply.
- 9.6 A capitalisation direction enables a council to use capital resources such as capital receipts or borrowing to fund revenue expenditure which is not normally legally possible. However, application is known to be a lengthy process with a lead-in time of many months and, even if support is ultimately granted, will come with a significant set of actions to which the council would need to agree in order to satisfy the government's conditions for support. Even then, the council would still need to fund the situation itself, usually by either being allowed to borrow, but at a premium rate, or being allowed to sell assets such as land and properties to fund annual revenue spending (neither are allowable without a capitalisation direction).
- 9.7 However, borrowing involves repayment over a long period of time and both are only a one-off short-term solution and are best avoided if at all possible. Although challenging, the council should explore all options available to it to balance its budget without resorting to government.

- 9.8 A Section 114 notice also places a stop on all non-critical spending and new contracts cannot be entered into without the authorisation of the Section 151 Chief Finance Officer.
- 9.9 To date, S114 notices have only been issued by four authorities where a common factor has been untenably high loan debt. This does not apply to Brighton & Hove City Council but its financial position is nevertheless becoming increasingly challenged. It is clearly preferable for an authority to attempt to resolve issues before reaching this position.

10 Analysis and consideration of alternative options

- 10.1 The council must approve a lawful and balanced budget and set a Council Tax by 10 March 2023. Advice is provided as to the potential consequences and sequence of events should this not be achievable. All political groups have the ability to put forward alternative budget options (Amendments) for consideration at Budget Council within the terms of the proposed Budget Protocol in this report.

11 Community engagement and consultation

- 11.1 No specific consultation has been undertaken in relation to this report.

12 Conclusion

- 12.1 The report updates the committee on the latest in-year and forward budget and resource positions. Both are very challenging and will require appropriate responses and decisions to ensure that the council remains financially sustainable and resilient in the medium term. The report provides guidance and advice as an aid to all councillors regarding their role in approving the General Fund budget and setting the Council Tax.

13 Financial implications

- 13.1 The implications of an outturn overspend for 2022/23 are covered in the report and would result in a call on reserves and balances. The extent of any overspend is critical, with a large overspend having the potential to significantly reduce one-off resources and leave the council with little protection against any future financial shocks or risks, for example, any under-estimate of cost pressures or pay awards next year.
- 13.2 Similarly, the risks around delivery of a balanced budget next year are discussed in the report and will need to be assessed and reported to February Policy & Resources Committee and Budget Council by the Section 151 Chief Financial Officer with consideration of the adequacy of reserves and balances to manage risks.
- 13.3 Detailed legal advice is provided regarding the role of councillors in approval of the budget and the setting of the Council Tax. The report also discusses what may happen in the event of a failure to set or agree a lawful budget. However, this can only provide a broad guide to consequences as the process and steps involved will usually be unique in each case where this has happened.
- 13.4 The Guideline Criteria and Budget Categorisation information discussed in the report can only provide a guide to help officers to develop budget

proposals and savings options for members' consideration. They are not definitive and carry significant levels of subjectivity. The council's budget is also very complex and there are many interdependencies between services and across partnerships. Taken at face value, the Guideline Criteria and/or Budget Categorisation would provide an over-simplified assessment of the services and budgets provided by the council. All options therefore need to consider wider aspects including delivery risks as well as legal, financial, equality, information governance, public health, sustainability and other risks.

- 13.5 The proposed Budget Protocol provides a clear timeline for managing Budget Amendments and ensures that there is sufficient time for most proposals to be properly evaluated and assessed by relevant officers, including the CFO. However, even then, a very complex amendment involving, for example, substantial change to a service or introduction of complex new processes or fees & charges may need to be disallowed if there is insufficient time to fully assess the financial and wider implications.

Finance officer consulted: James Hengeveld Date consulted: 09/01/22

14 Legal implications

- 14.1 Legal Implications are included at Section 8 of the report and at Appendix 1.

Lawyer consulted: Elizabeth Culbert Date consulted: 09/01/23

15 Equalities implications

- 15.1 None directly. The equality implications of budget proposals are assessed in associated Equality Impact Assessments (EIAs) which are provided alongside the General Fund budget proposals and must be considered by Budget Council when approving the budget.

16 Sustainability implications

- 16.1 None directly but the council's budget process does enable the full Council to consider the budgets and funding applied to services and functions that may support sustainability. Financial sustainability is also considered as the General Fund budget proposals will include an updated Medium Term Financial Strategy setting out the council's projected resource position over a multi-year period.

Supporting Documentation

Appendices

1. Legal Note to all councillors on the setting of the Council Tax
2. Guideline criteria for developing budget options

Legal Note for All Councillors on the Setting of the Council Tax

Legal, Financial and Practical Consequences of a failure or delay in setting the Council Tax

1 Summary

- 1.1 The local authority has a legal duty to set a lawful budget in time.
- 1.2 Members jointly and severally (collectively and individually) have a fiduciary duty to Council Tax payers.
- 1.3 This means they have a duty to facilitate, rather than obstruct, the setting of a lawful budget, a process that requires flexibility and compromise.
- 1.4 Failure to set a lawful budget in time can lead to a loss of revenue, significant additional administrative costs and reputational damage.
- 1.5 Failure to set a lawful budget may lead to intervention from the Secretary of State under section 15 of the Local Government Act 1999 (as previously seen in authorities in relation to a failure of governance.)
- 1.6 It may give rise to personal liability for individual Members for misfeasance in public office, negligence or breach of statutory duty.
- 1.7 This legal note explains the position in more detail and makes practical suggestions for all Members' consideration and guidance.

2 The Legal Duty

- 2.1 Section 30(6) of the Local Government Finance Act 1992 provides that the Council has to set its budget before 11 March in the financial year preceding the one in respect of which the budget is set. This means the Council has a duty to set the 2023/24 budget before 11 March 2023.
- 2.2 If the budget is set after that date, the Act says the failure to set a budget within the deadline does not, in itself, invalidate the budget. However, such delay may have significant financial, administrative and legal implications, including potential individual liability of any Member who contributed to the failure to set a budget.
- 2.3 Section 66 of the 1992 Act provides that failure to set a Council tax (or delay in setting a Council tax) shall not be challenged except by an application for judicial review. The Secretary of State and any other person with an interest or "standing" may apply for a judicial review.

3 Financial Implications of Delay

- 3.1 A delay in setting the Council Tax means a delay in collecting the tax due not only to the council, but also the precepting authorities such as the Police, Fire Service and others such as the parish council on whose behalf the council acts as a collection authority.

- 3.2 The council has a legal duty to provide a range of statutory services (such as children's social care services, adult social care, etc.) and is not absolved from its duty because of the late setting of the tax. It also has to pay the monies due to the precepting authorities (such as Fire Service and the Police) whether or not it collects any Council Tax.
- 3.3 One significant point that Members need to be aware of is that a delay in setting the budget may affect the council's ability to enter into new agreements with significant financial commitments until and unless the budget is agreed. Otherwise these would be unfunded commitments and therefore potentially unlawful.
- 3.4 Even if the Council sets the budget by 10 March but later than the planned February Budget Council meeting, there is still likely to be some disruption to the administrative arrangements (such as printing, posting, delivery of bills) that will have cost implications.

4 Duty to take the advice of the Section 151 Chief Financial Officer

- 4.1 Sections 25 to 29 of the Local Government Act 2003 impose duties on the council in relation to how it sets and monitors its budget. These provisions require the council to make prudent allowance for the risk and uncertainties in its budget and regularly monitor its finances during the year. The legislation leaves discretion to the council about the allowances to be made and action to be taken.
- 4.2 Section 25 also requires the Council's Section 151 Chief Financial Officer to make a report to full Council when it is considering its budget and council tax. The report must deal with the robustness of the estimates and the adequacy of the reserves allowed for in the budget proposals, so that members will have authoritative advice available to them when they make their decisions.
- 4.3 The section requires Members to have regard to the report in making their decisions. Any decision that ignores this advice, including the implications of delay, is potentially challengeable.

5 Section 114 Report and the Prohibition Period

- 5.1 Section 114 of the Local Government Finance Act 1988 puts an obligation on the Section 151 Officer (the Chief Finance Officer) to issue a report "if it appears to him or her that the expenditure (including proposed expenditure) is likely to exceed the resources (including borrowing) available to the council." He would also be under a similar obligation if he became aware of a course of action which, if pursued, would be unlawful and likely to cause loss or deficiency on the part of the authority. The S151 Officer has to consult the Chief Executive and the Monitoring Officer before considering issuing a S114 report. If it is determined that a report should be issued, the Department of Levelling-Up, Housing & Communities must also be consulted before issuing the report.
- 5.2 If such a report were issued, a copy of it must be sent to the council's external auditor and every Member of the Council. Full Council must consider the report within 21 days at a meeting where it must decide whether it agrees or disagrees with the views contained in the report and what action (if any) it

proposes to take. Between the issuing of the report and the day after the meeting (“the probation period”) the council is precluded from entering into new agreements involving the incurring of expenditure except in certain limited circumstances where expenditure can be authorised by the Chief Finance Officer. The legislation also provides that during the prohibition period “the course of conduct which led to the report being made shall not be pursued.” Failure to take appropriate action in response to such a report may lead to the intervention of the council’s auditor.

- 5.3 It is not possible to say in advance for certain whether such a report would be issued, but the longer the setting of the budget is delayed, the greater the likelihood that a Section 114 report may be issued.

6 Monitoring Officer Report

- 6.1 Section 5 of the Local Government & Housing Act 1989 imposes on the Monitoring Officer an obligation similar to that of the S151 Officer with the same consequences if it appears to him/her that what the Council has done or is proposing to do is likely to contravene a rule of law or any code of practice made or approved by or under any enactment or maladministration. The Monitoring Officer is also under a duty to warn Members of the consequences under the Code of Conduct for Members.
- 6.2 The Section 114 and Section 5 reports may be joint or separate and, if separate, they may be issued concurrently or at different times.

7 Code of Conduct Consequences

- 7.1 The Localism Act 2011 imposes a duty on Members to abide by the Code of Conduct for Members. In interpreting the Code, regard must be had to the General Principles of Public Life, including the requirement that they should make decisions in accordance with the law.
- 7.2 Members have an active duty to ensure that the Council sets a lawful budget. Voting against proposals repeatedly, knowing that the result means no lawful budget will be set, is incompatible with Members’ obligations under the Code as it is bound to bring the council into disrepute.

8 Personal Liability of Members

- 8.1 Notwithstanding the abolition of surcharges, if a Member’s wilful misconduct is found to have caused loss to the council, the Member may be liable to make good such loss under the principle approved by the House of Lords in *Porter v Magill.1 (2002)*.
- 8.2 Depending on the exact role played by a Member, and the seriousness of the loss incurred, a Member could, in principle, be guilty of the tort and crime of misfeasance in public office. The indemnity cover that Members are provided with by the Council does not include actions that constitute an offence or are reckless.
- 8.3 It is also possible (in theory) for a Member to be liable in negligence and or breach of statutory duty.
- 8.4 It must be pointed out that one would probably need to prove that what the Member/s were doing was deliberate or reckless and involved persistent

failure to facilitate the setting of a lawful budget before it attracts liability of the sort referred to in the preceding paragraphs. The longer the setting of a budget is delayed, and the more repeatedly the Member/s “blocks” the setting of a lawful budget, the more likely for the liability to arise.

9 Intervention by the Secretary of State

- 9.1 The Local Government Act 1999 imposes a duty on the council “...to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”
- 9.2 Section 15 of the Act gives the Secretary of State the power to intervene and take a range of measures. The powers of the Secretary of State are very extensive and include: (a) Directing the council to take any action which he/she considers necessary or expedient to secure its compliance with the requirements of this Part (for example, setting a budget by a specified date); (b) The Secretary of State, or a person nominated by him/her, exercising the council’s functions (such as setting the Council tax) for a period specified in the direction or for so long as the Secretary of State considers appropriate, and (c) Requiring the council to comply with any instructions of the Secretary of State or their nominee in relation to the exercise of that function and to provide such assistance as the Secretary of State or their nominee may require for the purpose of exercising the function.
- 9.3 If the Secretary of State decides to intervene on the issue of setting the Council Tax, he/she need not set the full budget and could, for example, direct the Council to set a budget at a specified Council Tax level by a set date, leaving the council to work out the detailed savings for each service.
- 9.4 The Secretary of State is expected to exercise the powers after consulting the local authority and it usually follows a report from external auditors, by an inspector appointed by the Secretary of State, by Ofsted or similar body, although this is not a requirement in cases of urgency. The measure is stated to be one of last resort and is, itself, challengeable by way of judicial review. The National Audit Office and External Auditors use certain guidance in deciding whether to refer a local authority to the Secretary of State to use his powers under section 15. These include cases where there are:
- Serious service failures in an authority that could result in danger or harm to the public;
 - Persistent failures by an authority to address recommendations made by inspectors or auditors;
 - Serious failures in a number of services in an authority, which reveal fundamental weaknesses in an authority’s corporate capacity to manage services and make improvements;
 - Serious failures in corporate governance arrangements or capacity whether or not there is serious service failure; and
 - Other circumstances that demonstrate a serious or persistent failure to comply with the requirements of Part 1 of the Local Government Act 1999, which includes the requirement that authorities make arrangements to secure continuous improvement in the exercise of their functions.

- 9.5 The Secretary of State has exercised the powers under section 15 by intervening in a number of authorities including Hackney LBC, Doncaster Council, Tower Hamlets LBC, Northamptonshire CC, Thurrock LBC and Liverpool City Council for failure to comply with the best value duty. These same powers would be available to the Secretary of State if he is of the view that there is failure on the part of the Council to set a budget expeditiously resulting in or risking financial loss or failure in services.
- 9.6 It is unlikely that the Secretary of State would intervene and set a budget for the council immediately after the 11 March deadline passes. There is also no certainty that he/she would necessarily do so until matters reach a much more serious point. This is because:
- (a) Section 30 (6) of the Local Government Finance Act 1992 provides that that failure to set a Council tax by the deadline shall not invalidate the Council Tax;
 - (b) Section 66 of the Act provides that any failure to set the Council Tax shall not be questioned otherwise than by way of an application for judicial review;
 - (c) The exercise of the Section 15 powers require a much more serious, systematic and persistent failure of governance. The current financial and other governance and service delivery position of the council is far from approaching the failings identified in those authorities where Section 15 powers have been exercised. The council has not been issued with any Public Interest reports and the latest Annual Report by the External Auditor (2021/22) has not identified any weaknesses in governance.
- 9.7 Given the complexity of setting a budget (the Secretary of State will have to do the same calculations and assessments the council has) it is not a straightforward process and it is questionable if the Secretary of State or a person nominated by them could do it quicker. He/she is more likely to give directions for the council to set its budget by a particular date and take particular steps and within specified parameters rather than setting it themselves.

10 Reputational damage

- 10.1 Whatever its political make up or whatever the local challenges, the council has had a strong financial and corporate governance reputation. Failure to set a Council Tax and any intervention by the Secretary of State whether formal, informal or even references to failure to set the tax will have significant adverse impact on the council's reputation locally and nationally. This is not simply a theoretical concept, it has real practical impact in terms of investor confidence, peoples' preparedness to work with the council and even on Council Tax collection rates as residents may see the council as wasteful, procrastinating and/or inefficient. Reputation and credibility is hard to earn but, once lost, difficult to regain.

11 Practical Advice to Members

- 11.1 The council as a corporate body, and Members (both individually and collectively), have a fiduciary duty to Council Tax payers to avoid doing

anything that would result in loss of revenue or failure to deliver services. In addition to Members' legal obligations, they also have the moral and democratic obligation to set the budget on behalf of the people who elected them.

- 11.2 There is always a tension between Members' desire to vote for what they believe to be the right decision on the one hand and the legal obligation to set a lawful budget on time and avoid any loss to the council on the other. Each budget setting round has its own dynamics and permutations, and it is difficult to generalise as to what a Member should do. At the risk of oversimplification, a suggested practical approach would be:
- (a) Members should always strive to facilitate, rather than frustrate, the setting of a lawful budget;
 - (b) As no Group currently has an overall majority in the Council, all Groups and each Member should, where possible, try to reach compromise and agreement beforehand so as to deliver a lawful budget with majority support on time;
 - (c) If there is failure to reach agreement, then, until it becomes clear that the Council may not be able to agree a budget, Members are free to vote as they see fit;
 - (d) If it becomes clear (for example as a result of an initial vote) that there is no majority support for any budget but there is a realistic prospect of such an agreement if Members are given additional time for negotiation, then Members should consider a short adjournment, or adjournment to another day, whichever is more appropriate. This would be informed by the advice from the Chief Executive after checking with each of the Group Leaders and the advice from the S151 Chief Finance Officer and the Monitoring Officer.
 - (e) If Members do not consider that an adjournment would resolve the impasse or there has been an adjournment and no agreement reached that could deliver a majority, then officers' advice would be:
 - (i) To identify composite amendments (amendments that have cross party-support) and for all Members to vote for these amendments;
 - (ii) When it comes to the substantive vote, for Members who support the Policy & Resources Committee proposals (with any composite amendment/s) to vote for the proposal;
 - (iii) For Members who do not support the proposal, but are unable to secure a majority for an alternative/amendment budget, to support the substantive budget as amended, or, at least, abstain;
 - (iv) In the event of Policy & Resources Committee failing to agree on a recommendation to Budget Council, the reference in the preceding sub-paragraphs to "Policy & Resources Committee proposals" shall read as referring to the recommendations of the Chief Finance Officer as presented in the report to the Policy & Resources Committee and Budget Council.

This would ensure that the Council sets a lawful budget and avoids the damaging legal and practical consequences discussed above as well as

keeping the setting of taxes locally and preserve the council's governing reputation.

- 11.3 The above advice is based on the fact that, unlike other times when a proposal that fails to gain the support of a majority of Members simply falls and the status quo prevails, the status quo is not a legal option when it comes to the budget. The nearest legal option the Council has to a status quo is the Policy & Resources Committee proposals.

12 Conclusion

- 12.1 The Council has a duty to set a lawful budget by 10 March.
- 12.2 Each Member has an obligation to facilitate, rather than frustrate, the setting of a lawful budget in time.
- 12.3 Failure to discharge that duty may leave Members at risk of breaking the Code of Conduct for Members and possibly expose them to legal liability.
- 12.4 It is also possible that, if there is a prolonged delay, the Secretary of State may exercise his/her powers under Section 15 of the Local Government Act 1999 to step in and make the decision or ask another person to do so, which would damage the council's governing reputation.
- 12.5 If, after all reasonable attempts are made, it is not possible to find a majority support for any budget (i.e. unable to 'get the budget through') then the most appropriate thing to do, in officers' view, would be for Members who support the Policy & Resources Committee recommendations to vote for the recommendations and those who do not support the Policy & Resources Committee proposals (with composite amendments) to vote for the budget, or at the very least abstain, unless they are in a position to put forward alternative proposals that have majority support.

