





**Brighton & Hove
City Council**

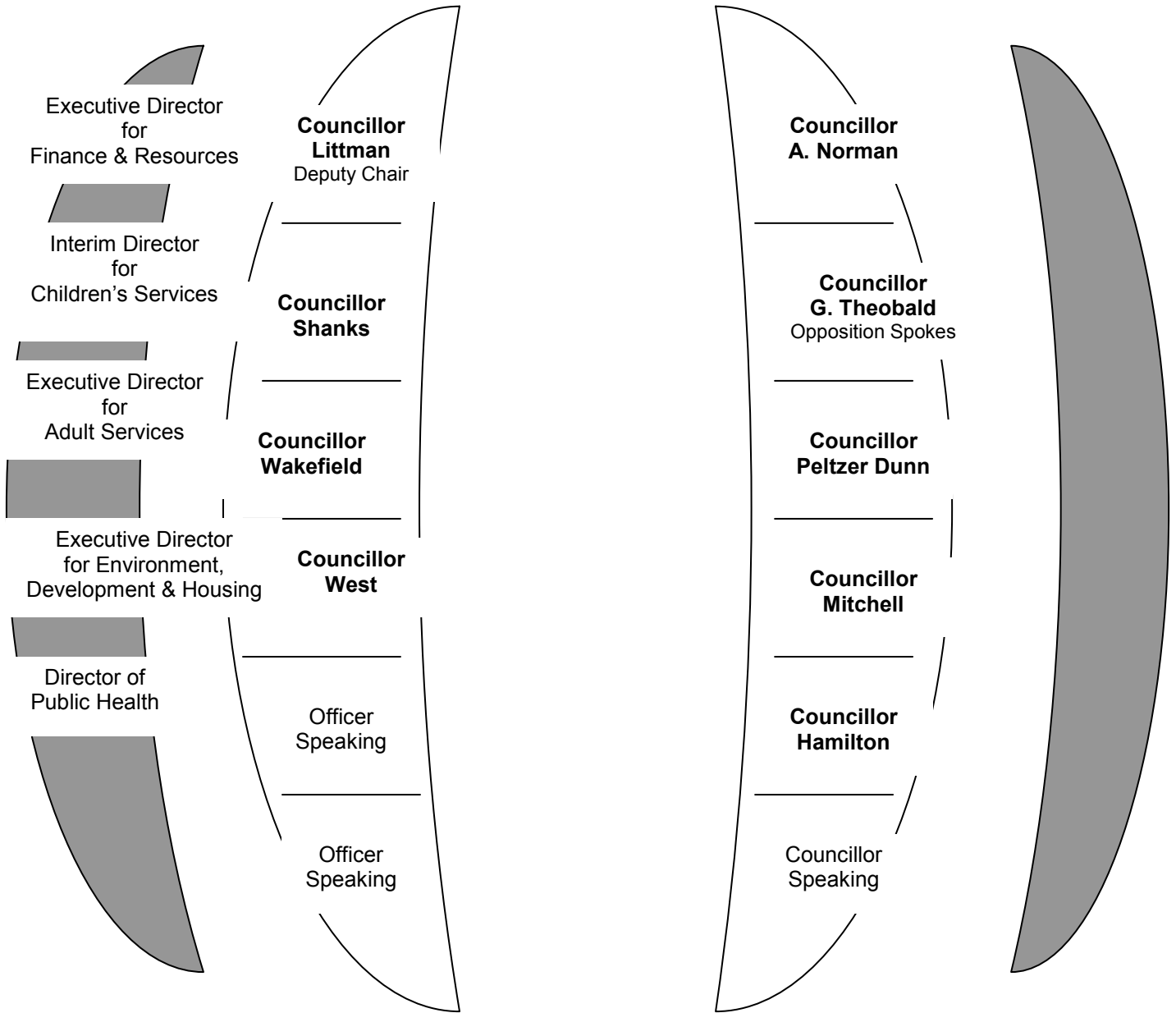
Policy & Resources Committee

Title:	Policy & Resources Committee
Date:	2 May 2013
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: J Kitcat (Chair), Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Mitchell (Opposition Spokesperson), Hamilton, A Norman, Peltzer Dunn, Shanks, Wakefield and West
Contact:	Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

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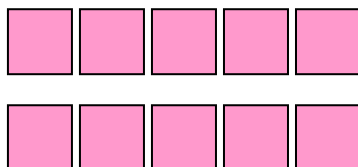
Democratic Services: Policy & Resources Committee

Monitoring Officer	Councillor J. Kitcat Chair	Chief Executive	Head of Democratic Services
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Public Speaker	Public Speaker
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Public Seating



Press

AGENDA

PROCEDURAL MATTERS

179. PROCEDURAL BUSINESS

- (a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
- (a) Disclosable pecuniary interests not registered on the register of 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.

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

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

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

180. MINUTES

To consider the minutes of the meeting held on the 21st March 2013 (copy attached).

POLICY & RESOURCES COMMITTEE

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 29-1006

181. CHAIR'S COMMUNICATIONS

To receive communications from the Chair.

182. CALL OVER

- (a) Items (185 – 188) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

GENERAL MATTERS

183. PUBLIC INVOLVEMENT

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

- (a) **Petitions:** to receive any petitions presented by members of the public to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 25th April 2013;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 25th April 2013.

184. MEMBER INVOLVEMENT

23 - 32

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Letters:** to consider any letters;
 - (i) Portslade Town Hall Car Park. Letter from Councillor Hamilton (copy attached).
 - (ii) Scrutiny Role. Letter from Councillors Morgan and Rufus (copy attached).
- (c) **Notices of Motion:**
 - (i) 'Bedroom tax'. Referred from the Council meeting held on the 28th March (copy attached).
 - (ii) National Evacuees Memorial. Joint report of the Executive Director for Finance & Resources and the Monitoring Officer (copy attached).

POLICY & RESOURCES COMMITTEE

FINANCIAL MATTERS

185. DISCRETIONARY HOUSING PAYMENTS

33 - 48

Report of the Executive Director for Finance & Resources (copy attached).

Contact Officer: Susanna McLaren,
John Francis

Tel: 29-2465

Tel: 29-1913

Ward Affected: All Wards

STRATEGIC & POLICY MATTERS

186. COASTAL DEFENCE STRATEGY - BRIGHTON MARINA TO RIVER ADUR

49 - 58

Report of the Executive Director for Environment, Development & Housing (copy attached).

Contact Officer: Martin Eade

Tel: 294568

Ward Affected: Brunswick & Adelaide; Central Hove; East Brighton; Queen's Park; Regency; Rottingdean Coastal; South Portslade; Westbourne; Wish

GENERAL MATTERS

187. RESPONSE TO TRANS SCRUTINY PANEL RECOMMENDATIONS

59 - 154

Report of the Assistant Chief Executive (copy attached).

Contact Officer: Emma McDermott

Tel: 29-6805

Ward Affected: All Wards

CONTRACTUAL MATTERS

188. RE-PROCUREMENT OF CORPORATE PRINT & COPY DEVICES

155 - 162

Contact Officer: Mark Watson

Tel: 29-1585

Ward Affected: All Wards

PROCEDURAL MATTERS

189. ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 9th May 2013 Council meeting for information.

POLICY & RESOURCES COMMITTEE

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, each Minority Group may specify one further item to be included by notifying the Chief Executive no later than 10.00am on 26th April 2013 (the eighth working day before the Council meeting to which the report is to be made), or if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting.

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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

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Date of Publication - Wednesday, 24 April 2013

BRIGHTON & HOVE CITY COUNCIL

POLICY & RESOURCES COMMITTEE

4.00pm 21 MARCH 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor J Kitcat (Chair) Councillors Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Mitchell (Opposition Spokesperson), Morgan, A Norman, Peltzer Dunn, Shanks, Wakefield and West.

PART ONE

151. PROCEDURAL BUSINESS

(a) Declarations of Substitutes

151.1 Councillor Morgan declared that he was attending the meeting as a substitute for Councillor Hamilton.

(b) Declarations of Interest

151.2 Councillor Shanks declared a personal and pecuniary interest in Item No. 175, New Homes for Neighbourhoods Estate Regeneration Programme, as she lived directly next to a property included in the report and would therefore leave the chamber during consideration of the item and take no part in the decision on the item.

151.3 Councillor Mitchell declared a personal and pecuniary interest in Item No. 166, Super Connected Cities Plan Procurement, as her daughter's partner worked for a company that might be involved in the bidding process and she would therefore leave the chamber during consideration of the item and take no part in the decision on the item.

(c) Exclusion of the Press and Public

151.4 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.

151.5 **RESOLVED:** That the press and public be noted excluded from the meeting.

152. MINUTES

- 152.1 Councillor G. Theobald referred to Item No. 142 in the Minutes, General Fund Revenue Budget & Council Tax 2013/14 and noted that paragraph 142.7 recorded correctly the Conservative Group's intention to vote against the recommendations; however he asked if it would be possible for clarity of the record to show that Conservative Members voted against the recommendations at paragraph 142.15.
- 152.2 The Chair noted the request and stated that with the Committee's agreement he was happy for the minutes to be amended accordingly to reflect the request from Councillor Theobald.
- 152.3 **RESOLVED:** That the minutes be approved as a correct record of the proceedings and signed by the Chair subject to the amendment to paragraph 142.15 to show that the Conservative Group voted against the recommendations.

153. CHAIR'S COMMUNICATIONS

- 153.1 The Chair stated that with the agreement of the Committee, he would like to slightly alter the agenda and take Item 176, Review of the Constitution (March) 2013 before Item 161, Pay Policy Statement, which would enable the committee to determine some technical changes and not complicate the meeting. He would ask the Head of Law to explain the position when the relevant items were reached.
- 153.2 The Chair stated that on Monday an event was held to thank the Tourism Volunteers who work to support the Tourism & Leisure Delivery Unit. Over 200 people support the unit in varied roles like Greeters, Royal Pavilion & Museum attendants and gardeners, Volks Railway workers and people who lead 'Healthwalks' for the Sports Development team. Without them our tourism offer would be much poorer and I'd like to add my thanks for their efforts.
- 153.3 The Chair stated that he would like to place on record the Committee's condolences to Councillor Carden who had sadly lost his wife, Merle following a battle against cancer. He knew that a number of councillors would be attending her funeral at the present time and stated that the committee's thoughts would be with Councillor Carden and his family.

154. CALL OVER

- 154.1 The following items on the agenda were reserved for discussion:

Item 158	Annual Investment Strategy 2013/14
Item 159	ICT Investment Plan 2013/14
Item 160	2013/14 Local Transport Plan Capital Programme
Item 161	Pay Policy Statement 2013-14
Item 162	Financial Inclusion
Item 163	Annual Update of the Council's Corporate Plan 2013/14
Item 164	One Planet Living – Sustainability Action Plan
Item 165	Review of Home to School Transport 2013
Item 166	Super Connected Cities Plan Procurement

- Item 171 Planned Maintenance Budget Allocation 2013-14 and Programme of Works for the Council's Operational Buildings
- Item 172 Employability for Young People in Care and Care Leavers
- Item 173 Extra Care Housing Update
- Item 175 New Homes for Neighbourhoods – Estate Regeneration Programme
- Item 176 Review of the Constitution (March) 2013

154.2 The Head of Democratic Services confirmed that the Items listed above had been reserved for discussion; and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 157 Treasury Management Policy Statement 2013/14
- Item 167 Procurement of New Construction Strategic Partnership
- Item 168 Tender for Transport Professional Services and Modelling Term Contract
- Item 169 Procurement of the Corporate Building Cleaning Contract
- Item 170 Asset Management Fund 2013-14
- Item 174 HCA Empty Property Funding Allocation
- Item 177 Nomination of Councillor to serve on 'Coast to Capital' Local Transport Body.

155. PUBLIC INVOLVEMENT

(a) Petitions

155.1 The Chair noted that there were no petitions to be presented by members of the public.

(b) Written Questions

155.2 The Chair noted that one public question had been submitted and invited Mr. Strong to come forward and address the meeting.

155.3 Mr. Strong thanked the Chair and asked the following question, "Transport is of great importance to Brighton & Hove. The City Transport Partnership has ensured engagement with the wider community, helping to deliver a broad consensus about transport and enabling key projects to be developed.

However, the latest CTP meeting was cancelled, removing any opportunity for a discussion of issues around the Capital Programme. Furthermore, the proposed merger of the Environment & Transport Committees has created major concerns about the future of the partnership and engagement on transport issues.

Does the Council remain committed to the CTP and to full and open engagement with community representatives on transport issues?"

155.4 The Chair thanked Mr. Strong for his question and stated that, "I couldn't agree more about the importance of a good transport system to the city and that the Transport Partnership has helped to further raise awareness of the many issues and challenges that exist, and the collective successes that have been achieved in seeking to resolve them. The Partnership has developed its role considerably and met regularly - nearly

20 times since 2009 – and the cancellation of the January meeting earlier this year was regrettable, but a one-off. Despite that, officers did ensure that the notes of the previous meeting were circulated and an invitation was sent out to encourage participation in the on-line consultation about the One Planet Living Sustainability Action Plan. But whatever the circumstances, I would always urge Partners to share their views about a particular issue or project with the Partnership Manager or Chair, if the opportunity does not arise at a meeting or the issue is urgent or serious enough to warrant that.

You mention the transport capital programme. The council's overall budget for 2013/14 was not set until the end of last month, but in 2012 the council did agree a 3-year programme of investment in transport schemes and projects and the Partnership was made aware of this. That programme is on the agenda for this meeting and has been updated to reflect the progress factors made in the last year during the development or delivery of schemes. Finally, the proposed merger of the two Committees was agreed in order to achieve a saving on administrative costs but I can assure you that it will not impact on the role of the Transport Partnership, or its continued involvement in transport issues that are important to the city."

- 155.5 Mr. Strong asked the following supplementary question, "The CTP had hoped to see its aspirations reflected in the budget proposals and that projects identified would be given funding. As such it had hoped to be able to discuss matters and influence the decisions to be taken, but now faced a position on Tuesday where those decisions had been made. He asked that for the future budget setting process that consideration was given to involving the CTP in good time so that its views and aspirations could be taken into account prior to the budget proposals being taken forward?"
- 155.6 The Chair noted the concern raised and stated that he was happy to take on board the points raised for future budget consultation exercises and that the council was looking at how it worked with partnerships to achieve better outcomes. He thanked Mr Strong for attending the meeting.

156. MEMBER INVOLVEMENT

(a) Petitions

- 156.1 The Chair noted that there were no petitions to be presented by Members.

(b) Letters

- 156.2 The Chair noted that Councillor Hamilton has asked for his letter to be deferred to the next meeting as he was attending the funeral of Councillor Carden's wife and he would prefer to be able to present it to the committee. He was therefore happy to defer the item to the next meeting.

157. TREASURY MANAGEMENT POLICY STATEMENT 2013/14**157.1 RESOLVED:**

- (1) That it be noted that there are no changes to the Treasury Management Policy Statement and Treasury Management Practices approved by Cabinet on 15 March 2012; and
- (2) That the Schedules to the Treasury Management Practices for 2013/14 as set out in appendix 1 to the report be approved.

158. ANNUAL INVESTMENT STRATEGY 2013/14

158.1 The Director of Finance introduced the report which detailed the proposed Annual Investment Strategy for the council for 2013/14 as required by the Local Government Act 2003. She noted that last July there had been a major change following a review of the strategy and there had been very little change to that in the current proposed strategy. She therefore recommended that it be agreed and recommended to the council for approval.

158.2 Councillor Littman welcomed the report and thanked the officers for their work.

158.3 Councillor G. Theobald noted that the list of banks where investments could be placed included two that were UK Ltd and asked for assurance that any investments in these banks would be secure and whether there was any difference for organisations such as the council compared to individual investors.

158.4 The Director of Finance stated that all the banks listed were UK based and therefore any investments were safeguarded under UK rules. She was not sure about whether there was any difference for organisations and individuals and would therefore provide a written response for Councillor Theobald.

158.5 The Chair noted the comments and put the recommendations to the vote.

158.6 RESOLVED TO RECOMMEND:

- (1) That the Annual Investment Strategy 2013/14 as set in Appendix 1 to the report be agreed; and
- (2) That the Annual Investment Strategy 2013/14 be recommended to Council for approval.

159. ICT INVESTMENT PLAN 2013 -2016

159.1 The Director of Finance introduced the report which provided a detailed spending plan and priorities for ICT following approval at the Budget Council meeting. She noted that further reports would be brought to the committee in regard to the actual procurement process for various contracts in due course and that options including working with SE7 partners would be considered. She stated that in conjunction with the SE7 group,

the council was looking at establishing a network of networks across the region and to extend shared working and infrastructures.

- 159.2 The Chair thanked the Director and stated that it was an excellent report and that priorities had been clearly identified in view of the level of investment required and the budget that was available. The investment in ICT was important for the organisation to operate and was key to everything that the council undertook and provided.
- 159.3 Councillor A. Norman welcomed the report and the intention to work with partners and especially welcomed the renewal of the telephony infrastructure.
- 159.4 Councillor Mitchell stated that it was necessary to invest in ICT in order to enable the council to move forward and keep pace with other organisations and the needs of the council, in order to provide services.
- 159.5 Councillor Morgan noted that there was a report on the agenda regarding financial inclusion and queried whether digital inclusion and additional provision would be addressed by that process or the ICT investment programme.
- 159.6 The Director of Finance stated that the ICT investment programme provided a platform for investment and improvements to customer experience and noted that further reports would be brought forward on the delivery of the investment and how it related to financial inclusion.
- 159.7 The Chair noted the comments and put the recommendations to the vote.
- 159.8 **RESOLVED:**
- (1) That the proposed ICT Investment Plan as set out in the report for 2013-16 be approved;
 - (2) That the use of an ICT Investment Reserve and the associated revenue and capital expenditure for 2013/14 which are funded by resources approved by Full Council on 28 February 2013, be approved; and
 - (3) That it be noted that the expenditure after 2013/14 would be subject to available funding and approval of fully funded annual Capital Investment Programmes by Full Council.

160. 2013/14 LOCAL TRANSPORT PLAN CAPITAL PROGRAMME

- 160.1 The strategic Director; Place introduced the report which detailed the proposed spend for the Local Transport Capital Programme (LTP) projects for 2013/14 which had been approved at the Budget Council meeting on the 28th February 2013. He stated that half of the available funding was set aside for maintenance and the remaining half for projects and infrastructure. There were also indicative allocations shown for 2014/15 and 2015/16 for which regular update reports would be brought to the committee. It was intended to consult on the various projects and the City Transport Partnership would be included in that process throughout.

- 160.2 The Chair stated that it was a priority for the Administration to protect the LTP funding as the impact on the city was very clear and significant challenges would have to be faced e.g. the protection and securing of the seafront arches.
- 160.3 Councillor G. Theobald stated that he was surprised that the LTP had not been considered at the Transport Committee and welcomed the intention to reserve 50% of the funding for the maintenance budget. He also noted that the LTP had been boosted by government funding and queried what the £50k identified for Queen's Park related to and the £120k for traffic management cameras.
- 160.4 The Chair stated that council welcomed all funding that was secured from government and European avenues but noted that in general terms the LTP funding had declined over time.
- 160.5 The Lead Commissioner for City Regulation and Infrastructure stated that the £50k was to improve access to surrounding roads to the park and the £120k was for bus lane enforcement cameras.
- 160.6 Councillor Mitchell welcomed the level of investment but questioned the capacity within the department to be able to spend the available funding. She also expressed concern over the difficulty ward councillors had found to secure improvements to local areas with the provision of bollards, yellow lines and other small-scale measures that residents had identified as being required. Such improvements had previously been actioned but were now more difficult to get implemented.
- 160.7 The Strategic Director; Place stated that officers were aware of the need to have an effective programme of spend and were reviewing how this could be implemented across the various teams involved; e.g. consideration of the use of specialist support was being investigated. In relation to road safety measures raised by Members, these would be looked at continually and where possible action taken.
- 160.8 Councillor West welcomed the report and noted that funding had been levered in from CIVATS and the National Park Authority and he wished to thank the officers involved. There was a need to invest in the city and he welcomed the improved street lighting programme and choices for residents that were now available.
- 160.9 Councillor Morgan stated that there was a need to ensure residents understood the intentions of having large-scale projects and spending, especially when they found the small-scale improvements to their areas that they had requested were either delayed or not being taken forward.
- 160.10 The Chair noted the comments and agreed that information to residents should be made available so that the cost of projects and reasons for delays to the improvements they hoped for were understood and hoped that officers would take this on board. He then put the recommendations to the vote.
- 160.11 **RESOLVED:**
- (1) That the allocation of £6.349 million worth of funding for the 2013/14 Local Transport Plan capital programme to the Capital Renewal (Maintenance) and

Integrated Transport work programmes set out in Appendix 1 of the report be approved; and

- (2) That the indicative allocation of Local Transport Plan capital resources for 2014/15 and 2015/16 as part of a 3-year Delivery Plan, as set out in Appendix 1, which would be subject to future budget decisions be noted.

161. PAY POLICY STATEMENT 2013-2014

- 161.1 The Head of Law introduced the report which detailed the annual pay policy statement for 2013/14 which the council was required to produce and approve each year. He noted that the council had reviewed its policy for the publication of its pay policy in the preceding year and that it remained the same for the current year and that as part of the review of the constitution, it had been agreed that any salaries of £100k and above would be considered by the Appointments & Remuneration Panel and recommendations made to the Chief Executive rather than having to be considered by the full Council. He also drew Members' attention to the need to alter the reference on page 81 of the report to 'Executive Directors' rather than Chief Officer to reflect the council's senior officer structure.
- 161.2 Councillor A. Norman welcomed the report and noted that the policies referenced in paragraph 16 on page 83 of the report did not appear to be on the council's web site and asked that this be rectified as soon as possible.
- 161.3 The Committee noted that the Chief Executive's appointment remained as having to be confirmed by full Council and that the intention to enable the Appointments & Remuneration Panel to consider the appointments for posts of £100k and above was so that full and frank discussions could be held with all necessary information available to be able to make a considered recommendation to the Chief Executive. The Head of Law stated that the council was able to determine how it dealt with the appointment process and noted that other neighbouring authorities had adopted similar procedures rather than expecting full council to consider such matters.
- 161.4 **RESOLVED:** That the Council be recommended to approve the adoption of the Pay Policy Statement 2013/14 attached at Appendix A to the report.

162. FINANCIAL INCLUSION

- 162.1 The Director of Finance introduced the report and stated that it was a period of rapid change for residents in terms of the services being provided by the council and welfare reforms at a time of uncertainty economically. Hence the aim to promote financial inclusion and enable residents to access services and support to meet their basic needs.
- 162.2 The Chair stated that this had been a huge piece of work and recognised that there had been a delay in bringing the report to fruition; however he felt that the level of engagement in the process had been very impressive and wished to thank the officers concerned for their work.

- 162.3 Councillor A. Norman stated that it was an excellent report and that there was a clear need for the strategy. She noted that a lot of investment was being placed in the project and hoped that monitoring and review arrangements would be in place to ensure that the funding could be accounted for. She also wished to thank the officers involved in bringing the report to the committee.
- 162.4 The Director of Finance stated that the tracking of elements of the project and its overall impact would be undertaken and a suite of indicators were being established to enable the monitoring and tracking of aspects at various levels.
- 162.5 Councillor Morgan welcomed the report and stated that it was likely to be an important issue for the council and residents for a number of years ahead and drew the committee's attention to paragraph 3.6 of the report which he felt was one of the most significant paragraph in a report to a committee. He also suggested that there was a need to look at the issue of under-employment and that it would have been helpful to have issued a booklet with the council tax bills on this matter.
- 162.6 The Chair noted the comments and stated that he was happy to reflect on the question of a booklet but noted that the government had been making changes and releasing information at a very late stage and therefore it would have been difficult to produce something in time to go out with the bills that was up to date.
- 162.7 Councillor Littman stated that it was a very good report and he hoped would enable people to become more financially resilient and help to prevent them falling into the poverty trap.
- 162.8 Councillor Peltzer Dunn stated that it was important to monitor the success of the strategy as the council's own level of responsibility would go beyond the three years and he hoped that there would be a future report reviewing the process.
- 162.9 The Director of Finance stated that officers would be looking at how further information was brought back to Members and how it was included in the budget setting process.
- 162.10 Councillor Mitchell stated that she wished to thank the officers involved and for an excellent report and suggested that the Local Strategic Partnership could monitor a range of the work identified.
- 162.11 The Chair then put the recommendations to the vote.
- 162.12 **RESOLVED:**
- (1) That the Financial Inclusion Strategy as set out in appendix one to the report be approved;
 - (2) That the commissioning and implementation plans as set out in appendices two, three and four to the report be approved;
 - (3) That the summary needs assessment and the summary findings of the equalities impact assessment that describe the particular impacts for people and places in the city, as described in appendices four and five to the report be noted;

- (4) That the Executive Director for Finance & Resources be granted delegated authority for the allocation and prioritisation of resources to commission and deliver against priority actions within the available budget; and
- (5) That it be noted that the annual performance and progress monitoring of the Financial Inclusion Strategy would be implemented.

163. ANNUAL UPDATE OF THE COUNCIL'S CORPORATE PLAN 2013/14

- 163.1 The Chief Executive introduced the report which provided an update to the Council's Corporate Plan and detailed the progress achieved in relation to the commitments that had been identified and new commitments that were proposed. She stated that the number of priorities had been reduced from five to four with the previous priorities 4 and 5 being merged into a new priority 4, 'Modernising the Council.' She believed that revised corporate plan set out the council's role, purpose, ambition, priorities and values which could be supported by all Members and employees.
- 163.2 The Chair welcomed the report and stated that he believed the inclusion of the priorities within the budget setting process was a positive step forward and noted that 52 commitments had been achieved and a further 13 partially achieved, which he felt should be recognised as excellent progress. He wished to thank everyone involved in the achievements to date.
- 163.3 Councillor West welcomed the report and stated that he also wished to thank the Chief Executive for her contribution and measured approach to the revised corporate plan and the intention to combine the new commitments within the budget process. He drew the committee's attention to the second priority on page 208 and stated that the committee should be encouraged by the work of officers in delivering changes.
- 163.4 Councillor G. Theobald stated that he believed the promotion of the local economy as detailed on page 206 should underpin everything that the council did and welcomed the level of investment that had been attracted into the city. However, he also stated that the Conservative Group could not support the recommendations contained in the report because of the commitment to a permanent Travellers site being established at Horsdean on page 194; and therefore would abstain from voting on the report.
- 163.5 The Chair noted the comments and that the commitment for a permanent site had been made by the previous administration in successfully bidding for funding from the Government and therefore the council needed to provide a site.
- 163.6 Councillor Mitchell moved a point of order and stated that there had been an urgency meeting to enable the submission of the bid for £1.7m to approve the provision of a travellers' site identified at Wilson Avenue and noted that it was now government policy to require local authorities to identify traveller sites within their boundaries.
- 163.7 Councillor Wakefield drew the committee's attention to pages 187 and 188 of the report and the intention to enable people to remain in their own homes which she felt was an important consideration for everyone and should be fully supported.