Appendix 2 – Guideline Criteria for Assessing Budget Options

Rating Scale	LT Financial Sustainability	Community Wealth Building Potential	Contributes to 2030 zero net carbon target	Addresses Housing & Homelessness Pressures	Supports a diverse, welcoming & tolerant city	Supports Health and Wellbeing	Supports those facing the impacts of austerity
0: significantly worsens the situation	Expensive service with no evidence of cost avoidance [or does not support any priorities]	Significantly reduces local employment or business opportunity	Significantly increases carbon footprint etc.	Significantly reduces people in own homes or tenancies	Reduces support for people with protected characteristics	Significantly reduces availability of support or preventative services	Counter-intuitive and cumulative negative impact on low income families or people
1: worsens the situation	Higher cost service with no evidence of cost avoidance [or does not support any priorities]	Reduces local employment or business opportunity	Increases carbon footprint etc.	Reduces people in own homes or tenancies	Creates additional barriers for people with protected characteristics	Reduces availability of support or preventative services	Has a negative cumulative impact on low income families or people
2: no significant impact	Minimal saving or cost avoidance [or may indirectly support priorities]	No identified impact	No identified impact	No identified impact	No identified impact	No identified impact	No identified impact
3: some small benefit	Modest saving or cost avoidance [or may indirectly support priorities]	Maintains local employment and business opportunity	May reduce travel or energy consumption or encourage travel or energy reduction, green energy production, policies and action.	Maintains people in own homes or tenancies	Aids people with protected characteristics	Maintains or increases availability of support or preventative services	Signposts advice, guidance or support
4: clear benefit	Significant saving or cost avoidance [or supports priorities]	Increases local employment or business opportunity	Will reduce travel or energy consumption or encourage travel or energy reduction, green energy production, policies and action.	Increases people in own homes or tenancies	Likely to increase support for people with protected characteristics	Significantly improves the availability and/or quality of support or preventative services	Directly provides services, advice, guidance or modest financial support
5: very significant benefit	Substantial saving or cost avoidance [or significant support to high priorities]	Significantly increases local employment or business opportunity	Will markedly reduce travel or energy consumption or encourage travel or energy reduction, green energy production, policies and action.	Significantly increases people in own homes or tenancies	Likely to significantly increase support for people with protected characteristics	Substantially increases availability of support or preventative services	Provides alternative provision or direct financial support

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 104

Subject: Council Tax Base and Business Rates Retention Forecasts 2023/24

Date of meeting: 19 January 2023

Report of: Chief Finance Officer

Contact Officer: Name: James Hengeveld
Tel: 01273 291242
Email: james.hengeveld@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The council tax base represents the amount that would be raised by setting a £1 council tax on a band D property. It is a requirement of the Local Government Finance Act 1992 and associated regulations that the tax base is calculated for the purpose of setting the council tax in 2023/24 before 31 January 2023.
- 1.2 There is a statutory requirement placed on all business rates collection authorities to calculate how much business rates income each authority is likely to receive for the coming year. Members will be aware there is considerable volatility in business rates income which makes it difficult to forecast, and the council is highly reliant on the data and decisions of the Valuation Office Agency (VOA). This is particularly challenging for 2023/24 where all Business Rated properties have been revalued.
- 1.3 The purpose of this report is to provide information to enable Members to agree the council tax base for 2023/24 and note the estimate income through the Business Rates Retention Scheme.

2. Recommendations

- 2.1 That Committee agrees the calculation of the council's tax base for the year 2023/24.
- 2.2 That Committee notes the collection rate assumed is 98.75%.
- 2.3 That Committee notes the only change to the Discretionary Council Tax Reduction Scheme agreed at Council on 3 February 2022 is to reflect government changes to the National Living Wage as set out in paragraph 3.7.
- 2.4 That Committee agrees that in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amounts

calculated by Brighton & Hove City Council as its council tax base for the year 2023/24 shall be as follows:-

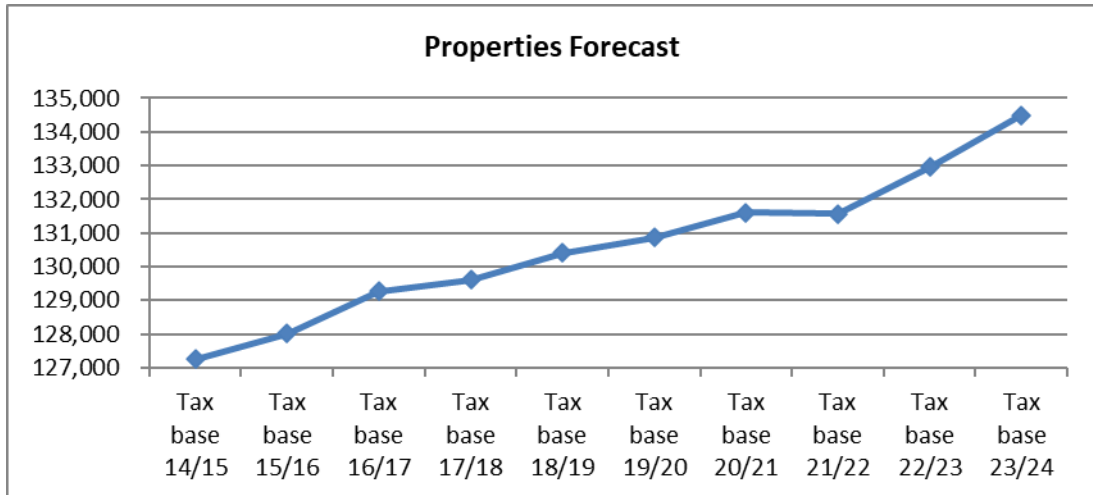
- 2.3.1 Brighton and Hove in whole – 91,986.3 (detail in appendix 1)
 - 2.3.2 Royal Crescent Enclosure Committee – 29.7 (detail in appendix 2)
 - 2.3.3 Hanover Crescent Enclosure Committee – 41.5 (detail in appendix 2)
 - 2.3.4 Marine Square Enclosure Committee – 69.1 (detail in appendix 2)
 - 2.3.5 Parish of Rottingdean – 1,666.6 (detail in appendix 2)
- 2.5 That Committee agrees that for the purposes of Section 35(1) of the Local Government Finance Act 1992, the expenses of meeting the special levies issued to the council by the Enclosure Committees shall be its special expenses.
- 2.6 That Committee agrees that the Enclosure Committees and Rottingdean Parish are paid the required Council Tax Reduction Grant of c£4,000 in total, to ensure they are no better or no worse off as a result of the introduction of the Council Tax Reduction Scheme for the reasons set out in paragraph 3.11.
- 2.7 That Committee notes that the amount forecast to be received by the council in 2023/24 from its share of local business rates and section 31 Local Government Act 2003 compensation grants is £79.868m, based on the latest data.
- 2.8 That Committee delegates the agreement of the final business rates forecast and the NNDR1 2023/24 form to the Chief Finance Officer following consultation with the Chair of this Committee and this will be reflected in the Budget report to this committee in February 2023.

3. Context and background information

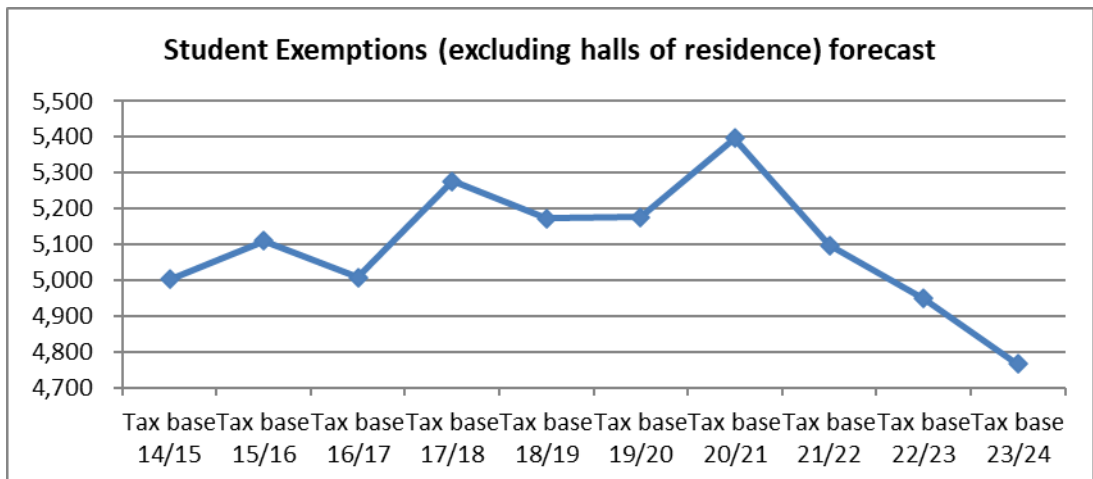
Council Tax

- 3.1 The tax base has been calculated in accordance with the Local Authority (Calculation of Council Tax Base) (England) Regulations 2012. The detail of the calculation for the whole of Brighton and Hove is shown at appendix 1.
- 3.2 The tax base is calculated by estimating how many properties there will be in each tax band, determining what relevant discounts and exemptions apply and how much council tax should ultimately be collected, allowing for expected collection rates.
- 3.3 The key changes to the proposed tax base for 2023/24 are set out below.
- 3.4 As of November 2022, there were 132,529 properties on the valuation list. It is forecast that 1,956 new properties will be added by March 2024 equivalent to a 1.5% increase in the housing stock of the city. The largest developments within this include 242 properties at Denham Place, 216 properties at Ellen Street, 159 properties at The Furlong, 156 properties at Lyon Close, 143 properties at School Road, 104 properties at Belgrave

Training Centre site, 100 properties at Kings House and 168 new properties at the Edward Street Quarter development. In addition, there are student accommodation developments forecast to be added to the list by 31 March 2024 however their valuation is not straight forward and as they will be exempt from council tax, they have been excluded from the estimates. The graph below shows the trend of registered properties over time.



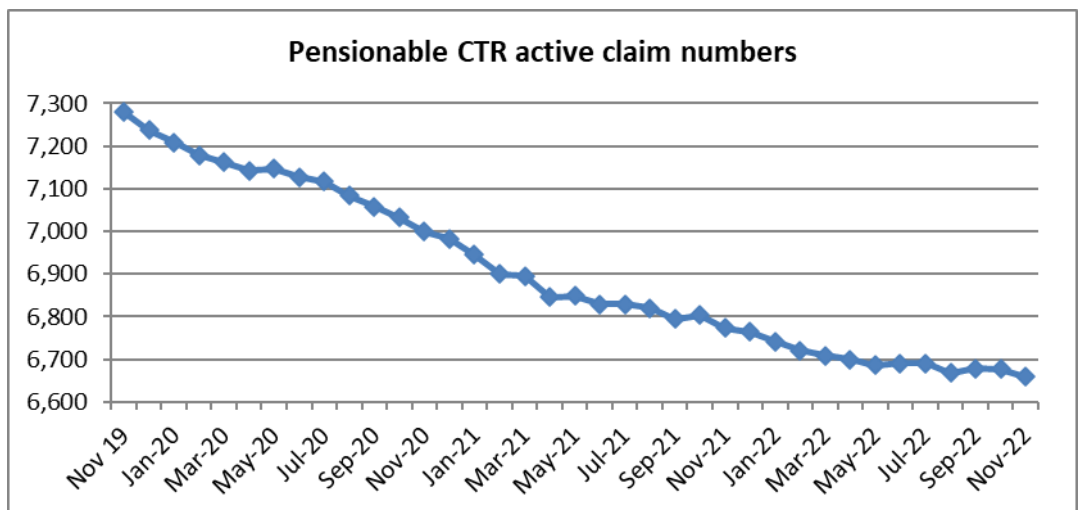
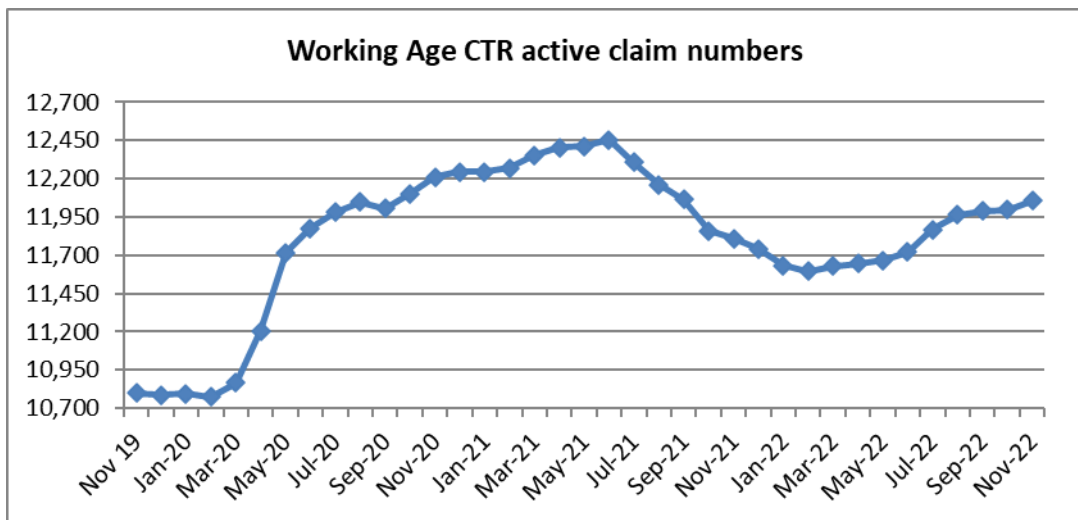
3.5 It is estimated that an average of 4,766 properties will be solely occupied by students (excluding halls of residence) during 2023/24. This is a decrease compared with 2022/23 and is assumed to be due to the increase in the numbers of halls of residence being built within the city. The universities have a significant increase in units on campus either completed or in progress as well as a number of private sector student halls of residence. It is expected that these developments will continue to reduce the number of other housing properties solely occupied by students. The graph below shows the number of student exempt properties forecast in the tax base.



3.6 The number of working age claimants receiving Council Tax Reduction (CTR) has increased continually through this financial year when it was forecast to reduce. There are 251 more claimants in November 2023 compared to November 2022. The pensionable claimants receiving CTR have continued to decrease through 2022/23 but at a slightly lower level

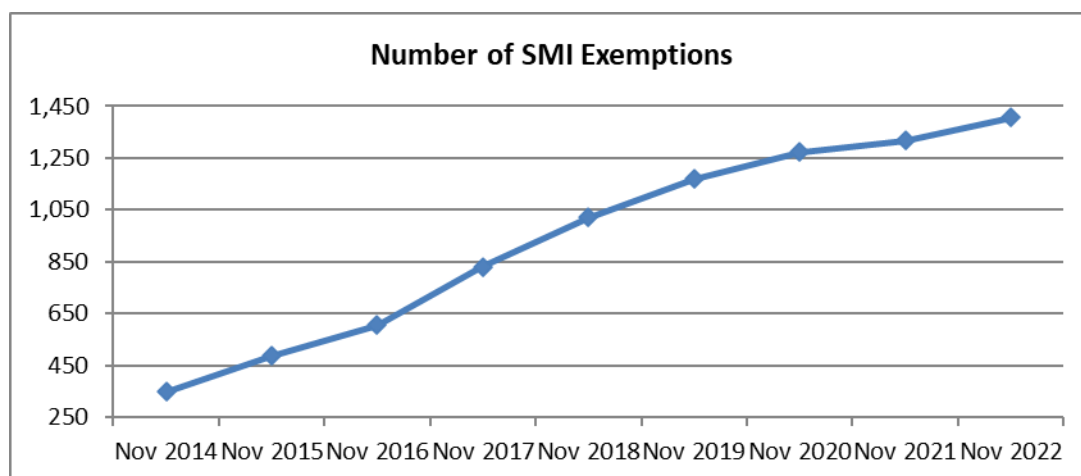
than previous years as shown in the graph below. Prior to the pandemic, CTR claimant numbers were reducing year on year; the pandemic saw an increase of 15% and this short term increase has mostly disappeared. However working age claimant numbers have been increasing since February 2022 although the average award has been reducing. Therefore the tax base forecast assumes that the total cost of claimant awards will remain at an average of the current level through to March 2024.

- 3.7 The current Discretionary Council Tax Reduction Scheme (DCTR) was approved at Council in February 2022 and there are no proposed changes to the scheme apart from uplifting the earnings band thresholds in line with the changes to the national living wage announced by government. Therefore, there is no requirement to consult on the scheme.
- 3.8 Budget Council in February 2023 will set the Budget and Council Tax for 2023/24 and this will incorporate the DCTR scheme with the amended thresholds.

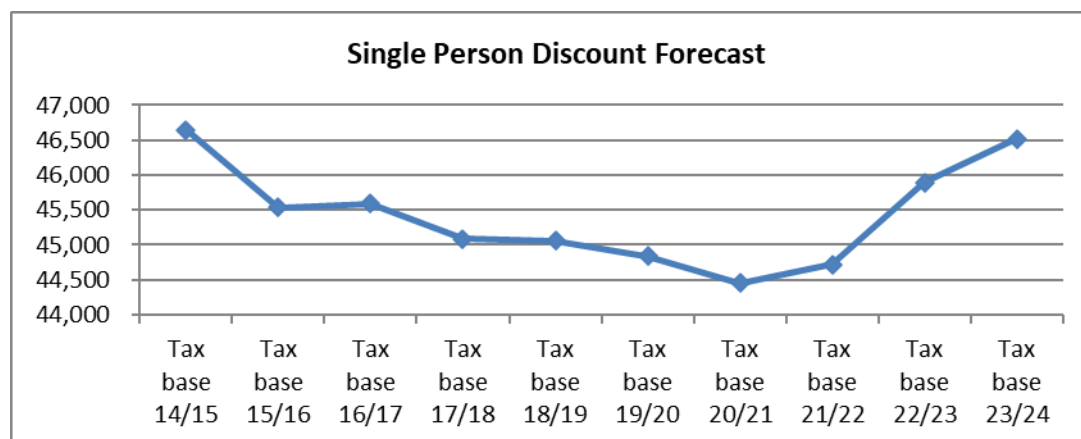


- 3.9 The number of exemptions for Severely Mentally Impaired (SMI) eligibility continue to increase. An SMI exemption is a 100% discount and therefore with the introduction of the minimum contribution for working age claimants under CTR, it is beneficial for eligible claimants to be appropriately

classified. Since there was no difference to the discount level previously, it is likely SMI was under reported. The changes in the numbers of CTR claimants and SMI exemptions have been reflected in the proposed tax base. SMI exemptions are shown in the graph below.



3.10 The proposed tax base for 2023/24 assumes a higher level of single person discounts (SPDs) compared to last year but is lower than the 46,544 currently on the system. The council’s revenues service are in the process of ensuring eligibility is correctly applied through data matching to verify the number of adults within a household and this is anticipated to reduce the SPD awards. This will be alongside an assumed increase in SPD’s for new properties. SPD trends are shown below.



3.11 The resultant tax base proposed for 2023/24 is 91,986.3 which is a 0.9% increase from the 2022/23 tax base of 91,204.0 for the reasons explained above and summarised in the table below.

	Tax base	Change
2022/23 tax base	91,204.0	
Increased CTR claimants	-321.4	-0.4%
Net increase in exemptions	-127.1	-0.1%
New properties and band changes	1,346.0	+1.5%
Net increase in discounts	-115.2	-0.1%
2023/24 tax base	91,986.3	+0.9%

- 3.12 The regulations require a separate calculation for parts of a local authority area where special expenses apply. Appendix 2 show the summary calculation for Enclosure Committees in Brighton and Hove which fall under this category. Each Enclosure Committee sets a levy for maintaining the enclosure gardens, which is recovered through an additional council tax charge to the enclosure residents. Appendix 2 also shows the summary calculation for the Parish of Rottingdean.
- 3.13 The additional discounts generated by the council tax reduction scheme also have implications for the Enclosure Committees and Rottingdean Parish. In line with government guidance and what is considered fair to local residents it is proposed that the relevant proportion of council tax reduction grant is paid to each body to ensure they are no better or no worse off as a result of the local scheme. It is estimated the total grant payable in 2023/24 will be c£4,000 in line with previous years; the actual figure will depend on the tax level set by each body.