163.8 Councillor Shanks welcomed the fact that recent Ofsted inspections had found that schools were performing well and hoped that further improvements would be made.

163.9 The Chair noted the comments and put the recommendations to the vote.

163.10 **RESOLVED TO RECOMMEND:**

- (1) That the refreshed Corporate Plan content (Appendix 1), including the new Commitments for 2013/14 as included in the Budget be agreed, and recommended for adoption at the full Council meeting in March; and
- (2) That the progress made on the 2012/13 Commitments as summarised under each of the priorities in the Corporate Plan (Appendix 1) and in more detail in Appendix 2 and Appendix 2.1 to the report be noted.

164. ONE PLANET LIVING - SUSTAINABILITY ACTION PLAN

164.1 The Strategic Director; Place introduced the report which outlined a series of actions proposed to meet the Corporate Plan objective to create a more sustainable city and achieve accreditation as a One Planet City. The action plans had been formulated with a number of stakeholders by engaging in a collaborative exercise and the report would also be submitted to the Local Strategic Partnership.

164.2 The Chair stated that this had been a huge piece of work and he wished to thank all those involved in the process. He hoped that the ten principles identified would be fully supported across the council and partners and that Brighton & Hove became the first One Planet City.

164.3 Councillor West stated that it was an important piece of work and that there was a need to look at the efficient use of resources and the impact of climate change and to embed sustainability as an issue in everyone's minds. The approach set out in the report outlined a clear way of to implement change and he hoped it would be taken forward.

164.4 Councillor Mitchell stated that it was an excellent report and wished to congratulate the officers involved. She welcomed the initiatives that were outlined and looked forward to progress being made.

164.5 Councillor Wakefield welcomed the report and noted that a resident had contacted her to say how her fuel bill had dropped since the council had installed cladding to her tenant block and suggested that it would be helpful to obtain similar information from families in terms of before and after improvements such improvements were undertaken.

164.6 Councillor G. Theobald welcomed the report and queried the level of spending on energy savings listed on page 209, what the position was in terms of the government's 'Green Deal' referred to on page 297, what was meant by rationalisation of school transport on page 309 and which parts of the city would be traffic free as mentioned on page 313.

- 164.7 The Chair stated that with regard to the 'Green Deal' this had been the subject of a report to the committee previously and officers were in discussion with the neighbouring authorities of East and West Sussex; as well as Southampton and other areas. The traffic free reference was in relation to the Old Town Scheme and the energy savings were in regard to looking at the use and affect of council owned buildings.
- 164.8 Councillor West stated that the greenhouse gas emissions had been reduced by 3% and funding had been secured as part of the Green Deal from the government for improvements to homes.
- 164.9 Councillor Shanks stated that a review of how young people travelled to school was being undertaken to see if changes could be made to travel arrangements and use of modes of transport. It was hoped to encourage young people to identify with the aspirations of one planet living.
- 164.10 Councillor Littman stated that he wished to thank everyone concerned with the report and noted that there were environmental challenges to be faced and that the council and residents had take responsibility for their actions and look to improve the quality of life for the city and to provide a better future.
- 164.11 Councillor Morgan welcomed the report and noted the information provided by Councillor Wakefield and queried why the proposed cladding for North Whitehawk flats had appeared to have been delayed.
- 164.12 The Head of Housing stated that there had been a delay in the works but confirmed that they were due to go ahead and stated that he would provide a written update for Councillor Morgan.
- 164.13 The Chair noted the comments and put the recommendations to the vote.
- 164.14 **RESOLVED:**
- (1) That the Sustainability Action Plan (as detailed at Appendix 1 to the report), be approved; and
 - (2) That the Chief Executive be instructed:
 - (i) to implement the council actions in the Sustainability Plan;
 - (ii) to submit the Plan to BioRegional with a view to endorsement for Brighton & Hove as a "One Planet City";
 - (iii) to submit the Plan to Brighton & Hove Strategic Partnership, for their approval; and
 - (iv) after 18 months, to submit a report of plan implementation progress to BioRegional for independent review.

165. REVIEW OF HOME TO SCHOOL TRANSPORT 2013

- 165.1 The interim Director for Children's Services introduced the report which detailed the outcome of a review of the home to school transport provision and proposed a number of changes to various routes, including the extension of the No.91, the retention of the No's.74 & 75 and the possible withdrawal of the No.96 service.
- 165.2 Councillor Shanks stated that she wished to thank the officers involved in the review and welcomed the proposed extension to the No.91 service. In regard to the No.96 service, meetings had been held with parents and school representatives and discussions were continuing in relation to how pupils could be supported. However, it was recognised that the actual cost of providing the service was too high.
- 165.3 Councillor A. Norman stated that she was disappointed with the report and the lack of consultation with appropriate councillors. Whilst she largely agreed with the proposals and accepted that it was increasingly hard to justify the continuation of the No.96, there was a need to identify alternative arrangements first as the pupils had signed up to attend the schools on the understanding that a service was available. In regard to recommendation 2.2 on page 394 of the agenda, she wished to move an amendment to include the words 'with consultation' after the word 'fund' and before 'alternative'.
- Councillor Norman also questioned the proposal to restrict access to Patcham High with the No.74 service when pupils should be encouraged to attend BACA. She noted that Councillor Wealls had been involved in looking at access for BACA but had not been consulted on this matter.
- 165.4 Councillor G. Theobald formally seconded the amendment.
- 165.5 The Chair noted the comments and stated that the question of transport arrangements for BACA pre-dated the report and discussions were being held with the Chair of Governors and Head teacher. In regard to the proposed amendment, he had consulted the Head of Law and felt that the original recommendation implied that consultation would take place and therefore there was no need to amend it. He was also happy to give his assurance that consultation on the possible alternative solutions would be held.
- 165.6 Councillor A. Norman stated that she was concerned that alternative provision would be found and implemented but was happy to accept the Chair's assurance that consultation would take place.
- 165.7 Councillor Mitchell stated that she felt that recommendation 2.2 was not well written and suggested that it should be amended to include that following consultation on alternative transport arrangements a report was brought back to the committee for decision.
- 165.8 Councillor Morgan formally seconded the amendment.
- 165.9 Councillor G. Theobald stated that he largely agreed with the report but asked for clarification that the No's.74 & 75 would both start from the correct position.

- 165.10 The Lead Commissioner for City Regulation & Infrastructure confirmed that the No's.74 & 75 would both start from the correct position.
- 165.11 Councillor Peltzer Dunn stated that recommendation 2.2 was clumsy and needed to be clarified.
- 165.12 The Head of Law proposed that recommendation 2.2. could be amended to read, "That officers should consult on the possible withdrawal of the 96 bus service with the parents/carers and schools of current users including on possible funding of alternative transport solutions and to bring a report back to the committee."
- 165.13 The Chair noted the revised amendment outlined by the Head of Law and suggested that the Committee agree to accept the revision and not take either of the amendments proposed by councillors Norman and Mitchell. He therefore put the recommendations as amended to the vote.
- 165.14 **RESOLVED:**
- (1) That the extension of the 91 bus service to Cardinal Newman School so that it runs from Ovingdean to Cardinal Newman School from September 2013 using funding from changes to denominational transport be agreed;
 - (2) That officers should consult on the possible withdrawal of the 96 bus service with the parents/carers and schools of current users including on possible funding of alternative transport solutions and to bring a report back to the committee;
 - (3) That the retention of the 74 and 75 bus services to Patcham High School funded from changes to denominational transport be agreed;
 - (4) That Brighton & Hove Bus and Coach Company be requested to adapt the afternoon commercial 94/94A bus service running to Queen's Park and East Brighton so that one picks up pupils from Dorothy Stringer and one from Vardean on the school side of Ditchling Road with effect from September 2013;
 - (5) That it be agreed the remaining Council supported school bus services should continue to operate as contracted with bus operators in 2012 but Members would continue to keep school bus services under review; and
 - (6) That the Council would continue to negotiate with Brighton & Hove Bus and Coach Company with regard to the terms and conditions of scholar passes which are purchased by the Council for eligible students.
- 165.15 The Chair noted the meeting had been in progress for over two hours and proposed that a short adjournment be held and adjourned the meeting at 6.15pm.
- 165.16 The Chair reconvened the meeting at 6.25pm.

166. SUPER CONNECTED CITIES PLAN PROCUREMENT

- 166.1 The Strategic Director; Place introduced the report and stated that it was intended to move forward with the procurement process detailed in paragraph 3.4 of the report. He noted that there was a tight time table as the procurement process had to be completed by March 2014 and there was a reliance on the Government confirming the position in regard to State Aid. It was hoped that an announcement would be made shortly but if the state aid clearance failed to be confirmed then there was an option to take aspects of the project forward.
- 166.2 The Chair noted the position and stated that he hoped the issue would be clarified and that the state aid provision secured to enable the full procurement process to go ahead, as it would benefit the city enormously.
- 166.3 Councillor Morgan welcomed the report and stated that it would be a large boost for the city and helpful in regard to digital inclusion for residents, although more provision was required as people moved out of the centre of the city to the outskirts.
- 166.4 The Chair agreed and stated that the process would lay the foundations for further development and possibly for commercial partners to take the matter forward. He then put the recommendations to the vote.

166.5 RESOLVED:

- (1) That the council's successful bid to the Department of Culture Media and Sport for funding to implement ultrafast broadband and improved digital connectivity in the city be noted;
- (2) The Super Connected Cities Plan project be authorised to move into the procurement phase;
- (3) That the Executive Director for Environment, Development & Housing be authorised to conduct an appropriate procurement and to agree and finalise the required procurement documentation;
- (4) That the Executive Director for Environment, Development & Housing be granted delegated authority to award contracts to preferred bidders and agree any minor amendments to the draft contracts, as deemed necessary, and conclude the contracts accordingly; and
- (5) That the funding of £3.307m from the council's 2013/14 Capital Investment Programme for delivery of the Super Connected Cities Plan be approved. This is to be funded by grant from the Department of Culture, Media and Sport.

Note: Councillor Mitchell having declared a personal and prejudicial interest in the item withdrew from the chamber and took no part in the discussion or decision thereon.

167. PROCUREMENT OF NEW CONSTRUCTION STRATEGIC PARTNERSHIP**167.1 RESOLVED:**

- (1) That the Executive Director for Environment, Development & Housing be authorised to undertake an OJEU procurement process for a new Strategic Construction Partnership with four 'lots' including; 1) a Constructor, 2) consultant Quantity Surveyor, 3) consultant Structural Engineer and 4) consultant 'Construction Design & Management' (CDM) Co-coordinator. The new Construction Partnership was to run for five years with an option to extend for a further three years, dependant upon meeting key performance indicators; and
- (2) That the Executive Director for Environment, Development & Housing be authorised after consultation with the Executive Director for Finance & Resources, to award the contract following the recommendations of the evaluation panel and the results of the tendering process.

168. TENDER FOR TRANSPORT PROFESSIONAL SERVICES AND MODELLING TERM CONTRACT

- 168.1 RESOLVED:** That the Executive Director for Environment, Development & Housing be granted delegated authority to award a framework contract for a 5-year term to successful suppliers following the OJEU tendering process.

169. PROCUREMENT OF THE CORPORATE BUILDING CLEANING CONTRACT**169.1 RESOLVED:**

- (1) That the Executive Director for Environment, Development & Housing be authorised to undertake a procurement exercise for a new corporate building cleaning contract using the framework agreement detailed in paragraph 4 of the report;
- (2) That Executive Director for Environment, Development & Housing be authorised in consultation with the Deputy Chair of Policy & Resources, to award the contract for a term of 4 years; and
- (3) That Executive Director for Environment, Development & Housing be authorised In consultation with the Deputy Chair of Policy & Resources, to grant a two year extension to the contract referred to in (2) above subject to performance at the relevant time.

170. ASSET MANAGEMENT FUND 2013-14

- 170.1 RESOLVED:** That the recommended remaining allocation of AMF bids totalling £0.3 million, as detailed in items 2,3 and 4 of paragraph 3.3 in the report be approved.

171. PLANNED MAINTENANCE BUDGET ALLOCATION 2013-14 AND PROGRAMME OF WORKS FOR THE COUNCIL'S OPERATIONAL BUILDINGS

- 171.1 The Strategic Director; Place introduced the report which detailed the planned maintenance works for the council's operational buildings for 2013/14.
- 171.2 Councillor Littman welcomed the report.
- 171.3 Councillor A. Norman noted that the provision for the Dome was high and subject of an historical agreement but queried whether there was any scope to review it.
- 171.4 The Director of Finance stated that a number of conversations had been held with the Dome representatives and additional funding secured from the Arts Council for England was dependant on the council providing support. It was therefore unlikely that any reduction in the council's contribution could be achieved.
- 171.5 The Chair noted the comments and put the recommendations to the vote.
- 171.6 **RESOLVED:**
- (1) That the financial allocation to an annual programme of planned maintenance works to the operational buildings at an estimated cost of £4,029,000 as detailed in Appendices A and B, in accordance with Financial Regulations be approved and
 - (2) That delegated authority, where necessary, be granted to the Executive Director for Environment, Development & Housing to enter into contracts within the budget in (1) above, which are procured in accordance with Contract Standing Orders.

172. EMPLOYABILITY FOR YOUNG PEOPLE IN CARE AND CARE LEAVERS

- 172.1 The Chair noted that the report had been referred from the Corporate Parenting Sub-Committee for consideration and as such proposed that the report be noted and that officers be requested to bring a further report back to the committee on how young people in care and care leavers could be supported in gaining employment opportunities. He also noted that the report outlining changes to the constitution recommended that the sub-committee should revert back to being a Board but the Leader and the Chief Executive should be members of that Board.
- 172.2 Councillor Shanks welcomed the Chair's proposal and formally seconded it.
- 172.3 Councillor A. Norman welcomed the report and noted that the Conservative Group had recently received a presentation from the 16+ Advisory Board which had emphasised the importance for Members to retain their role of Corporate Parents and to be represented on the Corporate Parenting Board.
- 172.4 Councillor Mitchell welcomed the report and its inclusion on the agenda and stated that she fully supported the Chair's proposals and looked forward to receiving a further report.

172.5 The Chair thanked the Members for their comments and put the recommendations to the vote.

172.6 **RESOLVED:**

- (1) That the recommendations as listed in the extract from the minutes of the Corporate Parenting Sub-Committee meeting be noted;
- (2) That it be agreed in principle to providing young people in care and care leavers with support (such as training, work placement etc) to increase their employability prospects; and
- (3) That officers be instructed to bring a report to the next meeting of the committee with proposals for the best way of providing young people in care and care leavers with the support necessary to enhance their chances of securing gainful employment and training.

173. **EXTRA CARE HOUSING UPDATE**

173.1 The Strategic Director; Place introduced the report and noted that it had been approved by the Housing Committee but under the current constitutional arrangements, the Policy & Resources Committee had to determine whether or not to approve the proposed demolition of council owned buildings. He stated that the intention was to provide additional extra care housing provision and noted that if approved would contribute an additional £300k to the Adult Care & Health budget.

173.2 Councillor Wakefield stated that she fully supported the report's recommendations and welcomed the proposed use of the site and provision of extra care accommodation that was desperately needed.

173.3 Councillor A. Norman stated that it would be a valuable addition to the extra housing stock and welcomed the focus on older people with dementia.

173.4 The Chair then put the recommendations to the vote.

173.5 **RESOLVED:**

- (1) That the proposed Brooke Mead Extra Care scheme which will be funded through affordable rents, a contribution from Adult Social Care revenue budgets, shared ownership and subsidy funding incorporated within the recent bid to the Homes & Communities Agency (HCA) be noted;
- (2) That proposals to proceed with a Planning application for the approval of extra care housing on the Brooke Mead Extra Care scheme, the current timetable for the proposed development and the pursuit of other funding options as detailed in the report be noted; and

- (3) That the vacant Housing Revenue Account ('HRA') block of Brooke Mead, Albion Street, Brighton as shown on the annexed plan to the report be demolished in order to be redeveloped, subject to Planning consent.

174. HCA EMPTY PROPERTY FUNDING ALLOCATION

174.1 RESOLVED:

- (1) That the Empty Property Capital Scheme be approved and the Capital Programme updated with budgets of £405k in 2013/14 and £495k in 2014/15 to be funded by £900k HCA capital grant (of which £675k relates to BHCC and £225k relates to Lewes to be managed via BHCC); and
- (2) That forward funding to a maximum of £200k be approved for the project due to the timing issues of awarding funding and the subsequent grant claim as detailed in paragraph 3.20 of the report.

175. NEW HOMES FOR NEIGHBOURHOODS - ESTATE REGENERATION PROGRAMME

- 175.1 The Strategic Director; Place introduced the report which had been referred from the Housing Committee as it recommended the demolition of buildings in order to enable the progress of the estate regeneration programme.
- 175.2 Councillor Wakefield welcomed the report and noted that progress was being made and hoped that approval for the proposed demolition would be given.
- 175.3 Councillor Mitchell referred to page 529 and paragraph 3.23 and asked that consideration be given to the tenant profile for the new accommodation that would replace the old manor place housing, having regard to that of the existing Robert Lodge.
- 175.4 The Head of City Regeneration stated that the point had been raised at the Housing Committee meeting and it was intended that residents of the new accommodation would be in keeping and consistent with the community profile at Robert Lodge.
- 175.5 Councillor Morgan queried whether reference in the recommendations should be made to consultation with ward councillors and local community groups in regard to the new accommodation and tenants.
- 175.6 The Head of City Regeneration stated that it was intended to involve ward councillors and local community groups in consultation on the regeneration of the area and this had been confirmed at the Housing Committee meeting.
- 175.7 Councillor Wakefield stated that as Chair of the Housing Committee she was happy to reassure Councillor Morgan that there would be a full consultation process involving ward councillors and community groups.
- 175.8 Councillor Peltzer Dunn stated that the committee was being asked to approve the demolition of the buildings and not the process for the new accommodation and

therefore suggested that the Chair of Housing Committee's undertaking should be accepted.

175.9 The Chair stated that there was an undertaking from both the Head of Service and the Chair of the Committee to involve residents and ward councillors and therefore it should be sufficient to note that and put the recommendations to the vote.

175.10 **RESOLVED:**

(1) That the four vacant and unlettable prefabricated bungalow units in the rear gardens of 243-245 Preston Road, Brighton (as shown on the annexed plan at Appendix 1) be demolished as required to enable redevelopment of that garden site with new housing, subject to planning consent, under Phase 2 of the Estate Regeneration Programme as outlined in paragraphs 3.21 and 3.22 of the report;

(2) That the vacant former Housing Office at Manor Place, Brighton (as shown on the annexed plan at Appendix 2 to the report) be demolished in order to be redeveloped, subject to planning consent, under Phase 2 of the Estate Regeneration Programme as outlined in paragraph 3.23 of the report.

Note: Councillor Shanks having declared a personal and prejudicial interest in the item withdrew from the chamber and took no part in the discussion or decision thereon.

176. REVIEW OF THE CONSTITUTION (MARCH) 2013

176.1 The Head of Law introduced the report which detailed a number of proposed changes to the council's constitution which had resulted from the recent review and discussions with the Leaders of the three political groups represented on the council. He noted that the council had adopted a new committee system on the 1st April 2012 and stated that he believed the new decision-making model had met all of its objectives, without any additional resources being required. There was however room for improvement and a number of changes were being proposed and further work would be undertaken to see if other changes were required e.g. the current partnership arrangements were due to be reviewed.

176.2 The Chair stated that he wished to thank all the officers involved in bringing the report to the committee and in enabling the new committee system to be implemented and operate efficiently. He stated that he had been surprised by the level of interest from other authorities since the council's decision to change and adopt a committee system and felt that had to be a positive endorsement of the change. He believed that Members were more engaged in the system and whilst the Green Group felt that separate committees should exist for Environment & Sustainability and Transport, it was recognised that the proposed combining of the two into one committee was fully supported by both opposition groups.

176.3 Councillor Morgan welcomed the report and the work that had gone into the review but queried whether the previous Members Working Group should have been involved in the review and all Members asked for their comments on the constitution and possible changes. He also asked for clarification in regard to the proposed Lead Member role

and that this would not attract a Special Responsibility Allowance (SRA) within the Members' Allowances Scheme or lead to the creation of further sub-committees.

- 176.4 The Chair confirmed that there was no intention for the Lead Member role to qualify for an SRA or to have additional sub-committees. He was committed to maintaining a streamlined committee system the intention was to formally recognise that the Lead Member would be regarded as having responsibility for that area, which would help them to engage effectively with partners and other organisations.
- 176.5 Councillor G. Theobald stated that he had been asked by other authorities about how the council had managed to move to a new system so quickly and wished to thank the officers concerned for their work in enabling the change to happen. His only concern was in regard to the level of involvement that Members had in Personnel Appeals and asked that this be looked at.
- 176.6 Councillor Peltzer Dunn stated that he wished to complement the officers on undertaking such an enormous task and delivering a new system. He agreed with Councillor Morgan in regard to the Members Working Group and thanked the Chair for the clarification. He also welcomed the intention of giving committees' responsibility for their areas and thanked the officers.
- 176.7 Councillor Kitcat noted the comments and stated that the role of Members in relation to Personnel Appeals had been raised at the Staff Consultation Forum and he believed this was due to be discussed further by the Forum with proposals then being brought forward for consideration. He then put the recommendations to the vote.
- 176.8 **RESOLVED:** That the proposed changes to the constitution in so far as they relate to the scheme of delegations to Officers as set out in Appendix 3 to the report be approved; and
- 176.9 **RESOLVED TO RECOMMEND:**
- (1) That the Council be recommended to approve the amended constitution documents set out at Appendix 1 (being those relating to committees, sub-committees and advisory bodies);
 - (2) That the Council be recommended to approve the changes to the constitution summarised at paragraphs 3.4 to 3.26 and 3.28 to 3.32 of the report and related documents set out in Appendix 2;
 - (3) That the Council be recommended to approve that the Monitoring Officer be authorised to make consequential amendments as are considered necessary to give effect to the changes agreed at paragraphs 2.1 to 2.3 above;
 - (4) That the Council be recommended to approve that the Chief Executive be authorised to take any steps necessary to implementation of the changes agreed in the report;
 - (5) That the Council be recommended to approve that the Executive Director of Finance & Resources be authorised to make appropriate amendments to

Financial Regulations and Standards Financial Procedures to reflect the Officer restructure and the changes relating to the corporate landlord function.

- (6) That the Council be recommended to approve that the amendments to the constitution set out in paragraphs 2.1 to 2.6 come into effect immediately after the Conclusion of annual Council on 23 May 2013, except any amendments relating to the terms of reference of the Health & Wellbeing Board and the Financial Regulations and Standards Financial Procedure, which should come into effect on 1st April 2013.

177. NOMINATION OF COUNCILLOR TO SERVE ON 'COAST TO CAPITAL' LOCAL TRANSPORT BODY

177.1 RESOLVED:

- (1) That the Lead Member for Transport be nominated as the city council's representative to serve on the 'Coast to Capital' Local Transport Body;
- (2) That the Assurance Framework for the 'Coast to Capital' Local Transport Body, attached at Appendix 1 be approved;
- (3) That consideration be given to the allocation of funds from within existing council budgets in order that it can be combined with funding from other members of the Local Transport Body to enable a part-time administrative role to be established that will enable it to operate efficiently; and
- (4) That it be noted that a further report would be brought back to a future meeting with detailed Terms of Reference for the LTB for approval.

178. ITEMS REFERRED FOR COUNCIL

- 178.1 No items were referred to the forthcoming council meeting on the 28th March 2013.

The meeting concluded at 6.50pm

Signed

Chair

Dated this

day of

2013

Subject:	Portslade Town Hall Site – Letter from Councillor Hamilton
Date of Meeting:	2 May 2013
Ward(s) affected:	Portslade South

FOR GENERAL RELEASE

For the attention of The Chief Executive, Penny Thompson

Letter to be placed on the agenda of the next Policy & Resources meeting, to be held on March 21st.

PORTSLADE TOWN HALL SITE

In 2010 a decision was taken by the Conservative administration to sell off half of the Portslade Town Hall site in Victoria Road, Portslade. This was to be part of the Workstyles 3 programme. The theory was that Portslade Town Hall could become a “community hub”, and that the council offices, public toilets, second Bowling Green and car park could all be sold off as a development site.

I am writing on behalf of all the Portslade councillors asking that the car park, and possibly the public toilets, be excluded from the development site. I have repeatedly raised the issue of parking at Portslade Town Hall, but to date have received no positive response.

At present there are about 36 parking spaces on site, and they are needed, especially as there is no bus route along Victoria Road. Last Friday the Mayor had a charity event at Portslade Town Hall, and there were 29 cars in the car park. On the following afternoon Portslade Community Forum had its AGM at Portslade Town Hall, and there were 34 cars in the car park. Yet under the proposals to date there would only be 10-12 parking spaces, hopelessly inadequate.

The council offices and bowling green could easily accommodate a block of flats, at least half a dozen. The land could be purchased by HRA and affordable units be built. The existing toilets and bowls pavilion could stay as they are and the accesses retained.

The proposal appears to be that there will be council offices in Portslade Town Hall, so staff will need to park. There is talk of police having an office on the premises, so they will need parking spaces. Visitors to council offices and police will need to park. Attendees at public events in whatever rooms are still for hire will also need to park. We advertise the main hall as capable of holding 150 people. When my mother held her 90th birthday party there 100 people attended and the car park was too small for all the vehicles.

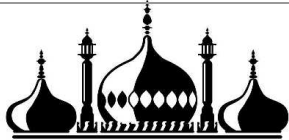
From April to September the bowls club uses the green at the rear of the Town Hall. On match days there can be 32 bowlers playing in a match. Most of these come by car because of the lack of a bus service and the weight of their four woods. On most summer days there are bowlers on site playing internal club competition matches.

Clearly reducing parking to 10-12 spaces is a non-starter. I am seeking the common sense and pragmatic solution, namely that the council offices and Bowling Green become the development site, and that the rest remains as it is now.

A handwritten signature in black ink that reads "Les Hamilton". The signature is written in a cursive, slightly slanted style.

Cllr Les Hamilton

Supported by Cllr Bob Carden, Cllr Penny Gilbey and Cllr Alan Robins.



**Brighton & Hove
City Council**

Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

Cllr Jason Kitcat
Chair, Policy & Resources Committee

Date: 12 April 2013

Our Ref:

Direct line:

Email: Warren.morgan@brighton-hove.gov.uk

Sven.rufus@brighton-hove.gov.uk

Dear Jason,

As Chairs of the council's two Overview and Scrutiny Committees we thought it opportune to write to the Policy and Resources Committee following the recent council debate on the constitution to highlight where the current scrutiny arrangement is working well, but also where we think there is room for improvement.

The current scrutiny work programme of policy and scrutiny panels is broad in scope and seeks to deal with significant issues affecting residents of the city. Current panels are addressing public toilet provision, the negative impact of alcohol, best practice with regard to bullying in schools, services for children with autistic spectrum conditions and social value in procurement.

The council has a strong track-record of utilising scrutiny to address difficult issues; a good recent example can be seen in the report of the Trans Equality Panel which we believe you will be considering at a future meeting.

Where there is perhaps more room for improvement in the new arrangements is the flow of issues from policy committees to scrutiny for in-depth member involvement in policy development. This would also aid the alignment of the scrutiny work-programme more closely with corporate plan objectives.

Scrutiny has an excellent reputation for enabling elected members of all political persuasions to understand and contribute to the development of policies, delivering reports that support objective, consensual decision-making.

We're sure that there must be issues on the radar of policy committees that would benefit from this approach and we are eager to work more closely to deliver better outcomes for our city.

Best wishes,

Cllr Warren Morgan
Chair Overview & Scrutiny

Cllr Sven Rufus
Chair Health & Wellbeing
Overview & Scrutiny

&

NOTICE OF MOTION

'BEDROOM TAX'

"This Council Notes:

From April 2013, the government is introducing a 'size criteria' which will limit how many bedrooms a family in council or social housing will receive benefit for- the so-called 'Bedroom Tax'.

If a household has more bedrooms than the Government says it needs, its Housing Benefit will be reduced: a 14% reduction in benefit for one 'spare' bedroom and a 25% reduction if a household has two or more 'spare' bedrooms.

This unjust change will affect an estimated 990 households living in accommodation owned by Brighton and Hove Council: resulting in a total reduction in Housing Benefit of some £750,000 a year.

These changes could force many households into real financial hardship, rent arrears – and ultimately, for some, homelessness. Many who are unable to prevent these outcomes may be forced to move home, in some cases away from the city.

This Council also notes the incredible work our officers and partners have been doing in preparing residents for welfare changes and acknowledges the difficult daily judgements they make to support those seeking their help.

This Council therefore condemns the 'Bedroom Tax' as an ideologically-driven attack on the least well-off in our society, and resolves to:

1. Request that the relevant Council Committee considers this motion with a view to ensuring that the Council and its partners work with all those affected by this Housing Benefit cut, and all other welfare cuts, to wherever possible prevent further expensive and socially disruptive homelessness such as through evictions;
2. Requests that the Chief Executive forward a copy of this motion to the city's three MPs, and asks them to raise the issue with Government."

Subject:	National Evacuees Memorial - Notice of Motion Referred from the Council Meeting held on the 28 March 2013		
Date of Meeting:	2 May 2013		
Report of:	Executive Director for Finance & Resources and Monitoring Officer		
Contact Officer:	Name:	Mark Wall	Tel: 29-1006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	Regency		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 At its meeting on the 28th March 2013 the Council approved a Notice of Motion for referral to the Policy & Resources Committee for consideration.

2. RECOMMENDATIONS:

- 2.1 That the Notice of Motion as outlined in paragraph 3.1 of the report concerning a National Evacuees Memorial be noted and the donation of £1,000 be approved.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

National Evacuees Memorial – Notice of Motion

- 3.1 “This Council applauds the work of the Evacuees Association in highlighting the story of the great evacuation that took place in vulnerable parts of the country at the start of World War 2. Brighton & Hove played a key part in the evacuation, initially as a safe haven for over 30,000 evacuees from London, many of whom settled with local families. Then later, as the threat of a German invasion loomed, many of these children together with children from Brighton & Hove and other vulnerable people, were themselves evacuated to other safer areas of the country.

This Council welcomes the Evacuees Association campaign to establish a National Memorial to the Evacuation at the National Memorial Arboretum at Lichfield and notes the request from the local Royal British Legion Women’s Section that Brighton & Hove City Council make a contribution to the appeal, as other councils such as Barking and Dagenham have done.

Therefore, this Council resolves to request that Policy & Resources Committee agree a donation to the appeal of £1,000 to act as a lasting commemoration to the unique role of the evacuees, foster parents, teachers, nurses, billeting officers and train/bus drivers who played such a key part in the city's history."

4. COMMUNITY ENGAGEMENT & CONSULTATION

4.1 The notice of motion has been published as part of the council agenda for the meeting held on the 28th March 2013.

4.2 The 'National Evacuees Memorial motion was approved unanimously.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The proposed donation of £1,000 can be met from within existing budgets as a one-off contribution towards the cost of providing a national evacuees memorial at Lichfield.

Finance Officer consulted Anne Silley

03/04/13

Legal Implications:

5.2 The proposal is within the Council's powers of general competence contained in the Localism Act 2011.

Lawyer Consulted:

Abraham Ghebre-Ghiorghis

04/04/13

Equalities Implications:

5.3 None identified.

Sustainability Implications:

5.4 None identified

Crime & Disorder Implications:

5.5 There are no significant crime and disorder implications foreseen.

Risk & Opportunity Management Implications:

5.6 None identified

Public Health Implications:

5.7 None identified

Corporate / Citywide Implications:

5.8 This would send a clear message about the value the city council places on this initiative.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None considered since this Notice of Motion was agreed by Full Council and the financial contribution is affordable.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The Notice of Motion was approved at the Council meeting on the 28th March and referred to the Policy & Resources Committee for consideration.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None

Subject:	Discretionary Housing Payment Fund		
Date of Meeting:	2 May 2013		
Report of:	Executive Director for Finance & Resources		
Contact Officer:	Name:	Susanna McLaren	Tel: 292465
		John Francis	Tel: 291913
	Email:	susanna.mclaren@brighton-hove.gov.uk	
		john.francis@brighton-hove.gov.uk	
Wards affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Discretionary Housing Payment (DHP) is a fund which has been available since 2001 to provide benefit customers with further financial assistance, when a local authority considers that additional help with housing costs is required. In Brighton & Hove, it has historically focused on helping vulnerable households retain their accommodation to avoid homelessness.
- 1.2 This report sets out how applications to the DHP will be assessed in the future. The scale of the ongoing welfare reform changes mean that the council anticipates significantly greater demand for support from the Fund. Individual applications for support will be considered on a case-by-case basis by officers but it is important to be open and transparent about our local scheme.
- 1.3 In 2012/13 the council received £633,000 DHP funding from central government. In 2013/14, the council is due to receive an estimated £1 million although this remains subject to change. The further increase in funding has been made to help local authorities support people through the transitional period of welfare reform. In Brighton & Hove it is anticipated that in 2013/14, the reduction in the amount of housing benefit that people in the city receive will be £11-12 million less than it was in 2010/11. Guidance from the Department for Work and Pensions (DWP) states that the fund is not intended to compensate for changes to the benefit system, but instead to provide temporary financial assistance to people who are experiencing particular difficulties or hardship.

2. RECOMMENDATIONS:

- 2.1 That the principles for the administration of the DHP be agreed as set out in paragraph 3.12
- 2.2 That the proposed scheme for assessing applications to DHP as set out in Appendix 1 be agreed.

2.3 That the Executive Director of Finance & Resources, the Head of City Services and other appropriate officers exercising relevant functions be authorised to take all appropriate steps to administer the scheme.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Nationally, DHP has been administered by Housing Benefit department since 2001. Previous versions of the scheme have existed since 1996. The scheme's definition, nationally and locally remained unaltered between 2001 and 2010/11. The overall budget was also static during this period although Brighton & Hove's allocation has increased each year since then as the government has used it as part of its response to the welfare reform agenda.

3.2 Due to the increased total DHP budget and to make sure the council is using these funds to effectively respond to the local issues created by welfare reform, it is appropriate to review the local policy and guidelines used to administer DHP. The DHP will be administered alongside the Local Discretionary Social Fund (agreed by this Committee in December 2012) and alongside the Council Tax Reduction Discretionary Fund that Full Council agreed to set up. We can also signpost to the Brighton Fund. Consideration is also underway on whether to create a specific DHP fund just for council tenants which would operate alongside the main DHP fund (which council tenants are also able to access). The benefits of this joined up approach are that:

- customers can be directed quickly and easily to the most appropriate fund for their circumstances;
- the risks of duplication of application and award can be minimised;
- an overview of the types of requests being made to all three funds can be maintained and a picture may emerge of patterns of individual circumstances that can be used to understand the cumulative impact of the welfare reform changes and the appropriateness of the council's response;
- any of the three funds could be topped up by the £300,000 additional discretionary funding set aside in the council's budget, depending on the relative demands on each.

3.3 Equalities information has been drawn from the impact assessments undertaken for the Council Tax Reduction Scheme, the Local Discretionary Social Fund and the Financial Inclusion commission in addition to information specifically about shortfalls between rents and housing benefit. This information has fed into the design of the scheme and will be reviewed over the first six months of 2013/14 to take into account the actual impact of the changes as they occur. We will work with our public health and policy teams to review national research and to undertake high level reviews of local impacts.

- 3.4 This review is also drawing in information and expertise from partners within Housing Strategy and housing and advice agencies within the city. Meetings to review the use of DHP are held regularly between the Benefits Service and Housing. We also held a wider meeting with advice agencies. Views and feedback from this sector will also be sought when reviewing the performance of the scheme during the year.
- 3.5 The budget is cash limited and must be managed so that applications can be accepted throughout the year. In addition to the requirement to evenly profile the budget throughout the year, the Benefits Cap provisions are due to start mid-year (between July and September) as such the profiling will take into account an increase in demand part-way through the year.
- 3.6 The DWP have identified different areas of welfare reform and allocated specific funding amounts to these areas within the total budget for 2013/14. Despite these allocated amounts, councils are not obliged to proportion the expenditure of their own budgets accordingly, although it is helpful for us to understand how the total budget has been constructed.

Anticipated Demand

- 3.7 In April 2013 the Social Sector Size Criteria came into force which will reduce housing benefit entitlement for working-age tenants who are deemed to have more rooms than they need. Tenants occupying by more than one room will have their housing benefit reduced by 14% and two or more extra rooms will attract a reduction of 25%. This change is estimated to affect 1,505 tenants in Brighton & Hove who will face an average weekly loss of £14.95, with the total equating to £1.2 million. 270 of those have dependent children and 528 of the households has a member of the family in receipt of Disability Living Allowance. In addition, there are a significant number of tenants with long term health problems who may find it difficult to share a bedroom.
- 3.8 At some point between July and September 2013, the Benefit Cap will be implemented in Brighton & Hove. This limits total benefit payments to £500 per week for working-age families and £350 per week for single claimants. Single people who work at least 16 hours a week and couples who work at least 24 hours a week are exempt from the Cap, as are households where a family member receives an applicable disability related benefit, such as Disability Living Allowance. The council estimates that there are about 300 families who will be affected by this with an annual loss of benefit totalling £1 million. The estimated average weekly loss for these households is £64.
- 3.9 The council estimates that out of a total of 12,455 Local Housing Allowance (LHA) claims (housing benefit for the private sector), 6,581 receive less LHA than the rent they pay. The total shortfall between the rent paid and the LHA received in these cases is £9.9 million. The estimated average weekly shortfall in these cases is £28.

Future Impact of Reduced Budget

3.10 It is noted that the DHP funding to authorities will fall by £30 million in 2014/15 with the expectation that this reduction will continue year-on-year as the immediate and transitional impacts of welfare reform lessens. It is not the intention of the DWP that the DHP fund is used to directly replace reduced rates of benefit which are a consequence of welfare reform, but to assist tenants into long-term affordable outcomes. Given that the DHP budget will reduce in future years it will not be sustainable to support families in accommodation with large housing benefit shortfalls in the long term. As such, it is important the budget is used wherever possible to help people into sustainable, affordable accommodation. This will mean a shift for the council moving away from supporting households in the long-term in properties that are affordable only with a DHP, to assisting tenants to move into accommodation that is sustainable in the long-term without such support. This can be achieved with offering rent-in-advance, and where appropriate deposits and moving costs.

THE SCHEME

3.11 The scheme is set out in appendix 1

3.12 The scheme principles are:

- The annual funding is cash limited, based on a ring-fenced central government grant (plus any additional allocation of the council's own un-ring-fenced discretionary funds set aside for 2013/14)
- The scheme is discretionary
- There is no statutory right to a payment
- Applications will be considered individually on their own merit. The level of payment will be decided by the council, fairly, reasonably and consistently
- There is no statutory right of appeal, although the council operates a review process

3.13 The scheme focuses on:

- enabling people to secure or retain appropriate and sustainable accommodation through temporary difficulties
- reducing the risk of homelessness
- supporting the stability of households where children may be at risk
- supporting foster carers who need more than one bedroom for their arrangements
- supporting disabled tenants whose home has been significantly adapted to meet their particular needs
- supporting other vulnerable households in exceptionally difficult circumstances

3.14 The scheme has been drawn up in conjunction with colleagues from the Housing Options team so that key housing strategy objectives are addressed. It has also been agreed by the Welfare Reform Programme Board which includes senior officers from Children's and Adults' Social Care.

Information and signposting

- 3.15 The council anticipates it will be in a position where the demand, in terms of both the number of applications for DHP it receives and the financial amount requested in total, will significantly outstrip the budget it has to meet this demand. In cases where the council is unable to make an award it will signpost that customer to appropriate support and advice.

Review and monitoring

- 3.16 The council will keep the fund fully under review and monitoring will be carried out on numbers of applications, the reasons for applications, numbers of successful applications and the value of those awards. In addition, details will be kept of unsuccessful applications and the reasons why they were unsuccessful.
- 3.17 A full review programme of all the council's related discretionary funds (DHP, Local Discretionary Social Fund and the Council Tax Reduction Social fund) is being undertaken throughout 2013/14. In addition to the review of specific awards referred to above, this review will undertake to examine how these funds are most effectively used in conjunction with one another and how they can be used in conjunction with other support and mitigations to provide the most sustainable outcomes for those affected by welfare reform.
- 3.18 We will be carefully profiling expenditure on this budget throughout the year. This will ensure that there is money available during the whole financial year.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The welfare reform programme has held a regular City-Wide Overview group over the last year with external stakeholders.
- 4.2 There has been a number of occasions when there has been cross-city information sharing and awareness, raising of all the impacts of the welfare reform agenda of which this is a part.
- 4.3 Current DHP use and expenditure is reviewed monthly in a cross-service meeting. A specific event inviting Housing and advice agencies has also fed into the consultation done for this report.
- 4.4 The Revenues & Benefits service will work with the Communications Team to refresh the publicity surrounding DHP. This area of work will take direction from the Equalities Impact Assessment (EIA). This work will need to strike a balance between reaching all the people who may be able to apply and receive payment from this fund and communicating the cash limited nature of the fund.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Government's welfare reform programme is fundamentally changing the way welfare benefits are delivered. The provisions proposed in this report need to be seen in this context.
- 5.2 It is anticipated that the demand from tenants to cover increased housing costs in 2013/14 will be greater than the DHP funding available and so the fund will be closely monitored as part of the TBM process during 2013/14. The council reclaims eligible expenditure from government up to the total value of the DHP grant allocation. Any expenditure over this level would have to be separately funded by the council.
- 5.3 In addition to the DHP fund, the council is responsible for administering other discretionary funds including the Council Tax Discretionary Fund and the Local Discretionary Social Fund. To avoid duplication of payments and to make the most efficient use of these funds, awards must work in a way which complements but does not overlap with the others.
- 5.4 At Budget Council in February this year £300,000 one-off resources were set aside to augment discretionary funds to moderate the initial impact of welfare reforms. These funds will be applied to the appropriate discretionary funds to ensure the most efficient use of resources as part of the TBM process.

Finance Officer Consulted: James Hengeveld

Date: 02/04/13

Legal Implications:

- 5.5 The relevant law is set out in appendix 2, but of particular note is the new guidance which has come in. Although not statute, the guidance should be followed wherever possible and until such time as it is challenged in Court.
- 5.6 It should also be noted that there have already been a number of legal challenges to the government policy which has led to changes in that policy (in relation to families with disabled children) and more can be expected. So it may be that the guidance and the policy will have to be changed and as such the scheme will have to be kept under review. A review process of the scheme would in any event be advisable.
- 5.7 As a discretionary scheme with limited statutory underpinning (intentionally as it is designed to be responsive to local need), it needs to be transparent, proportionate and reasonable.
- 5.8 There are, by extension, Human Rights Act issues. These are caused by virtue of the fact that people may lose their homes due to financial problems and this is clearly a 'right' under the act. Clearly audited decision-making and a flexible approach are critical in preventing successful challenges.

Additional legal comment is in appendix 2.

Equalities Implications:

- 5.9 An Equalities Impact Assessment has been undertaken as part of the design of the DHP policy. This assessment will be updated as we obtain further insight into the practical impact of welfare reform and the nature of the applications for DHP
- 5.10 Welfare Reform itself has wide ranging equalities implications and the increased funding provided nationally by the government for DHP is part of their response to the issues identified. Our EIA process has identified that the key groups significantly impacted by changes to Housing Benefit are:
- those of working-age
 - women, especially single parent women
 - families with children and foster children
 - disabled people are significantly impacted

This has been taken into account in the design of our DHP and who it will be focussed on. Decision makers will also take into account issues faced by any applicant who falls into a protected characteristic.

- 5.11 The EIA process has also identified a range of other actions including the need to ensure:
- ongoing equalities monitoring of the DHP caseload (successful and unsuccessful applications)
 - awareness of the DHP scheme with a particular need to communicate effectively with those from the BME community
 - accessibility of the service, including ensuring an ongoing home visits programme for those whose disability would preclude them from accessing the service otherwise
 - ongoing information sharing across council services, particularly with the Strong Families, Stronger Communities team, the Housing Options team and Adult Social Care, particularly disability services and mental health services.

Sustainability Implications:

- 5.12 There are no sustainability implications

Crime & Disorder Implications:

- 5.13 We have been in close liaison with the Police to share knowledge and understanding on Welfare Reform impacts. In addition, members of staff from the Welfare Reform Programme have met with Police analysts to discuss joint monitoring of the impact of Welfare Reform.

Risk and Opportunity Management Implications:

- 5.14 This report on DHP is related to the work on Wider Welfare Reform for which there is a risk log.

Public Health Implications:

- 5.15 Public Health is part of the Wider Welfare Reform Programme work.

Corporate / Citywide Implications:

- 5.16 The application of DHP has a significant impact on housing advice and housing providers throughout the city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The DHP policy could be left as it is. This would mean it would not take into account the changes from welfare reform. In turn this approach would lead to an increased risk that the council was not administering individual awards appropriately; as such the council may be at a higher risk of successful legal challenge against the administration of the scheme. For the reasons set out above, it is not recommended the council adopt the 'do nothing' approach in this instance

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The impact of the Government's reforms on those in receipt of Housing Benefit could potentially mean that many tenants will struggle to pay their rent. The additional funding for this financial year and for 2014/15 recognises this need for help, but the council anticipates that the level of funding is unlikely to be sufficient to meet it in full. However, the council considers that the provisions set out in this report are the best way to meet the needs of our most vulnerable residents.
- 7.2 A policy is required to ensure that the increased funding is used, as far as it is able to be, to support affected residents to move into a tenancy that will be sustainable in the long term and to support the transition into work.

SUPPORTING DOCUMENTATION

Appendices:

1. The DHP Scheme
2. DHP Administration

Documents in Members' Rooms

None

Background Documents

None

Discretionary Housing Payment (DHP) Scheme

- 1. What are payments of DHP intended to achieve and who are they intended to help?**
 - 1.1 This sets out how we will prioritise payment; it does not mean it will always be appropriate to make payments or full payments to everyone who falls into one of the following categories.
 - 1.2 The Scheme is designed to:
 - enable people to secure or retain appropriate and sustainable accommodation through temporary difficulties
 - reduce the risk of homelessness
 - support the stability of households where children may be at risk
 - support foster carers who need more than one bedroom for their arrangements
 - to support disabled tenants whose home has been significantly adapted to meet their particular needs
 - supporting other vulnerable households in exceptionally difficult circumstances
 - 1.3 DHP will not normally be paid where it undermines the purposes of the Housing Benefit scheme, for example supporting payments of exceptionally high rents charged by landlords

- 2. What can we pay for?**
 - 2.1 The regulations state that DHP can be used to meet 'housing costs'. This term is defined in the DWP guidance manual as meaning:
 - Current rental liability; and more widely:
 - Rent in advance
 - Deposits
 - Other lump sum costs associated with a housing need such as removal costs
 - 2.2 The DWP guidance manual also states DHP may not be used for:
 - Ineligible services e.g. heating, hot water, water rates etc
 - Increases in rent due to outstanding arrears
 - reductions in benefit as a result of sanctions
 - Benefit suspensions
 - Shortfalls caused by overpayment recovery
 - 2.3 The budget is directly linked to government funding which has been subject to considerable change.

- 3. How long are the awards for?**
 - 3.1 Awards are expected to last for a fixed period of between four weeks and 26 weeks with the emphasis being on the shorter awards, where the payment is for additional help towards ongoing rent.

3.2 Long-term DHP awards to support tenancies which are unaffordable under normal housing benefit rules will be in exceptional cases only.

4. What other support and conditions might there be attached to an award?

4.1 Payment of DHP should, where possible, be made in conjunction with support from other partners, such as housing options and housing advice agencies, so people's overall housing needs can be addressed.

4.2 The council may make it a condition of an award that the applicant engages with appropriate support; for example:

- Housing Options or other housing advice
- Budgeting and money advice services
- Social Services

5. What will we take into account?

5.1 The budget is cash limited; payments must be of such a level that it allows the council to protect the most vulnerable, whenever they approach us or we identify them. As such, resources need to be carefully profiled and managed throughout the year. The council needs to be particularly mindful of any changes which happen mid-year which could affect the profile of the budget.

5.2 Demand is likely to significantly exceed the funds available. In each year of operation, an analysis should be undertaken to establish the estimated total shortfalls between rent paid and housing benefit received throughout the city.

5.3 The ongoing DHP budget may decrease which in turn will impact the sustainability of ongoing awards; good information should always be kept on levels of likely future year funding.

5.4 A wide range of issues should and can be taken into account when making decisions about whether a DHP should be made. DHP is a discretionary fund with a limited budget and as such it is imperative that each case is considered on its own merits and a decision made accordingly. An overly prescriptive approach could lead to a challenge that the council is fettering its discretion. Whilst this scheme sets out the issues and criteria decision-makers may take into account, other circumstances not listed in this policy could be considered as appropriate to make a payment of DHP against.

5.5 Payments of DHP should be looked at on a case-by-case basis alongside other council discretionary funds, specifically Local Discretionary Social Fund and the discretionary fund to support the Council Tax Reduction scheme.

6. How much will we pay?

6.1 An individual's award should, in the short term, provide an appropriate financial solution. The aim is for this money to have a positive impact.

- 6.2 Awards will be made on the basis of what is affordable to the individual. It will be common that awards are not made up to the full value of a person's rent and that they will have to make some contribution themselves.
- 6.3 The levels of awards granted in general will need to take into account the other demands on the fund.
- 6.4 We will be carefully profiling expenditure on this budget throughout the year. This will ensure that there is money available during the whole financial year.

Elements staff need to take into account when considering vulnerability and exceptional circumstances

Financial situation

Does the client have multiple debts?	Need to see evidence of all outstanding debts and details of any action taken to recover these. Consider referring to Money Advice agency and / or negotiation on their behalf with any internal creditors e.g. Council Tax arrears, Rent arrears (Council Tenants)
What income does the client have?	Consider whether any household members or relatives able to assist or possibility of help from charitable organisations.
Is the client receiving all the benefits that they may be entitled to?	Check that Housing Benefit (HB) and Council Tax Reduction (CTR) is correct and that there are no other possible welfare benefit entitlements.
Does the client have any capital?	Is it accessible and available to use?

Health of client

Is the client in poor health?	Is this a temporary situation i.e. short stay in hospital or more long term? Does the client receive the correct Disability Benefits? Are we awarding the correct Disability Premiums? Have we got proof of the illness / disability?
Are there members of the client's household who are disabled?	Check that they are getting the correct benefits. Establish carer roles and consider Care Allowance and the HB Carer's Premium.
Does the client have additional spending because of their ill health or disability?	E.g. has to use taxis to travel, special dietary requirements

Loss of home

Has the client been threatened with legal action to recover the property?	Verify copies of any notices served. Check with Housing Options if there is doubt to whether the action taken is correct or legal.
Has the client any alternative accommodation arranged?	Are they due to be re-housed by the council or Housing Association (from the Housing Register)?
Is the home suitable for their	Would they qualify for assistance from the council for

Appendix 1 Brighton & Hove Discretionary Housing Payment Scheme

needs?	re-housing to more suitable accommodation? Check against re-housing criteria or contact Housing Allocations for additional advice.
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Suitability of accommodation

Is the area particularly suitable for the clients needs?	Does the client give good reason for this e.g. close to schools, support networks, hospital, clinics, work, childcare. Are these requirements equally satisfied elsewhere?
Is the accommodation itself suitable for the client or their household members?	Does the client or a member of their family require special facilities? e.g. ground floor, ramps, lifts, wardens or adaptations?