Business Rates Retention

- 3.14 For 2023/24, all business rates properties are being revalued for a new 2023 rating list. The last time properties were revalued for a revised list was 2017. The government intends to revalue properties on a 3-year cycle from now on. Revaluation causes changes to the overall tax amount to individual businesses as well as the amount retained locally however, for councils the government adjusts the amount retained locally through a topup/tariff system with the aim of ensuring councils are no better or worse off. Therefore the income from the Business Rates Retention Scheme is assumed not to be affected by the revaluation.
- 3.15 The business rates multipliers have been frozen for a further year and will remain at 49.9p and 51.2p per £1 rateable value. The government compensates local authorities for the lost income due to the freezing of the multipliers through S31 compensation grants. Previously the compensation has always been based on the RPI rate however the government will be basing the compensation on the CPI rate for 2023/24 which is 10.1%.
- 3.16 The Autumn Statement announced a retail, hospitality and leisure relief scheme that will provide eligible, occupied, retail, hospitality, and leisure properties with 75% relief, up to a cash cap of £110,000 per business. There was also an announcement on a new supporting small business (SSB) relief scheme which will cap bill increases at £600 per year for any business losing eligibility for small business rate relief or rural rate relief at the 2023 revaluation. The scheme also provides support for those previously eligible for the 2022/23 SSB scheme and facing large increases in 2023/24 but in those cases for one further year only.
- 3.17 As with previous revaluations, the government will include a transitional relief scheme to support rate payers facing large changes in their liabilities.
- 3.18 The entries for the NNDR1 return are still being reviewed as there is added complexity with a new rating list, rating appeals and retail relief entitlement. The latest working forecast is that the net share of local business rates and section 31 Local Government Act 2003 compensation grants is £79.868m.

Any amendment to this forecast will be included in the February budget report to this committee.

4. Analysis and consideration of alternative options

- 4.1 The calculation of the council tax base is determined largely by regulation and is based on the best information available at this time. The completion of the NNDR1 form is prescribed in the completion guidance notes from DLUHC.

5. Community engagement and consultation

- 5.1 There are meetings between Finance and Revenues teams to discuss collection performance, movements in the tax base and the projections used for determining the tax base for the following year.
- 5.2 The Police and Crime Commissioner for Sussex and the East Sussex Fire Authority have been informed of the latest tax base projections as it forms part of setting their council tax precept.
- 5.3 The council has a duty to consult representatives of business ratepayers on the council's overall budget and this consultation will take place before the February Policy & Resources Committee.

6. Conclusion

- 6.1 It is a requirement of the Local Government Finance Act 1992 and associated regulations that the tax base is calculated for the purpose of setting the Council Tax in 2023/24 before 31 January 2023 and this report enables the Council to fulfil that requirement.
- 6.2 The council has a statutory duty to agree a business rates forecast for 2023/24, set out a forecast surplus or deficit for 2022/23 and submit an NNDR1 form by the 31 January 2023.

7. Financial implications

- 7.1 The proposed tax base is estimated to generate £173.289m in 2023/24 based on a 4.99% council tax increase (including 2% adult social care precept). This sum will be reflected in the 2023/24 budget proposals to be presented to this committee and Budget Council in February 2023.
- 7.2 The assumed level of income through the Business Rates Retention scheme is £79.868m, an increase of £8.436m compared with 2022/23.
- 7.3 Any changes made to the final NNDR1 form including the council's share of any business rates collection fund deficit or surplus will be included within the budget forecast for 2023/24

Name of finance officer consulted: James Hengeveld Date consulted:
05/01/23

8. Legal implications

- 8.1 Under the Local Government Finance Act 1992, the council must determine the Council Tax base applicable to Brighton & Hove. In respect of 2023/24, the base must be determined before 31 January 2023 as required by regulation 8 of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
- 8.2 All other references to the legal framework for setting the council tax base are contained within the body of the report.
- 8.3 Under Part 2 of the Non-Domestic Rating (Rates Retention) Regulations 2013 (SI 2013/452), the council must determine specified information relating to its business rates forecast and notify the Secretary of State and relevant precepting authorities of the amounts. In respect of the year commencing 1 April 2023, these amounts must be determined by 31 January 2023.
- 8.4 The calculation of the Council Tax Base and Business Rates Retention Forecasts are not functions reserved to Full Council by legislation or by local agreement and, as such, are matters to be determined by the Policy & Resources Committee.

Name of lawyer consulted: Liz Woodley Date consulted 05.01.23

9. Equalities implications

- 9.1 There are no equalities impacts as a result of agreeing the council tax and Business Rates Retention base

10. Sustainability implications

- 10.1 None.

Supporting Documentation

1. Appendices

1. Tax base calculation for the whole of Brighton and Hove
2. Tax base calculation for enclosure committees and the parish of Rottingdean

Band: Range (£'k):	A entitled to disabled relief	A <40	B 40-52	C 52-68	D 68-88	E 88-120	F 120-160	G 160-320	H >320	Total
1. Number of dwellings on list	0	28,899	29,581	34,914	19,919	11,489	4,704	2,816	207	132,529
2. Estimate of number of dwellings not listed *	0	208	439	382	205	71	20	2	2	1,329
3. Estimate of number of dwellings listed which will not be in band	0	(27)	(58)	(140)	(107)	(74)	(29)	(31)	(17)	(483)
4. Estimated exempt dwellings	0	(2,800)	(1,508)	(2,913)	(1,086)	(301)	(98)	(94)	(18)	(8,818)
5. Disabled relief dwellings from band above	27	58	140	107	74	29	31	17	0	483
6. Number of chargeable dwellings (sum lines 1 - 5)	27	26,338	28,594	32,350	19,005	11,214	4,628	2,710	174	125,040
7. Single person discounts (25%)	(19)	(15,801)	(12,134)	(9,880)	(4,902)	(2,486)	(876)	(402)	(15)	(46,515)
8. All residents disregarded (50%)	0	(6)	(33)	(44)	(33)	(26)	(29)	(36)	(15)	(222)
9. All but one resident disregarded (25%)	0	(477)	(599)	(596)	(248)	(114)	(36)	(18)	0	(2,088)
10. Second Home Job Related (ZERO) (50%)	0	(4)	(2)	(3)	(3)	(1)	0	0	0	(13)
11. EMPTY PROPERTY PREMIUM 100%	0	52	46	28	10	5	2	4	1	148
12. EMPTY PROPERTY PREMIUM 200%	0	9	10	6	1	0	0	1	1	28
13. EMPTY PROPERTY PREMIUM 300%	0	1	1	0	0	0	0	0	0	2
14. Council Tax Reduction (CTR)	0	(4,813)	(3,678)	(2,704)	(765)	(218)	(52)	(16)	0	(12,246)
15. Total number of appropriate percentage discounts	(4.75)	(8,814.50)	(6,809.75)	(5,306.50)	(2,058.50)	(876.50)	(292.50)	(133.00)	(8.25)	(24,304.25)
16. Aggregate of Lines 6+15	22.25	17,523.50	21,784.25	27,043.50	16,946.50	10,337.50	4,335.50	2,577.00	165.75	100,735.75
17. Ratio to Band D	0.5556	0.6667	0.7778	0.8889	1.0000	1.2222	1.4444	1.6667	2.0000	
18. Relevant Amount (Line 16 x Line 17)	12.40	11,682.30	16,943.30	24,038.70	16,946.50	12,634.70	6,262.40	4,295.00	331.50	

May contain minor rounding adjustments

* This reflects the part year effect of 1,257 dwellings to be added during 2023/24

Aggregate of Relevant Amounts	93,146.80
Collection Rate	98.75%
Adjustment (contributions in lieu)	3.80
ESTIMATED TAXBASE 2023/24	91,986.30

Tax base calculation for enclosure committees and the parish of Rottingdean

	Royal Crescent	Hanover Crescent	Marine Square	Rottingdean Parish
Number of dwellings on list	25	45	117	1,656
Number of chargeable dwellings	25	45	111	1,680
Total number of appropriate percentage discounts	(2.5)	(5.75)	(23.5)	(205.5)
Aggregate of chargeable dwellings and discounts	22.50	39.25	87.5	1,474.5
Aggregate of Relevant Amounts (Band D equivalent)	30.0	41.9	69.8	1,683.4
Collection Rate	99.00%	99.00%	99.00%	99.00%
TAXBASE	29.7	41.5	69.1	1,666.6

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 105

Subject: Permission to Establish an Urgency Sub-Committee to Oversee Disposal of 31 Palmeira Avenue, Hove also known as Penny Gobby House.

Date of meeting: 19th January 2023

Report of: Executive Director Families, Children & Learning

Contact Officer: Name: Joanne Templeman
Tel: 07795 336051
Email: jo.templeman@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 To seek approval to set up an urgency sub-committee to act on behalf of the Council as sole trustee of the Jeanne Saunders Centre (Penny Gobby House) (the Charity), the Charity that owns 31 Palmeira Avenue, Hove, known as the Jeanne Saunders Centre/Penny Gobby House (the Property)

2. Recommendations

2.1 That Committee agrees to establish an urgency sub-committee which will consist of three members, nominated by group leaders to make decisions on behalf of the Council acting as trustee of the Penny Gobby House School Charity on:

- the disposal of 31 Palmeira Avenue, Hove currently occupied by the Jeanne Saunders Centre ('Penny Gobby House') charity
- the purchase of the Annexe at Connaught Road by the Charity
- arrangements to ringfence any net surplus proceeds of sale for the Charity's use
- the establishment of a management committee.

3. Context and background information

3.1 On 13 September 1979 Ivan Makels and Minni Gobby, the then trustees of the charity known as the Penny Gobby House School, in the name and on behalf of the Official Custodian for Charities transferred the Property to East Sussex County Council (ESCC). The Property formed part of the endowment of the charity known as the Penny Gobby House School and its transfer was authorised by an order of the Charity Commissioners.

3.2 Following the local government reorganisation in 1997 the Property was transferred from ESCC to Brighton & Hove City Council and the Property

now vests in the Council in its capacity as sole trustee.

- 3.3 The Property has for several years not been suitable for the promotion of the Charity's aims. The Property is used to provide a specialist nursery providing care and early education for children with SEND in the year before they start school. The Property is a converted residential building over 4 floors with no lift. Over the years this has created challenges, with many children having to be carried around the building by staff and compliance with disability equality legislation has proven difficult to create disabled access to all parts of the building.
- 3.4 To ensure the future success of the Charity's aims, the proposal is that the Charity disposes of the Property on the open market and uses the proceeds of the sale to acquire a property that is owned by the Council and known as the Annexe located at Connaught Road.
- 3.5 Policy & Resources Committee (P&R) has the powers to authorise the acquisition and disposal of any land held by the Council. In the Council's capacity as sole trustee of this Charity, P&R would be able to authorise the sale of the Property and the acquisition of the Annexe at Connaught Road. However, it is essential that in making and exercising its powers as trustee, P&R acts by reference to the Charity's interest alone and not by reference to any other consideration of its interests as local authority.
- 3.6 The Council needs to establish a suitable process for dealing and managing the conflict of interest between the Council in its capacity as trustee of the Charity, and its capacity as landowner. All decision-making processes need to be fully documented to show that the Council acted in an appropriate and informed way to manage this conflict of interest. The proposal is that the Charity acquires the Annexe from the Council, and members of P&R will therefore be involved in the decision to acquire the Annexe. For that reason it is necessary, in order to avoid a conflict of interest, to ask members who are not on P&R to sit on the urgency sub-committee. This avoids the same members making decisions on both sides of the proposed transaction.
- 3.7 An urgency sub-committee consisting of members who are not on the P&R Committee will act on behalf of the Council in its capacity as sole trustee and would have regard only to the interest of the Charity.
- 3.8 The decisions of the Urgency Sub-Committee acting on behalf of the Council as charitable trustee would be:
 - the disposal of the Property
 - the purchase of the Annexe at Connaught Road by the Charity
 - arrangements to ringfence any net surplus proceeds of sale for the Charity's use; and
 - the establishment of a management committee.
- 3.9 It is likely that the purchase of the Annexe at Connaught Road will be at a

lesser value than the sale of the Property and there will be funds which will need to be protected and spent in accordance with the Charity's objectives, which are "To promote the care, welfare, interest, treatment, education and advancement of young children with Special Educational Needs".

- 3.10 The Urgency Sub-Committee will progress the decisions required, and Will report these back to the P&R Committee for information purposes only. Once this has taken place, then the Council will be able to move forward with seeking a recommendation to dispose of the Annexe building at Connaught Road.
- 3.11 The business of the Management Committee will be to oversee the activities of the Charity and undertake the day-to-day administration and prudent financial management of the net surplus proceeds to ensure that the monies are used in furtherance of the Charity's aims. The report to the Urgency Sub-Committee will contain detailed proposals and terms of reference for that Management Committee.

4. Analysis and consideration of alternative options

- 4.1 The Property has for several years not been suitable for the promotion of the Charity's aims. The Property is a converted residential building over 4 floors with no lift, and compliance with disability equality legislation has proven difficult to create disabled access to all parts of the building.
- 4.2 An urgency sub-committee is required to ensure that the Council is acting in the best interests of the Charity.

5. Community Engagement and Consultation

- 5.1 No consultation or community engagement is required at this stage.

6. Conclusion

- 6.1 Setting up an urgency sub-committee is an appropriate and informed way of managing the conflict of interest situation.

7. Financial implications

- 7.1 There are no financial implications arising from this proposal at this stage.

Name of Finance Officer Consulted: Steve Williams Date Consulted: 14/12/22

8. Legal implications

- 8.1 The Articles in the constitution states that each Committee of the Council may appoint an Urgency Sub-Committee to exercise its powers.

- 8.2 Urgency Sub-Committee's normally consist of the Chair of the Committee, As well as two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between Political Groups. However, this is not a strict requirement and in this case is not appropriate as the Council needs to be able to demonstrate that there is no conflict of interest between the members taking decisions on behalf of the Council in its role as charitable trustee and the members who are likely to make the decision on behalf of the Council as landowner to dispose of a council property to the Charity. Group Leaders are therefore asked to nominate members who do not ordinarily sit on Policy & Resources Committee.
- 8.3 A meeting of the Urgency Sub-Committee may be called in situations of urgency but can also be called where a majority of members decide to do so at an Ordinary or Special Committee meeting. This is what is recommended in this report.
- 8.2 Urgency Sub-Committee may exercise the powers of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the relevant Committee

Name of Lawyer Consulted: Joanne Dunyaglo

Date Consulted: 14/12/22

9. Equalities implications

- 9.1 The Council's vision for our children and young people with Special Educational Needs is set out in the Brighton & Hove Special Educational Needs and Disability (SEND) Strategy 2021-2026. The aim is to enhance the outcomes and life chances of young people across the city so that they can achieve the very best they can to lead happy, healthy and good lives.
- 9.2 The Charity is an outstanding specialist nursery for young children with SEND, offering them the opportunity of being able to access a split-curriculum offer to attend a mainstream provision as well as having more specialist support provided by the Charity.
- 9.3 Assessing and supporting needs in Nursery increases the opportunity to enable children to access mainstream school rather than taking a special school path. For those whose needs are picked up early enough, provisions can be put into place to enable children to access mainstream school placements, and for those that require a special school placement they can be supported in having Education Health and Care Plans (EHCPs) put into place to ensure that needs are met via this specialist route.
- 9.4 The Property has areas that are difficult to provide disabled access to, which make it difficult to comply with legislative requirements in respect of disability equality.

10. Sustainability implications

- 10.1 There have always been issues with the Property not being suitable for young children with mobility needs. The Property is a converted residential building which is 4 floors with no lift and many stairs. The property also needs a lot of ongoing maintenance.
- 10.2 The Annexe at Connaught Road offers the space for the development of the provision, the opportunity to increase the cohorts of young people accessing this service and the ability to comply with legislative requirements to offer an enhanced and bespoke environment.

11. Other implications

- 11.1 There are no other implications arising from this proposal.

Brighton & Hove City Council

P&R Committee

Agenda Item 107

Subject: Kingsway to the Sea

Date of meeting: 19 January 2023

Report of: Executive Director Economy, Environment and Culture

Contact Officer: Name: Vicki Linton-Crook
Email: Vicki.Linton-Crook@brighton-hove.gov.uk

Ward(s) affected: Wish, Westbourne, and South Portslade

For general release

1. Purpose of the report and policy context

- 1.1 In July 2022, the Policy and Resources Committee approved a total budget of £12.99 million for the Kingsway to the Sea project. The timeline for this project remains constrained by the requirement to spend £9.5 million of the Government's Levelling Up Fund (LUF) by 31st March 2024.
- 1.2 This report updates the committee on the recommended operational model for the management of the outdoor sports facilities and café.

2. Recommendations

That the Committee

- 2.1 Agrees that the pay-for-use sports facilities and outdoor sports hub public café will operate under lease arrangements, offered to the market via an expressions of interest process.

3. Context and background information

- 3.1 The Kingsway to the Sea site includes the land west of the King Alfred Leisure Centre up to the eastern end of Hove Lagoon. The esplanade, chalets and beach huts to the south and the cycle lane and pavement to the north are excluded. The project remains on track to transform this highly visible council owned community asset by providing facilities in line with current and future expectations. The key elements of the project are:

- Improved accessible and biodiverse green spaces across a linear park
- A new outdoor sports hub incorporating bowls clubhouse, public café with terrace, public toilets and changing facilities
- Tennis and padel tennis courts
- Sand sports areas
- Bowls and croquet
- Skatepark, pump track and roller-skating area

- Improved events space
- 3.2 The application was approved by the Planning Committee on 7th December 2022. (Appendix 1. Agreed site plan).

Operational Framework

- 3.3 The project must be financially self-sustaining, with future maintenance funded from existing budgets, combined with new income streams from rental income.
- 3.4 The operational model for the pay-to-use sports facilities is fundamental to ensure that revenue is maximised in order to safeguard maintenance of the park and secure the long-term sustainability of the facilities. The requirement to maximise income must be delivered in conjunction with the objectives to activate the facilities and maximise community access and participation.
- 3.5 An assessment of the pay-to-use sports operating framework, encompassing tennis, padel tennis and sand sports, has been undertaken by the Sports Consultancy FMG. The assessment criteria included a cost and revenue assessment, maximisation of sports participation and a recommendation of the 'best fit' management model for the long-term operation and maintenance of the area as a valuable community asset.
- 3.6 The four models considered for sports provision were: - Single Operator; Sports Specific Operators; a Community Asset Transfer (CAT) and a Council Operated model.
- 3.7 The assessment identified that the sports specific operator model provides the best value to the council in terms of generating an income from the facilities and meeting the objective to maintain and grow participation due to the operator's specialist interest and industry expertise. FMG have produced an operational strengths, weaknesses, opportunities and threats analysis (SWOT) to support this recommendation (see Appendix 2. Operational strength and weaknesses analysis which provides a summary of the four models considered)
- 3.8 The outdoor sports hub café is intended to operate under a lease agreement which will also provide a rental income to the council.
- 3.9 The assessment also considered the benefits of a management contract compared to a lease arrangement for the facilities. The recommendation resulting from this assessment is to operate the majority of facilities under a lease arrangement rather than a management contract.
- 3.10 The council already operates more than 100 leases in the Seafront property portfolio covering a wide variety of uses including sport and leisure. Therefore, the recommended model remains consistent with the council's seafront letting policy as the normal operating model and allows:
- A positive financial return to the council for reinvestment in the park

- An expressions of interest process that is inclusive and invites interest from smaller community groups and operators
 - Leases to be advertised and allocated through open process
 - A brief that requires a business plan to include programme and pricing structures, sports development and community access strategies
- 3.11 Lease agreements will be put in place that protect the community and existing club use of the facilities and recognise the obligations that the lease holders have to ensure public access to the council's portfolio of sports facilities. For example, the expression of interest invitation can request a business plan to include programming and a pricing strategy. Also, the lease terms can include permitted use which reflects community participation for the pay-to-use sports facilities. Mutual facility maintenance responsibilities will also be identified.
- 3.12 The leaseholder will generate an income from court bookings to contribute towards the maintenance of the leased facilities and rental payment to the council.

Future Maintenance

- 3.13 The long-term maintenance of the park is dependent on the revenue that can be derived from the operational model. It is vital that the park is self-financing now and in the future.

The wider long-term park servicing and maintenance requirements will be defined further as details of the design develop. Officers are in liaison with CityParks, CityClean, Streetlighting and the council's CCTV team to assess the costs for maintenance of the park areas which sit outside the sports facilities. Areas under assessment are:

- Maintenance of the planting scheme in the early stages of establishment
- Additional staffing levels from CityParks and CityClean
- Allowance for graffiti removal
- Maintenance and running costs of lighting and CCTV
- Ongoing maintenance of hard landscaping, street furniture and amenities

This assessment will be further refined and ongoing during 2023

4. Analysis and consideration of alternative options

- 4.1 The alternative models considered had strengths and weaknesses compared against the required criteria:
- Although the single operator model is utilised in the management of other sports facilities across the city it does not provide a viable route in this instance, as soft market testing revealed no interest from leisure management contractors.
 - To date, the CAT approach has been effective in ensuring the ongoing use and maintenance of existing and smaller outdoor sports facilities

elsewhere in the city's parks. However, as the tennis and padel courts will be new and highly desirable, a CAT model would not generate the required revenues to achieve a self-sustaining model for the whole park. The CAT approach would result in the under valuation of this major new community asset and represent a high-risk approach as it relies on community expertise and time.

- The inhouse model would not provide a cost-efficient model as it requires a high level of management time and resource. Also, the specialist expertise is not in place to successfully operate the facilities effectively.

4.2 The analysis of strengths, weaknesses, opportunities, and threats (SWOT) conducted by FMG is summarised in the operational strength and weaknesses analysis (see Appendix 2)

5. Community engagement and consultation

5.1 Consultation about the improvements to the West Hove seafront have continued with monthly meetings with the West Hove Seafront Action Group (WHSAG) which contains representation from 15 separate local community stakeholders i.e., representatives from resident associations, businesses, clubs, voluntary organisations, and Ward Councillors.

5.2 In addition, officers and the design team have continued to meet with stakeholders such as the Hove and Kingsway Bowling Club, Friends of Hove Lagoon, the King Alfred Tennis Club, the Hove Beach Croquet Club and sand and wheeled sports representatives. Local businesses have also been consulted. This engagement will continue during the final design stages and construction of the park.

5.3 Ward Councillors continue to be supportive of the plans and play an active part in sharing and shaping the detail of the scheme with the local community.

5.4 Regular communications about the project have been made in print, via news stories and social media. A video featuring a site fly-through, and stakeholder commentary aims to inform the public about the new facilities and was used to promote the Planning consultation process. Generic videos and on-site information boards will continue to be used to update on the project progresses.

6. Conclusion

6.1 The specialist sports operator model and lease arrangement approach provides the best value to generate income from the facilities. It will also meet the objectives to maintain and grow sports participation due to sports operator's specialist interest and industry expertise. This approach will secure guaranteed revenue to enable the long-term maintenance of the wider park.

- 6.2 The West Hove Seafront Action Group will continue to be consulted as the major stakeholder group throughout the development of detailed designs preconstruction and construction.

7. Financial implications

- 7.1 The Kingsway to the Sea project is funded from a combination of government grant, Section 106 receipts, and council borrowing. The financing costs of £1.000m of that borrowing will be funded from income generated from the development. This is estimated to cost £0.035m per annum once the project is complete and therefore the development needs to achieve this level of income as a minimum. However, the wider costs of operating the park are also outlined in 3.13 above.
- 7.2 New net income above this level is planned to be reinvested into the ongoing maintenance of the project once complete. This will require a new reserve to hold this income as a sinking fund until it is required for maintenance.
- 7.3 The proposed leasing arrangements will contribute new income but at this stage the level of income is unknown.

Name of finance officer consulted: James Hengeveld

Date consulted: 21/12/2022

8. Legal implications

- 8.1 The leases will be drafted to ensure that they cannot be construed as concession contracts which would need to be procured in accordance with the procurement regulations. This will limit the Council's ability to place enforceable obligations on the lessees to provide services in accordance with the Council's requirements.

Name of lawyer consulted: Alice Rowland

Date consulted: 22/12/22

9. Equalities implications

- 9.1 A Design and Access statement has been provided as part of the Planning Application.
- 9.2 An Equalities Impact Assessment will be undertaken for the whole design and operation of the scheme.

Supporting Documentation

1. Appendices

1. Agreed site plan
2. Operational strength and weaknesses analysis



Sports Management Model. Strengths and Weaknesses

Objectives:

- To maximise revenue in order to protect maintenance of the park to secure the long term sustainability of the facilities
- To activate facilities and maximise participation

Approach:

- 4 different operating models were assessed to establish the management approach for the “pay to use” sports facilities

Model	Strengths	Weaknesses
Single operator model	<ul style="list-style-type: none"> • Resource cost efficiency to manage the site • Transfer of risk • Greater control over outputs / pricing 	<ul style="list-style-type: none"> • Not viable. Soft market testing revealed no Operators interested • No best value. A contract fee is payable • Limited activation of sports facilities • Requires contract arrangement and monitoring • Excludes smaller operators from bidding
In-house operator (Council)	<ul style="list-style-type: none"> • Control of the service • All income retained 	<ul style="list-style-type: none"> • High resource / time. Not cost efficient • No specialist expertise
Community Asset Transfer (CAT)	<ul style="list-style-type: none"> • Create community and club environment if the required inputs can be sustained 	<ul style="list-style-type: none"> • High risk. Limited experience • Dependency on volunteers • Lack of BHCC control • No best value as dissolves brand new asset
Sports specific operators 1) Tennis & Padel 2) Sand sports	<ul style="list-style-type: none"> • Maximise participation community & clubs • Maximise sports development • Income generation for operator and council • Transfer of risk / maintenance liability • Low BHCC management time 	<ul style="list-style-type: none"> • Different booking systems, branding and marketing messaging • Limited control of outputs

The sports specific operator model and lease arrangement approach provides the best value to generate income from the facilities. It will meet the objectives to maintain and grow sports participation due to sports operator’s specialist interest and industry expertise.

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 109

Subject: Local Land Charges Fees & Charges 2023/24

Date of meeting: 19 January 2023

Report of: Executive Director for Governance, People & Resources

Contact Officer: Name: Michael Appleford, Head of Electoral Services & Local Land Charges
Tel: 01273 291997
Email: michael.appleford@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 This report sets out the proposed Local Land Charges fees and charges for the financial year 2023/24

2. Recommendations

2.1 That Committee agrees the fees and charges set out in 3.4

2.2 That Committee delegates authority to the Executive Director Governance, People & Resources to make the changes to fees and charges.

Note: If the above recommendations are not agreed, or if the committee wishes to amend the recommendations, then the item will need to be referred to the Policy & Resources Committee meeting on 9th February to be dealt with as part of the overall budget. This is because the budget is being developed on the assumption that the fees and charges are agreed as recommended and any failure to agree, or a proposal to agree different fees and charges, will have an impact on the overall budget, which means it needs to be dealt with by the Policy & Resources Committee as per the requirements of the constitution. This will not stop the committee from making recommendations to P&R.

3. Context and background information

3.1 The Local Land Charges service provides searches and information to the conveyancing and property industry. These searches and information consist of:

- LLC1 – Search of the Local Land Charges Register.
- CON29 – Enquiries of District Councils.
- Personal Searches of the Local Land Charges register for which a fee cannot be charged.
- Property information under the 2008 Regulations.

- The inspection of property information under the Environmental Information Regulations (EIR) 2004.

3.2 Traditionally solicitors acting for the purchasers of properties have carried out CON29 and LLC1 searches. These searches can take the form of official local authority searches or personal searches which are carried out by private companies.

3.3 Councils are allowed to set fees for these services. When considering fees, the Council must be mindful of the Corporate Fees & Charges Policy and the Local Authorities (England) (Charges for Property Searches) Regulations 2008 which require fees to have regard to local authority costs.

3.4 The proposed fees for the financial year 2023/24 are set out below. Fees include a 19% increase from 2022/23:

Search	2022/23 Fees	2023/24 Fees
Full local authority search (inc LLC1 & Con29R)	£191.20	£227.53
LLC1 search only (Non Vatable)	£56.20	£66.88
Con29R search only	£135.00	£160.65
Each additional parcel of land (LLC1)(Non Vatable)	£11.25	£13.39
Each additional parcel of land (Con29R)	£13.55	£16.12
Each printed enquiry (Con29O)	£20.20	£24.04
Commons registration (question 22)	£20.20	£24.04
Each supplementary enquiry	£40.50	£48.20

3.5 The proposed fees are set with consideration of the following:

- **Increased Service Costs:** As with all services in the Council, the service is working with increased staffing and corporate overhead costs.
- **Local Authority Benchmarking:** Extensive benchmarking has been undertaken across a widened South-East region. Brighton & Hove's current pricing places them within the top third - and second amongst authorities in East and West Sussex.
- **Housing Market Downturn:** Research by Savills shows the number of residential transactions in the UK is expected to drop by 21% over the next year. This drop in transactions will lead to a reduction in searches taking place in Brighton & Hove and will reduce revenue - relative to running costs.
- **Threat to Market Share:** The Local Land Charges service does not have a monopoly over the search market, with private search

companies operating too. The BHCC service must therefore be mindful that an increase in fees could lead to conveyancers moving their business to one of the private companies in operation. Previous significant increases to fees have seen the market share of Brighton & Hove drop by more than 10%.

4. Analysis and consideration of alternative options

- 4.1 The recommendations have considered the effects of service costs, the house market downturn and the threat to market share when considering these fees.
- 4.2 A higher fee was not proposed because the service cannot risk losing further market share to private companies. The fees charged by private companies are not publicly available but our research shows that the proposed fees are slightly higher than those charged by private companies.
- 4.3 A higher fee was also not proposed because the Council must be mindful of their costs and a significant rise would not be justifiable.
- 4.4 A lower fee was not proposed because the downturn in the housing market is likely to lead to a significant drop in searches. This will result in a decrease in revenue.

5. Community engagement and consultation

- 5.1 The service continues to work closely with the Local Land Charges Institute and have shared their benchmarking with members.

6. Conclusion

- 6.1 A thorough assessment of Local Land Charges fees and charges has taken place. The fees have been developed with regard to Council policy and legislation relevant to the setting of Local Land Charges fees, sector benchmarking, increased running costs and the future number of property transactions. The proposed fees reflect these within the context of the service trying to maintain market share which could affect revenue.

7. Financial implications

- 7.1 The fees and charges recommended in this report have been reviewed in line with the Corporate Fees & Charges Policy and all relevant regulations and legislation. The anticipated recurring financial impacts of fee changes will be reflected within service revenue budgets. Increases to meet the corporate rate of inflation of 3.0% are normally applied to all council income budgets as a minimum but fees & charges should normally be set to recover costs and/or maintain income in proportion to expenditure. Increases above or below the corporate rate of inflation require approval by the relevant service committee or Policy & Resources Committee and can result in additional contributions toward the cost of services and/or corporate and service overheads. This can also result in the achievement of a net budget

saving to the council. Where this is the case, this will be reflected in Budget proposals for the relevant service and will be incorporated within the revenue budget report to Policy & Resources Committee and Budget Council in February 2023. Income from fees and charges is monitored as part of the Targeted Budget Monitoring (TBM)

Name of finance officer consulted: Peter Francis Date consulted 15.12.2022

8. Legal implications

- 8.1 The fees charges in relation to access to property records are governed by the Local Authorities (England) (Charges for Property Searches) Regulations 2008 and are limited to costs recovery. The cost for answering enquiries about a property are at the Council's discretion 'but must have regard to the costs to the local authority' of answering enquiries about the property.

Name of lawyer consulted: Elizabeth Culbert Date consulted 20.12.22

9. Equalities implications

- 9.1 An Equalities Impact Assessment has been undertaken. No implications have been identified.

10. Sustainability implications

- 10.1 None identified

Brighton & Hove City Council

Policy and Resources Committee

Agenda Item 110

Subject: Provision, installation and maintenance of CCTV Traffic Enforcement Cameras and associated enforcement support system

Date of meeting: 19 January 2023

Report of: Executive Director Economy, Environment & Culture

Contact Officer: Name: Julie Saxby
Tel: 01273 292242
Email: julie.saxby@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 This report sets out the details for the procurement of CCTV Traffic Enforcement Cameras and associated enforcement support system. The estimated total contract value is £4m and the contract will replace an existing contract that is coming to end.

1.2 On 27th June 2017 the Environment, Transport and Sustainability Committee agreed for a tender exercise to be undertaken for the current contract. This contract commenced on 7 February 2018 for a term of three years. This contract has been extended and will end on 6 February 2023. The current contract will be extended by a further 6-months to 5 August 2023 to allow the council sufficient time to procure a new contract.

1.3 On 17th October 2022 a report to the Procurement Advisory Board outlined the procurement proposals. The board agreed with the proposals put forward in the report and recommended a report is taken to this committee for agreement.

2. Recommendations

2.1 That Committee delegates authority to the Executive Director of Economy Environment & Culture to take all steps necessary to procure the contract for CCTV Traffic Enforcement Cameras and associated enforcement support system.

- 2.2 That Committee delegates authority to the Executive Director of Economy Environment & Culture to award the contract to the successful bidder for an initial term of three years with the option to extend the contract for a further period of up to two years, subject to satisfactory performance.

3. Context and background information

- 3.1 The council's Corporate Plan commits to being a sustainable city and to become a carbon neutral city by 2030 and to develop an active and sustainable travel network. One of our directorate objectives of supporting low carbon economic growth and maintaining an attractive, connected, and well-run city for residents, businesses and visitors.
- 3.2 Brighton & Hove City Council as a local traffic authority is responsible for managing the traffic using the road network as defined in the Traffic Management Act 2004 ('TMA 2004'). On 29th November 2011 the Environment, Transport and Sustainability Committee agreed to approve the use of these powers and regulations made under the 2004 Act. This allowed for enforcement by the City Council by issuing Penalty Charge Notices based on CCTV evidence from April 2014.
- 3.3 This function is conducted and managed by the council's Transport Control Centre. A contractor is appointed to supply, install, and maintain the network of cameras and associated enforcement system with council officers carrying out enforcement and issuing penalty charge notices. The current contract is ending, so we need to go out to tender to ensure this function can continue and that we obtain the latest equipment at the best value and to increase the scope of enforcement.
- 3.4 On 27th June 2017 the Environment, Transport and Sustainability Committee agreed for a tender exercise to be undertaken for the current contract. This contract commenced on 7 February 2018 for a term of three years. This contract has been extended and will end on 6 February 2023. The current contract will be extended by a further 6-months to 5 August 2023 to allow the council sufficient time to procure a new contract.
- 3.5 On 17th October 2022 a report to the Procurement Advisory Board outlined the procurement proposals. The board agreed with the proposals put forward in the report and recommended a report is taken to this committee for agreement.
- 3.6 The proposed new contract will include the provision for the supply, installation, and maintenance of up to 100 cameras. 41 initially to replace the current stock in the current locations and a further 59 for potential additional enforcement sites and schemes over the next 3 to 5 years. These include the introduction of new bus priority (linked to the Bus Service Improvement Plan), Red Routes and traffic management powers which all focus on traffic management

- 3.7 The general locations and details of these initiatives have been included in previous reports to the relevant ETS committee e.g Red Routes will initially be Lewes / London Road. Specific detailed locations of CCTV is not known at this early stage of the projects across the Transport department.

4. Analysis and consideration of alternative options

- 4.1 Without this contracted service in place, it will not be possible to enforce the road network in the city, including bus lanes. Income would not be received from enforcement of Penalty Charge Notices.
- 4.2 The supply and maintenance of Department for Transport certified Traffic Enforcement cameras is specialist and not available in-house. However, the reviewing of evidence packs that are produced by the cameras is conducted by a team of Transport Enforcement Officers who are directly employed by the council and work within the Transport Control Centre. Additionally, any appeals received are processed by the appeals team within the Parking Services team at the council.

5. Community engagement and consultation

- 5.1 Public transport providers such as the local bus companies support enforcement in the interest of improved and more consistent bus journey times.
- 5.2 Consultation is not required for the existing locations, and they are not new locations but replacing current operation. New schemes introduced as part of our local transport plan allow for consultation as part of the scheme design.

6. Conclusion

- 6.1 Without this contract in place enforcement of the road network could not be achieved meaning the council would not be fulfilling its' duty under the TMA 2004 and income from Penalty charge Notices would not be received. The recommendation is that committee agrees to the procurement of this service and delegates authority to Executive Director of Economy, Environment & Culture as detailed in paragraph 2 above.

7. Financial implications

- 7.1 Parking services have ongoing revenue budgets of £0.163m for the licenses and maintenance of cameras and £0.083m budget to repay capital borrowings. PCN Income has been overachieving compared to budget which would fund any costs greater than the ongoing budgets.
- 7.2 The Service has recently undergone a restructure funded from new PCN income streams. New cameras over and above the 41 base cameras will support the income generation required to fund the structure as well as the costs of the additional cameras.

7.3 Once more information is available for each option, these will be costed out to determine the best value for money option. Costs may be mitigated to parking services after any contract is agreed as transport capital schemes funded from other transport grants may include the installation of cameras reducing the size of the contract and increasing the surplus generated from PCN income streams.

7.4 Name of finance officer consulted: John Lack Date consulted (30/12/22:

8. Legal implications

8.1 The Council is required to comply with the Public Contracts Regulations 2015 in relation to the procurement and award of contracts above the relevant financial thresholds for services, supplies and works. The Council's Contract Standing Orders (CSOs) will also apply.

8.2 The Public Service (Social Value) Act 2012 and the general duty of best value in the Local Government Act 1999 require the council to consider the economic, social and environmental well-being of their area in carrying out a procurement process. In addition, The Public Contracts Regulations 2015 provide that contracting authorities must base their award on the most economically advantageous tender. This shall be assessed on the basis of price and may be assessed on the basis of the best price-quality ratio, including criteria such as qualitative environmental and/or social aspects

8.3 Name of lawyer consulted: Wendy McRae-Smith Date consulted:
16/12/22

9. Equalities implications

9.1 Enforcement of restrictions on the road network minimises the negative impact on public transport ensuring services are reliable and available.

10. Sustainability implications

10.1 Enforcement of traffic regulations supports the wider goals of the city's Carbon Neutral 2030 commitment. By improving compliance, the benefits in terms of improved public journey times, less congestion and improved air quality are achieved. Allowing the movement of traffic on the network and providing priority for pedestrians, cyclists, and public transport users.

10.2 Circular Economy, we shall adopt a circular procurement model. Procuring a Product as a Service (PaaS). The cameras' units require minimal energy consumption, are of modular design and can be re-used by the supplier minimising waste.

10.3 Virtual upgrades and reconfiguration meaning minimal travel emissions to camera sites across the 5-year term.

10.4 In addition, bidders will be required to submit a scored sustainability method statement with their bid submission detailing how it will deliver sustainability outputs over the course of the contract. During the contract term, the council's Contract Manager will monitor progress and actual deliverables against targets detailed in the method statement.