Short term assistance

Does the client need short-term assistance following an emergency situation?	Is there clear evidence of circumstances that may have affected the clients earning capacity or ability to meet financial commitments? E.g. recent burglary, loss of income (job loss, recent bereavement), relationship breakdown.
Has the client recently come back into the community?	Is the client in a transitional period where they may require additional assistance to establish themselves in the community? E.g. release from prison, rehabilitation unit, Community Short Term Care (previously Intermediate Care). Consider transitional Housing Benefit for Supported Accommodation.

Length of payment

Is there a pending change of circumstance?	Is there a baby about to be born? Is there a partner returning from hospital / prison / working away? Is their income due to change shortly?
How long is the assistance required?	Is this a short-term situation? Will the client be able to afford the full payments in the near future? Is the client awaiting the outcome of applications for any other benefit? Are they hoping to find a job or alternative, better-paid employment? Are they actively seeking alternative accommodation? Are they moving – if so when? Have they indicated how long they think they will need the assistance?

Financial considerations

Would the award of DHP keep a client in their home?	Will the payment of DHP make any difference to the client or will they be evicted or re-housed anyway?
How much of a shortfall should be met?	Is the rent they are paying reasonable for their circumstances? What would be a reasonable level? Can they meet part of the payment themselves?
How much funding is available?	What is a reasonable payment in context of the uncommitted amount left in the fund and awards being made to other applicants?

One-off payments

Would a one off payment to help with moving costs mean the client could move to long term sustainable accommodation?	Will the payment be sufficient; are there other payments which may also help?
How much should be paid?	Will the client be eligible to apply to the Deposit Guarantee Scheme through the Housing Options Team?

Further assistance

Could the client's issues actually stem from underlying other issues?	Should a referral be made to further specialist services?
Would the client's situation be better addressed by payment from an alternative discretionary scheme?	Look at eligibility under Local Discretionary Social Fund and Council Tax Reduction Discretionary Scheme.

7. Decision-making and appeals

- 7.1 The Council will notify an individual of the result of their DHP request whether it is positive or negative.
- 7.2 The individual may appeal against that decision by giving their reasons why they disagree with that award in writing within one month of the notification. If the appeal is later than one month it may be considered if there is good reason why the appeal is late.
- 7.3 If an appeal is received a member of staff who was not involved in the first decision will review the first decision and any new information which has been provided. They will then notify the applicant of the outcome of their reconsideration. If the decision is still negative the applicant may appeal again within one month.
- 7.4 If the individual does appeal again, the appeal will be considered by a panel consisting of appropriate senior managers. The panel must consist of at least two people. The decision made by this panel will be final and there is no further right of appeal.

Further guidance and legal advice for the administration of the Discretionary Housing Payment (DHP) Scheme

- 1.1 A DHP can be paid when the council is satisfied that the claimant is entitled to:
 - Housing Benefit (HB); **or**
 - Universal Credit (UC) that includes a housing element towards rental liability; **and**
 - requires further financial assistance with housing costs.
- 1.2 The Department for Work and Pensions (DWP) provide substantial guidance in their DHP Guidance Manual setting out how Local Authorities can define these terms and in what circumstances it may be appropriate to make payments. However, the guidance manual itself is clear that fundamentally decisions are the responsibility of councils.
- 1.3 The good practice guide is intended to act as aid; however, Local Authorities have overall responsibility for how DHPs are administered and paid, taking into account the impact of Welfare Reform and any other relevant factors. Due to the discretionary nature of the scheme it is important that Local Authorities are flexible in their decision making. (DWP Discretionary Housing Payment Guidance Manual April 2013 1.4)
- 1.4 The regulations state that DHP can be used to meeting 'housing costs'. This term is defined in the DWP guidance manual as meaning:
 - Current rental liability; and more widely:
 - Rent in Advance
 - Deposits
 - Other lump sum costs associated with a housing need such as removal costs.
- 1.5 The DWP guidance manual also states DHP may not be used for:
 - Ineligible services
 - Increases in rent due to outstanding arrears
 - Sanctions and reductions in benefit
 - Benefit suspensions
 - Shortfalls caused by overpayment recovery
- 1.6 The legal powers are contained in the Discretionary Financial Assistance Regulations 2001 (Statutory Instrument 2001/1167). In short the regulations make provision that the Local Authority may make payment of DHP where a person *'appear to such an authority to require some further financial assistance (in addition to the benefit to which they are entitled) in order to meet housing costs'*.
- 1.7 The DWP has recently issued new DHP guidance to reflect amendments to the Discretionary Financial Assistance regulations to ensure the scheme covers the introduction of UC and abolition of Council Tax Benefit from April 2013. This includes guidance to Local Authorities on how DHPs can be used to provide support to customers affected key Welfare Reforms; namely the introduction of the Benefit Cap, introduction of the Social Sector Size Criteria and reductions in Local Housing Allowance.

- 1.8 Funding of £30 million in total (20% of the national fund) was originally made available to Local Authorities for this financial year and next, aimed specifically at under-occupation in two groups, namely disabled people living in accommodation that has had significant adaptations carried out to meet their needs and foster carers. The government have recently stated that foster carers will now be exempt from the changes provided that they are only under-occupying by one room. But, under-occupying by more than one room will attract a reduction in benefit. It is our understanding that a proportion of our allocated £1m funding will be now be reclaimed nationally to reflect this policy change.
- 1.9 Funding of up to £75 million this year (50% of the national pot) has been set aside to deal with the affects of the Benefit Cap, this amount will be reduced to £45 million in the year 2014/15. The council's own analysis suggests that the Benefit Cap which is due to be rolled out between July and September 2013 is likely to cause the significant financial hardship on vulnerable households in the city, particularly those with children, and therefore this will be a priority area for support through the DHP, especially where those households are also being supported through the Stronger Families, Stronger Communities programme.
- 1.10 The DWP have stressed that the additional funding they have made available is not based on replacing lost benefits as a result of Welfare Reform as to do so would undermine the rationale of the reforms. The purpose of the additional resources is to enable LAs to assist those most affected to adjust to a long-term affordable solution. Statements from the government have defended accusations that the DHP fund is under resourced by arguing that they do not expect DHPs to be available to everyone who sees a reduction in their benefit.

Additional Legal comment

- 1.11 A wide range of issues should and can be taken into account when making decisions about whether a DHP should be made. DHP is a discretionary fund with a limited budget and as such it is imperative that each case is considered on its own merits and a decision made accordingly. An overly prescriptive approach could lead to a challenge that the council is fettering its discretion. Appendix 1 sets out the issues and scheme decision makers may take into account. Other circumstances not listed in appendix 1 could be considered as appropriate to make a payment of DHP against. Failure to treat each case on its merits might lead to challenge by way of Judicial review (the only remedy available). Clear audit trails should be recorded to justify each decision and the more unusual ones should have greater detail.

Simon Court, 1st April 2013

Subject:	Coastal Defence Strategy – Brighton Marina to River Adur		
Date of Meeting:	2 May 2013		
Report of:	Executive Director for Environment, Development and Housing		
Contact Officers:	Name:	Martin Eade	Tel: 294568
		Andrew Renaut	292477
	Email:	<u>martin.eade@brighton-hove.gov.uk</u>	
		<u>andrew.renaut@brighton-hove.gov.uk</u>	
Ward(s) affected:	South Portslade, Wish, Westbourne, Central Hove, Brunswick & Adelaide, Regency, Queen's Park, East Brighton, Rottingdean Coastal.		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 It is essential that the council has a risk-based management strategy for coast defence in order to ensure that the city's coastline is not adversely affected by coastal erosion and sea flooding. Such strategies are encouraged by the government department DEFRA (Department for Environment, Food & Rural Affairs), and funded through the Environment Agency.
- 1.2 The preparation of a draft strategy, known formally as the 'Brighton Marina to River Adur - Flood and Coastal Erosion Risk Management Strategy', began last year with the gathering of information and data. It is being carried out in partnership with Worthing & Adur Councils. A further informal information gathering exercise is currently underway, which will help inform and shape the development of proposed management options.
- 1.3 Various options are available for the management of coastal risks over the next 100 years (the period of time that the Environment Agency requires the long-term strategy to be planned for) and therefore the public should be consulted on a long list of such options for protecting the city's coastline.
- 1.4 The city council is also participating in a separate study being led by Lewes District Council for the section of the coast between Brighton Marina and Newhaven, which includes Rottingdean. One of the primary risks that will the council will be considering for this section of coast is the proximity of the A259 to the cliff edge. This area does differ significantly from the Adur to Marina section in that it is a cliffed coastline and the majority of it is defended. Work on the existing strategy study (Marina - Saltdean and Saltdean - Newhaven) will therefore require revision and a scoping exercise is underway. A fuller study is expected to begin during 2013/14, subject to funding being secured by Lewes District Council.

2. RECOMMENDATIONS:

- 2.1 That the Committee authorises officers to undertake consultation on a number of management options for coastal defences within the 3 defined sections of the coast between Brighton Marina and the River Adur as set out in paragraph 3.6 of the report. .
- 2.2 That the Committee requests that the results of the consultation should be reported back to the Committee in order that a preferred option for the defence of this section of the city's coast can be considered and agreed.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The City Council is a coast protection authority taking its powers from the Coast Protection Act 1949. The Act defines coast protection as the prevention of erosion and encroachment by the sea and allows authorities to apply to the Secretary of State for funding towards the cost of schemes and studies.
- 3.2 Strategies are one stage in the process of establishing a business case for funding towards the building of coast defences. Initially a regional Shoreline Management Plan [SMP] is prepared which sets policies for coast defence. For Brighton & Hove, the Selsey Bill to Beachy Head SMP has set a policy of holding the currently defended line. The SMP and its policies were adopted by the council's Environment Committee on 14 September 2006, and part of the SMP's action plan is to prepare coastal strategies.
- 3.3 The previous strategy for this section of coast was approved for submission to DEFRA by the council's Environment Committee on 12th June 2003. However, DEFRA was unable to approve it owing to changes in governance and the guidance for the preparation of such strategies. It has taken some time to secure new funding to review the previous work under the new guidance. Approval to fund the current strategy was finally received from the Environment Agency in August 2011 and following a tender process, consulting engineers Halcrow have been retained to advise the council.
- 3.4 During the last 12 months, a detailed examination of the coast and previous work done has been undertaken, and information and data have been collated, ranging from the conservation value of areas of the coast to predictions of climate change and sea level rise. A number of technical reports have been prepared by Halcrow to assist in the development of the management strategy. A page on the Council's website has been set up where the reports can be viewed and comments made.
- 3.5 The development of the strategy involves assessing a range of management options from doing nothing at all to defend the coast to large engineering schemes. All these options must be technically, environmentally and economically justifiable so that the final option can be successfully presented to the Environment Agency for funding once they have approved the strategy.

- 3.6 For the purposes of the study the coast is divided into 3 sections – the locked section of Shoreham Port; the coast between the mouth of the River Adur and Brighton Marina; and Brighton Marina itself. A long list of options for the management of these 3 sections has been developed and those that will form the basis of the consultation are set out in Appendix 1 of this report.
- 3.7 There are 5 generic options:
1. *No active intervention*: abandoning the defences and undertaking no further maintenance or repair.
 2. *Do minimum*: only undertaking work where there is a breach in the seawall or a physical collapse of part of the defences.
 3. *Maintain*: keeping things as they are and not taking any account of climate change. This would result in increasing risks over time as the standard of defence would decline.
 4. *Sustain*: constructing new defences where necessary to reflect sea level rise and so keeping pace with change and maintaining the standard of defence.
 5. *Improve*: construct new defences to increase erosion and flood protection over and above what is necessary to keep pace with climate change.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 A Communications Plan has been one of the first reports to be prepared when work began on the strategy. It is available on the council's website and contains details of the groups and stakeholders who will be contacted in order to assist in gathering information and data to assist in developing the management strategy. Before Easter this year, a newsletter was issued to help inform this work and all councillors were informed of its publication. It includes an outline of the study area and copies have been placed in Members' Rooms.
- 4.2 A consultation brochure is being prepared and each section of coast will be represented with a range of possible options outlined for the 5 generic categories described above. The project's Engagement and Communication Plan identifies the council and external consultees that have been, and will continue to be, involved in the consultation for the options and the Strategic Environmental Assessment [SEA]. These include Parish Councils, MPs, councillors, local resident and interest groups and members of the public. The consultation is planned to take place between May and July 2013, and will involve published and on-line material and public exhibitions. The results will be assessed and reported back to Committee in order that a preferred option can be considered and agreed by February 2014.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Work on the preparation of the strategy will be 100% grant-aided by DEFRA through the Environment Agency. The cost of any work that is not grant eligible (such as some elements of the consultation process) will be met from the council's coast protection revenue budget.

- 5.2 Any coast defence schemes that may be necessary for the implementation of the preferred management strategy will be submitted to the Environment Agency for grant aid once it has approved the strategy.
- 5.3 Future works would not be 100% grant-aided. A calculation will be made on the percentage of grant the preferred option would be likely to attract, and any balance required would have to be found locally. This calculation would be made in line with prevailing DEFRA policy at the time. Given the high cost of some coast defence schemes this policy of 'partnership funding' can jeopardise the implementation of schemes where the availability of local funding is limited.

Finance Officer Consulted: Jeff Coates

Date: 10/04/2013

Legal Implications:

- 5.4 The Council takes its coast defence powers from the Coast Protection Act 1949. The Act confers permissive powers on coast protection authorities such as Brighton & Hove. This means that the Council has the power to take the action set out in the report but there is no legal requirement for the council to defend the coast nor any right to defence by occupiers of the coastal zone or commercial interests, as there is in some European countries.

Lawyer Consulted: Elizabeth Culbert

Date: 17 April 2013

Equalities Implications:

- 5.5 There are no direct equalities implications at this stage. All consultation material will comply with the council's guidance and standards.

Sustainability Implications:

- 5.6 The latest climate change estimates published by DEFRA are used in developing the management strategy's options. The project is also supported and informed by a Strategic Environmental assessment [SEA].

Crime & Disorder Implications:

- 5.7 There are no implications for crime and disorder.

Risk and Opportunity Management Implications:

- 5.8 There are no direct risk implications at this stage in the strategy's development. However, it is not possible to remove all risks from the coastal zone and the basis of any coast defence strategy will be to manage risks, and this will be reflected in the options presented for consultation.

Public Health Implications:

- 5.9 The use of the city's beaches and seafront for recreation, relaxation and amenity should not be underestimated and, although difficult to quantify, it complements the economic value that commercial and other activities on the seafront have for the city. For example, data taken from a permanent counter on the Undercliff

Walk at the Marina showed a total 2-way flow of pedestrians and cycles of over 14,000 in February this year.

Corporate / Citywide Implications:

- 5.10 The preparation of the draft Coastal Defence Strategy will also inform and support the development of the council's Seafront Strategy. Although the SMP is based on the next 100 years, it will ensure that as far as possible it reflects the aspirations of local interests.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 A number of options for coast defence will be developed for each of the 3 sections of coast. These will subsequently be consulted on.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 In order to assist in raising awareness and understanding of the Coastal Defence Strategy, it is necessary to seek permission to consult on possible options for management. Consultation at various stages in the development of a strategy is also recommended in the Environment Agency's guidance.

SUPPORTING DOCUMENTATION

Appendices:

1. Long list of options for consultation

Documents in Members' Rooms

1. Information leaflet – published March 2013.

Background Documents

1. Technical reports – 2012 (including Strategic Environmental Assessment [SEA] and Coastal Processes Report)
2. Stakeholder Engagement Plan and SEA Communication Plan - 2013

Appendix 1

Long List of Options for Consultation

Unit 1 Locked basin at Shoreham Port

Option 1 No Active Intervention	No further works or repairs would be undertaken and the defences would be left to deteriorate and fail over time. This option would result in flooding of properties in the harbour area and loss of operations at the port.
Option 2 Do Minimum	Only reactive repair works to the lock gates. Flooding of properties in the harbour area would increase and operations in the port would be affected.
Option 3 Maintain	Maintain and replace, as necessary, the existing lock gates. The flood risk to properties within the harbour will increase in the mid to long term as sea levels rise
Option 4 Sustain	Upgrade the existing lock gates to a higher level to sustain the standard of protection in the long term. The prevailing level of flood risk to the properties in the harbour area would remain constant.
Option 5 Improve	Upgrade the existing lock gates to a higher level to improve the standard of protection in the long term. The flood risk to the properties in the harbour area would be reduced.

Unit 2 Open Coast (Hove Lagoon to Brighton Marina)

<p>Option 1 No Active Intervention</p>	<p>No further works or repairs would be undertaken to the defences and the movement of shingle to areas at risk would be stopped. The defences would be left to deteriorate and fail over time.</p> <p>The beaches along the Shoreham frontage would erode, resulting in flooding of the properties along the Shoreham frontage including industries at Shoreham Port. In the longer term, the entire frontage would erode with increasing flood risk to people and property along the seafront.</p>
<p>Option 2 Do Minimum</p>	<p>Reactive repair works to the seawalls and some movement of shingle to protect vulnerable seawall sections. The groynes will continue to deteriorate and will eventually fail.</p> <p>The flood risk to properties and amenities along the coast will increase over time as the defences deteriorate and sea levels rise.</p>
<p>Option 3 Maintain 1</p>	<p>The existing groynes will be repaired and replaced (with either rock or timber). The movement of shingle from west to east across the river mouth will continue. The seawalls and other defences will be refurbished and repaired as appropriate.</p> <p>The flood risk to properties and amenities along the coast will increase in the long term as sea levels rise</p>
<p>Option 4 Maintain 2</p>	<p>As option 3, except beach material will not be moved across the river mouth instead shingle will be taken from the beaches at Kemp Town to recharge the beaches at the west end of Shoreham Port.</p>
<p>Option 5 Maintain 3</p>	<p>As Option 3, except shingle will be moved from Kemp Town to Shoreham and also moved across the river mouth.</p>
<p>Option 6 Sustain 1</p>	<p>The existing groynes will be repaired and replaced (with timber or rock) with higher and/or longer groynes to increase the size of the beaches. Shingle movement as in option 5 will continue. Seawalls and other defences will be repaired and replaced as appropriate to sustain the same standard of protection in the long term.</p> <p>Flood risk to properties and amenities along the coast would remain constant into the future.</p>

Unit 2 Open Coast (Hove Lagoon to Brighton Marina)

<p>Option 7 Sustain 2</p>	<p>The existing groynes will be repaired and replaced (with timber or rock). Shingle movement would continue as option 5. Seawalls and other defences will be raised where appropriate to sustain the standard of protection in the long term.</p> <p>Flood risk to properties and amenities along the frontage would remain constant.</p>
<p>Option 8 Improve 1</p>	<p>Repair and replace the existing groynes (with timber or rock where appropriate) with higher and/or longer groynes to increase the size of the beaches. Shingle movement operations would continue as in option 5. Seawalls and other defences will be raised as appropriate to improve the standard of protection.</p> <p>Flood risk to properties and amenities along the coast would be reduced.</p>
<p>Option 9 Improve 2</p>	<p>The existing groynes will be repaired and replaced (with timber or rock). Shingle movement operations will continue as in option 5. Seawalls and other defences will be raised where required to improve the standard of protection.</p> <p>Flood risk to properties and amenities along the coast would be reduced.</p>
<p>Option 10 Improve 3</p>	<p>The existing groynes will be removed at the end of their residual life. Offshore breakwaters will be constructed to control sediment transport and maintain the beach. Seawalls and other defences will be repaired and refurbished as appropriate.</p> <p>Flood risk to properties and amenities along the coast would be reduced.</p>
<p>Option 11 Improve 4</p>	<p>The existing groynes will be removed at the end of their residual life. Rock revetments will be constructed in front of the seawall to improve the standard of protection. The beach would not be maintained.</p> <p>Flood risk to properties and amenities along the frontage would be reduced.</p>

Unit 2 Open Coast (Hove Lagoon to Brighton Marina)

Option 12 Improve 5	<p>The existing groynes will be removed at the end of their residual life. Raised seawalls will be constructed to improve the standard of protection. The beach would not be maintained.</p> <p>Flood risk to properties and amenities along the frontage would be reduced.</p>
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Unit 3 Brighton Marina

Option 1 No Active Intervention	<p>No further works or repairs would be undertaken and the breakwaters would be left to deteriorate and eventually fail. The Marina breakwaters would fail, exposing properties and amenities within the Marina to increased flooding.</p>
Option 2 Do Minimum	<p>Reactive repair works to the breakwaters and inner harbour walls.</p> <p>The flood risk to properties and amenities within the Marina will increase over time as the defences deteriorate and sea levels rise.</p>
Option 3 Maintain	<p>The breakwaters and inner harbour walls would be maintained on an annual basis.</p> <p>The flood risk to properties and amenities within the Marina will increase in the long term as sea levels rise</p>
Option 4 Sustain	<p>The breakwaters will be maintained and the height of the inner harbour wall will be increased to sustain the standard of protection in the long term</p> <p>The flood risk to the properties and assets in the inner marina area will remain constant over time.</p>

Subject:	Response to the Trans Equality Scrutiny Panel Recommendations		
Date of Meeting:	2 May 2013 9 May 2013 Council		
Report of:	Assistant Chief Executive		
Contact Officer:	Name:	Emma McDermott	Tel: 29-1577
	Email:	Emma.mcdermott@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT

- 1.1 The Trans Equality Scrutiny Panel was set up in May 2012 to highlight the challenges and inequalities facing transgender people in Brighton & Hove and to make some recommendations for change. It set out to find answers to the question: what needs to be done to make things fairer for trans people to live, work and socialise in the city?
- 1.2 The members of the Panel from the Council were Councillor Phélim Mac Cafferty, Councillor Warren Morgan and Councillor Denise Cobb. Jay Stewart of Gendered Intelligence¹ and Michelle Ross, a Trans Awareness Consultant & Counsellor at the Terence Higgins Trust, two noted national experts, were co-opted on to the panel. It also appointed a facilitator, Nick Douglas, of the LGBT Health and Inclusion Project (LGBT HIP) to help the Panel engage with as many members of the Trans Community and support groups as possible. LGBT HIP is funded through the Council's Communities and Equality Team who also supported the engagement and consultation process.
- 1.3 The council's Overview and Scrutiny Committee endorsed the panel's report on 28 January 2013 and forward it to all relevant decision making bodies for consideration. Due to committee scheduling it was not possible to bring a council response to committee before May.

2. RECOMMENDATIONS

- 2.1 That committee note the excellent process undertaken by the scrutiny team, assisted by the communities and equality team, to produce the Trans Equality Scrutiny Report.
- 2.2 That committee welcomes the scrutiny report and note the significance of its findings.

¹ Gendered Intelligence is a community interest company that runs arts programmes, creative workshops, and trans youth group sessions that looks to engage people in debates about gender

- 2.3 That committee accepts the recommendations relevant to the city council and agrees the responses to the individual recommendations as provided in appendix 1.
- 2.4 That committee notes those recommendations that are for either other or all public sector organisations, or third sector partners, and that the council will work in partnership to implement these recommendations.
- 2.5 That committee forward its response to Full Council for information.
- 2.6 That committee agrees to the Trans Equality Report and this committee report being shared with the Local Government Association and other appropriate local government peer groups/forums.

3. BACKGROUND/CONTEXT

- 3.1 The Trans Equality Scrutiny Panel was groundbreaking, being the first in the country to carry out, in a sensitive and effective way, a detailed investigation into the experiences and needs of Trans individuals and community in the city. It provides a firm and clear foundation for all public services to build on in terms of improving their understanding of and service provision to the Trans community. Much learning and awareness raising with service providers was achieved through the process. For example, during the panel process housing officers committed to commissioning trans awareness training and city services committed looking at the introducing more flexibility on honorific titles (such as Mr, Ms etc) within on-line forms.
- 3.2 Through providing a positive response to the recommendations the council wishes to signal its significant support for the Trans community and making positive and timely steps to improve their experiences. The council continually strives to improve its services ensuring they meet the needs of all individuals with protected characteristics. For example, it remains committed to carrying out equality impact assessments of its services, strategies and policies.
- 3.3 Nevertheless the findings of the Trans Equality Panel have highlighted that there has been inadequate awareness of the lives of trans people for too long. Further, that sensationalist media reporting coupled with a lack of understanding has led to trans people suffering undue discrimination, problems accessing services, and harassment.
- 3.4 Critically, the panel found that there is a lack of data on the number of trans people accessing services in Brighton & Hove, with the result that service providers are not necessarily aware or fully understand the needs of trans people. Hence, the recommendation for a needs assessment which involves trans people at every stage of the process, not only to ensure their voice is heard but also to help inspire the trust of the trans community and also recommendations on basic principles such as the importance of using appropriate pronouns to refer to someone: mistakes in gender-related speech can be very upsetting and can be easily avoided. The need for trans awareness training runs throughout the scrutiny report. The report challenges the council to be at the forefront of changing the perception of trans people in the city and using

its status and influence to tackle discrimination and reduce marginalisation of Trans individuals.

- 3.6 Given the importance of health issues for trans people, it is unsurprising that the scrutiny report makes a number of recommendations for health bodies, in particular the local Clinical Commissioning Group. Problems over accessing local appropriate and timely healthcare needs to be addressed. Whilst individual public bodies, are required to make their own response to the scrutiny report the council, through its public health mandate has take on responsibility to liaise with the clinical commissioning group and include a response to recommendations specific to the group. Similarly, the council has led a response to the recommendations that include both the Police and the Partnership Community Safety Team.
- 3.7 In addition the scrutiny panel found that Trans individuals were facing inadequate/inappropriate service provision in housing, adult social care, sports and leisure. Much of which could be resolved through staff training and development to raise awareness and sensitivity to the needs and experiences of trans peoples when teams are reviewing their services to ensure they meet all their service users needs.