11. Other Implications [delete any or all that are not applicable]

Social Value and procurement implications

11.1 A scored Social Value Quality Question shall be included in the tender pack. Bidders will be required to submit a scored Social Value and Community Wealth Building method statement with their bid submission detailing how it will deliver Social Value and Community Wealth Building outputs over the course of the contract.

11.2 During the contract term, the council's Contract Manager will monitor progress and actual deliverables against targets detailed in the method statement

Public health implications:

11.3 Enforcement of restrictions encourages the use of active travel modes, reduces congestion in the city and thereby reducing carbon and particulate emissions, which can be harmful to health.

Supporting Documentation

1. Appendices

1. Appendix 1 - PAB report 17.10.22
2. Appendix 2 – Extract from PAB held on 17 October 2022

Procurement Advisory Board (PAB)

Agenda Item

Brighton & Hove City Council

Subject:	Provision, installation and maintenance of CCTV Traffic Enforcement Cameras and associated enforcement support system	
Date of Meeting:	17 October 2022	
Report of:	Donna Chisholm, Executive Director Economy, Environment & Culture	
Commissioning Officer:	Name Julie Saxby Jonathan Bowtle	Tel: 01273 293885 01273 291219
	Email: julie.saxby@brighton-hove.gov.uk jon.bowtle@brighton-hove.gov.uk	
Procurement Officer:	Name: Debbie Reed, Procurement Specialist	
	Email: debbie.reed@brighton-hove.gov.uk	
Item Number on PAB Forward Plan:	Item Number 763	
Type:	Straight Re-Buy	
Proposed Route To Market:	Open	

1. SUMMARY AND CONTEXT:

The Procurement Advisory Board (PAB) is an advisory board to council committees on procurement matters. The role of PAB is to report to the relevant committee with its recommendations on the proposals put forward in this report.

PAB is being asked to review and advise on the procurement proposals contained within this report as the estimated lifetime value of the contract to be awarded exceeds £1million.

2. RECOMMENDATIONS:

The Procurement Advisory Board is requested to provide recommendations to the relevant Committee on the procurement and award of a three (3) year Services Contract for the Provision, installation and maintenance of CCTV Traffic Enforcement Cameras and associated enforcement support system

with the option (exercisable by the council) to extend the contract for period(s) up to a total maximum of two (2) years.

The estimated total contract value is £3m - £4m (excluding VAT). Once the best value for money option is known (see sections 3 and 7) the estimated contract value will be updated accordingly.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Brighton & Hove City Council (BHCC) as a local traffic authority is responsible for managing the traffic using the road network as defined in the 2004 Traffic Management Act.

One method of managing the traffic using the road network is by enforcing restrictions using ANPR (Automatic Number Plate Recognition) technology (cameras) where Penalty Charge Notices (PCNs) are issued to vehicles contravening the regulations. An example is bus lane enforcement.

The contract with the incumbent is coming to an end, so we need to go out to tender to ensure that we obtain the latest equipment at the best value.

The current contract commenced on 7 February 2018 and had a contract term of three (3) years. This has been extended by a further two (2) years and ends on 6 February 2023. The current contract shall be extended by a further 6-months to 5 August 2023 (subject to approval) to allow BHCC sufficient time to procure a longer-term contract in the background.

The current contract was for the provision of 24 cameras, with the option to purchase and install (up to) a further 20 cameras during the contract should the Council wish to do so, taking the total number of cameras to 44.

Over the course of the 5-year term this provision was called upon to increase the provision to 41 cameras. This was due to new sites being identified which required enforcement.

The new contract will include the provision for the supply, installation, and maintenance of up to 100 cameras. 41 initially to replace the current stock and a further 59 for potential additional enforcement sites and schemes. These include new Bus Lanes, Red Routes, Moving Traffic Offences which form part of our local transport plan.

We are currently exploring three (3) funding options.

1. Option 1:

Purchase cameras using capital expenditure
Upfront investment is required because initial capital outlay to purchase the cameras is required.
Interest will be applied to capital expenditure which will be funded through PCN revenue

All other on-going costs i.e., maintenance will be funded through PCN revenue

2. Option 2:

Rent the complete solution for a fixed cost per month using revenue budgets from PCN income. This option means:

- No upfront investment required because initial capital outlay to purchase the cameras is not required.
- The all-in total cost of the solution (including maintenance, upgrades, parts etc) will be spread across the term of the contract, through manageable fixed monthly (revenue) payments from PCN income
- This would mean no additional expenditure to the council

3. Option 3:

- Apply a combination of Option 1 and Option 2.
- Whereby, for example:
 - Option 1 could be used to purchase 41 cameras in year 1 to replace the current stock; and then
 - Option 1, or Option 2 could be used to fund further potential; individual sites thereafter.

Pre-market engagement with four (4) suppliers was carried out to:

- Understand the current market conditions.
- Understand the range of solutions/ purchase and leasing options on offer from the market before specifications are defined.
- Help to provide a better understanding of the feasibility of the requirement, the best approach, the capacity of the market to deliver and possible risks involved.

Also, as part of a lessons learned exercise, five (5) local authorities to find out:

- Their experience (+/-) of renting and purchasing ANPR technology.
- Payment frequency e.g., a fixed total amount of X p/m or a fixed lump sum for the cameras and a separate amount for the maintenance cost.
- Their approach to KPIs and penalties

Replies have yet to be received but shall be used to inform the financing and contractual compliance approach of the new contract.

4. POSSIBILITY OF PROVIDING THIS CONTRACT IN-HOUSE

The supply of Department for Transport (DfT) certified Traffic Enforcement cameras is specialised technology and not available in-house.

Maintenance of the cameras and system is carried out by the specialist engineers of the supplier or their certified contractors to ensure any warranty is not invalidated and to ensure compliance with regulations.

This specialist engineering skill and knowledge is not available within the council and we would be unable to implement and maintain these services without the benefit of a company which has experience in this sector.

The provision of the hardware, maintenance and associated support systems is contracted out however the reviewing of evidence packs that are produced by the cameras is carried out by a team of in-house BHCC Transport Enforcement Officers.

These officers are directly employed by BHCC and work within the Transport Control Centre. Additionally, any appeals received are processed by the appeals team within the Parking Services team at BHCC.

BHCC officers reviewing cases hold a Security Industry Authority (SIA) licence that allows them to work within the CCTV industry and they adhere to the BHCC CCTV policy and the information commissioners camera code of practice.

5. SUSTAINABILITY CONSIDERATIONS

Enforcement of traffic regulations supports the wider goals of the city's Carbon Neutral 2030 commitment.

By improving compliance, the benefits in terms of improved public journey times, less congestion and improved air quality are achieved. Allowing the movement of traffic on the network and providing priority for pedestrians, cyclists, and public transport users.

Circular Economy, (for the renting option) we shall adopted a circular procurement model. Procuring a Product as a Service (PaaS).

The cameras units require minimal energy consumption, are of modular design and can be re-used by the supplier minimising waste.

Virtual upgrades and reconfiguration meaning minimal travel emissions to camera sites across the 5-year term.

In addition, bidders will be required to submit a scored Sustainability method statement with their bid submission detailing how it will deliver Sustainability outputs over the course of the contract. During the contract term, the BHCC Contract Manager will monitor progress and actual deliverables against targets detailed in the method statement.

6. SOCIAL VALUE AND COMMUNITY WEALTH BUILDING CONSIDERATIONS

A scored Social Value Quality Question shall be included in the tender pack.

Bidders will be required to submit a scored Social Value and Community Wealth Building method statement with their bid submission detailing how it will deliver Social Value and Community Wealth Building outputs over the course of the contract.

During the contract term, the BHCC Contract Manager will monitor progress and actual deliverables against targets detailed in the method statement.

7. FINANCIAL CONSIDERATIONS

Parking services have ongoing revenue budgets of £0.163m for the licences and maintenance of cameras and £0.083m budget to repay capital borrowings. PCN Income has been overachieving compared to budget which would fund any costs greater than the ongoing budgets.

The Service has recently undergone a restructure funded from new PCN income streams. New cameras over and above the 41 base cameras will support the income generation required to fund the structure as well as the costs of the additional cameras.

Once more information is available for each option, these will be costed out to determine the best value for money option. Costs may be mitigated to parking services after any contract is agreed as transport capital schemes funded from other transport grants may include the installation of cameras reducing the size of the contract and increasing the surplus generated from PCN income streams.

8. LEGAL IMPLICATIONS

Standard legal implications for procurement of a contract using the open procedure.

The Public Contracts Regulations 2015 apply to the procurement and award of contracts above the relevant financial thresholds for services, supplies and works. The open procedure requires a Find a Tender notice to be published and all interested parties may then submit a tender. Following the submission of tenders, no negotiation with tenderers is permitted, just clarification of the tenders submitted and a finalisation of contract terms with the successful tenderer.

The council's Contract Standing Orders (CSOs) will also apply.

Additional legal implications where Social Value has been considered in the report (which should be in most cases given it is an Administration priority)

The Public Service (Social Value) Act 2012 defines social value as 'improvement to economic, social and environmental well-being of the relevant area' and requires specific consideration by the council prior to starting a procurement process of how to improve these benefits through the procurement and how to undertake a procurement process with a view to securing that improvement. In addition, The Public Contracts Regulations 2015 expressly allow contracting authorities to incorporate social and environmental factors into specifications for a contract, award criteria and contract conditions provided they are linked to the subject matter of the contract, proportionate to what is being procured, do not result in unequal treatment of bidders, are free from discrimination and comply with the principle of transparency.

9. COST/QUALITY WEIGHTING CONSIDERATIONS

Tenders will be evaluated on price 40% and quality 60% Total = 100%

The Social Value Weighting will be 10% of the overall quality weighting.

The Sustainability Weighting will be 10% of the overall quality weighting.

Therefore, the Social Value weighting shall be a minimum of 6% and the Sustainability weighting shall be minimum of 6%.

10. VALUE and SAVINGS

143,048 PCNs were issued in 2021/22 to vehicles driving in bus lanes. This equates to £4,105,174 of revenue income.

Once the new contract has been procured and awarded, putting in place 41 cameras initially to replace the current stock will mean:

- We will be able to continue enforcing restrictions (at existing sites and schemes) using camera technology.
- The existing income stream generated from PCNs payments will be maintained.

Having the ability to add (up to) a further 59 cameras will mean:

- We will be able to enforce restrictions at additional (new) sites and schemes using camera technology.

- New income streams will be generated from PCNs issued to vehicles contravening the regulations at new sites and schemes subject to approval.

The latest technology will provide clear evidence of the contravention resulting in a reduction in PCN appeals.

11. POTENTIAL RISKS

Without this contracted service in place:

- the road network in the city, including bus lanes could not be enforced and income from PCNs would not be received.
- any future enforcement of the road network could not be achieved.

12. EVALUATION OF ROUTES TO MARKET

Several procurement routes to market have been assessed. Details of each including the preferred option is detailed below:

Option 1: Further Competition via a compliant Framework

- This route to market would ensure compliance with the Council's Contract Standing Orders and the Public Contracts Regulations (PCR) 2015.
- As a contracting authority member of the framework there are no fees applied for the Council to access the framework and through a fair and transparent procurement process, suppliers on the framework have already undergone a pre-qualification and suitability assessment in relation to Public Contracts.
- This route to market would mean only those economic operators listed on the framework would be allowed to bid. Therefore, limiting the supplier pool.
- This route to market can take up to 12 months including the drafting of tender documentation.

Option 2 – OJEU Open Tender (Preferred Option)

- This route to market would ensure compliance with the Council's Contract Standing Orders and the Public Contracts Regulations (PCR) 2015.
- This route to market is open to **all** economic operators in the field of CCTV Traffic Enforcement Cameras.
- This route to market will broaden the supplier market enabling local and small, medium and large sized companies to bid.

- This route to market can take up to 12 months including the drafting of tender documentation.

SUPPORTING DOCUMENTATION None

Brighton and Hove City Council

POLICY & RESOURCES COMMITTEE

Agenda Item Brighton & Hove City Council

Subject: **Provision, Installation and Maintenance of CCTV Traffic Enforcement Cameras and Associated Enforcement Support System**

Date of Meeting: **19 January 2023**

Contact Officer: Name: **Emma Thomson**
E-mail: emma.thomson@brighton-hove.gov.uk

Wards Affected: **All Wards**

**MINUTES EXTRACT FROM PROCUREMENT ADVISORY BOARD HELD ON 17
OCTOBER 2022**

Brighton and Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PROCUREMENT ADVISORY BOARD

2.00pm 17 OCTOBER 2022

MINUTES

Present: Councillor Osborne (Chair), Yates (Opposition Spokesperson), Evans and DrUITT

7 PROVISION, INSTALLATION AND MAINTENANCE OF CCTV TRAFFIC ENFORCEMENT CAMERAS AND ASSOCIATED ENFORCEMENT SUPPORT SYSTEM

7.1 The Transport Control Centre Manager, Julie Saxby, introduced the report starting on page 39 of the Agenda.

7.2 Cllr Yates was advised that:

- We are looking to increase powers around moving traffic offences such as yellow box junctions, banned left/ right turns, etc. and so the new contract will allow the enforcement of those new contraventions.
- Warning notices are issued to drivers to allow for a warning period.

7.3 Cllr DrUITT was informed that:

- A three-year contract with the option to extend up to two years gives us more flexibility, so if the contract is not performing there are more controls and mechanisms in place.
- The other consideration is technology and the speed of technological advancements, therefore, if we opt for a longer-term contract there is a risk that opportunities could be missed that might be presented if we had a shorter contract.

7.4 RESOLVED:

The Procurement Advisory Board to provide recommendations to the relevant Committee on the procurement and award of a three (3) year Services Contract for the Provision, installation, and maintenance of CCTV Traffic Enforcement Cameras and associated enforcement support system with the option

Brighton and Hove City Council

(exercisable by the council) to extend the contract for period(s) up to a total maximum of two (2) years.

The estimated total contract value is £3m - £4m (excluding VAT). Once the best value for money option is known (see sections 3 and 7) the estimated contract value will be updated accordingly.

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 111

Subject: Life Events Fees & Charges Review for Registration Services
Charges

Date of meeting: 19 January 2023

Report of: Executive Director, Health & Adult Social Care

Contact Officer: Name: Michelle Jenkins, Assistant Director, Resources
Tel: 01273 29
Email: michelle.jenkins@brighton-hove.gov.uk

Ward(s) affected: All

1. Purpose of the report and policy context

- 1.1 This report sets out the proposed fees and charges for the financial year 2023/2042 for Registration Services within Life Events, in Health & Adult Social Care (HASC).

2. Recommendations

- 2.1 That the Committee approves the fees and charges set out at Appendix 1 of the report.

Note: If the above recommendations are not agreed, or if the committee wishes to amend the recommendations, then the item will need to be referred to the Policy & Resources Committee meeting on 9th February to be dealt with as part of the overall budget. This is because the budget is being developed on the assumption that the fees and charges are agreed as recommended and any failure to agree, or a proposal to agree different fees and charges, will have an impact on the overall budget, which means it needs to be dealt with by the Policy & Resources Committee as per the requirements of the constitution. This will not stop the committee from making recommendations to P&R.

3. Context and background information

- 3.1 Brighton & Hove City Council adopted a Corporate Fees & Charges Policy in 2008. The main aims of the policy were to ensure that:
- Fees and charges are reviewed at least annually including consideration of potential new sources of income;
 - Fees and charges are set after comparing with 'statistical nearest neighbours' (or other relevant comparator groups) and taking into account market, legal and other contextual information;

- Unless set by a statute, fees and charges are set to recover full costs, including central overheads and capital financing, to ensure that services maximise potential for income generation from the services offered.
- Subsidies and concessions are not applied unless approved by members;
- The impact on financial inclusion is considered when setting fee levels.

4. Analysis and consideration of alternative options

4.1 The majority of the fees set out in this paper relate to proposals for 2025/26. Fees and charges for 23/24 and 24/25 for most registration services have already been set and published at Policy and Resources Committee in 2022. The effect of the change to advance fee setting is in the region of an additional 14k for 2023/24. Thought is always given to service costs remaining competitive with near neighbour service providers where we have been able to obtain reliable information.

4.2 The Registration Service proposals aim to maximise the potential of Brighton & Hove's unique reputation as a city by the sea and fully embrace the scope of a modern Registration Service. Advance fee setting, as agreed last year, has helped to ensure our customers pay a realistic fee appropriate to the service when the ceremony takes place rather than the fee chargeable at the time the booking was made. All proposals acknowledge the local market in relation to business levels continuing to recover post pandemic. Prior to the pandemic, there was a drop in demand for notices of marriages and civil partnerships. Demand has now risen as restrictions have been lifted and the service continues to recover well, having also encountered pressures on provision of the statutory elements of the service, including birth and death registrations. Income levels for statutory certificates continue to be lower following government increases to certificate costs in 2019. This resulted in a large drop in the purchasing of birth and death certificates, at the time of a registration, and has not recovered.

4.3 Analysis does suggest there is an opportunity to increase certain non-statutory charges e.g. Private citizenship ceremonies, having reviewed latest benchmarking information held for neighbouring local authority registration service providers, whilst remaining competitive. These are also set out in Appendix 1.

4.4 All non – statutory fees and charges have been reviewed, and the proposals ensure we continue to maintain cost recovery and maximise income for the services offered. It is however, not within our power to increase statutory fees, where budget pressures have previously arisen.

4.5 Consultation with the General Register Office (GRO) has previously established there is not a legal obligation to consult with members of the public about non-statutory fees, as the Local Authority should have its own policies for fee setting against services it provides. Brighton & Hove City Council adopted a Charges and Fees setting policy in 2008.

4.6 Appendix 1 contains a table of the main registration fees and the proposals for 2025/26. At the bottom of the document there are proposals for increases to those non-statutory fees which are not part of the advance fee setting process so would increase for 2023/24.

5. Community engagement and consultation

5.1 Registration Services continues to work with customers and community groups, including multi-faith groups. Engagement with the General Register Office, alongside benchmarking information from other service providers, enables these realistic proposals to be put before members

6. Conclusion

6.1 A full assessment of services provided, along with unit costings for every service and product, has ensured these proposals cover costs and are set realistically, and competitively. Attention is paid to charges made by other service providers, and where possible, comparisons are made on like for like services in the hope that customers are persuaded to choose the Brighton & Hove Registration service.

7. Financial implications

7.1 Financial Implications:
The fees and charges recommended in this report have been reviewed in line with the Corporate Fees & Charges Policy. A corporate inflation rate of 3% has been applied to income targets for fees and charges in 2023/24 and the fees and charges already set for 2023/24 are over and above that level. This report outlines the proposal for 2025/26 fees and charges and the expected level of income will be considered as part of the 2025/26 budget setting process and will be incorporated within future revenue budget reports.

Finance Officer Consulted: Sophie Warburton
15/12/2022

Date:

8. Legal implications

8.1 This report relates to non-statutory fees and charges. The proposed changes in discretionary fees comply with legal requirements and guidance, including where national legislation requires fees to be set on a cost recovery basis.

Lawyer Consulted: Elizabeth Culbert

Date: 201222

9. Equalities implications

- 9.1 An Equalities Impact Assessment screening has been undertaken. The screening has highlighted that no specific minority group is disproportionately affected by increases, with options being available for customers on low incomes.

10. Sustainability implications

- 10.1 None have been identified.

Supporting Documentation

1. Appendices

1. Fees schedule for Registration Service
- 2.

Report to Policy & Resources Committee: Fees and Charges in Life Events.

Appendix 1 –Registration Services – Fee proposals for 2025/26

Published fees						Proposed fees 2025-26	
Fees 2022-25	2022-23	2023-24	+/-	2024-25	+/-	2025-26	+/-
Regency Suite Monday to Thursday	£223	£238	7%	£253	6%	£293	16%
Regency Suite Friday	£323	£338	5%	£353	4%	£393	11%
Regency Suite Weekend	£453	£478	6%	£503	5%	£553	10%
Regency Suite Bank Holiday	£573	£603	5%	£633	5%	£698	10%
Approved Venues Monday to Thursday	£523	£548	5%	£573	5%	£618	8%
Approved Venues Friday	£573	£603	5%	£633	5%	£678	7%
Approved Venues Weekend	£588	£618	5%	£648	5%	£698	8%
Approved Venues Bank Holiday	£708	£743	5%	£778	5%	£833	7%
Council Chamber Monday to Thursday	£588	£618	5%	£648	5%	£713	10%
Council Chamber Friday	£628	£658	5%	£688	5%	£758	10%
Council Chamber Weekend	£683	£718	5%	£753	5%	£828	10%
Council Chamber Bank Holiday	£803	£843	5%	£883	5%	£948	7%
Mayor's Parlour Monday to Thursday	£388	£398	3%	£408	2%	£448	10%
Mayor's Parlour Friday	£463	£478	3%	£493	3%	£543	10%
Mayor's Parlour Weekend	£673	£698	4%	£723	4%	£793	10%
Mayor's Parlour Bank Holiday	£893	£923	3%	£953	3%	£1048	10%

Advertised Fees (include certificates)	2022-23	2023-24	2024-25	2025-26
Regency Suite Monday to Thursday	£250	£265	£280	£320
Regency Suite Friday	£350	£365	£380	£420
Regency Suite Weekend	£480	£505	£530	£580
Regency Suite Bank Holiday	£600	£630	£660	£725
Approved Venues Monday to Thursday	£550	£575	£600	£645
Approved Venues Friday	£600	£630	£660	£705
Approved Venues Weekend	£615	£645	£675	£725
Approved Venues Bank Holiday	£735	£770	£805	£805
Council Chamber Monday to Thursday	£615	£645	£675	£740
Council Chamber Friday	£655	£685	£715	£785
Council Chamber Weekend	£710	£745	£780	£855
Council Chamber Bank Holiday	£830	£870	£910	£975
Mayor's Parlour Monday to Thursday	£415	£425	£435	£475
Mayor's Parlour Friday	£490	£505	£520	£570

Mayor's Parlour Weekend	£700	£725	£750	£820
Mayor's Parlour Bank Holiday	£920	£950	£980	£980

Advertised Fees	2022-23	2023-24	2024-25	2025-26	+/-
Evening Ceremony Supplement Fee	£160	£170	£175	£175	0%
Ceremony Administration Fee *VAT SR rate*	£160	£170	£175	£175	0%
Ceremony Amendment Fee *VAT SR rate*	£60			£60	0%
Approved Premises Licence (1 room)	£1,900	£1,995	£2,195	£2415	10%
Approved Premises Licence (2 rooms)	£2,300	£2,415			
Approved Premises Licence (3 rooms)	£2,700	£2,835			
Approved Premises Licence (ad. rooms)	£400	£420	£460	£505	10%

Other fees – not set in advance *VAT SR rate*	2022-23	Proposed fees 2023-24	
		2023-24	+/-
Private Citizenship (Tuesday)	£100	£125	25%
Private Citizenship (other days)	£150	£200	33%
Wedcast	£50	£60	20%
Premium appointment	£15	£20	33%

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 112

Subject: The UK Shared Prosperity Fund

Date of meeting: 19 January 2023

Report of: Executive Director – Economy, Environment & Culture

Contact Officer: Name: Mark Fisher
Email: Mark.Fisher@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report outlines the Investment Plan for the UK Shared Prosperity Fund (UKSPF or the Fund) in Brighton and Hove, totalling £1.766m for local investment by March 2025. It provides an overview of the interventions and outcomes planned between now and March 2025, delivering against three key investment priorities - Communities & Place, Supporting Local Business, and People & Skills - as provided by the Department for Levelling Up, Housing and Communities (DLUHC).
- 1.2 The UKSPF is a central pillar of the government's Levelling Up agenda and a significant component of its support for building pride in places and increasing life chances. The funding has been allocated by DLUHC to all areas of the UK via a funding formula rather than a competition, recognising that even the most affluent parts of the UK contain pockets of deprivation and need support.

2. Recommendations

That the committee:

- 2.1 Agree that the UKSPF grant award for Brighton and Hove is spent in line with the Investment Plan, as approved by the Department for Levelling Up, Housing and Communities on 5 December 2022, and summarised in Appendix 1
- 2.2 Delegate authority to the Executive Director – Economy, Environment & Culture, to take the necessary decisions and actions to oversee delivery of the UKSPF Investment Plan. This includes implementing and administering the scheme and the resulting projects in accordance with the requirements and priorities of the government prospectus and Fund;
- 2.3 Note that an annual report on the progress of the Investment Plan will be brought to this committee;
- 2.4 Note the oversight and evaluation arrangements for the Fund.

3. Context and background information

3.1 Brighton and Hove's UKSPF Investment Plan was submitted to government on 1 September 2022 and approved by DLUHC on 5 December 2022. The total allocation for Brighton and Hove is £1.766m spread over three years (2022-2025).

3.2 The grant award includes a mixture of capital and revenue funding linked to planned interventions across the three years under each stated UKSPF priority:

Priority 1: Communities & Place. This priority will support the restoration of community spaces, strengthening the social fabric of communities and creating the foundations for economic development at the neighbourhood-level.

Priority 2: Supporting Local Business. This priority will enable local businesses to thrive, innovate and grow.

Priority 3: People & Skills. This priority will help reduce the barriers some people face to employment and support them to move towards employment and education.

3.3 All three priorities align specifically to the Levelling Up mission: by 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing. Detail of the interventions and projected spend under each of these priorities is included in Appendix 1. The interventions are designed to address identified local challenges and opportunities.

3.4 There is flexibility over how the Fund is delivered; this can be through a programme of grants, direct procurement, commissioning or in-house delivery. Most interventions will be delivered via calls for projects/activities and the award of grants, but some interventions will involve directly funded programmes of support. Further detail on the intended delivery mechanisms for each intervention is included in Appendix 1.

4. Oversight and evaluation of the Fund

4.1 The Council is expected to have the necessary governance and assurance arrangements in place for administering the Fund and ensuring that all legal and other statutory obligations and consents are adhered to. As part of the first monitoring return in February 2023 a statement will be included on the management controls in place to mitigate the risk of fraud; ensure funding is used in line with UK subsidy legislation; and ensure any procurement undertaken complies with public procurement rules and contract standing orders.

- 4.2 The selection and contracting process for projects funded under the Investment Plan will also include mechanisms to recover funds where beneficiaries are not complying with the Fund parameters, their legal obligations, or locally agreed requirements. DLUHC will be notified of any current or emerging operational or financial risks, issues and contingency measures. These will be tracked and reported to DLUHC via regular monitoring processes thereafter. As a result, DLUHC can decide to enhance the level of support they provide, increase the level of monitoring required, and/or reduce the fund delegation.
- 4.3 Every six months a formal report on the Fund is required by DLUHC. To support further understanding of progress DLUHC will also request qualitative, summary updates on a quarterly basis. DLUHC's monitoring and evaluation framework will focus on understanding the Fund's impact on pride in place and life chances. This will be through programme, place, and intervention level evaluation, including surveys, case studies and data analysis that will require input from Brighton and Hove City Council.
- 4.4 The Council is expected to capture and hold data sets to support monitoring, in addition to the formal reporting requests. This may include unique identifiers for project beneficiaries to enable government-led causal impact evaluations. The collection, storage and controlled sharing of any personal or identifiable data will be undertaken in accordance with the General Data Protection Regulation. In addition, the Council will conduct process evaluations of each funded project to demonstrate how effective the interventions have been and to learn what worked in terms of delivery.
- 4.5 The local strategic partnerships - Economic Partnership, Learning and Skills Partnership and Destination Experience Group - under Brighton and Hove Connected will oversee overarching progress on delivery of the Investment Plan, ensuring the Fund objectives are being achieved through the programme. The range of partners involved in the group provide access to local insight and expertise to ensure a strategic approach is taken when responding to local need and opportunity through the Fund interventions.
- 4.6 To manage the practical implementation of the Investment Plan a programme management approach will be deployed. Relevant skilled officers will lead the activities required under each Fund priority, coordinated by a programme manager paid for by the Fund.
- 4.7 An annual report on the Fund outputs and outcomes will be provided to the Policy & Resources Committee.

5. Analysis and consideration of alternative options

- 5.1 The UKSPF prospectus outlines clear investment priorities and prescribes a range of interventions through which local authorities can direct funding for activities/projects. Each intervention was assessed in the context of Brighton and Hove's challenges and opportunities, following engagement with local partners. Only those interventions with a clear rationale, that could

demonstrate value for money and deliver strong outcomes for the city, were put forward in the Investment Plan.

6. Community engagement and consultation

- 6.1 The Investment Plan and indicative outputs and outcomes have been informed by two key stages of assessment: a review of relevant strategies and plans for the city and three stakeholder consultation meetings centred on the UKSPF priorities of Community & Place, Supporting Local Business and People & Skills, held in June 2022. The consultations were well attended by organisations across the public and private sectors, and civil society.
- 6.2 Using evidence from the initial review stage, a long list of identified challenges and opportunities were presented at the workshops for partners to consider, rank, and align with the UKSPF priorities. The actions and activities discussed at the workshops were grouped together under relevant interventions specified in the Fund prospectus, providing a genuine opportunity for local partners to shape the Investment Plan.
- 6.3 The Council also engaged with the Brighton & Hove Economic Partnership in July at their meeting of the Executive Team. This ensured wider input from key representatives across private, higher education and third sectors in the city.
- 6.4 Local MPs and lead Councillors were also invited to feed back on the Investment Plan before submission to DLUHC. Proactive engagement with MPs will continue throughout delivery of the Fund, including through regular reviews and meetings of the partnership group.

7. Conclusion

- 7.1 The aim of the UKSPF is to help communities across the country, support people living or working in the UK, and help businesses operating in the UK. It is intended to enable truly local decision making and better target the priorities that are specific to Brighton & Hove. However, it is a small sum of money and the government have prescribed the priorities, leaving limited scope for local interpretation. There is also limited funding available to support officer time for delivery.
- 7.2 It is the government's ambition that through implementing the Fund interventions, there should be visible, tangible improvements to the places where people work and live. There should also be investment in human capital, giving communities reasons to be proud of their city.
- 7.3 Interventions will be as detailed in Appendix 1. Where it meets the Fund criteria, and with the approval of DLUHC, the funds will support in-house activity which is not statutory. Other activities and projects to deliver the interventions will be identified through open calls for organisations to provide services and proposals.

8. Financial implications

- 8.1 The total funding allocated under the UKSPF for Brighton & Hove is £1.766m. This will be drawn down each year as follows:
- 2022/23: £214,330 (£25,000 capital, £189,330 revenue)
 - 2023/24: £428,659 (indicative £142,598 capital, £286,061 revenue)
 - 2024/25: £1,123,087 (indicative £444,944 capital, £678,143 revenue)
- 8.2 Funding for years 2023-2024 and 2024-2025 will be paid on the basis that monitoring and evaluation information submitted to DLUHC demonstrates delivery of expected outputs, outcomes and spend for the previous financial year. Where this falls short, DLUHC have stated that there must be a realistic plan to address under-performance, agreed with the Secretary of State, otherwise further payments may be reduced or withheld. No funding will be provided for activity related to the Investment Plan after 31 March 2025 and all of the UKSPF funding must be included within the 2024-25 accounts by the end of the funding period otherwise underspends will need to be repaid to the Secretary of State.
- 8.3 In accordance with the declaration signed as part of the Investment Plan, the council accepts responsibility for meeting any costs over and above the UKSPF allocation agreed in the annual grant determination. This includes potential cost overruns and the underwriting of any funding contributions expected from third parties.
- 8.4 The oversight and evaluation arrangements set out in this report provide assurance that appropriate processes are in place to ensure proper administration of financial affairs relating to the UKSPF allocation.
- 8.5 Any proposed grants to local organisations and SMEs under the Fund will be less than the minimal financial assistance permitted under the UK Subsidy Control regime (which commences 4 January 2023). The organisations receiving grants will be asked to declare that they have not received other funding which would mean they exceed the relevant threshold. As these organisations operate on a small scale in the local area, it is not expected that the proposed grants will amount to subsidies under the subsidy control regime.
- 8.6 The programme manager will track spend and grant awards to ensure subsidy is within the stated rules. DLUHC has awarded an additional £20,000 capacity funding to support the costs of this staff resource in 2022-23. It is unclear whether this will continue in future years, so a portion of the available funds will need to be set aside to support ongoing management of the UKSPF locally.

Name of finance officer consulted: Jill Scarfield Date consulted: 21/12/2022

9. Legal implications

- 9.1 Proposed interventions funded by the UK Shared Prosperity Fund will need to comply with the Subsidy Control Act 2022. Where the funding is used to commission third part organisations or procure service provision, the Council will need to comply with its Contract Standing Orders and the Public Contracts Regulations 2015. The Council will need to comply with the grant conditions imposed by Government.

Name of lawyer consulted: Alice Rowland Date consulted: 15/12/2022

10. Equalities implications

- 10.1 A wide range of stakeholders were consulted to shape the priorities in the Plan, with a deliberate focus on engaging communities and underrepresented groups.
- 10.2 The challenges that the Plan seeks to address have a particular focus on inequality, including health inequalities, barriers to work and progression, and digital exclusion. Organisations that can best communicate these inequalities, as present in Brighton & Hove (e.g. homelessness, poverty), were specifically invited to the stakeholder workshops.
- 10.3 An initial Equality Impact Assessment for the Investment Plan is in Appendix 2 and will continue to evolve as interventions are implemented and evaluated. The grant application process will include equality questions which will be considered when evaluating applications.

11. Sustainability implications

- 11.1 The Investment Plan is shaped around priorities that are most important for the city. This includes sustainability and in particular, a focus on decarbonisation and addressing the climate challenge. At least one intervention under each of the UKSPF priorities listed in the Investment Plan is focused on supporting this agenda.

12. Public health implications

- 12.1 Health inequalities have been considered a key driver for the interventions listed in the Investment Plan. The Healthwatch Annual report 2020-21 informed the outputs and outcomes proposed under Communities & Place and People & Skills. It is intended that the creation and improvement of open spaces under this Fund will benefit all residents and visitors, especially those who are reliant on such spaces for outdoor amenity and exercise. Increasing digital inclusion provides the chance to improve access to education, learning, health, income benefits and employment.

Supporting Documentation

1. Appendices

- Appendix 1 – Overview of UKSPF interventions and projected spend in Brighton & Hove's Investment Plan

- Appendix 2 – UKSPF Equality Impact Assessment

2. Background documents

- The UKSPF Prospectus, available online at www.gov.uk

Appendix 1 – Overview of UKSPF interventions and projected spend in Brighton & Hove’s Investment Plan 2022-2025

The following interventions have been chosen from a prescribed list in the Fund prospectus. These were informed by a review of local strategies and plans, followed by engagement with local partners regarding challenges and opportunities within Brighton & Hove. The UKSPF Investment Plan was approved by the Department for Levelling Up, Housing & Communities on 5 December 2022.

Communities & Place

The key challenges identified include the rising cost of living; the changing needs of a growing and diverse population; and the impact of COVID-19 and health inequalities. Opportunities range from investing in community resilience, capacity building and improving the inclusivity and accessibility of spaces, to supporting cultural and tourism recovery. The specific interventions in the Investment Plan are:

1. Funding for new, or improvements to existing, community and neighbourhood infrastructure projects (Projected spend 2022-25 - £200,624) This will be achieved via grants/seed funding to community projects and improvements in programming, inclusion, accessibility, upgrading facilities for all and increasing usage. The aim is to directly support organisations or projects and to fund infrastructure projects that also deliver improved well-being activities and attract visitors to the city.
2. Creation of and improvements to local green spaces (Projected spend 2022-25 - £200,624). This will be achieved via grants/seed funding to projects that improve and / or local green or blue spaces. A major outcome of this intervention will be an increase in footfall to local green spaces by improving accessibility.
3. Local arts, cultural, heritage & creative activities (Projected spend 2022-25 - £88,000). This will involve supporting local cultural projects and activities through capital or revenue grant funding. The aim is to support activities that will improve the perception of local events. Activities will include projects to improve venues, or to increase the number and variety of inclusive events, targeting projects that will attract a large number of attendees.
4. Community measures to reduce the cost of living (Projected spend 2022-25 - £99,484). This will involve grant funding organisations that work to help reduce the cost of living. The aim of this intervention is to increase the take up of energy efficiency measures by supporting projects that help residents adopt more energy efficient household items and reduce energy bills. This is a much-needed additional resource to support residents as energy prices continue to rise.

Supporting Local Business

The key challenges identified include how businesses respond to climate change; enabling the right environment for successful small business growth; and the impacts of the rising cost of living on businesses. Opportunities range from accessing the benefits of a circular economy and creating the infrastructure to encourage small

business innovation, to supporting businesses to decarbonise their operations. The specific interventions in the Investment Plan are:

5. Research & Development grants supporting innovative product & service development (Projected spend 2022-25 - £214,309). This will involve delivering research and development (R&D) grants to SMEs over three years. A major outcome for this intervention will be to support businesses to adopt new or improved products or services. The grants could be used for instance to purchase software that will improve productivity or allow businesses to deliver new services and products which reduce carbon emissions. This builds on existing work in the city that supports innovation and productivity, such as the roll out of e-cargo bikes to encourage replacement of diesel vans for urban deliveries and reduce carbon emissions.
6. Strengthening local entrepreneurial ecosystems (Projected spend 2022-25 - £150,000). This will be achieved through the delivery of funded business support programmes that help businesses at all stages. A key outcome for this intervention will be to support businesses to improve their productivity. Activities could include providing funded specialist advice that will help businesses implement systems that drive efficiencies and increase income. It is anticipated that the benefits derived from this intervention will continue beyond the life of the programme and will improve business sustainability and growth.
7. Supporting decarbonisation & improving natural environment (Projected spend 2022-25 - £224,363). This will involve delivering grants to help businesses invest in infrastructure that results in decarbonisation. The aim is to support businesses to adopt new to the firm technologies or processes. Activities could include providing funding to purchase new technologies that support decarbonisation or specialist expertise to facilitate implementation of decarbonisation technologies. This will help reduce carbon emissions and contribute to national net-zero targets.

People & Skills

The key challenges identified include the closing of EU funding streams supporting skills initiatives; the effects of recession on the employment market; and digital exclusion. Opportunities range from addressing barriers and inequalities in access to the labour market and increasing digital inclusion, to upskilling residents to support climate action and ensuring access to basic skills training. The specific interventions in the Investment Plan are:

8. Employment support for economically inactive people (Projected spend 2022-25 - £428,310). For years 2022/23 and 2023/24 the funding for this intervention must be used to replace the EU funded programmes delivered by local voluntary/community groups that are at risk of closure due to the ending of EU funds. The focus is on intensive and wrap-around one-to-one support to move people closer towards mainstream provision and employment. The aim is to support people to gain access to basic skills training, engage in job-searching, and enter and sustain employment.