4. COMMUNITY ENGAGEMENT AND CONSULTATION:

- 4.1 All relevant services in the council were asked to respond to the Trans Equality Scrutiny Panel recommendations. They were also shared and discussed with service areas at the council's equalities steering group (5 February) and with public sector partners at the City Inclusion Partnership (19 March). Other public sector bodies will respond to the scrutiny report through agreed channels.

5. FINANCIAL & OTHER IMPLICATIONS

Financial Implications:

- 5.1 Financial implications for each response within Appendix 1 will be determined by the Council or named partner as they are actioned. A number of the responses have been or can be delivered within existing plans and budgets such as the grant award and monitoring activity. The Clinical Commissioning Group will be responsible for funding the responses in their name. Actions requiring additional funding will need to be considered against priorities and agreed through the budget monitoring process in 2013/14 or included with the budget plans for 2014/15 for both the Council and partner organisations.

Finance Officer Consulted: Anne Silley

Date: 27/03/13

Legal Implications:

- 5.2 Any actions the council takes in implementing a response to the Panel's recommendations must comply with the Equality Act 2010, and must have regard to relevant guidance issued by (i) the Government Equalities Office and (ii) the Equality and Human Rights Commission

Lawyer Consulted: Oliver Dixon

Date: 02/04/13

Equalities Implications:

- 5.3 All new activity or significant service changes arising from the responses to the recommendations will require discussion with the Trans Community, working with and through the LGBT Health & Inclusion Project.

Sustainability Implications:

- 5.4 A sustainable community is an inclusive community in which diversity is valued and respected. In undertaking the scrutiny panel and providing a positive response the council is starting to explicitly tackle the exclusion and discrimination of Trans individuals and the Trans community.

Crime & Disorder Implications:

- 5.5 There are several recommendations (no 18 and 19) that pertain to improving the safety of Trans individuals.

Risk and Opportunity Management Implications:

- 5.6 A significant opportunity has arisen from the excellent work of the scrutiny panel and the positive response of the council to build a stronger and more open and trusted relationship with the Trans community in Brighton and Hove, to improve the council's understanding of Trans individuals needs and experiences of council services. On the reverse there is a risk that expectations of the Trans community have been significantly raised through the scrutiny panel process and that delivery of some of the recommendations may take some time although all will be considered as part of the council's annual budget setting process.

Public Health Implications:

- 5.7 There are several recommendations that pertain to improving the health and well being of Trans individuals.

Corporate / Citywide Implications:

- 5.8 The response to the scrutiny panel recommendations supports the council's corporate plan priority to tackle inequality and engage people who live and work in the city. The council has a clear role to ensure that the needs of the Trans community are heard and understood equally to those of other groups with protected characteristics, and to champion those needs and voice with its public sector partners.
- 5.9 Through monitoring progress against these recommendations and leading the needs assessment and development of an associated strategy (see recommendation 36) the council plays a key city leadership.
- 5.10 The scrutiny panel report has recommendations for other public bodies. These will provide a direct response to Scrutiny via agreed processes and channels. In addition, some of the recommendations include opportunities for joint work, for example, trans awareness training.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S)

- 6.1 No other options were considered as a response is required to a scrutiny panel report.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 A formal response to a scrutiny panel is required. Therefore the committee is recommended to endorse the report and refer it to Full Council.

SUPPORTING DOCUMENTATION

Appendices:

1. Response to the Trans Equality Scrutiny Panel Recommendations
2. [BHCC Trans Equality Scrutiny Panel Report January 2013](#)

Background Documents

None

Appendix 1 – Response to the 37 Trans Scrutiny Panel Recommendations

No.	Recommendation	Response
1	<p>Public service providers (including those contracted by the council) need to ensure that they have, as far as possible, relevant and up to date information on the number of trans people using their services and what they require of that service.</p>	<p>Recommendation Accepted</p> <p>The council’s equalities monitoring form asks questions about all the legally protected characteristics. In the ‘Gender’ section the possible responses are ‘Male’, ‘Female’ and ‘Other – please specify’ (with a choice of ‘prefer not to say’).</p> <p>There is also a question about gender identity, informed by national best practice guidance. The question is: ‘Is your gender identity the same as the gender you were assigned at birth?’</p> <p>This form is the standard template which should be used by all services and it is accompanied by guidance which explains the purpose of equalities monitoring, how information is used (and kept anonymous), and what the questions mean.</p> <p>In addition Equality Impact Assessments (EIA) are used to identify (potential) impacts of services, policies and activities on all legally protected groups, including Trans people. EIAs consider data and community engagement to identify actions that need to be taken to improve the service to meet needs.</p> <p>(Communities & Equality Team)</p> <hr/> <p>The Corporate Procurement team will explore the possibility of including a request for "relevant and up to date information of the number of trans people using their service and what they require of that service" be included within Stage 3 Pre tender risk assessment document used in corporate procurement team. This would enable consideration to this need to be given and included in relevant procurement activities.</p> <p>Working with contract officers from across council services, the corporate procurement team will be exploring how equalities monitoring of contracts can be improved to adequately and appropriately ensure data about Trans service users is collected and used.</p> <p>(Corporate Procurement)</p>

2	<p>There is an obvious need for specific trans awareness training for front line staff both in the council and in partner organisations. The council should take the lead in both providing specific training for its own staff, including senior officers, and encouraging other local agencies to do so.</p>	<p>Recommendation Accepted</p> <p>The Panel made a number of recommendations regarding training for front line and other staff in a range of council services and partners organisations as well as for members. The council's Workforce Development Team will support and co-ordinate training as need is identified. Initially awareness training will be offered, followed by more specific training as needs are identified. The procurement of Trans awareness training for housing staff is underway.</p> <p>The training will be used as a pilot and used to determined appropriate next steps for wide organisational provision in light of available funding including training for councillors. The team will also assess what if any training has already been delivered on the subject either by the council or public partners. It will also establish a consultative group to include representatives from equalities, police, community safety, and democratic services to explore joint working and avoid duplication. Future training and development will also be informed by the outcome of the needs assessment.</p> <p>(Workforce Development)</p>
3	<p>The council should ensure that all Councillors undertake trans awareness training.</p>	<p>Recommendation Accepted</p> <p>See response to recommendation no.2</p> <p>(Democratic Services and L&D)</p>
4	<p>Given the state of uncertainty around the future commissioning of gender identity services, it is imperative that there is a local Brighton & Hove professional within the Local Area Team (LAT) of the NHS Commissioning Board to ensure the views of the local trans population are fed into those who commission services. This named individual should be experienced in working with the trans community and be given</p>	<p>Recommendation Accepted</p> <p>Fiona Makison has been identified as the lead for the Local Area Team.</p> <p>(NHS CB Area Team)</p>

	explicit responsibility for ongoing engagement between the LAT and the trans community.	
5	The Local Area Team should review current practices on how personal information is gathered and stored and, through the CCG, offer guidance on the correct procedures.	<p>Recommendation Accepted in Principle</p> <p>Lead officer will be exploring this recommendation with the Area Team.</p> <p>(NHS CB Area Team)</p>
6	The Clinical Commissioning Group (CCG) needs to mandate a rolling programme of trans awareness training for all CCG and GP practice staff and specifically improve the trans patient experience on the scorecard for GP surgeries. As part of this, the Panel recommend that an action plan must be put in place to ensure that real change occurs.	<p>Recommendation Accepted</p> <p>The CCG recognises the importance accessible and welcoming general practice plays in the transgender community's experience of care. A half days training event for Excluded Groups which will include a specific focus on the Trans community will be delivered as part of the Protected Learning Scheme (PLS) training programme in 2013-2014. This will include all staff within the Surgery, ie Practice Nurses, GPs and reception staff.</p> <p>The CCG will explore the option for patient feedback on accessibility to be included in the updated balance scorecard of local Surgeries.</p> <p>A Lead Commissioning Manager for Excluded Groups has just been added to the CCG staffing structure. The remit of this post will be to ensure the needs of excluded groups (including a specific focus on the transgender community) are appropriately reflected in the CCG's commissioning plans and to liaise with the Area Team to ensure continuity of pathways.</p> <p>(Clinical Commissioning Group)</p>
7	The GP electronic check-in should be changed to remove the need to identify as Male or Female on arrival at the surgery, using alternatively surname and date of birth. In addition, patients should be provided with the option to use a non-gender specific honorific or to decline to provide one	<p>Recommendation Accepted in Principle</p> <p>Whilst this specific action is not within the ability of the CCG to mandate, it will be raised with the training event for GPs for their consideration.</p> <p>(Clinical Commissioning Group)</p>

	on NHS systems.	
8	Given the importance of GPs as the first point of contact for trans or gender-questioning people, the Clinical Commissioning Group needs to ensure that all GPs in the city are fully aware of the appropriate care pathways for gender identity services and health needs of trans individuals. As part of this, GPs must ensure all their staff are trans aware and understand their role in supporting patients on the care pathway.	<p>Recommendation Accepted in Principle</p> <p>The half day's training event will contain information on the health needs of the community and details on pathways of care for gender identify services.</p> <p>In addition the CCG's intranet (for member practices) will incorporate details on pathways of care and other local/national support services.</p> <p>(Clinical Commissioning Group)</p>
9	Patients and others will need access to information about the gender identity care pathway. The Panel recommend that the Clinical Commissioning Group commissions an online resource and print resource to provide information for patients.	<p>Recommendation Accepted in Principle</p> <p>In addition to the Intranet for member practices the CCG is currently in the process of establishing a public facing web-site. We will ensure it incorporates information for patients and the public about gender identity pathways and support services.</p> <p>(Clinical Commissioning Group)</p>
10	The Clinical Commissioning Group should set up a feasibility study and pilot to develop a central Brighton practice as a centre for GPs with special interest in gender identity healthcare. This should ensure best practice is developed and meets the needs of patients undergoing gender identity transition.	<p>Recommendation Accepted in Principle</p> <p>The responsibility for commissioning enhanced services such as this will transfer to the CCG on 1st April 2013. All current enhances services will be reviewed and this recommendation will be discussed and considered by the Primary Care Development Group.</p> <p>(Clinical Commissioning Group)</p>

11	<p>The Joint Strategic Needs Assessment (JSNA) should more accurately reflect the needs of trans people, particularly regarding suicide prevention. As part of this, health bodies in the city need to clarify what mental health support there is for people both on the trans care pathway and people who are not on the pathway but need support.</p>	<p>Recommendation Accepted</p> <p>Will be actioned in 2013 JSNA update by September 2013 (subject to approval of Health and Wellbeing Board)</p> <p>(Public Health)</p>
12	<p>Given the concerns of the trans community over the lack of local gender identity services, a feasibility exercise should be conducted by the National Commissioning Board LAT and CCG to commission a Gender Identity Clinic to provide a satellite service to operate from Brighton & Hove on a regular basis. This must be informed by consultation with the trans community. In addition, the CCG needs also to show it is being pro-active in bringing influence to bear on the NCB to ensure improvements are made in Gender Identity Clinics.</p>	<p>Recommendation Accepted in Principle</p> <p>This recommendation will be raised and discussed with the Area Team.</p> <p>(Clinical Commissioning Group)</p>
13	<p>The Panel welcome the Clinical Commissioning Group's commitment to work with the council on commissioning a trans needs assessment for the city. The Panel recommend that as a matter of some urgency a needs assessment needs to be undertaken to identify the size of the trans community and its needs. Trans people must be involved at every stage of this process from design, commissioning,</p>	<p>Recommendation Accepted</p> <p>Initial scoping to be considered at City Wide Needs Assessment Steering Group in May 2013. To be informed in advance by NHS CCG, BHCC public health, housing, leisure, employment, social care, equalities team, community safety, CYP services, LGBT Health & Inclusion Project. Scoping will include consideration of further community involvement.</p> <p>(Public Health)</p>

	implementation, analysis, reporting and influencing in order to inspire the trust of the trans community. The current public health Joint Strategic Needs Assessment (JSNA) must be updated to reflect this information.	
14	The Panel recommend that the public health team take action to identify the health status of the trans population, and put in place a robust plan for reducing any health inequalities for trans people in the city. As part of this the Joint Strategic Needs Assessment (JSNA) needs to be updated to address the health inequalities noted in this report.	<p>Recommendation Accepted</p> <p>Health inequalities to be included in scope of Trans Needs Assessment (recommendation 13). Health inequalities to be included in scope of recommendation City Wide Trans Strategy (Recommendation 32).</p> <p>(Public Health)</p>
15	During the upcoming revision of housing strategies (homelessness, LGBT housing) the views of the trans community should be actively sought. Specifically, the Housing Options service should be reviewed to ensure that it is widely known about and used by trans people in housing need. A programme of outreach to the trans community to publicise the assistance available from the housing department should be undertaken.	<p>Recommendation Accepted</p> <p>In accordance with housing consultation and diversity policies it will be actively seeking the views of the trans community in relation to housing policy development and very much welcome information and evidence on detailed housing needs and requirements to help inform consultation and outreach work. Resourcing a specific Options outreach service will be explored.</p> <p>(Housing)</p>
16	The Housing department should also commence a programme of awareness raising about the legal protections for trans people in housing provision and promote	<p>Recommendation Accepted</p> <p>See recommendation no. 2</p> <p>Housing will incorporate the housing needs, issues and legal protections concerning the</p>

	good practice within social and private landlords.	<p>trans community into its learning and development programme for managers and staff drawing on available statistical evidence, results of consultation and outreach work to better understand the current housing requirements of communities of interest.</p> <p>(Housing)</p>
17	<p>Further work should be undertaken to address the transphobia and discrimination faced by older trans people such as in accessing adult social care services, supported housing and care homes (for example, personal care). As part of this, training on trans awareness and the needs of older trans people needs to be put in place for care homes and sheltered housing providers contracting with the council.</p>	<p>Recommendation Accepted</p> <p>See response to recommendation no.2</p> <p>Housing will raise awareness and challenge potentially discriminatory practices and behaviours toward trans-gender people in its learning and development and personal development plans. It will seek to pay particular attention to service areas where trans-gender discrimination could potentially arise.</p> <p>(Housing)</p> <p>In regards to adult social care provision transphobia is addressed through the Personalisation agenda. Care is person centred and tailored to individual need. Celebration of diversity is key to service provision and integral within commissioned services. The outcomes of the scrutiny panel report have been shared within the Commissioning Support Unit and will inform the care governance arrangements of care services to ensure a focus on these issues.</p> <p>(Adult Social Ccare)</p>
18	<p>The robust recording of police and community safety data on trans-related crimes and incidents should be developed and used to inform preventative measures. Further work needs to be undertaken to encourage reporting of hate crime. Building on existing relationships, an action plan needs to be put in place by the community safety team in conjunction with Sussex</p>	<p>Recommendation Accepted</p> <p>Police and Casework Team to be requested to develop systems which identify recorded crimes and incidents reported by those who are transgender. That data and information to be managed in such a way that it can used to inform the quarterly and annual performance monitoring reports which are provided to the Safe In the City Partnership. The Casework Team, together with the police hate crime community engagement officers, has already taken action aimed at increasing trust and confidence and reporting of transphobic crimes and incidents. That work to be sustained and its effectiveness regularly reviewed together</p>

	Police to address low levels of hate crime reporting including trans related incidents.	with information on reporting levels and performance against agreed indicators. (Partnership Community Safety Team)
19	The Panel recommend that Sussex Police provide trans awareness training for its staff, in conjunction with the community safety team.	Recommendation Accepted The integrated community safety Delivery Unit and Neighbourhood Policing Teams to undertake transgender awareness training, linking in with activity of the workforce development team (see recommendation no.2). Discussions to take place with Sussex Police about the inclusion of transgender awareness within the comprehensive training plans for police officers. (Partnership Community Safety Team)
20	The council must continue to actively support the work of the Healthy Schools Team and Allsorts to provide guidance and support to trans children and young people. As part of this, the resources given to this work should reflect the demands on the service. In addition, specific trans awareness training should be provided in schools, as well to general LGBT training.	Recommendation Accepted Healthy Schools and Allsorts are in the process of developing a Trans Toolkit for Schools which is being consulted on and will be launched in the Summer term. Building capacity within schools delivers a sustainable approach to on going trans awareness in schools. This is supported by bespoke support for individual schools as requested and from ongoing work of Allsorts, for example, Allsorts provide support to secondary age trans students and to parents and carers of primary and secondary age trans children and young people, joint delivery of teacher training in one school and a pilot workshop for Year 10 students on gender identity / trans at Varndean. (Children's Services) Allsorts have been awarded a three year strategic discretionary grant – £22,000 per annum 2013-2016. (Communities and Equality)

21	<p>The Panel welcomes the commitment from the sports facilities team that they will engage with the trans community. The Panel recommends that trans individuals are consulted in future facilities planning, and are also consulted and involved in helping to develop trans safe and trans only exercise sessions.</p>	<p>Recommendation Accepted</p> <p>Sports Facilities are exploring in conjunction with The Clare Project the establishment of a transgender swimming session at St Luke's Swimming Pool. This would be similar to the successful women only sessions established at St Luke's for the Muslim community.</p> <p>Signage on new or refurbished changing rooms and toilets is being reviewed and Sports Facilities are developing on-going consultation with representatives of the transgender community to ensure the most appropriate wording / symbols for this signage. In the longer term the needs of the transgender community will be considered as part of any specification for new-build facilities – for example the redevelopment of the King Alfred Leisure Centre which is a current live project.</p> <p>(Sport & Leisure)</p>
22	<p>There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people.</p>	<p>Recommendation Accepted</p> <p>Property and Design, in consultation with disability groups and the trans community will explore the possibility of existing accessible toilets in council public buildings being used as an inclusive facility for all.</p> <p>(Property and Design)</p> <p>Cityclean has been promoting inclusive public toilet provision in response to an Equality Impact Assessment on toilet provision in 2012 and in line with the Equality Act. Cityclean tries to make new public toilets fully accessible wherever space allows. The new designs tend to be single use cubicles and are larger than standard units to cater for accessibility. You enter directly from street level so that users are clearly visible and misuse and anti social behaviour is reduced. Where possible the service works with developers (large tourist developments) to advise on provision and would recommend the same design, recently working successful with i360 developers. The service also has a toilet user group and will be contacting LGBT HIP to explore how the Trans voice can be represented.</p> <p>(Cityclean)</p>

23	Individual changing rooms should be available in all leisure buildings and the council should actively encourage other organisations to provide changing rooms that are appropriate for all users, whatever their gender identity.	<p>Recommendation Accepted</p> <p>See recommendation no. 21</p> <p>(Sport & Leisure)</p>
24	The council's Trans Toolkit is due to be revised. The Panel recommends that the council take advice from experts in trans awareness to ensure the toolkit is fit for purpose. This new Toolkit should then be proactively publicised and promoted to all staff within the council. Managers should be offered training on its use. In addition, guidance should be given for council staff on what to do when a person changes their name and gender marker following a gender transition.	<p>Recommendation Accepted</p> <p>HR has already started reviewing the Transgender Toolkit and will have regard to the recommendations made by the Scrutiny Panel whilst carrying out that exercise and when re-launching the revised toolkit.</p> <p>(HR)</p>
25	B&HCC Human Resources, in partnership with the LGBT Workers' Forum and the Communities and Equalities Team, need to reach out to trans employees to listen to their experiences of working for the council and to make changes accordingly. The B&HCC LGBT Worker' Forum is to be congratulated on their activities on trans inclusion. The Forum must continue to be supported and resourced to develop its work	<p>Recommendation Accepted</p> <p>The LGBT workers forum has prioritised Trans engagement work and support for a number of years, having played a pivotal role in the instigation of the Trans Equality Scrutiny and will continue to do so. The forum continues to receive an annual budget and support from the communities and equality team to deliver its annual business plan, currently being worked on. Reaching out to trans employees has also been discussed at the workforce equalities group attended by representatives from all the workers forums, HR and communities and equality team.</p> <p>(HR, LGBT Workers Forum and Communities & Equality)</p>

	on this.	
26	The particular impacts on trans people of the government welfare reform agenda must be taken into account. As part of this, the specific vulnerabilities of trans people as recipients of welfare benefits should be explicitly acknowledged in the council's strategy on financial inclusion.	<p>Recommendation Accepted</p> <p>The Council's new Financial Inclusion Strategy has recently been adopted. The specific needs of the trans community were considered as part of the needs and equality impact assessments and will be included in all elements of commissioning and delivery going forward. In particular advice providers have been asked to undertake service monitoring of trans clients and to undertake LGBT awareness training in relation to this. The new Community Banking Partnership commission will also include these actions.</p> <p>(Communities & Equality)</p>
27	When appointed, the Council's Trans Champion (see recommendation 36) should contact local high street banks, building societies and East Sussex Credit Union to encourage sharing best practice regarding staff training/awareness and bank records procedures for trans customers.	<p>Recommendation Accepted</p> <p>The Council has recently adopted a new financial inclusion strategy which includes actions around working with high street banks. With this in mind it is proposed that the work on trans inclusion be added to this process.</p> <p>(Communities & Equality)</p>
28	All public bodies (including NHS bodies and schools) should publish an annual statement on what they have done to meet their public sector equality duty in respect of trans people.	<p>Recommendation Accepted</p> <p>The council is incorporating the agreed recommendations of the Trans Equality Scrutiny into the Equality and Inclusion Policy Action Plan. This is updated and publicly reported every six month, and progress is reported to Overview and Scrutiny annually.</p> <p>The City Inclusion Partnership (an equality and inclusion forum for all the city's statutory organisations) has a focus in 2013 on identifying recommendations in the Scrutiny which would benefit from a citywide approach and on working together to implement the actions</p>

		and share best practice. (Communities & Equality)
29	City-wide there needs to be wider recognition of non-binary gender. Further discussion should be undertaken with the trans community to ensure that all monitoring is sensitive, appropriate and properly implemented. Furthermore, the results of this monitoring, appropriately anonymised, should be made publicly available on an annual basis.	<p>Recommendation Accepted</p> <p>As in response to recommendation no.1 the council's equality monitoring form recognises non-binary gender identity and allows people to define their own identity. The questions and guidance for the form are based on guidance from Trans organisations. Guidance for staff on how to ask the questions appropriately and sensitively has also been produced.</p> <p>The council's HR team is updating its monitoring categories to reflect the corporate template and will use this to collect data. Monitoring data on staff is reported annually, and figures for Trans staff will be separated, where this does not risk identifying individuals.</p> <p>Equality information on service-users is also collected using the council form and this data is reported via the council's Equality Impact Assessment process. Summaries of these are published on the council's website as EIAs are completed and copies of the full EIAs are available on request.</p> <p>(Communities & Equality)</p>
30	The importance of an on-going mechanism for consultation and engagement with trans people in the city should be recognised by the council. The Panel recommend that this should be funded accordingly	<p>Recommendation Accepted</p> <p>The council is funding the LGBT Health and Inclusion Project for a further year (2013-14) in recognition of the excellent engagement and consultation it has delivered. The project is jointly funded by the council and clinical commissioning group, both of which will work with the project in 2013/14 to secure its sustainability.</p> <p>(Communities & Equality)</p>
31	Infrastructure services and the Transforming Local Infrastructure (TLI) project should continue to consider how to engage the city's trans community groups to ensure they	<p>Recommendation Accepted in Principle</p> <p>This recommendation has been fed back to the four voluntary organisations leading and delivering the new TLI project (funded by the Big Lottery) and as a member of the strategic working group advising the project the communities and equality team has championed the</p>

	<p>have an active voice in decision making.</p>	<p>need for the new organisation to explicitly explain how it will support equalities groups, including Trans groups, in the city. At time of writing the final paper on the services to be delivered by the TLI had not been released to the council by the project.</p> <p>The need to support Trans community groups has been explicitly included in the Community and Voluntary Sector Forum's contract for 2013/14 in readiness for its change into the new TLI organisation.</p> <p>TLI lead organisations (Communities and Equality)</p>
32	<p>Following the needs assessment (see recommendation 13) a city wide trans equalities strategy should be developed by the council and partner organisations with the full engagement and participation of trans individuals and support groups. This should include an action plan with clear leads and responsibilities. This should be led by the council's Trans Champion (see recommendation 36).</p>	<p>Recommendation Accepted</p> <p>Using the outcomes and recommendations from the needs assessment discussion will be had with the Trans community and public sector organisations about outcomes and recommendations that could appropriately be mainstreamed into existing strategies and the focus required for a specific Trans Strategy.</p> <p>(Communities & Equality)</p>
33	<p>Any activity commissioned or supported by the council in relation to LGBT activities, and in particular Pride, needs to mandate trans inclusion</p>	<p>Recommendation Accepted</p> <p>As a result of the Trans Scrutiny Panel findings, we will ensure that any future commissioning or support for cultural work addressing the Lesbian, Gay, Bisexual and Transgendered agenda takes on board fully the needs and aspirations of Transgendered individuals. In terms of the council's relationship with Pride specifically, the council does not commission Pride and currently does not fund the event directly, although Pride does receive support in kind from the council. Council officers responsible for liaising with Pride would be happy to broker discussions that might result in a greater inclusion of the Trans community in the event.</p>

		(Culture)
34	B&HCC should take the lead in creating an identity for the city as a trans friendly place that challenges stigma and discrimination. This includes such actions as a public statement on the website, trans branding, vocal support and partnership working with trans support groups, and publicity information including trans individuals as local citizens.	<p>Recommendation Accepted</p> <p>The Communications team will tie in with partners across the city to support and champion the issues raised in the report and work taken forward in response. Wherever needed the team will lead on the publication of information which progresses the agenda of equality for local trans people.</p> <p>(Communications)</p>
35	The Panel welcome the addition of the honorific Mx by council benefits staff as giving an alternative option. The Panel recommend that all on-line forms are examined to look at the possibility of additional options, leaving blank or entering the title the individual feels is appropriate to them.	<p>Recommendation Accepted</p> <p>Online forms are being reviewed as part of the council's Web Improvement Project as more forms are automated. Each form will be evaluated before Mx is included as a standard title. This will ensure that where data is automatically put into back office systems it is compatible and Mx will be accepted as an option along with an option of leaving the honorific blank. Progress will be monitored and reported back to the Customer Access Programme Board.</p> <p>(City Services)</p>
36	The implementation of these recommendations is crucial and should be carefully monitored. The Panel recommends that a lead officer is appointed as a 'Trans Champion' within the council. This person should be at Senior Management level (within the Corporate Management Team or Assistant Director level or above) and will be responsible to champion the rights of trans people both inside and outside of the organisation. They will also have responsibility for the commissioning of the	<p>Recommendation Accepted</p> <p>The Executive Director for Resources, Catherine Vaughan has been appointed as the equalities champion for the Executive Leadership Team (ELT). This includes championing Trans issues. Progress on the responses to the recommendations will be reported in November to the ELT.</p> <p>The councillor Trans champion will be nominated as part of annual council process.</p> <p>(Communities and Equality)</p>

	trans needs assessment and the lead on the development of a city-wide Trans Equalities Strategy (see recommendation 32). In addition, a councillor should be nominated as the council's Trans-Champion (as distinct from the existing LGBT champion).	
37	The work of this Panel should be forwarded on to the government departments looking at trans equality, specifically in response to the expected call for evidence after the Trans Gender Equalities Action Plan.	Actioned by Scrutiny Team following report's endorsement by Overview and Scrutiny Committee end of January.



**Report of the Overview and
Scrutiny Committee**

January 2013

Trans Equality Scrutiny Panel

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Panel's Foreword

This Panel was set up to highlight the challenges and inequalities facing transgender people in Brighton & Hove and to make some recommendations for change.

We set out to find answers to the question: what needs to be done to make things fairer for trans people to live, work and socialise in the city?

The answers are manifold: a step change is required before trans people can feel they are able to live their lives as they wish in Brighton & Hove. Nonetheless, we hope that as a result of this inquiry, steps can be taken that will result in significant change. Brighton & Hove is a diverse and vibrant city – we want it to be a place where everyone, irrespective of their gender or gender expression, can enjoy what the city has to offer.

During the Panel's inquiry, there was a substantial amount of incorrect and offensive media comment about trans people. The Panel released a strong statement that this sort of comment would not be tolerated. It is hoped that the work of this Panel will help address this misrepresentation and foster better relationships.

Nonetheless, there are many things the city does well, and many individuals and organisations working to mitigate the inequalities experienced by trans people. In addition, changes have begun since we started this inquiry in May 2012. As a result of our questions, and from listening to trans people in the City, the NHS Clinical Commissioning Group (CCG) have committed to a trans needs assessment in early 2013. They will also be organising trans awareness training for all CCG staff, clinical leads and GPs. Housing officers have started to commission trans awareness training and the sports and leisure team are looking at offering trans only swimming sessions. City Services are looking to introduce more flexibility on honorific titles (such as Mr, Ms etc) within on-line forms. The Panel warmly welcome all these actions. In addition, as a Panel we were honoured to receive an award from the Brighton & Hove City Council LGBT Workers Forum for our work on equalities.

The Panel would like to express their gratitude to all those who gave their time, and often very personal experiences, to help us in our inquiry. We have reflected on the evidence we received – although all recommendations remain those of the Panel.

We are very conscious that as a council we have not been as trans-aware or trans inclusive as we should be and should endeavour to rectify this situation. We commit to monitoring the recommendations in this report and to ensure that things do change.

In addition, the collaborative working behind this Panel, with the Scrutiny Team working in partnership with the Equalities and Communities Team and

LGBT Health Involvement Project (LGBT HIP) should be seen as a model of good practice.

Councillor Phélim Mac Cafferty, Councillor Warren Morgan, Councillor Denise Cobb, Jay Stewart, and Michelle Ross.

Terms and definitions

There is a full glossary at the end of this report but some frequently used terms are listed here. The definitions provided below are drawn from a number of sources. These can be found in the references section at the end of this report.

“Trans” is used in this report as an umbrella term for transgender. Trans individuals feel inherently that the gender they were assigned at birth does not correspond to their gender identity. The term trans man (or female to male - FTM) is used to refer to a person who was assigned female at birth but has a male gender identity. Trans men may plan to transition or may be transitioning or have completed transition to live as a man. Trans woman (or male to female - MTF) is a term used to refer to a person who was assigned male at birth but has a female gender identity and therefore may plan to transition, be transitioning or have transitioned to live as a woman. Both these transitions may or may not involve hormone treatment and various surgical procedures.

“Acquired gender” refers to the gender in which a trans person lives and presents to the world. This is not necessarily the gender they were registered at birth.

“Gender Dysphoria” is often used by the medical profession to describe the discomfort that arises when the experience of an individual as a man or a woman is incongruent with the sex characteristics of their body and the associated gender role.

“Gender Identity” refers to a person’s internal perception and experience of their gender.

“Gender expression” refers to the way a person lives, behaves, and interacts with others based on their gender identity.

The term ‘transitioning’ is used for the process by which an individual moves permanently to a gender role that differs to the one assigned to them at birth. This process of changing gender presentation may involve social, medical or surgical change – or it may not.

The term ‘Real Life Experience’ (RLE) refers to the process of a person changing their name and living full-time in accordance with their gender identity as part of a treatment pathway. The RLE usually lasts for at least one year and is required by Gender Identity Clinics (GIC) prior to approval for surgical gender reassignment procedures.

‘Cisgender’ is a term used for non trans people (people who experience a match between the gender they were assigned at birth, their bodies, and their personal identity).

Further information on the Equality Act 2010, the Gender Recognition Act 2004, and Gender Recognition Certificates is available in the glossary at the end of this report.

Executive Summary

There has been inadequate awareness of the lives of trans people for too long. Sensationalist media reporting coupled with a lack of understanding has led to trans people suffering undue discrimination, problems accessing services, and harassment.

This Panel has tried to engage actively with as many members of the trans community, support groups, and service providers as possible and has made a number of recommendations aimed at making life fairer for trans people.

There is a lack of hard data on the numbers of trans people accessing services in Brighton & Hove, with the result that service providers are not necessarily aware of the needs of trans people. This report recommends that, as a matter of some urgency, a needs assessment should be undertaken to identify the size of the trans community and its needs. This should involve trans people at every stage of the process in order to inspire the trust of the trans community. Following this, a city-wide trans equalities strategy should be developed by the council and its partners, including an action plan with clear leads and responsibilities led by a council 'Trans Champion'.

There are a number of recommendations in this report aimed at increasing awareness of the lives of trans people. Basic principles such as the importance of using appropriate pronouns to refer to someone need to be explained: mistakes in gender-related speech can be very upsetting and can be easily avoided. The need for trans awareness training runs through this report. Brighton & Hove City Council should be at the forefront of changing the perception of trans people in the city and there are a number of recommendations in this report to make this a reality.

Given the importance of health and health issues, this report makes a number of recommendations for health bodies, in particular the local Clinical Commissioning Group. Problems over accessing local appropriate and timely healthcare need to be addressed and the Panel trust that the relevant health bodies will take these recommendations on board.

During this Inquiry, the Panel asked "What needs to be done to make things fairer for trans people who live, work, study or socialise in the city?" It is hoped that this report is the first step on a journey towards providing answers.

List of Recommendations

(Please note the recommendations are in the order they appear in the report not in order of importance – the page numbers refer to where the recommendations are in the report. These recommendations should be read within the context of the report.)

Recommendation 1: Public service providers (including those contracted by the council) need to ensure that they have, as far as possible, relevant and up to date information on the number of trans people using their services and what they require of that service (p24).

Recommendation 2 : There is an obvious need for specific trans awareness training for front line staff both in the council and in partner organisations. The council should take the lead in both providing specific training for its own staff, including senior officers, and encouraging other local agencies to do so (p24).

Recommendation 3: The council should ensure that all Councillors undertake trans awareness training (p24).

Recommendation 4: Given the state of uncertainty around the future commissioning of gender identity services, it is imperative that there is a local Brighton & Hove professional within the Local Area Team (LAT) of the NHS Commissioning Board to ensure the views of the local trans population are fed into those who commission services. This named individual should be experienced in working with the trans community and be given explicit responsibility for ongoing engagement between the LAT and the trans community (p27).

Recommendation 5: The local Area Team should review current practices on how personal information is gathered and stored and, through the CCG, offer guidance on the correct procedures (p30).

Recommendation 6: The Clinical Commissioning Group (CCG) needs to mandate a rolling programme of trans awareness training for all CCG and GP practice staff and specifically improve the trans patient experience on the scorecard for GP surgeries. As part of this, the Panel recommend that an action plan must be put in place to ensure that real change occurs (p30).

Recommendation 7: The GP electronic check-in should be changed to remove the need to identify as Male or Female on arrival at the surgery, using alternatively surname and date of birth. In addition, patients should be provided with the option to use a non-gender specific honorific or to decline to provide one on NHS systems (p30).

Recommendation 8: Given the importance of GPs as the first point of contact for trans or gender-questioning people, the Clinical

Commissioning Group needs to ensure that all GPs in the city are fully aware of the appropriate care pathways for gender identity services and health needs of trans individuals. As part of this, GPs must ensure all their staff are trans aware and understand their role in supporting patients on the care pathway (p30).

Recommendation 9: Patients and others will need access to information about the gender identity care pathway. The Panel recommend that the Clinical Commissioning Group commissions an online resource and print resource to provide information for patients (p30).

Recommendation 10: The Clinical Commissioning Group should set up a feasibility study and pilot to develop a central Brighton practice as a centre for GPs with special interest in gender identity healthcare. This should ensure best practice is developed and meets the needs of patients undergoing gender identity transition (p31).

Recommendation 11: The Joint Strategic Needs Assessment (JSNA) should more accurately reflect the needs of trans people, particularly regarding suicide prevention. As part of this, health bodies in the city need to clarify what mental health support there is for people both on the trans care pathway and people who are not on the pathway but need support (p32).

Recommendation 12: Given the concerns of the trans community over the lack of local gender identity services, a feasibility exercise should be conducted by the National Commissioning Board LAT and CCG to commission a Gender Identity Clinic to provide a satellite service to operate from Brighton & Hove on a regular basis. This must be informed by consultation with the trans community. In addition, the CCG needs also to show it is being pro-active in bringing influence to bear on the NCB to ensure improvements are made in Gender Identity Clinics (p32).

Recommendation 13: The Panel welcome the Clinical Commissioning Group's commitment to work with the council on commissioning a trans needs assessment for the city. The Panel recommend that as a matter of some urgency a needs assessment needs to be undertaken to identify the size of the trans community and its needs. Trans people must be involved at every stage of this process from design, commissioning, implementation, analysis, reporting and influencing in order to inspire the trust of the trans community. The current public health Joint Strategic Needs Assessment (JSNA) must be updated to reflect this information (p34).

Recommendation 14: The Panel recommend that the public health team take action to identify the health status of the trans population, and put in place a robust plan for reducing any health inequalities for trans people in the city. As part of this the Joint Strategic Needs Assessment (JSNA) needs to be updated to address the health inequalities noted in this report (p35).

Recommendation 15: During the upcoming revision of housing strategies (homelessness, LGBT housing) the views of the trans community should be actively sought. Specifically, the Housing Options service should be reviewed to ensure that it is widely known about and used by trans people in housing need. A programme of outreach to the trans community to publicise the assistance available from the housing department should be undertaken (p39).

Recommendation 16: The Housing department should also commence a programme of awareness raising about the legal protections for trans people in housing provision and promote good practice within social and private landlords (p39).

Recommendation 17: Further work should be undertaken to address the transphobia and discrimination faced by older trans people such as in accessing adult social care services, supported housing and care homes (for example, personal care). As part of this, training on trans awareness and the needs of older trans people needs to be put in place for care homes and sheltered housing providers contracting with the council (p40).

Recommendation 18: The robust recording of police and community safety data on trans-related crimes and incidents should be developed and used to inform preventative measures. Further work needs to be undertaken to encourage reporting of hate crime. Building on existing relationships, an action plan needs to be put in place by the community safety team in conjunction with Sussex Police to address low levels of hate crime reporting including trans related incidents (p43).

Recommendation 19: The Panel recommend that Sussex Police provide trans awareness training for its staff, in conjunction with the community safety team (p44).

Recommendation 20: The council must continue to actively support the work of the Healthy Schools Team and Allsorts to provide guidance and support to trans children and young people. As part of this, the resources given to this work should reflect the demands on the service. In addition, specific trans awareness training should be provided in schools, as well to general LGBT training (p48).

Recommendation 21: The Panel welcomes the commitment from the sports facilities team that they will engage with the trans community. The Panel recommends that trans individuals are consulted in future facilities planning, and are also consulted and involved in helping to develop trans safe and trans only exercise sessions (p50).

Recommendation 22: There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and

accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people (p51).

Recommendation 23: Individual changing rooms should be available in all leisure buildings and the council should actively encourage other organisations to provide changing rooms that are appropriate for all users, whatever their gender identity (p51).

Recommendation 24: The council's Trans Toolkit is due to be revised. The Panel recommends that the council take advice from experts in trans awareness to ensure the toolkit is fit for purpose. This new Toolkit should then be proactively publicised and promoted to all staff within the council. Managers should be offered training on its use. In addition, guidance should be given for council staff on what to do when a person changes their name and gender marker following a gender transition (p53).

Recommendation 25: B&HCC Human Resources, in partnership with the LGBT Workers' Forum and the Communities and Equalities Team, need to reach out to trans employees to listen to their experiences of working for the council and to make changes accordingly. The B&HCC LGBT Worker' Forum is to be congratulated on their activities on trans inclusion. The Forum must continue to be supported and resourced to develop its work on this (p54).

Recommendation 26: The particular impacts on trans people of the government welfare reform agenda must be taken into account. As part of this, the specific vulnerabilities of trans people as recipients of welfare benefits should be explicitly acknowledged in the council's strategy on financial inclusion (p55).

Recommendation 27: When appointed, the Council's Trans Champion (see recommendation 36) should contact local high street banks, building societies and East Sussex Credit Union to encourage sharing best practice regarding staff training/awareness and bank records procedures for trans customers (p56).

Recommendation 28: All public bodies (including NHS bodies and schools) should publish an annual statement on what they have done to meet their public sector equality duty in respect of trans people (p58).

Recommendation 29: City-wide there needs to be wider recognition of non-binary gender. Further discussion should be undertaken with the trans community to ensure that all monitoring is sensitive, appropriate and properly implemented. Furthermore, the results of this monitoring, appropriately anonymised, should be made publicly available on an annual basis. (p59).

Recommendation 30: The importance of an on-going mechanism for consultation and engagement with trans people in the city should be recognised by the council. The Panel recommend that this should be funded accordingly (p59).

Recommendation 31: Infrastructure services and the Transforming Local Infrastructure project should continue to consider how to engage the city's trans community groups to ensure they have an active voice in decision making (p60).

Recommendation 32: Following the needs assessment (see recommendation 13) a city wide trans equalities strategy should be developed by the council and partner organisations with the full engagement and participation of trans individuals and support groups. This should include an action plan with clear leads and responsibilities. This should be led by the council's Trans Champion (see recommendation 36) (61p).

Recommendation 33: Any activity commissioned or supported by the council in relation to LGBT activities, and in particular Pride, needs to mandate trans inclusion (p63).

Recommendation 34: B&HCC should take the lead in creating an identity for the city as a trans friendly place that challenges stigma and discrimination. This includes such actions as a public statement on the website, trans branding, vocal support and partnership working with trans support groups, and publicity information including trans individuals as local citizens (p63).

Recommendation 35: The Panel welcome the addition of the honorific Mx by council benefits staff as giving an alternative option. The Panel recommend that all on-line forms are examined to look at the possibility of additional options, leaving blank or entering the title the individual feels is appropriate to them (p65).

Recommendation 36: The implementation of these recommendations is crucial and should be carefully monitored. The Panel recommends that a lead officer is appointed as a 'Trans Champion' within the council. This person should be at Senior Management level (within the Corporate Management Team or Assistant Director level or above) and will be responsible to champion the rights of trans people both inside and outside of the organisation. They will also have responsibility for the commissioning of the trans needs assessment and the lead on the development of a city-wide Trans Equalities Strategy (see recommendation 32). In addition, a councillor should be nominated as the council's Trans-Champion (as distinct from the existing LGBT champion) (p66).

Recommendation 37: The work of this Panel should be forwarded on to the government departments looking at trans equality, specifically in

response to the expected call for evidence after the Trans Gender Equalities Action Plan (p67).

Introduction

What do we mean by 'Transgender' or 'Trans'?

- 1.1 Transgender people have often been subjected to misunderstanding, harassment and discrimination. Social attitudes assume that there are only two genders (male and female) and make the presumption that a person's gender can not be changed. The lives of transgender people are often blighted by other people's ignorance. Indeed, even within the LGBT community, the 'T' is not always understood or accepted. Transgender people experience extreme discomfort and distress caused by the discrepancy between their sense of themselves as male or female and the gender they were assigned at birth (with all that goes with it).
- 1.2 **It is important to make clear at the very start of this report that gender identity is entirely separate from sexual orientation. Transgender individuals may be heterosexual, bi-sexual, lesbian, gay or asexual.**

Terminology

- 1.3 The terms 'transgender' and 'trans' are both used as umbrella terms for people whose gender identity and/or expression differs from their gender assigned at birth. In this report, the term 'trans' is used in place of transgender. Whilst acknowledging that not everyone is comfortable with the term 'trans', or may not want to identify with any gender terminology, this report is using the term broadly.
- 1.4 It is important to note that for some people their gender identity can be complex or fluid. Trans people may identify as transsexuals, cross-dressers or gender-variant people. They may identify as trans women (male-to-female/MTF) or trans men (female-to-male /FTM) or gender queer. They may choose to alter their bodies hormonally or surgically, or they may not. (There is a brief glossary of the terms used in this report on p5 and a fuller glossary at the end on p70.)

Why was this Panel set up?

- 1.5 Brighton & Hove has a reputation for inclusion and diversity, yet the trans community in the city faces significant discrimination, problems accessing services, and often health problems. In addition, trans people are significantly more likely to face mental health problems. The most recent analysis of the lives of trans people in Brighton &

Hove was *Count Me In Too* in 2008.¹ This report found that trans people:

*“are consistently one of the groups of LGBT people who are most vulnerable to marginalisation and exclusion on a number of measures”.*²

1.6 One of the starkest statements in this report was that:

“those who identify as trans are twice as likely to have had serious thoughts of suicide, more than three times as likely to have attempted suicide in the past five years, and over five times as likely to have attempted suicide in the past twelve months as non-trans people”.

1.7 The Department of Health report *Trans: A practical guide for the NHS* says that 34% of 872 trans people responding to a survey had considered suicide one or more times before receiving professional assessment and support.³ The guide goes on to say that this is considerably higher than the risk in other groups and:

*“ should serve to underline that trans people would not subject themselves to such experiences unless, for them, there was no better option..... there is nothing trivial or capricious about permanently changing gender role”.*⁴

1.8 A recent report *Trans Mental Health Study 2012*⁵ found that out of 889 people, 84% had, at some point, thought about ending their lives.

1.9 Nationally, steps have been taken recently with the introduction of the new Public Sector Equality Duty (see later in this report) and with the publication by the Government of their paper *Advancing transgender equality: a plan for action*.⁶ However, there is more to be done. There has been no recent local needs analysis, no coherent attempt to understand the issues facing trans people locally, and consequently no reflection of their specific requirements in service design and delivery. In addition, given that gender reassignment only recently became a protected characteristic, there is no baseline of work to draw upon.⁷ This Panel was set up to try and understand the specific needs of this one part of the city’s population and to take steps towards addressing

¹ *Count Me In Too*, LGBT Lives in Brighton & Hove by Dr Kath Browne with Dr Jason Lim December 2008

² *Count Me In Too*, LGBT Lives in Brighton & Hove by Dr Kath Browne with Dr Jason Lim December 2008 (Pii)

³ Figures from *Engendered Penalties* (Whittle S, Turner L, and Al-Alami M, The Equalities Review, February 2007)

⁴ *Trans A practical guide for the NHS*, Department of Health 2008, p6

⁵ *Trans Mental Health Study 2012*, Jay McNeil, Louis Bailey, Sonja Ellis, James Morton, & Maeve Regan, September 2012

⁶ *Advancing transgender equality: a plan for action*. December 2011

⁷ Equality Act 2010 – see page 58 of this report for more information

the inequalities they face. This reflects not only a commitment to equality and human rights for trans people, but is intended to help to meet the legal obligation placed upon Brighton & Hove City Council as a public body under the Equality Act 2010.⁸

- 1.10 In addition, there has been a substantial amount of mis-representation of trans people and the issues they face in the media. In this report, the Panel attempts to redress the balance.

Facts and figures

- 1.11 There are no reliable figures available nationally or locally on the size of the trans population. Nor is there any central data on how many people request or receive gender reassignment services in England.⁹ How to obtain an accurate measure of the size of the trans population is a sensitive issue: some people do not wish to identify as trans, or once transitioned¹⁰ no longer identify as trans. Some people do not wish to be asked. However, the lack of information on the number of trans people accessing services makes it more difficult to ensure services meet needs (see Section 8 on monitoring).

- 1.12 The report *Engendered Penalties* stated that despite considerable work on estimating the numbers of transgender and transsexual people in the UK:

“Nevertheless, there is no substantive knowledge of how many people in the UK identify as transgender or transvestite, or use any other gender identity descriptor, but estimates vary considerably...”¹¹

About the Panel

- 1.13 On 23 January 2012, at the meeting of the Overview and Scrutiny Commission (OSC) Councillor Phélim Mac Cafferty requested that a Scrutiny Panel was set up to look at issues around trans equalities, discrimination and access to services. It was agreed that a report would be produced to enable OSC to make a decision on the need for, and potential focus of, a scrutiny panel on trans equality. At the following meeting on 27 March 2012, OSC agreed to set up a Scrutiny Panel to look at the issues facing trans people in the city.

⁸ Equality Act 2010 –see page 68 of this report

⁹ A review of access to NHS gender reassignment services (England only) Updated version – November 2011, Equality and Human Rights Commission p3

¹⁰ Transition refers to the process of moving from one gender identity or expression to another. See glossary

¹¹ *Engendered Penalties: Transgender and Transsexual People’s Experiences of Inequality and Discrimination*. Stephen Whittle, Lewis Turner and Maryam Al-Alami. The Equalities Review P7

- 1.14 The members of the Panel from the Council were Councillor Phélim Mac Cafferty, Councillor Warren Morgan and Councillor Denise Cobb. The Councillors were delighted that two co-optees, Jay Stewart of Gendered Intelligence¹² and Michelle Ross, a Trans Awareness Consultant & Counsellor at the Terence Higgins Trust, both of whom are noted national experts, agreed to join the Panel.
- 1.15 It is worth recording, that despite the invaluable expertise shared with the Panel by both Jay Stewart and Michelle Ross, they were not paid for their time. Often meetings were held outside office hours and this report acknowledges with thanks the time volunteered by all those who participated in the inquiry.
- 1.16 The Panel held its first scoping meeting on 31 May 2012, where Councillor Mac Cafferty was appointed Chair. The Panel agreed their remit was to look at the key issues facing the trans community in the city with a view to making recommendations for action. It was also agreed that, in order to ensure that the Panel heard from as many trans individuals as possible, a facilitator would be appointed to assist the Panel. Nick Douglas, of the LGBT Health and Inclusion Project (LGBT HIP) kindly agreed to help the Panel to engage with trans individuals and support groups.¹³ The Panel were very keen to use as many ways as possible of hearing the views of trans individuals in the city and devised a 'listening exercise' to enable them to do so. The Panel would like to record their thanks to Nick Douglas for all his excellent work in facilitating these meetings.
- 1.17 Before the Panel formally started this inquiry and in advance of the 'listening exercise', the Panel had an excellent private trans awareness training session.
- 1.18 During this inquiry, the Panel were supported by Brighton & Hove City Council (B&HCC) Scrutiny Team who worked in partnership with the B&HCC Equalities and Communities Team and LGBT HIP. This should be seen as an example of good practice in collaborative working.

'Listening Exercise'

- 1.19 The Panel were very keen to hear from as many trans individuals, support groups, friends and family as possible. A press release was

¹² Gendered Intelligence is a community interest company that runs arts programmes, creative workshops, and trans youth group sessions that looks to engage people in debates about gender

¹³ A number of organisations in the city have commissioned a project known as LGBT Health and Inclusion Project (HIP) to conduct engagement activities with local LGBT people. (See <http://lgbt-hip.org>)

issued¹⁴ and Panel members attended the annual Idahobit event on 16 May 2012 - the international day against homophobia, biphobia and transphobia. Nick Douglas set up an online survey which ran until November 2012 to allow people to contribute anonymously. The results of this survey have informed this report.

1.20 An open session for the Panel to hear from trans people, friends and family was arranged and facilitated by Nick Douglas on 10 July 2012. This was widely advertised on Twitter, by fliers distributed around the city, with an advert in the magazine GScene and on the council's and LGBT HIP's websites. This session was very well attended with around 50 people coming to give their views.

1.21 In first part of the session people were divided into six groups to discuss the question:

“What needs to be done to make things fairer for trans people who live, work, study or socialise in the city?”

1.22 Each group talked about what are the issues, what is wrong, and what needs to change. This was carried out in a private safe space to ensure that those attending felt comfortable discussing their experiences and opinions and could be confident that they would not be publicly identified as trans if they did not wish to be.

1.23 Following this discussion, Panel members joined the meeting to listen to the feedback from the groups and ask (or answer) questions. This format of the initial private safe space followed by the Panel's attendance was repeated in four more sessions where support groups in the city kindly agreed for Nick Douglas to ask the same question to those attending their meetings. These took place as follows:

MindOut (the mental health project for lesbians, gay men, bisexual and trans people in Brighton & Hove) on 11 July 2012;

The Clare Project (a support group open to anyone who wishes to explore issues around gender identity) on 17 July 2012;

FTM Brighton (Female to Male support group) on 21 July 2012;

Transformers (the trans youth network) on 25 July 2012.