9. Activities that address barriers to accessing training for those in employment who are not supported by mainstream provision (Projected spend 2022-25 - £60,362). This will involve a funded programme of courses including basic skills, life skills and career skills for people who are unable to access training through the adult education budget or wrap around support.
10. Increase levels of digital inclusion, essential digital skills (Projected spend 2022-25 - £50,000). The focus of this intervention will be on essential digital skills, communicating the benefits of getting (safely) online, and in community support to provide users with the confidence and trust to stay online. Funded programmes will be delivered in 2024/25 that aim to increase access to courses and support people to gain a qualification.
11. Green skills courses (Projected spend 2022-25 - £50,000). This will be targeted at ensuring the city has the skilled workforce required to achieve the government's and the city's net zero and wider environmental ambitions.

Equality Impact and Outcome Assessment (EIA)

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)

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	UK Shared Prosperity Fund Investment Plan	ID No.⁶	
Team/Department⁷	EEC – Culture, Tourism & Sport		
Focus of EIA⁸	<p>The UK Shared Prosperity Fund (UKSPF) is a central pillar of the government's ambitious Levelling Up agenda and a significant component of its support for building pride in places and increasing life chances. Places have been empowered to identify and build on their own strengths and needs at a local level to reduce inequality of opportunity and increase prosperity.</p> <p>Brighton & Hove has been allocated £1.766m from the UKSPF for investment by March 2025. An Investment Plan has been developed in consultation with local partners. The Plan focuses on delivery of interventions and outcomes under three key investment priorities - Communities & Place, Supporting Local Business, and People & Skills - as approved by the Department for Levelling Up, Housing and Communities (DLUHC).</p>		

The interventions planned are:

Communities and Place

- Funding for new, or improvements to existing, community and neighbourhood infrastructure projects
- Creation of and improvements to local green spaces
- Local arts, cultural, heritage & creative activities
- Community measures to reduce the cost of living

Supporting Local Business

- R&D grants supporting innovative product & service development
- Strengthening local entrepreneurial ecosystems
- Supporting decarbonisation & improving natural environment

People and Skills

- Employment support for economically inactive people
- Activities that address barriers to accessing training for those in employment who are not supported by mainstream provision
- Increase levels of digital inclusion, essential digital skills
- Green skills courses

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 further actions do you need to take? (add these to the Action plan below)
N/A	N/A	N/A

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	<ul style="list-style-type: none"> • The city's population is ageing – between 2011 and 2021 there was an increase of 9.5% in people aged 65 years and over, an increase of 1.7% in people aged 15 to 64 years, and a decrease of 6.8% in children aged under 15 years • COVID-19 led to high rates of unemployment, particularly amongst young people – at the peak there was a 180% increase in unemployment for 18-24 year olds. • Unemployment across all age groups as at Sep 2022 	<ul style="list-style-type: none"> • Digital exclusion has impacted older residents having been unable to access necessary information and health appointments 	<ul style="list-style-type: none"> • Tackling digital exclusion provides the chance to improve access to education, learning, health, income benefits and employment 	<ul style="list-style-type: none"> • Invest in a programme of courses targeted at digitally excluded groups, focusing on essential digital skills, communicating the benefits of getting (safely) online, and in community support to provide users with the confidence and trust to stay online • Invest in intensive and wrap-around one-to-one support to move people closer towards mainstream provision and employment - supporting access to basic skills training, job-searching,

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
	is approximately 2,000 higher than March 2020.			and sustaining employment. <ul style="list-style-type: none"> • Invest in activities that address barriers to accessing training for those in employment who are not supported by mainstream provision • Promote the support and opportunities through channels to specifically reach protected groups • Support access to green skills courses.
Disability¹⁵	<ul style="list-style-type: none"> • 51,000 (22%) of adults in the city have two or more long term health conditions • 19,000 (8%) of adults in the city have mental and physical disabilities • People with disabilities or long-term health conditions are more likely to need ongoing support with the cost of food and fuel. • The House of Commons Research Briefing on Disability paper of 2022 shows that the proportion of disabled people with no 	<ul style="list-style-type: none"> • COVID-19 highlighted and exacerbated existing inequalities for disabled people 		<ul style="list-style-type: none"> • Create and improve local green spaces that are accessible and inclusive • Invest in community and neighbourhood infrastructure projects and improvements in programming, inclusion, accessibility, upgrading facilities for all and increasing usage • Invest in intensive and wrap-around one-to-one support to move people closer towards mainstream provision 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
	<p>qualifications was nearly three times that of non-disabled people. In addition, 13.3% of disabled people had no qualifications – almost three times the proportion of non-disabled people (4.6%)</p> <ul style="list-style-type: none"> • The Labour Force Survey 2020 showed that 9 million people of working age reported a disability. This can be further analysed as: <ul style="list-style-type: none"> ○ an employment rate of 53.8 for disabled people, compared to 82 for non-disabled people ○ an unemployment rate of 6.6 for disabled people, compared to 3.2 for non-disabled people ○ an economic inactivity rate of 42.4 for disabled people, compared to 15.4 for non-disabled people. 			<p>employment - supporting access to basic skills training, job-searching, and sustaining employment.</p> <ul style="list-style-type: none"> • Invest in activities that address barriers to accessing training for those in employment who are not supported by mainstream provision • Support access to green skills courses • Promote the support and opportunities through channels to specifically reach protected groups
Gender reassignment¹⁶	<ul style="list-style-type: none"> • Between 1,500 and 2,500 trans adults live in the city and many more visit, study or work in the city 		<i>No specific impacts of the Investment Plan identified for this group.</i>	

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
Pregnancy and maternity¹⁷	<ul style="list-style-type: none"> • 25% of households in the city have dependent children 		<i>No specific impacts of the Investment Plan identified for this group.</i>	
Race/ethnicity¹⁸ Including migrants, refugees and asylum seekers	<ul style="list-style-type: none"> • The proportion of people in the city from Black, Asian, mixed ethnic groups has increased from 9.4% in 2011 to 11.5% in 2021. The White British population has decreased from 80.5% to 73.9% • 24% of the city’s population was born outside of the UK, including 10% from EU countries. • The city attracted more than 4,100 international migrants in 2021. • BME communities are not only more likely to have underlying health conditions because of their disadvantaged backgrounds but are also more likely to have shorter life expectancy as a result of their socioeconomic status, particularly those in deprived areas. • BME people are 4 times as likely to have no outdoor 	<ul style="list-style-type: none"> • Digital exclusion has impacted people whose first language is not English, having been unable to access necessary information and health appointments. 	<ul style="list-style-type: none"> • Tackling digital exclusion provides the chance to improve access to education, learning, health, income benefits and employment • Suitable outdoor and indoor gathering space to bring communities together is important • Business support should be targeted at entrepreneurs from BME backgrounds 	<ul style="list-style-type: none"> • Invest in intensive and wrap-around one-to-one support to move people closer towards mainstream provision and employment - supporting access to basic skills training, job-searching, and sustaining employment. • Invest in activities that address barriers to accessing training for those in employment who are not supported by mainstream provision • Strengthen local entrepreneurial ecosystems through funded business support programmes • Deliver research & development grants to support innovative product & service development • Promote the support and opportunities through channels to specifically

<p>Groups to assess</p>	<p>What do you know¹⁰? Summary of data about your service-users and/or staff</p>	<p>What do people tell you¹¹? Summary of service-user and/or staff feedback</p>	<p>What does this mean¹²? Impacts identified from data and feedback (actual and potential)</p>	<p>What can you do¹³? All potential actions to:</p> <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>space at home</p> <ul style="list-style-type: none"> • Local data suggests that there is a huge disparity in unemployment rates and economic activity amongst Black and Racially Minoritised communities in relation to White British residents. At the time of the 2011 census, Black African residents had an unemployment rate of 18.7%¹ and Gypsy or Irish traveller communities had an unemployment rate of 15.3%² - these are over twice the city average of 7.3%³. And, although economic activity rates between white British and 'BME' residents are very similar, hovering at around 66 to 67%,⁴ there are great differences within Racially Minoritised groups in the city. • The council is aware of a 			<ul style="list-style-type: none"> • reach protected groups • Create and improve local green spaces that are accessible and inclusive

¹ [Black and Minority Ethnic Communities in Brighton & Hove \(bhconnected.org.uk\)](http://bhconnected.org.uk)

² [Black and Minority Ethnic Communities in Brighton & Hove \(bhconnected.org.uk\)](http://bhconnected.org.uk)

³ [Black and Minority Ethnic Communities in Brighton & Hove \(bhconnected.org.uk\)](http://bhconnected.org.uk)

⁴ [Black and Minority Ethnic Communities in Brighton & Hove \(bhconnected.org.uk\)](http://bhconnected.org.uk)

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>2020 report by British Business Bank which highlighted that Black and Racially Minoritised entrepreneurs experience far worse outcomes in their business journey than their White counterparts: “Black business owners have median turnover of just £25,000, compared to £35,000 for White business owners... only half of Black entrepreneurs meet their non-financial aims, compared to nearly 70% of White entrepreneurs. Those from Asian and Other Ethnic Minority backgrounds have better outcomes than Black entrepreneurs. However, they have a substantially lower success rate for starting a business and see less success overall compared to White entrepreneurs.</p>			
Religion or belief¹⁹	<ul style="list-style-type: none"> • 49% of the city’s population have a religion. 		<p><i>No specific impacts of the Investment Plan identified for this group.</i></p>	

<p>Groups to assess</p>	<p>What do you know¹⁰? Summary of data about your service-users and/or staff</p>	<p>What do people tell you¹¹? Summary of service-user and/or staff feedback</p>	<p>What does this mean¹²? Impacts identified from data and feedback (actual and potential)</p>	<p>What can you do¹³? All potential actions to:</p> <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
<p>Sex/Gender²⁰</p>	<ul style="list-style-type: none"> • There is a relatively even split in males (49%) and females (51%) in the city • More than 3,000 women and almost 5,000 men in the city are unemployed (as at Sep 2022) • Female entrepreneurs from BME backgrounds experience the greatest disparities • Female business owners of all ethnicities experience significantly lower median turnover than male entrepreneurs and fewer say they meet their financial aims • Societal inequalities and established gender roles, such as having primary caring duties for children and elderly relatives, contribute to these disparities. However, even when these are accounted for, female entrepreneurs still experience less success 		<ul style="list-style-type: none"> • Businesses need the right support to scale their operations, and that the right kind of commercial space for them to flourish. • The city has a reputation for innovation, but businesses need continual investment to encourage creativity in product and service design alongside support to grow. • Business support should be targeted at female entrepreneurs 	<ul style="list-style-type: none"> • Strengthen local entrepreneurial ecosystems through funded business support programmes • Deliver research & development grants to support innovative product & service development • Promote the support and opportunities through channels to specifically reach protected groups

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
Sexual orientation²¹	<ul style="list-style-type: none"> • 11-15% of the city’s population is estimated to be lesbian, gay or bisexual. • The city is known for being a welcoming place for LGBTQ+ people and hosts large-scale annual events such as Pride • The 2021 Census is predicted to show a significant increase in the city’s LGBTQ+ residents. • The Covid-19 lockdown restrictions closed many public spaces, including LGBTQ+ pubs, clubs, cafes, shops (some permanently because of the financial impacts) and cancelled major annual events, providing no opportunity for members of the community to come together 		<ul style="list-style-type: none"> • Safe and accessible places for communities to gather are needed 	<ul style="list-style-type: none"> • Invest in community and neighbourhood infrastructure projects and improvements in programming, inclusion, accessibility, upgrading facilities for all and increasing usage. • Invest in local arts, cultural, heritage & creative activities to improve venues, and increase the number and variety of inclusive events.
Marriage and civil partnership²²				

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
Community Cohesion²³	<ul style="list-style-type: none"> • COVID-19 lockdown and social restrictions had disproportionate financial and economic impacts, both short-term and long-term community groups reliant on income from community venues and events • The city has a relatively large proportion of older people living alone and a higher percentage of older people who are income deprived. • LGTQ+ residents very isolated during covid due to the closure of safe spaces 	<ul style="list-style-type: none"> • As well as bringing some communities together in response to the pandemic, residents and communities have also been left isolated and disconnected from city life. 	<ul style="list-style-type: none"> • Suitable indoor and outdoor space is an essential component of a successful cultural sector, the availability of venues for all forms of audience engagement is an essential part of the city's recovery. • Joining up the city's creative spaces for professional artists, maximising their use and identifying ways to protect key venues that are under pressure. 	<ul style="list-style-type: none"> • Provide support for local arts, cultural, heritage and creative activities. • Provide funding for new, or improvements to existing, community and neighbourhood infrastructure projects • Invest in accessible and inclusive spaces and opportunities for people to come together, especially those with no outdoor amenity space at home. • Create and improve local green spaces that are accessible and inclusive • Invest in community resilience outcomes and capacity building for civil society to help strengthen community bonds across residents and communities of diverse backgrounds.
Other relevant groups²⁴	<ul style="list-style-type: none"> • Poverty in the city is considerably worse than before the pandemic with evidence of fuel poverty rising and the number of pupils receiving free school 	<ul style="list-style-type: none"> • Those in poverty are often digitally disadvantaged and struggle to access necessary information and health 	<ul style="list-style-type: none"> • Digital exclusion acts as a barrier to work and to skills development, impacting the ability of the unemployed and economically inactive to 	<ul style="list-style-type: none"> • Invest in community measures to reduce the cost of living by encouraging the uptake of energy efficiency measures

<p>Groups to assess</p>	<p>What do you know¹⁰? Summary of data about your service-users and/or staff</p>	<p>What do people tell you¹¹? Summary of service-user and/or staff feedback</p>	<p>What does this mean¹²? Impacts identified from data and feedback (actual and potential)</p>	<p>What can you do¹³? All potential actions to:</p> <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>meals rising.</p> <ul style="list-style-type: none"> • One in five of the 6,000 people needing emergency food in Brighton & Hove are children. • 12% of households estimated in 2020 to be in fuel poverty • Before the Autumn energy price cap increase food insecurity had risen to the highest level ever – higher even than the first wave of COVID-19. • Rising costs and the recession are expected to have significant impacts on local employment opportunities and increasing the number of Universal Credit claimants. • The largest employment sector in Brighton & Hove is retail (14% of employees), Health and social care (13%), and Education (12%) are the next largest sectors • More than 10,800 people aged 16-64 are economically inactive 	<p>appointments.</p> <ul style="list-style-type: none"> • The rising cost of fuel, food and energy is predicted to continue for some time and is significantly impacting the quality of life of city residents and tipping many local households into poverty. 	<p>join and progress within the labour market.</p> <ul style="list-style-type: none"> • Ensuring sustainable access to support and pathways to employment for residents who face barriers and inequalities in the labour market is critical. • Empowering the city to end linear wasteful practices through facilitating a change to a circular mindset can help people manage rising costs of living. • The government’s Plan for Jobs and the net zero by 2050 target creates opportunities to upskill residents in support of climate action, such as the retrofitting of buildings and the creation of new open spaces to promote biodiversity and carbon capture 	<ul style="list-style-type: none"> • Deliver intensive and wrap-around one-to-one support to move people closer towards mainstream provision and employment - supporting access to basic skills training, job-searching, and sustaining employment. • Deliver a programme of courses including basic skills, life skills and career skills for people who are unable to access training through the adult education budget or wrap around support. • Support access to green skills courses. • Invest in business support programmes and grant funding focused on increasing productivity, decarbonisation and new technologies.

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: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	(including full time students) – this is 4.6% of the city’s population. • 16% of people have no qualifications in Brighton and Hove			
Cumulative impact²⁵				

Assessment of overall impacts and any further recommendations²⁶

The Shared Prosperity Fund Investment Plan for Brighton & Hove aims to help address inequalities in our communities – particularly health inequalities, barriers to work and progression, and digital exclusion - through skills development and the creation of accessible, inclusive places.

The actions detailed in this EIA reflect the interventions, outcomes and outputs specified in the Investment Plan. These interventions require further design and assessment of likely impacts as part of the detailed planning for delivery, in order to target provision accordingly. Each project/activity will seek to take a nuanced, intersectional approach to understanding and responding to the multiple barriers some of our residents experience due to their protected characteristic.

This overarching EIA will continue to be reviewed as the Investment Plan is implemented. Equalities monitoring data will be collected as an integral part of implementation and evaluation of the Fund.

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)
Census	2011 and 2021 (data released before January 2023)	2021 census results not yet full released (as at Dec 2022)	
Brighton & Hove Joint Strategic Needs Assessment	2019	None identified	
Local Insight profile for Brighton and Hove area, OCSI	June 2020	None identified	
Equalities and Access Workstream Report: Community impacts of COVID-19 lockdown on women, BAME, faith, LGBTQ and disabled communities in Brighton & Hove	August 2020		
Healthwatch Brighton & Hove Annual Report	2020-21		
Brighton & Hove City Plan 2020-23	2020-23		

Brighton & Hove Circular Economy Routemap and Action Plan	2020-35		
Brighton & Hove City Employment and Skills Recovery Plan	2021-23		
Food Impacts from the Cost of Living Increase	April 2022		
Brighton & Hove Economic Strategy	2018		
Alone together: Entrepreneurship and diversity in the UK - British Business Bank	2020		
UK Disability statistics: prevalence and life experiences	2022		
Labour Force Survey Annual Report Summary 2020	2020		
Black and Minority Ethnic Communities in Brighton & Hove	2015		

5. Prioritised Action Plan²⁷

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
<p>N.B. These actions form the UKSPF Investment Plan for Brighton & Hove, as approved by the Department of Levelling Up, Housing and Communities (DLUHC) on 5 December 2023.</p> <p>The outcomes and measures of success are those specified in the Plan and will be reported to DLUHC as part of regular monitoring and evaluation. Additional outcome and equalities data will be collected as required for local monitoring of the Fund; this will be determined as detailed planning for delivery of the interventions occurs.</p>				
Age, Race/Ethnicity, Other relevant groups	Deliver a programme of courses focused on essential digital skills, communicating the benefits of getting (safely) online, and in community support to provide users with the confidence and trust to stay online	Outcomes specified in the Investment Plan relate to the number of people supported to access basic skills and gain a qualification	Number of people gaining a qualification Number of people completing courses	By March 2025
Disability, Community Cohesion	Invest in accessible and inclusive spaces and opportunities for people to come together, especially those with no outdoor amenity space at home.	Outcomes specified in the Investment Plan focus on upgrading facilities to deliver well-being activities and attract visitors to the city	Facilities/amenities usage	By March 2025
Community Cohesion	Invest in community resilience outcomes and capacity building for civil society to help strengthen community bonds across residents and communities of diverse backgrounds.	Outcomes specified in the Investment Plan focus on improved venues, increasing the number and variety of inclusive events, and attracting a large number of attendees	Perception of local events	By March 2025

Age, Race/Ethnicity, Disability, Other relevant groups	Deliver intensive and wrap-around one-to-one support to move people closer towards mainstream provision and employment - supporting access to basic skills training, job-searching, and sustaining employment.	Outcomes specified in the Investment Plan focus on supporting access to basic skills and helping people to engage in job-searching and then gain and sustain employment.	Employability Engagement in job-searching Number of people in employment Number of people accessing basic skills training	By March 2025
Age, Race/Ethnicity, Disability, Other relevant groups	Deliver a programme of courses including basic skills, life skills and career skills for people who are unable to access training through the adult education budget or wrap around support.	Outcomes specified in the Investment Plan focus on supporting people to engage in life skills and more people accessing courses	Structural barriers into employment and skills provision	By March 2025
Age, Other relevant groups	Support access to green skills courses	Outcomes specified in the Investment Plan relate to the number of people supported to gain a qualification	Number of people gaining a qualification	By March 2025
Other relevant groups	Deliver business support programmes and grant funding focused on increasing productivity, decarbonisation and new technologies.	Outcomes specified in the Investment Plan focus on the uptake of specialist advice and supporting the purchase of new technology	Productivity Introduction of new technologies	By March 2025
Disability, Community Cohesion	Create and improve local green spaces that are accessible	Outcomes specified in the Investment Plan related to creating and improving green and/or blue space	Footfall	By March 2025
Other relevant groups	Invest in community measures to reduce the cost of living	Outcomes specified in the Investment Plan focus on supporting	Uptake of energy efficiency measures	By March 2025

		energy efficiency improvements, combatting fuel poverty and climate change		
Sexual Orientation, Community Cohesion	Invest in local arts, cultural, heritage & creative activities to improve venues, and increase the number and variety of inclusive events	Outcomes specified in the Investment Plan focus on improved venues, increasing the number and variety of inclusive events, and attracting a large number of attendees	Perception of local events	By March 2025
Gender, Race/Ethnicity	Strengthen local entrepreneurial ecosystems through funded business support programmes	Outcomes specified in the Investment Plan focus the number of businesses with improved productivity	Number of businesses receiving non-financial support	By March 2025
Gender, Race/Ethnicity	Deliver research & development grants to support innovative product & service development	Outcomes specified in the Investment Plan focus on the number of businesses adopting new or improved products or services	Number of businesses receiving grants	By March 2025
Age, Race/Ethnicity, Other relevant groups	Promote support and opportunities through channels to specifically reach protected groups	Linked to outcomes specified in the Investment Plan	Higher proportion of beneficiaries from underrepresented / protected groups	By March 2025

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: Katie Read

Date: 20/12/2022

Directorate Management Team rep or Head of Service/Commissioning: Mark Fisher

Date: 20/12/2022

CCG or BHCC Equality lead: Emma McDermott

Date: 28/12/2022

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.