1.24 These five sessions gave the Panel a unique and detailed insight into the issues facing trans individuals in the city. **The Panel would like to record their thanks to all those who participated in these sessions and those who gave up their time for free.**

¹⁴ Volume 2 of this report contains the press notice, emerging themes paper and minutes of meetings. This will be available on B&HCC website.

- 1.25 Following these sessions, it was clear that a number of themes were emerging. A paper was put together and published on the Brighton & Hove City Council's (B&HCC) and LGBT HIP's websites.¹⁵
- 1.26 The key themes arising were (in no particular order): health; mental health; education; housing; homelessness; leisure and sports facilities; diversity and awareness; forms; hate crime; employment; domestic violence; confidentiality; information and misinformation; toilets; bullying; gender fluidity; counselling and support; grants; complaints; benefits, and intersectionality.¹⁶
- 1.27 Personal quotes taken from these five meetings are included in this report but, in order to ensure anonymity, it is not recorded who spoke or at what meeting.

Service provider meetings

- 1.28 The Panel held three further evidence gathering sessions on 20 September 2012, 25 September 2012, and 27 September 2012. The issues raised by trans individuals and support groups were discussed with health providers, the police, B&HCC officers from housing, schools support, community safety, public health, sports and leisure and human resources. During these meetings, the Panel also heard from support groups and from trans individuals with particular expertise in employment, disabilities, older people, and intersectionality.

B&HCC Staff

- 1.29 The Panel were informed at one meeting that council staff who identified as trans did not feel comfortable addressing the Panel in any of the meetings. Whilst there are obvious reasons why trans people may be wary of coming forward to discuss their issues, the Panel were concerned that council staff did not want to talk to them. The Panel were keen to try and ensure that the views of council staff could be fed into the inquiry – and their concerns communicated directly to the council's Human Resources team. This resulted in a separate facilitated meeting being held on 1 November 2012 for council staff

¹⁵ To view this report follow the link: <http://present.brighton-hove.gov.uk/Published/C00000741/M00004371/AI00030090/TransGroupsVisitsThemesAug2012pdf.pdf>

¹⁶ Intersectionality is the concept that people have more than one identity with which to relate to the world. Some people's primary identity may be trans, while others combine this with identities that are equally significant such being LGB, having a Black or minority ethnic identity, or living with mental health issues, or with a disability or any other combination of identities. As a concept, it draws attention to the multi-faceted nature of social and political identities and the different forms of exclusion, oppression and inequality that may result from those identity categories.

who identified as trans. Working with the LGBT Workers' Forum, Nick Douglas arranged and facilitated this session. Unfortunately, despite wide publicity, this meeting was not well attended. It is worth noting that only 10 people identified as trans in the council's most recent staff survey. Whilst this is a low number, it is of concern to the Panel that staff did not formally come forward to take part in the meetings. The report looks at this later.

- 1.30 The full details of these meetings and the meeting notes can be found in volume 2 of this report.¹⁷

Structure of the report

- 1.31 This report is structured to follow the key areas that arose from the 'listening exercise', namely:

Training and awareness

Health

Housing

Community Safety and Hate Crime

Education and Schools

Leisure and recreation (including facilities)

Employment

The responsibilities of Brighton & Hove City Council (B&HCC)

¹⁷ Volume 2 will be published on B&HCC's website in due course.

Section 1 - Training and awareness

- 2.1 One of the main issues to arise out of the Panel's inquiry was the urgent need for trans awareness training, both within the council and elsewhere. Basic principles such as stressing the importance of using appropriate pronouns to refer to someone need to be explained. Mistakes involving pronouns and gender-related speech can be most upsetting for a trans person. If a person has altered their gender presentation they are asking to be regarded as the gender in which they are presenting. If there is uncertainty on how someone may wish to be addressed, then people need to act with sensitivity, asking the individual how they wish to be addressed. Of all the things that are likely to upset and offend a trans person and make them feel misunderstood and distrustful, mistakes (intentional or not) involving gender-related speech are amongst the most upsetting. Yet, as noted by the guidance published by the NHS, they are potentially the easiest to pay attention to getting right.¹⁸
- 2.2 Training needs to go far beyond gender-related speech, however. Trans awareness involves not only using terms preferred by the individual, but not making assumptions about a person's gender, and showing respect.
- 2.3 Comments to the Panel included:
- "Training is needed generally so that the general public can interact normally with all trans people and recognise that trans people are a part of the constituency."*
- "Training for all staff and services is needed. Trans people seem invisible in policies and services and need to be integrated and 'on the agenda' throughout."*
- "People don't understand our lives or experiences and don't know how to respond. This is probably to do with training – people need to have information on how to talk to trans people to save the awkwardness."*
- "There can be very subtle discriminations, such as a raised eyebrow. There should be mandatory training for council staff"*
- "When I explained (to a utility company call centre) that I had transitioned and wanted to change my contact details, they told me to call back 'when he comes home.'"*
- 2.4 Several people made the point that they feel that they frequently have to educate others about trans issues, which can add to the stresses of

¹⁸ Trans: A practical guide for the NHS (p12)

transition. If the first point of contact a trans person meets gives the wrong or unclear information, things become unnecessarily difficult.

2.5 In all the service areas the Panel considered, the issue of training was central. If front line staff in organisations, be that the council or elsewhere, are not appropriately trained then trans people will never receive the service they require and deserve. **The issue of training arises in each section of this report.**

2.6 Charlotte Thomas, Head of Human Resources and Organisational Development, B&HCC, told the Panel that Human Resources officers received training in 2009 from the Gender Trust but have had no subsequent trans awareness training. The council has a Trans Toolkit and this is available for managers and staff.¹⁹ However, the Trans Toolkit is not actively promoted and there had been very few inquiries about it from managers. Charlotte Thomas told the Panel:

“If managers were asked they would not be aware of the Trans Toolkit but when they had an issue that is when they would go to the Wave [the council’s intranet site]: this is how the council’s managers deal with most HR policies.”²⁰

2.7 The Trans Toolkit is due to be revised shortly. The Panel have expressed concern at some parts of the Trans Toolkit and trust that this revision takes note of this report. This report looks further at this in Section 7 (Employment).

2.8 Mary Evans, Head of Communities and Equality, B&HCC, told the Panel that the council does not have a dedicated resource for trans awareness training. Each team in the council decides what training they require and then the Learning and Development team will liaise with the Equalities and Communities team to deliver the required training.²¹

2.9 It is also worth noting that there is an issue around that fact that training is often LGBT rather than specific trans awareness training. As one person put it:

“The training is often LGBT with the T lumped in and the training is not necessarily specialist”.

2.10 Specific trans awareness training would focus more closely on the complex issues that face trans people, rather than general equalities training.

¹⁹ The Trans Toolkit is the HR guidance for managers in B&HCC. See later in this report.

²⁰ By the time of publication, Charlotte Thomas had left B&HCC

²¹ Evidence 25 September 2012. By the time of publication, Mary Evans had left B&HCC

Intersectionality

- 2.11 The issue of 'intersectionality' was raised with the Panel. Intersectionality' is the concept that people have more than one identity with which to relate to the world. Some people's primary identity may be trans, while others combine this with identities that are equally significant such being LGB, having a black or minority ethnic identity or living with mental health issues, or with a disability or any other combination of identities. As a concept, it draws attention to the multi-faceted nature of social and political identities and the different forms of exclusion, oppression and inequality that may result from those identity categories.
- 2.12 Whilst considering training requirements, it is important to bear in mind that people have complex and varied ways in which they interact with others. Camel Gupta of Queers of Colour²² told the Panel that there had been some credible training models in Scotland for intersectionality. Good work on intersectionality takes time but it can be done structurally or in one area at a time, building awareness of the multiplicity of identities as time goes on.

Available Information

- 2.13 The Panel heard repeatedly that there is little information on the numbers of trans people using services. Equalities information often shows that there is no data in relation to trans service users. However, the Panel are pleased to note that since the inquiry began, there have been four occasions when teams carrying out Equalities Impact Assessments in relation to budget changes, have specifically considered the impact on trans groups. In addition, for the first time the Community and Voluntary Sector Forum are setting up a specific trans group on the budget proposals. This is a welcome move.²³
- 2.14 This lack of data can make it difficult to tailor trans awareness training appropriately. Council departments could usefully carry out an audit of trans services users - with an assessment of their needs - in order to inform any future trans awareness training. This must, however, be done in an appropriate and sensitive way (see Section 8 of this report looking at monitoring). As part of this, work needs to be undertaken with the trans community to raise awareness of the need for monitoring

²² 'Queers of Colour' is a small community group for people of colour and LGBT,Q. 'Queer' is a term preferred by some gender-questioning people. The term 'people of colour' is an American term but it is regarded by some as a more inclusive one than Black and Minority Ethnic (BME) which is often used.

²³ Information supplied by Equalities and Communities team.

and why they should participate in it. Confidentiality and anonymity will be paramount.

Recommendation 1: Public service providers (including those contracted by the council) need to ensure that they have, as far as possible, relevant and up to date information on the number of trans people using their services and what they require of that service.

- 2.15 It is important that specific trans awareness training is commissioned from providers with experience and expertise in trans awareness training. It should also involve trans people directly.

Recommendation 2: There is an obvious need for specific trans awareness training for front line staff both in the council and in partner organisations. The council should take the lead in both providing specific training for its own staff, including senior officers, and encouraging other local agencies to do so.

- 2.16 In addition to staff training, the council should ensure that all democratically elected members also receive relevant and up-to-date trans awareness training.

Recommendation 3: The council should ensure that all Councillors undertake trans awareness training.

Section 2 – Health

- 3.1 There are a number of health-related issues facing trans people. The pathway for health care is long and cumbersome; there is a lack of awareness by some GPs of trans people and their needs. The mental health pathway is not generally felt to be the most appropriate; there are no local gender re-assignment services and the waiting lists for the West London Gender Identity Clinic (also known as Charing Cross GIC) are lengthy.
- 3.2 Some of the things people told the Panel are reflected in the following case study.

Case Study - Health

“On health issues, I have no problems with medical professionals but I do have a problem with administrators. I was told I could not change my NHS number, though the PCT said I could. I was told I had to leave the practice and then re-register. The administrator did not know what to do. I had to have these conversations in public at the receptionist’s window.”

“The Health services seem to me like gate-keepers and I’m always made to feel as if I’m trying to queue-jump. As a guy I can’t self-medicate because testosterone is not available and I could be arrested for possession. But oestrogen can be taken. We know the health risks. But there is no proper system of informed consent and we have to try to jump through hoops. It took 6 months for me to receive consent forms but my paperwork was lost and now I probably have to wait at least until the end of next year. I can’t self-medicate and can’t alleviate my feeling of dysphoria. It is very frustrating.”

“It would be an amazing day if Brighton were ever to get its own clinic. We would not have to take a whole day off work (to travel to London), have to explain reasons for absence etc. There is also the issue of the cost to the local economy of travelling – we wouldn’t have to take a whole day off.”

“Yes people do self-prescribe because GPs block progress and being seen at Charing Cross takes so long. But that means you can’t get the 6 monthly blood test that shows if the liver is functioning properly.”

“We understand ourselves best. We don’t need someone to tell us who we are. To have our own GIC would be great. There are a lot of gender experts in Brighton & Hove and they could do something.”

- 3.3 To understand fully the health issues faced by trans people, the existing processes and systems need to be examined.

National background – commissioning of services

- 3.4 The Health & Social Care Act (2012) abolished the current statutory NHS commissioners, the Primary Care Trusts (PCTs – that is, NHS Brighton & Hove), and replaced them with Clinical Commissioning Groups (CCGs). PCTs will be abolished from 1st April 2013. Until then, PCTs retain statutory responsibility for the bulk of NHS commissioning, contract management, quality assurance and local strategic leadership. CCGs will not become statutory organisations until April 2013 at the earliest. However, in order to achieve a smooth transition, CCGs have already been established in every local area. Technically they are operating as sub-committees of PCTs; but in practical terms they have actually taken over many PCT responsibilities for planning and commissioning services. CCGs are not mirror images of PCTs and will not undertake all the work that PCTs do – they will not, for example, commission primary or specialist healthcare, and they will not have quite the same role in systems leadership as PCTs.
- 3.5 Many of these non-CCG functions are currently still being undertaken by PCTs. In addition, PCTs have been ‘clustered’ on a sub-regional basis, with, for example, the four Sussex PCTs combining to form NHS Sussex.
- 3.6 The recently established national NHS Commissioning Board (NCB) is currently implementing a regional structure, and the sub-regional arm of the NCB, the Surrey & Sussex local Area Team will take on many of the roles currently residing within NHS Sussex. Formally, this will not happen until April 2013, but in practical terms the Area Team should replace the PCT cluster by late Autumn 2012.
- 3.7 Following a written question on the future strategy, Jo Scott (the then Assistant Director Mental Health, South East Coast Specialist Commissioning Team) explained that the local Area Teams will commission gender identity services and will facilitate the local relationship with CCGs. However, many other questions the Panel had asked were unable to be answered at this stage – the NCB strategy is not yet in place.
- 3.8 The written submission from NHS Sussex and Brighton and Hove Clinical Commissioning Group makes the point:

“It is essential to note when considering the gender reassignment pathway that the processes, assessments, requirements and core services included are agreed and designed on a national basis, and contracted on a regional basis. Prior to the current restructuring of the NHS, Primary Care Trusts in the South East contributed funding to the commissioning of the pathway, and this commissioning was delivered by the South East Coast Specialist Commissioning Group. In the new NHS structures, a national contract and

service specification for gender reassignment services is being developed by the NHS National Commissioning Board (NCB) and services will be commissioned and contracted for by regional offices of the NCB.”

3.9 The Panel heard from Geraldine Hoban, Chief Operating Officer for the Clinical Commissioning Group, and Jo Scott, the Associate Director Mental Health, South East Coast Specialist Commissioning Team and lead on Gender Identity Clinical Reference Group (CRG). At the same meeting, they heard from Dr Tim Ojo, Executive Medical Director, Sussex Partnership NHS Foundation Trust and Lead Psychiatrist and Phil Seddon, Equality and Diversity Manager, NHS Sussex.

3.10 Geraldine Hoban explained to the Panel:

“The NCB would be responsible for gender services, primary care and GPs; CCGs will have a more generic role with responsibility for mental health, hospital and community services but not screening.”²⁴

3.11 Brighton & Hove has a unique status in the Sussex and Surrey area. The Panel heard that, because of the city’s reputation for diversity and inclusion, a greater proportion of the population is likely to be identifying as trans than elsewhere in the region. The Panel believe that it is imperative that local concerns are fed into the commissioning process. Whilst the Panel recognise that there will be a local Health and Wellbeing Board, it is important that the views of trans people living in Brighton & Hove can feed directly into the Sussex and Surrey LAT. There is a real fear that regionally commissioned services for specialised services will not be sensitive to local needs.

Recommendation 4: Given the state of uncertainty around the future commissioning of gender identity services, it is imperative that there is a local Brighton & Hove professional within the local Area Team of the NHS Commissioning Board to ensure the views of the local trans population are fed into those who commission services. This named individual should be experienced in working with the trans community and be given explicit responsibility for ongoing engagement between the local Area Team and the trans community.

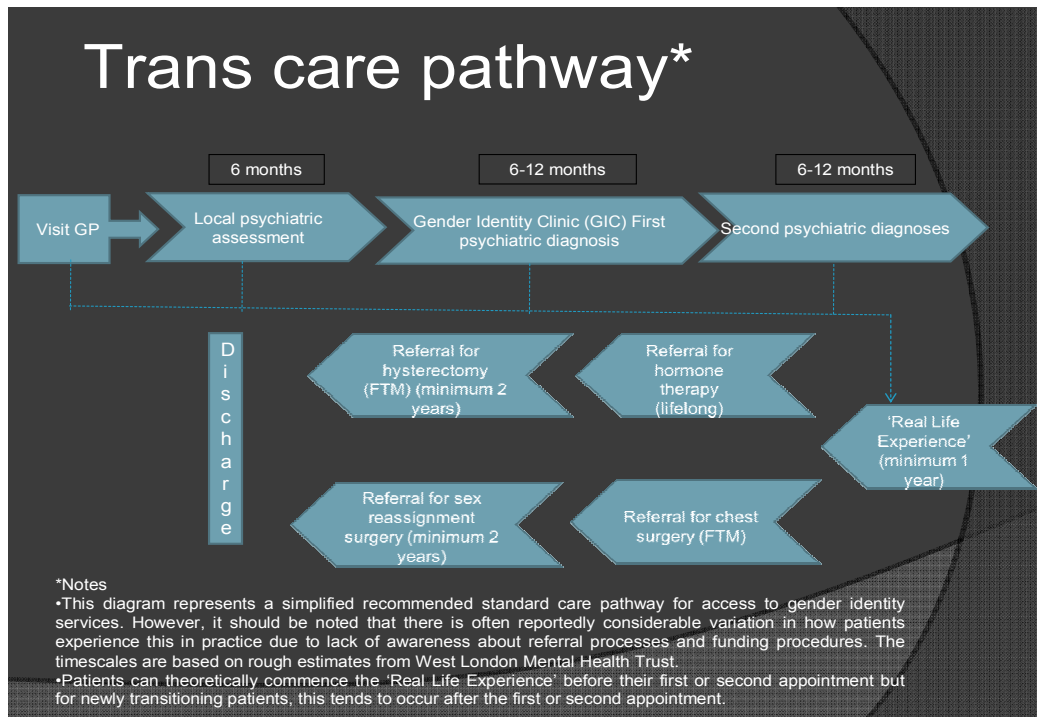
The NHS care pathway

3.12 A number of people raised concerns over the existing NHS care pathway. The submission from the NHS Sussex and Brighton and Hove Clinical Commissioning Group (CCG) summarises the health and wellbeing issues that relate to the gender reassignment process as:

²⁴ Mins 20 September 2012

location of specialist Gender Identity Clinic and lack of local provision; length of time on the gender reassignment pathway; lack of agreement as to which procedures are considered 'core' to the pathway; satisfaction, experience and trans engagement in the pathway; and psychological support and psychological assessment.²⁵

- 3.13 The existing NHS pathway for a trans individual is shown below. However, it should be noted that due to inconsistency and lack of awareness among healthcare providers, there is often reportedly variation in how patients experience this in practice.



- 3.14 As detailed above, the first point of contact for an individual who is questioning their gender identity is their GP. The Panel were told that there were mixed standards for GPs – some are fantastic, some are not helpful. One person told the Panel that they felt that some GPs do not want to get involved and can get 'freaked out'. There was a general feeling that GPs could benefit from specific trans awareness training – as could front line staff. One person commented:

“There are often inappropriate reception processes and people are often not handled in a sensitive or respectful manner. Trans people often find themselves arguing in a public place with someone who doesn't understand”.

- 3.15 The written submission from the NHS Sussex and the CCG states that as a result of local engagement and national research, the NHS is aware that:

²⁵ Written submission

“Trans people report often encountering difficulties in their interactions with health professionals that range from lack of awareness and understanding of their identities and gender status to outright hostility and prejudice from staff who have difficulty accepting gender reassignment or gender dysphoria as legitimate.”²⁶

- 3.16 In addition one person noted: *“Doctors and GPs have no understanding of trans bodies and trans issues”*. Geraldine Hoban told the Panel that the CCG had a responsibility to offer support to GPs and could arrange and encourage training. Following the Panel meeting, a number of written follow-up questions were asked. In response to a question on training, Geraldine Hoban wrote:

“The CCG will be organising awareness sessions for CCG staff and clinical leads from a range of equalities groups in early 2013. This will include trans awareness.”

- 3.17 The Panel welcome this commitment arising as it does from the Scrutiny Panel’s inquiry.
- 3.18 In response to written questions, NHS Sussex informed the Panel that the CCG was developing Equality and Diversity strategies for 2012-14. These are not yet published but:

“This strategy includes actions to improve the collection of patient protected characteristic data at both GP practice level and provider trust level in order to ensure that service development and commissioning is fully informed by the needs of local communities.”²⁷

- 3.19 The Panel look forward to seeing the strategies once they are published. The collection of patient protected characteristic data should be used to improve the experiences of trans patients.
- 3.20 Recording, monitoring and privacy are core issues for improving services for trans people yet the Panel has heard evidence from many trans people that information handling (including by health professionals) is often problematic for both the individual and for the service provider.
- 3.21 Trans people have clear legal protection from disclosure of their trans status and previous gender identities upon the receipt of a Gender Recognition Certificate (GRC). However, NHS Sussex stated they were aware that some NHS providers and GP practices are often unclear as how to store information on trans people prior to the receipt of the GRC and how information can be provided when required

²⁶ Written submission for NHS Sussex and Brighton and Hove Clinical Commissioning Group,

p4

²⁷ Answer to written question

without revealing a person's trans status. This can cause anxiety for trans people and NHS staff.

Recommendation 5: The local Area Team should review current practices on how personal information is gathered and stored and, through the Clinical Commissioning Group, offer guidance on the correct procedures.

- 3.22 The point was also made to the Panel that trans people will sometimes face the assumption that their health needs are inextricably linked with their trans status and find it difficult to access generic advice and treatment without their gender identity being considered a causal factor in their health needs.²⁸
- 3.23 Clarity around these issues should be addressed through appropriate training and subsequent monitoring. It is not sufficient to provide training without then having the mechanism to ensure that real change occurs as a result.

Recommendation 6: The Clinical Commissioning Group (CCG) needs to mandate a rolling programme of trans awareness training for all CCG and GP practice staff and specifically improve the trans patient experience on the scorecard for GP surgeries. As part of this, an action plan must be put in place to ensure that real change occurs.

- 3.24 The issue of check-in at GPs surgeries was also raised: on arrival, people have to input their date of birth and indicate if they are male or female with no option for non-binary gendered people. The Panel can see no reason why this cannot be amended to so people do not have to indicate a gender, or for this part of the check in to be removed entirely.

Recommendation 7: The GP electronic check-in should be changed to remove the need to identify as Male or Female on arrival at the surgery, using alternatively surname and date of birth. In addition, patients should be provided with the option to use a non-gender specific honorific or to decline to provide one on NHS systems.

Recommendation 8: Given the importance of GPs as the first point of contact for trans or gender-questioning people, the Clinical Commissioning Group needs to ensure that all GPs in the city are fully aware of the appropriate care pathways for gender identity services and health needs of trans individuals. As part of this, GPs must ensure all their staff are trans-aware and understand their role in supporting patients on the care pathway.

²⁸ Written submission NHS Sussex and CCG

Recommendation 9: Patients and others will need access to information about the gender identity care pathway. The Panel recommend that the CCG commissions an online resource and print resource to provide information for patients.

Recommendation 10: The Clinical Commissioning Group should set up a feasibility study and pilot to develop a central Brighton practice as a centre for GPs with special interest in gender identity healthcare. This should ensure best practice is developed and meets the needs of patients undergoing gender identity transition

- 3.25 Traditionally, the NHS pathway for trans individuals has been the mental health pathway. A number of people expressed concern that this pathway is too narrow and can be inappropriate. There was a perception that this leads to trans being seen as a mental illness. Dr Tim Ojo (Executive Medical Director, Sussex Partnership NHS Foundation Trust and Lead Psychiatrist) was very clear that trans is not a mental health issue – he made this categorical statement. He went on to explain that whilst some people may have had a worse service than they should expect, when looking at health conditions it is important to ensure there are no underlying psychiatric issues.
- 3.26 Historically, the lead clinician in the trans care pathway has been a psychiatrist. However, Dr Tim Ojo was of the opinion that in a properly resourced service, this did not necessarily have to be the case. Mental health services do have an important role to play but there is no reason why it is solely a mental health pathway to gender services. Nonetheless, Dr Tim Ojo emphasised that the effect of the Real Life Experience on trans people should not be underestimated.
- 3.27 In addition, Dr Tim Ojo explained that trans people contacted the mental health services for different reasons. There are those people who wanted to go through the pathway to gender re-assignment ('instrumental' contact), those suffering depression due to discrimination and harassment, and those experiencing stress after transition (social issues).
- 3.28 The Panel heard that trans people on the trans care pathway are not always getting the mental health support they need. Gender Identity Clinics are oversubscribed and local services aren't meeting demand. All too often trans people are falling through the gaps in service provision. Mental health support provided locally for people on the trans care pathway – and those needing support prior to embarking on the pathway – needs to be considered.
- 3.29 The Brighton & Hove Joint Strategic Needs Assessment (JSNA) states that trans people were twice as likely to have thoughts of suicide and five times more likely to have attempted suicide in the past year than

LGB people.²⁹ The section of the JSNA looking at suicide prevention states that future local priorities will draw on the national draft strategy which identifies six key areas for action.³⁰ One of these areas is work to improve the health of groups at risk of mental health problems. The list in the JSNA includes “Lesbian, gay & bisexual people” but does not include trans people. It is important that the JSNA explicitly mentions trans people as a group at risk and not just LGB people.

Recommendation 11: The JSNA should more accurately reflect the needs of trans people, particularly regarding suicide prevention. As part of this, health bodies in the city need to clarify what mental health support there is for people both on the trans care pathway and people who are not on the pathway but need support.

Gender Identity Clinic (GIC)

- 3.30 Following a local psychiatric assessment, trans individuals are then referred on to a Gender Identity Clinic. For people in Brighton & Hove the nearest is the West London Mental Health Trust. There is no local provision. This need to travel to London creates an additional financial burden and, for those in work, more medical leave time. In addition, a number of people reported that there were lengthy delays for appointments.
- 3.31 It had been suggested to the Panel that a specialist from the West London GIC could travel to Brighton & Hove – for example, hold appointments locally once a month. This would mean that people did not have to travel to London so often, with the associated costs in time and money. In response to a question, Jo Scott, Assistant Director Mental Health, told the Panel that Brighton & Hove spends around £34,000pa on the West London GIC which is not enough to bring a specialist to Brighton. There is also a national shortage of clinicians so it would exacerbate the problem to spread them wider geographically. The problem of needing to carry medical records for trans people in paper form, rather than electronically, was also mentioned.
- 3.32 All things considered, the Panel do not think that it is unreasonable for the NCB to consider providing a local service at regular intervals in Brighton & Hove. The Panel appreciates that funding is problematic, but steps could be taken to bring some services locally.