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 113

Subject: Timetable of Meetings for 2023/2024

Date of meeting: 19 January 2023

Report of: Executive Director for Governance, People and Resources

Contact Officer: Name: Anthony Soyinka
Tel: 01273 291006
Email: anthony.soyinka@brighton-hove.gov.uk

Ward(s) affected: All

1. Purpose of the report and policy context

1.1 To consider the proposed schedule of meetings for the municipal year 2023/24 (see appendix 1) based on the current meetings timetable.

2. Recommendations

2.1 That the proposed timetable of meetings for the 2023/2024 municipal year be agreed; subject to any necessary amendments following changes to the Constitution and/or committees' requirements.

3. Context and background information

3.1 The report outlines the proposed schedule of meetings for 2023/24 and enables Members and members of the public to identify when various committees are due to meet throughout the year.

4. Analysis and consideration of alternative options

4.1 The proposed timetable for 2023/24 maintains a similar cycle of 8-weekly meetings to those in 2022/23. It takes into account the meetings of the Health & Wellbeing Board, the Greater Brighton Economic Board and various project boards, as well as changes to school holiday periods. In summary, the proposals are:-

Full Council:

6 Ordinary Council meetings,
plus the Annual Council and Budget Council 8 meetings in total

Policy Committees:

Policy & Resources:	7 meetings
Children, Young People & Skills:	5 meetings
Environment, Transport & Sustainability:	5 meetings
Housing:	5 meetings
Tourism, Equalities, Communities & Culture:	5 meetings

Regulatory Committees:

Planning:	12 meetings
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Audit & Standards:	4 meetings
Licensing:	3 meetings
<u>Sub-Committees:</u>	
Adult Social Care & Health	3 meetings
Licensing Panels: (month)	As required (avg. 2 per month)
Personnel Appeals: (month)	As required (avg. 2 per month)
<u>Health Overview & Scrutiny Committee:</u>	
Health Overview & Scrutiny:	5 meetings
<u>Forums/Other Bodies:</u>	
Corporate Parenting Board:	4 meetings
Procurement Advisory Board	Monthly
Strategic Delivery Board	Monthly
Limited Liability Partnership Board	Quarterly
<u>Partnerships:</u>	
Greater Brighton Economic Board	Quarterly
Health & Wellbeing Board:	3 meetings
City Management Board	Monthly

- 4.2 The proposed timetable for 2023/24 provides for a total of 54 committee meetings, 51 partnership and board meetings, excluding the number of licensing panels and personnel appeals (see Appendix 1).

Governing Principles for the Meetings Timetable

- 4.3 The following guidelines have been applied in reviewing the meetings timetable:
- As far as possible clashes of meetings have been avoided. However, inevitably, given the constraints of avoiding public/religious holidays and the number of meetings to be accommodated on specific days of the week, there are occasions where there are overlaps of meetings.
 - What appear at the moment to be “free” days will be filled by Licensing Panel hearings and the various Chairs’ pre-meetings and political group meetings.
 - As far as possible meetings have not been scheduled on Fridays.
 - As far as possible religious holidays have been avoided, although it has not been possible to keep those weeks completely clear.
 - Meeting start times are generally scheduled for 4pm or later to encourage public attendance. However, Committees can determine whether to continue with the programmed start time or if an alternative time would be more appropriate for their particular meeting.

- 4.4 There must be a sufficient number of meetings to enable the council business to be transacted. The schedule of Council and Committee meetings is designed to ensure that:
- Committee and scrutiny reports can be received without undue delay;
 - Consideration of the various plans and strategies to be adopted by Full Council can be accommodated;
 - There is scope to accommodate city-wide debates if necessary; and
 - Public interest and participation through questions, deputations, petitions and petition debates continues to be facilitated.
- 4.5 The Health Overview & Scrutiny Committee is programmed to meet quarterly in line with the Overview and Scrutiny rules.
- 4.6 Whilst every effort will be made to keep meetings on the dates listed there may be a need to alter them, and additional meetings may be required for dedicated debates on key issues or particular plans and strategies.
- 4.7 As usual, a number of further meetings, which are not part of the Council's formal meetings cycle, have been programmed to meet on a regular basis e.g. the Procurement Advisory Board, the Corporate Parenting Board, the Limited Liability Partnership Board, the Strategic Delivery Board, City Management Board and the Greater Brighton Economic Board.
- 4.8 An additional day for a reconvened Budget Council meeting has also been included in the proposed timetable so that the date can be held in diaries should the need arise for such a meeting.

5. Community engagement and consultation

- 5.1 Leading Members, Directors and appropriate officers have been consulted on the proposed timetable and appropriate committee and council dates set to meet statutory requirements e.g. Budget Council.

6. Conclusion

- 6.1 The timetable also lists the dates and times of other meetings such as; Area Housing Panels, the Police & Crime Panel and East Sussex Fire Authority and the Brighton & Hove Strategic Partnership Board; and as such there are occasional clashes with council meetings which are unavoidable.

7. Financial implications

- 7.1 There are no additional financial implications arising from the recommendation in this report. The costs of running the meetings in accordance with the proposed timetable will be met from within existing budgets.

Name of finance officer consulted: Jeff Coates Date consulted 04/01/2023

8. Legal implications

- 8.1 The proposed timetable of meetings does not prevent the calling of Special Meetings or the use of Urgency Sub-Committee meetings should circumstances arise. However, it does enable an organised scheduling of meetings to be maintained throughout the municipal year.
- 8.2 The proposed timetable allows for continued compliance with the Access to Information Procedure Rules set out in Part 7.1 of the Constitution.

Name of lawyer consulted: Elizabeth Culbert Date consulted 040123

9. Equalities implications

- 9.1 The majority of meetings are scheduled for 4.00pm or later to encourage public attendance and interest; as well as taking account of the potential that some councillors will have full-time work and therefore able to combine that with attending meetings. Holiday periods are also avoided as far as is feasible.
- 9.2 The scheduling of meetings at 4.00pm or later does impact on some Members in regard to work and childcare commitments and therefore may restrict their ability to serve on certain committees. However, the question of earlier start times has been raised and discussed at various levels and the majority of Members remain in favour of the general start time of 4.00pm for committee meetings.
- 9.3 The Covid-19 Pandemic did provide for meetings to be held and virtually and although lobbying of the government sought to maintain the ability to run hybrid meetings this has not been legislated for in respect of councillors being present at committee meetings. However, virtual public engagement has continued to be encouraged and where regulations have allowed, for example with Licensing Panels and School Appeals meetings have continued to be held virtually.

10. Sustainability implications

- 10.1 There are no sustainability implications arising from the report and the ability to have hybrid meetings as reduced the impact on people having to attend in person.

11. Other Implications

11.1 Crime & disorder implications:

- 11.2 There are no direct crime & disorder implications arising from the report, however considerations are taken into account for each meeting, along with risk assessments and security arrangements are put in place accordingly.

11.3 Public Health Implications:

11.4 There are no public health implications in the report and all venues to be used have been assessed for access, hearing loops and health and safety measures as well as taking into account Covid-19 restrictions.

11.5 Corporate / Citywide Implications:

11.6 The scheduling of meetings accommodates the Council priority for open and effective city leadership.

Supporting Documentation

1. Appendices

1. Proposed timetable of meetings for 2023-2024

BRIGHTON & HOVE CITY COUNCIL

**TIMETABLE OF MEETINGS
2023/2024**

Committee Timetable 2023/24

APRIL 2023

MONDAY	3 SH Procurement Advisory Board 2.00pm	10 SH Passover	17 Laylatul Qadr	24	
TUESDAY	4 SH	11 SH Passover	18 Yom HaShach	25 Greater Brighton Economic Board 10.00am	
WEDNESDAY	5 SH Planning Cttee 2.00pm	12 SH Passover Health Overview & Scrutiny Cttee 4.00pm	19	26 Yom Ha'Atzmaut	
THURSDAY	6 SH Passover	13 SH Passover	20	27	
FRIDAY	7 BH Good Friday Passover	14 SH	21	28	

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Committee Timetable 2023/24

MAY 2023

MONDAY	1 BH	8 BH	15 Procurement Advisory Board 2.00pm	22	29 BH
TUESDAY	2	9 <i>Lag B'Omer</i>	16	23	30 SH
WEDNESDAY	3 Planning Cttee 2.00pm	10	17	24	31 SH
THURSDAY	4	11	18 <i>Ascension Day</i>	25 ANNUAL COUNCIL 4.30pm	
FRIDAY	5	12	19	26 <i>Shavuot</i>	

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Committee Timetable 2023/24

JUNE 2023

MONDAY		5	12 Limited Liability Partnership Board 11.00am Children, Young People & Skills Cttee 4.00pm	19 Procurement Advisory Board 2.00pm	26
TUESDAY		6 Corporate Parenting Board 4.00pm	13 ASC&PH Sub-Cttee 4.00pm	20 Environment, Transport & Sustainability Cttee 4.00pm	27 Audit & Standards Cttee 4.00pm
WEDNESDAY		7 Planning Cttee 2.00pm	14	21 Housing Cttee 4.00pm	28
THURSDAY	1 BH	8	15 Tourism, Equalities, Communities & Culture Cttee 4.00pm	22 <i>Windrush Day</i> Policy & Resources Cttee 4.00pm	29 <i>Eid al-Adha</i> Licensing Cttee 3.00pm
FRIDAY	2 BH	9	16	23	30

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Committee Timetable 2023/24

JULY 2023

MONDAY	3	10	17	24 Procurement Advisory Board 2.00pm	SH 31 SH
TUESDAY	4	11	18 Greater Brighton Economic Board 10.00am Health & Wellbeing Board 2.00pm	25 SH	
WEDNESDAY	5 Planning Cttee 2.00pm	12 Health Overview & Scrutiny Cttee 4.00pm	19 Muharram	26 SH	
THURSDAY	6	13 Policy & Resources Cttee 4.00pm	20 COUNCIL 4.30pm	27 SH Tisha B'Av	
FRIDAY	7	14	21 SH	28 SH Ashura	

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Committee Timetable 2023/24

AUGUST 2023

MONDAY	SH	7	BH	14	SH	22	SH	28	BH	
TUESDAY	1	SH	8	SH	15	SH	23	SH	29	SH
WEDNESDAY	2	SH	9	SH	16	SH	24	SH	30	SH
	Planning Cttee 2.00pm				Central Area Housing Panel 2.00pm North Area Housing Panel 7.00pm					
THURSDAY	3	SH	10	SH	17	SH	25	SH	31	SH
FRIDAY	4	SH	11	SH	18	SH	26	SH		

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Committee Timetable 2023/24

SEPTEMBER 2023

MONDAY		4 Procurement Advisory Board 2.00pm	11 Limited Liability Partnership Board 2.00pm Children, Young People & Skills Cttee 4.00pm	18	25 <i>Yom Kippaur</i>
TUESDAY		5	12 ASC&PH Sub-Cttee 4.00pm	19 Environment, Transport & Sustainability Cttee 4.00pm	26 Audit & Standards Cttee 4.00pm
WEDNESDAY		6 <i>Janmashtami</i> Planning Cttee 2.00pm	13	20 Housing Cttee 4.00pm	27 <i>Milad un Nabi</i> Corporate Parenting Board 4.00pm
THURSDAY		7 <i>Janmashtami</i>	14 Tourism, Equalities, Communities & Culture Cttee 4.00pm	21	28
FRIDAY	1 SH	8	15	22	29

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Committee Timetable 2023/24

OCTOBER 2023

MONDAY	2	9	16 Procurement Advisory Board 2.00pm	23 SH	30
TUESDAY	3	10 West Area Housing Panel 2.00pm East Area Housing Panel 7.00pm	17	24 SH Greater Brighton Economic Board 10.00am	31
WEDNESDAY	4 Planning Cttee 2.00pm	11 Central Area Housing Panel 2.00pm North Area Housing Panel 7.00pm	18 Health Overview & Scrutiny Cttee 4.00pm	25 SH	
THURSDAY	5 Policy & Resources Cttee 4.00pm	12 Licensing Cttee 3.00pm	19 COUNCIL 4.30pm	26 SH	
FRIDAY	6 <i>Hoshana Rabbah</i>	13	20	27 SH	

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Committee Timetable 2023/24

NOVEMBER 2023

MONDAY		6 Children, Young People & Skills Cttee 4.00pm	13	20 Procurement Advisory Board 2.00pm	27
TUESDAY		7 Health & Wellbeing Board 2.00pm	14 Environment, Transport & Sustainability Cttee 4.00pm	21 Corporate Parenting Board 4.00pm	28
WEDNESDAY	1 Planning Cttee 2.00pm	8	15 Housing Cttee 4.00pm	22 Health Overview & Scrutiny Cttee 4.00pm	29
THURSDAY	2	9 Tourism, Equalities, Communities & Culture Cttee 4.00pm	16	23	30
FRIDAY	3	10	17	24	

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Committee Timetable 2023/24

DECEMBER 2023

MONDAY		4	11 Limited Liability Partnership Board 2.00pm	18 SH	25 <i>BH Christmas Day</i>
TUESDAY		5	12 West Area Housing Panel 2.00pm East Area Housing Panel 7.00pm	19 SH	26 Boxing Day BH
WEDNESDAY		6	13 Central Area Housing Panel 2.00pm North Area Housing Panel 7.00pm Planning Cttee 2.00pm	20 SH	27 SH
THURSDAY		7	14 Policy & Resources Cttee 4.00pm	21 SH	28 SH
FRIDAY	1	8 <i>First Day of Hanukkah</i>	15 <i>Last Day of Hanukkah</i> COUNCIL 4.30pm	22 SH	29 SH

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Committee Timetable 2023/24

JANUARY 2024

MONDAY	1 BH	8 Children, Young People & Skills Cttee 4.00pm	15 Procurement Advisory Board 2.00pm	22	29
TUESDAY	2	10	16 ASC&PH Sub-Cttee 4.00pm	23 Environment, Transport & Sustainability Cttee 4.00pm	30 Audit & Standards Cttee 4.00pm
WEDNESDAY	3	11 Planning Cttee 2.00pm	17	24 Housing Cttee 4.00pm	31 Health Overview & Scrutiny Cttee 4.00pm
THURSDAY	4	12	18 Tourism, Equalities, Communities & Culture Cttee 4.00pm	25 <i>Tu B'Shevat</i> Policy & Resources Cttee 4.00pm	
FRIDAY	5	13	19	26	

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Committee Timetable 2023/24

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Committee Timetable 2023/24

FEBRUARY 2024

MONDAY		5	12 Procurement Advisory Board 2.00pm	SH 19	26
TUESDAY		6 Greater Brighton Economic Board 10.00am	13 West Area Housing Panel 2.00pm East Area Housing Panel 7.00pm	SH 20 Corporate Parenting Board 4.00pm	27 Reserve Date BUDGET COUNCIL 4.30pm
WEDNESDAY		7 <i>Isra and Mi'raj</i>	14 <i>St. Valentine's Day</i> Central Area Housing Panel 2.00pm North Area Housing Panel 7.00pm	SH 21	28
THURSDAY	1 COUNCIL 4.30pm	8 Budget Policy & Resources Cttee 4.00pm	15 Licensing Cttee 3.00pm	SH 22 BUDGET COUNCIL 4.30pm	29
FRIDAY	2	9	16 SH	23	

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Committee Timetable 2023/24

MARCH 2024

MONDAY		4	11 <i>Ramadan</i>	18 <i>Ramadan</i>	25 <i>Ramadan</i>
		Children, Young People & Skills Cttee 4.00pm	Limited Liability Partnership Board 11.00am		
		5	12 <i>Ramadan</i>	19 <i>Ramadan</i>	26 <i>Ramadan</i>
		Health & Wellbeing Board 2.00pm	Environment, Transport & Sustainability Cttee 4.00pm		
		6	13 <i>Ramadan</i>	20 <i>Ramadan</i>	27 <i>Ramadan</i>
WEDNESDAY		Planning Cttee 2.00pm	Housing Cttee 4.00pm		
		7	14 <i>Ramadan</i>	21 <i>Ramadan</i>	28 <i>Ramadan</i>
THURSDAY		Tourism, Equalities, Communities & Culture Cttee 4.00pm	Policy & Resources Cttee 4.00pm		COUNCIL 4.30pm
		8 <i>Maha Shivaratri</i>	15 <i>Ramadan</i>	22 <i>Ramadan</i>	29 <i>SH Ramadan</i>
FRIDAY	1				

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Committee Timetable 2023/24

APRIL 2024

MONDAY	1 Ramadan SH	8 Procurement Advisory Board 2.00pm	15 BH <i>Ramadan</i>	22	29
TUESDAY	2 Ramadan SH	9 Audit & Standards Cttee 4.00pm	16 SH <i>Ramadan</i>	23 Greater Brighton Economic Board 10.00am	30 <i>First Day of Passover</i> <i>Last Day of Passover</i>
WEDNESDAY	3 Ramadan SH	10 Health Overview & Scrutiny Cttee 4.00pm Planning Cttee 2.00pm	17 SH <i>Eid ul Fitr</i>	24	
THURSDAY	4 <i>Ramadan</i> SH	11 SH	18	25	
FRIDAY	5 <i>Laylatul Qadr Ramadan</i> BH	12 SH	19	26	

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Committee Timetable 2023/24

MAY 2024

MONDAY		6 BH	13 Procurement Advisory Board 2.00pm	20	27 BH
TUESDAY		7	14 <i>Yom HaAtzmaut</i>	21	28 SH
WEDNESDAY	1 Planning Cttee 2.00pm	8	15	22	29 SH
THURSDAY	2	9	16 ANNUAL COUNCIL 4.30pm	23	30 SH <i>Corpus Christi</i>
FRIDAY	3	10	17	24	31 SH

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