Recommendation 12: Given the concerns of the trans community over the lack of local gender identity services, a feasibility exercise should be conducted by the National Commissioning

²⁹ JSNA. Count Me In Too found that those who identify as trans are over five times more likely to have attempted suicide in the past twelve months than others.

³⁰ <http://www.dh.gov.uk/health/files/2012/09/Preventing-Suicide-in-England-A-cross-government-outcomes-strategy-to-save-lives.pdf>

Board (NCB) local Area Team and Clinical Commissioning Group (CCG) to commission a Gender Identity Clinic to provide a satellite service to operate from Brighton & Hove on a regular basis. This must be informed by consultation with the trans community. In addition, the CCG needs also to show it is being pro-active in bringing influence to bear on the NCB to ensure improvements are made in Gender Identity Clinics.

- 3.33 A number of other concerns were raised with the Panel, including the problems of self-medicating, access to appropriate screening, and problems with NHS records and administration. There are also a lot of inconsistencies, for example, one trans man told the Panel that he was unable to get a hysterectomy from the local hospital without a letter from the GIC which delayed matters; a trans man at the same meeting had been referred directly by their GP with no problems. Single-sex hospital wards were cited as problematic for trans people who would prefer to be able to choose where they feel most comfortable.
- 3.34 Trans people need to have access to screening and services appropriate to their birth gender. However, trans individuals reported problems in accessing relevant screening services, for example, breast screening for trans men or prostate screening for trans women. This is an area that needs to be addressed by health professionals: there is no easy answer. A number of people reported problems with changing NHS numbers to reflect their gender identity. Geraldine Hoban told the Panel that a new NHS number effectively 'wipes' a patient's health history. This could be an issue for anyone with chronic health problems.

Accurate data

- 3.35 As mentioned at the start of this report, there is a lack of up-to-date data on the numbers of trans people in the city. In response to a written question, Dr Tim Ojo told the Panel:

"We currently do not have accurate data about those waiting to transition. However we do know that about 86 people on average each year have been accepted as referrals from our Trust to the West London GIC."

- 3.36 The Public Health Joint Strategic Needs Assessment (JSNA) relies on Count Me In Too (2008). In response to written questions following a Panel meeting, Geraldine Hoban of the CCG told the Panel:

"The CCG has committed to work in partnership with the City Council to commission a trans needs assessment for the city, to take place in early 2013."

- 3.37 The Panel welcome this commitment as a pleasing result of this scrutiny inquiry. However, some joined-up working will be required as it is important that the needs assessment is not restricted purely to health but also covers the areas of housing, leisure and employment needs.

Recommendation 13: The Panel welcome the Clinical Commissioning Group's commitment to work with the council on commissioning a trans needs assessment for the city. The Panel recommend that as a matter of some urgency a needs assessment needs to be undertaken to identify the size of the trans community and its needs. Trans people must be involved at every stage of this process from design, commissioning, implementation, analysis, reporting and influencing in order to inspire the trust of the trans community. The current public health Joint Strategic Needs Assessment (JSNA) must be updated to reflect this information.

Public Health

- 3.38 The Panel heard from Becky Woodiwiss, Health Promotion Specialist in Public Health. The responsibility for public health is moving from the PCT to the council from April 2013. The majority of this public health role involved the commissioning of health and wellbeing services. Becky Woodiwiss told the Panel:

"It was important to get past the bi-classification of male and female. All general health population needs apply to trans people with some additional specific health issues that need addressing such as mental health, access to physical activities, maintenance of a healthy weight."

- 3.39 The Public Health team were keen to have a better dialogue and better monitoring throughout the commissioning process to enable all people to be able to access all services.

- 3.40 The JSNA 2012 states that one of the recommended future local priorities is to:

"Await the outcome of the Brighton & Hove City Council Trans Equality Scrutiny review, which will examine aspects of health, safety, housing, employment & leisure services."³¹

- 3.41 The Panel welcome this statement and recommend that the Public Health team first identify the health status of the trans population. As local authorities are now responsible for reducing health inequalities, in order to know whether they achieve this outcome for trans people, they

³¹ <http://www.bhlis.org/jsna2012>

must first know what the health status of the trans population is, what inequalities they face, and what actions are likely to address them.

Recommendation 14: The Panel recommend that the public health team take action to identify the health status of the trans population, and put in place a robust plan for reducing any health inequalities for trans people in the city. As part of this the Joint Strategic Needs Assessment (JSNA) needs to be updated to address the health inequalities noted in this report.

Section 3 – Housing

- 4.1 Access to appropriate and affordable housing was raised repeatedly with the Panel. Some young trans people or people who are transitioning may not feel safe in shared accommodation or with shared facilities. The Housing Options service completed an Equalities Monitoring Analysis in early 2012 - more information will be available from this later in the year. Initial headlines include the statement “*the transgender community have reported that they would not feel comfortable living in many of the supported projects that are currently available.*”³² Barriers for trans people accessing supported housing need to be explored in the LGBT Housing Strategy.
- 4.2 In addition, the Single Room Rate (SRR) restricts the maximum housing benefit certain claimants in the private sector can receive to the rate for a single room in a shared house (as opposed to a self-contained studio flat or one-bedroom property). Since January 2012 this has applied to claimants aged 35 and under – a change from the previous rules of applying to under 25s.³³ This change in the rules will have a particularly negative effect on trans people due to issues around privacy and safety. The Advice Strategy Partnership told the Panel that the Brighton Housing Trust had two recent cases where clients identifying as trans had reported this as a key barrier.
- 4.3 Although the SRR restriction is a matter of legislation, the Panel have been told that the council has an, albeit limited, ability to ‘top up’ local housing allowance payments for a period with ‘discretionary housing payments’. Housing officers need to be fully aware of the needs of trans people.
- 4.4 There is also the question of where people are housed – some trans people are being housed in areas of the city where they do not feel safe but find it difficult to move. The Panel heard that the high level of supported housing, the high student population, and the vibrant private rented sector, have led to high prices. People are then forced for financial reasons to the margins of the city, where they may not have chosen to live. One person said:
- “It’s very very difficult to live as a trans person in some places, for example, you can get unpleasant things put through your letterbox.”*
- 4.5 Another person told of “*problematic neighbours who had an unhelpful attitude during transition*”.

³² Written submission para 12.3

³³ Written submission Advice Strategy Project

- 4.6 The comment was also made that trans people are discriminated against when looking for rental accommodation. Private landlords and housing associations are not always welcoming to trans tenants.
- 4.7 Stephanie Scott of the Clare Project told the Panel that Brighton is seen as a 'haven' for trans people and every month people contact the Clare Project wishing to move here. However, if a person does not have a 'local connection' then they can only access the private rental sector which is expensive and in many cases inaccessible to those on benefits.³⁴ James Crane, Service Improvement Manager in the housing team, B&HCC, told the Panel that the local connection issue would be addressed in the upcoming Single Homelessness Strategy. The criteria used to review housing need and for assessment for the provision of assistance should be informed by the specific housing vulnerabilities that trans people report. This includes: transphobic discrimination and harassment and exclusion from the private sector due to low income engendered by employment discrimination and structural inequality.
- 4.8 Trans people reported to the Panel that if there was a need to move house post-transition, the existing process is not sufficiently flexible for people to be able to either move, or move up to a housing band that would enable them to be re-housed. The Panel were told that the Housing Act sets out certain criteria that local authorities have to give 'reasonable preference' to, including homelessness, overcrowding or unsanitary accommodation, and to ex-servicemen/women. In addition, the Panel were told it is a political decision on which categories of people are housed as a priority.³⁵
- 4.9 Housing officers told that Panel that (at the end of July 2012) 21 tenants had thus far recorded that they were trans – although it was felt that this is likely to be an under-representation. Other figures provided by the Housing Options team, based on equalities monitoring, gave a figure of 16 people who had identified as trans who were threatened with homelessness. Once again, the data for the numbers of people who identify as trans is inconsistent. The written submission from the Housing Commissioning team stated the Housing Options/Homeless team does consider requests under gender if someone "does now or have ever identified as trans or gender variant." It goes on to say:
- "Base line equalities data for the trans community is difficult to obtain. Data is not collected routinely in either the Housing Register or Housing Benefits Sections of the council and therefore a base line is difficult to establish".*
- 4.10 The Panel was told that the housing benefits team do ask people if they identify as trans, but then do not record that data on the system as

³⁴ Evidence 25 September 2012

³⁵ Evidence 27 September 2012

there is no legal requirement to do so. The review of housing services needs to include a robust mechanism to enable housing need among trans people to be identified and quantified.

Training

- 4.11 The issue of training for front line staff, those entering people's homes, and landlords was raised. Nick Hibberd, Head of Housing and Inclusion, B&HCC, told the Panel that they were aware that they needed to do more staff training, specifically on trans awareness. Housing officers and providers need to be aware of the vulnerability of some trans people and their specific needs. **As a result of the Scrutiny Panel process and the issues and awareness it has raised, housing officers have started commissioning trans awareness training. This is to be welcomed and must be made available to all housing staff.**

B&HCC

- 4.12 The council owns and manages nearly 12,300 homes in Brighton, Hove and Portslade (including 23 sheltered housing schemes), around 11% of all housing in the city. The council is also by far the biggest landlord in the city with 2,300 leasehold flats. Tenants are involved in the development of the housing service. However, the housing team recognise that they engage with tenants who do not reflect the totality of the tenant profile and that more needs to be done to encourage trans tenants to come forward and be involved in service development. **The Panel look forward to hearing what progress has been made on this in due course.**
- 4.13 B&HCC has an LGBT Housing Options officer, a role that was developed out of the LGBT Housing Strategy and *Count Me In Too*. It would be interesting to have further information on this work, and how it feeds into the housing strategies. *Count Me In Too* found that 29% of trans respondents lived in social housing, 39% owned their own homes, and 24% lived in the private rented sector. At that time, 36% of trans respondents had experienced homelessness. The report found that trans people had particular vulnerabilities with transphobic landlords in the private rented sector and in council supported housing.³⁶ There is no up-to-date information on the current situation.
- 4.14 The Housing team need to know what proportion of council tenants are trans and should have base line figures with regular monitoring in

³⁶ Count Me In Too, LGBT Lives in Brighton & Hove, Dr Kath Browne with Dr Jason Lim, Trans People, Additional Findings Report, December 2008, pvii

place. Only with reliable information will the service be able to fully meet the needs of all its service users.

- 4.15 Housing officers are due to embark on a new Homelessness Strategy in 2013 with the review taking place late in 2012. The Panel heard that the most recent homelessness consultation was 2007 and involved an LGBT event. The LGBT Housing and Support Workers Group no longer exists but the Panel were told that this may be reconstituted.³⁷ The Panel would like to see a thorough and widespread community engagement programme in advance of the development of the new housing strategies. This should ensure that trans tenants and trans individuals are given the opportunity to take part. The concept of “nothing about us without us” needs to be embedded as part of the process informing the new strategies.

Recommendation 15: During the upcoming revision of housing strategies (homelessness, LGBT housing) the views of the trans community should be actively sought. Specifically, the Housing Options service should be reviewed to ensure that it is widely known about and used by trans people in housing need. A programme of outreach to the trans community to publicise the assistance available from the housing department should be undertaken.

Recommendation 16: The Housing department should also commence a programme of awareness raising about the legal protections for trans people in housing provision and promote good practice within social and private landlords.

Older trans people

- 4.16 The Panel heard from Ruth Rose, of the UK Advisory Panel on Ageing. Some trans people report feeling very isolated from those around them and this can increase with age. There is a perception that people may go into sheltered housing or a hospice and then find themselves further isolated, in particular because other residents can have very uninformed views about trans people. **The council needs to look at what positive steps can be taken to bring a better social acceptance of trans people among the communities of older residents in sheltered accommodation and residential homes.** As with other areas of housing, there has been no specific training for those working in sheltered housing since the training that followed *Count Me In Too*. A recent East Sussex County Council report looking at social care for LGBT people noted that for older trans people:

“There are also particular physical and personal care matters that must be acted on appropriately - proper attention to

³⁷ Evidence 27 September 2012

*hormone replacement regimes; intimate care, skin and hair care; appropriate attention to personal choice of clothing and style and privacy. There are legal requirements about confidentiality of personal identity that providers need to be aware of and ensure their staff comply with.*³⁸

- 4.17 The isolation that older trans people can experience could be addressed by ensuring that older people's services contracted by the council have robust processes in place to ensure that older people can access appropriate services. Stephanie Scott made the point to the Panel that trans people often want to move to Brighton & Hove but there are no plans in place to deal with an ageing LGBT population. **The Panel feel that discussions should be taking place to plan for a likely increase in number of older LGB and T people in the city.**
- 4.18 In addition, it seems likely that trans people may find themselves more likely to be in a position where they do not have family to look after them as they age. Without people they know to take care of them, there is a concern that carers may not understand trans bodies or trans needs. With the provision of in-home care, people may also be worried about others coming into their homes who do not understand them and who therefore won't look after them appropriately. **The council must take steps to ensure that older trans people can be confident they will receive appropriate care and that those who provide care on behalf of the council are rigorously monitored. In particular, during the role-out of personal budgets, the council needs to be doing what it can to encourage carers who will be sensitive to the needs of trans people.**

Recommendation 17: Further work should be undertaken to address the transphobia and discrimination faced by older trans people such as in accessing adult social care services, supported housing and care homes (for example, personal care). As part of this, training on trans awareness and the needs of older trans people needs to be put in place for care homes and sheltered housing providers contracting with the council.

³⁸ An assessment of the needs of lesbian, gay, bi-sexual and transgender (LGB and T) people in the East Sussex area using or needing to use Adult Social Care's services, p19 <http://www.eastsussexjsna.org.uk/JsnaSiteAspx/media/jsna-media/documents/localbriefings/ESCC-LGBT-needs-assessment-march2012.pdf>

Section 4 - Community Safety and Hate Crime

5.1 Brighton & Hove has a reputation as a diverse city where people can be supported. Camel Gupta from Queers of Colour told the Panel that there is a strong sense at LGBT events across Europe and elsewhere that Brighton & Hove is a good place to live. Despite this, the Panel heard that hate crime and incidents blight the lives of many trans people in the city. Combined with a lack of awareness and a fear of reporting crimes, many trans people are finding it difficult to live safely in the city.

5.2 People told the Panel their stories:

Case Study – Hate Crime

“It is particularly bad on Friday nights, especially as the clubs are opening; there’s a surge of macho men in the streets at that time. I don’t go to West Street at all now.”

“Many trans people in the city are in effect LGBT refugees who had fled to escape transphobia in other parts of the country and seek sanctuary”.

“I lived elsewhere and suffered many violent attacks in 18 months, some resulting in hospital admissions. If you are a visible trans person you can be at risk of your life. Eventually, I put my belongings in suitcases and came to Brighton.”

“I was a victim of hate crime from a middle class area of England. People do come to Brighton for that reason.”

“There should be zero tolerance of hate crime. We need to define what that means and how it would be carried through. It is felt to be acceptable to bash trans people and there has to be a step change – start with no tolerance.”

“Brighton is a great city to live in. I have found council people totally polite and efficient but other people have had different experiences.”

Hate crime

5.3 There are a number of issues surrounding hate crime – not least that it is historically under-reported. In 2011 the police figures show there were 225 LGBT incidents or crimes of which 167 were logged as incidents and 58 as crimes. Of those 58 crimes, 35 remained

undetected. Of the 225, in only 16 of these did the victim identify as trans with the remaining 209 identifying as LGB.³⁹

- 5.4 The Panel heard from PC Rachel Piggott and Rory Smith of Sussex Police, and Peter Castleton and Eric Page of the Community Safety team in the council at separate meetings. PC Rachel Piggott told the Panel that she had been part of the Police LGBT Liaison team for the past two years. During this time she had worked with different community groups to gain trust and build confidence. The LGBT Liaison team hold drop-in sessions in public places (for example, libraries and cafes) and run a monthly on-line session for people to contact the police electronically. It is worth emphasising that the LGBT Liaison Team has been cited to the Panel as an example of good practice. Rory Smith is a civilian (rather than a police officer) who works as part of Sussex Police looking at LGBT Hate Crime. Part of this role was to examine hate crime reporting to try and gain more detailed hard data.⁴⁰
- 5.5 Peter Castleton, Community Safety Manager and Eric Page, LGBT Officer, Community Safety Team, told the Panel that several years ago there was a difficult relationship between the team and the trans community but this has been improving year on year. The challenge was to establish trust and for the community to feel confident to talk to the police and the Community Safety team. A new duty phone number (the anti-social behaviour and hate incident reporting line) has recently been set up (01273 292735) and this will be promoted. **The Panel would like to see this number widely publicised and promoted.**
- 5.6 It is important that appropriate recording of police and community safety data on trans-related crimes and incidents is developed and used to inform preventative measures wherever possible. In a recent, and welcome, change the Police have started recording trans crimes as a separate crime to the LGB marker. In addition, the Community Safety team are developing a system to work with community agencies to get anecdotal evidence to help inform data collection. Without better reporting – and better evidence of transphobia – it is difficult to secure relevant funding to deal with the issue, or to put in place specific preventative measures. Eric Page told the Panel that the lack of monitoring was a key issue. Without hard data it is difficult to target specific mechanisms and preventative work.

*“There is a need to keep listening and expanding awareness of reporting”.*⁴¹

- 5.7 As part of this ongoing process, when the council funds the development of LGBT community safety projects or interventions, such

³⁹ Written submission

⁴⁰ Evidence 20 September 2012

⁴¹ Evidence 25 September 2012

projects should be required to demonstrate the active and meaningful participation of trans people.

Recommendation 18: The robust recording of police and community safety data on trans-related crimes and incidents should be developed and used to inform preventative measures. Further work needs to be undertaken to encourage reporting of hate crime. Building on existing relationships, an action plan needs to be put in place by the community safety team in conjunction with Sussex Police to address low levels of hate crime reporting including trans related incidents.

- 5.8 The view was expressed to the Panel that often it was visitors to the city who were the worst perpetrators of trans hate crime. There is no hard evidence to support this: one view is that those that carry out hate crime are not just transphobic but carry out other hate crimes.
- 5.9 The Panel were told that more needs to be done on training and trans awareness for pubs and clubs in the city. People need to know that hate crime – including harassing people because of their appearance - will not be tolerated and public venues were well-placed to help put this message across, for example with posters, or leaflets.
- 5.10 The council’s Statement of Licensing Policy states that:
- “In line with statutory requirements and the council’s Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.”*
- 5.11 In addition the Licensing policy supports the Crime and Disorder Reduction Partnership’s crime reduction strategy, in particular it seeks to “confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour”. Under the reviews section of the Statement of Licensing Policy it also notes that where a style of operation of a premise leads to applications concerning likelihood of racist, religiously motivated, or transphobic crimes or incidents, *“the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.”*
- 5.12 When the council is looking at licenses for premises in the city, there is a case to be made for ensuring that premises – and the staff that work in them – are fully open to all individuals. (The issue of facilities in venues is considered later in this report).**

Training

- 5.13 The Panel are aware that there have been incidents when people have been wrongly assigned a gender by police officers when they call in to report an incident, which has led to upsetting and insensitive handling of that individual when they present to the police station.⁴² There is a training DVD on trans awareness but it has not necessarily been widely used – it is important that trans awareness training is delivered across the police force.
- 5.14 The Panel questioned the Community Safety team about their training and there appear to be some gaps with new staff. The Panel recommend that the community safety team ensure that everyone on the team receives trans awareness training as a matter of some urgency.

Recommendation 19: The Panel recommend that Sussex Police provide trans awareness training for its staff, in conjunction with the community safety team.

Domestic violence

- 5.15 The issue of domestic violence was raised with the Panel. Statutory and non-statutory services can forget that domestic violence affects trans as well as cisgender people. It was a concern that there are no safe spaces or refuges for trans men or women. Refuges and safe spaces may reject trans people – and even if they are let into these spaces, residents may associate them with their birth gender thus causing problems. The Panel heard that there were no funds for an additional refuge or safe space. **Nonetheless, there is a key issue around community safety and safe spaces for trans people who are either homeless or suffering from domestic violence or both that needs to be addressed. As part of this, staff in refuges should be trained in trans awareness.** The Panel heard from Joanna Rowland-Stuart from Regard, a charity run for and by disabled LGBT people.⁴³ The Panel heard that domestic violence is an issue for disabled and trans people. Disabled trans people can be refused care or asked to present in their birth gender and not their acquired gender.
- 5.16 The report *Domestic Violence. A resource for trans people in Brighton and Hove* stated that:

“Trans people can experience domestic violence from a same or opposite sex partner, and can do so regardless of the gender identity of either person.

⁴² Evidence 20 September 2012

⁴³ Evidence 25 September 2012

*In some cases, abusers will use the process of 'coming out' or transition as an additional form of control. This can be particularly difficult where children are involved.*⁴⁴

⁴⁴ <http://www.riseuk.org.uk/documents/Domestic%20Violence%20-%20A%20Resource%20for%20Trans%20People.pdf>

Section 5 - Education and schools

6.1 During the Panel's listening exercise, one of the key areas where it was felt that changes could be made that would have a forward reaching positive effect was in terms of schools and the provision of education. Trans or gender-questioning children and young people can be hugely affected by what happens to them in their early life. Concerns around gender stereotyping, the curriculum, awareness and training, bullying, and lack of support were all raised.

6.2 Comments made to the Panel included:

"PSHE should include people's different experiences of being human."⁴⁵

"More training is needed in schools because bullying of trans people has been rife. There should be greater awareness by both children and parents. The whole range of different gender identities needs to be better acknowledged."

"I would have loved to have transitioned when I was still at school; that might have meant moving to a different school where I wasn't known, but that would have been ok."

6.3 The Panel heard from Elliot Klimek of Transformers (the support group that works with young trans people between 16 and 25 years old: the group is part of Allsorts Youth Project, an LGBTU youth project), from Marianne Lemond of Allsorts Youth Project (a LGBT youth project) and Sam Beal of the Healthy Schools Advisory Service in B&HCC.

6.4 Transformers works with young trans people in group work and advocacy, and with parents. Elliot Klimek reinforced what the Panel had heard in other areas, that there are issues around accessibility and the physical environment in schools, for example, toilets, PE, changing rooms, competition in sports. Teachers can be nervous around the law on trans people taking part in PE lessons. One person who attended Transformers had never felt safe enough to go on a residential school trip.⁴⁶

6.5 The Healthy Schools Advisory Service and Allsorts Youth Project work in partnership to "support schools to prevent and challenge transphobia and to support transgender and gender questioning children and young people in school settings".⁴⁷ The Panel were told that support materials and training were delivered to help schools meet the Public Sector Duty of the Equality Act 2010. The new Ofsted Framework identified trans children as a vulnerable group. These two things

⁴⁵ Personal, Social and Health Education

⁴⁶ Evidence 20 September 2012

⁴⁷ Written evidence p1

together have led to more focus on preventing and challenging transphobia. In particular, the new Ofsted Framework can now be used to encourage schools to consider more closely the needs of trans children and young people.

- 6.6 Within this work they support primary and secondary schools to deliver effective PSHE education and provide careers education, information, advice and guidance. This includes work on developing anti-bullying and equalities, of which supporting schools to understand the needs of trans and gender-questioning children and young people is a part. In addition, Sam Beal told the Panel that materials are being developed to support the PSHE curriculum in schools to include work around transphobia, gender and gender identity as well as sexuality and homophobia.⁴⁸
- 6.7 Allsorts and the Health Schools Team are also working on a trans Toolkit for schools on supporting trans and gender questioning children and young people. This is still in draft but the Panel heard that the Toolkit will include the issues that trans children face, such as toilets, and gendered uniform. As it is developed the young people involved in Transformers will be involved, as well as Allsorts. It is important that when the Toolkit is developed, people know how to use it and that it is well advertised and implemented. Schools will need to be confident that they not only know about the Toolkit but how to use it.
- 6.8 In terms of reaching out to schools and knowing what training is going on, however, there is not currently the time or resources within the council team or Allsorts to do this. For funding and capacity reasons, the support and guidance offered by Allsorts and the Healthy Schools team in this area, is reactive not proactive. They work with schools and parents who have approached them, and offer training support to all schools in the city. They offer central training as part of the Toolkit development but there is not the capacity to monitor what all schools are doing. Sam Beal told the Panel their workload was increasing:
- “Young people transitioning in school communities or between schools or with a trans parent are increasingly asking for help in a visible way. More people have made contact over the last eighteen months.”⁴⁹*
- 6.9 Sam Beal explained that the main challenges are time, capacity, and training the whole school in a complex subject.⁵⁰ Marianne Lemond told the Panel that Allsorts were getting more demand for their support now: some of this is as a result of more younger people identifying as trans or gender questioning at an earlier age. She noted:

⁴⁸ Evidence 27 September 2012

⁴⁹ Evidence 27 September 2012

⁵⁰ Evidence 27 September 2012

“There has been an increase in the number of trans and gender questioning children accessing Allsorts and an increasing number of parents too. Currently, the demand for Allsorts service is exceeding capacity.”⁵¹

- 6.10 It is also of concern that it is when children leave the more nurturing climate of primary schools for secondary school that is when gender questioning children face more problems. Elliot Klimek of Transformers noted that schools need to be capturing data on transphobic bullying and all teachers should signpost trans children and young people to Allsorts (some do, but not all). The Healthy Schools Advisory Service informed the Panel they will be launching guidance for schools on recording and reporting of bullying and prejudice based on incidents by type (including those resulting from perceived or actual gender identity). The local authority will also request that schools return bullying data by type, including that relating to gender identity.⁵²
- 6.11 Whilst bearing in mind the financial climate, given the importance of children and young people’s formative years and experiences, both those who may be trans and gender questioning, and those who may not be, the Panel is of the opinion that if we are to create a cultural shift towards more understanding and awareness of gender diversity, more work needs to go into the provision of trans awareness in education and the schools in the city.
- 6.12 Schools will also need to be aware of their Public Sector Equality Duty (see p57 of this report) and be able to set out what they are doing to ensure that they are compliant with the duty in regard to gender reassignment.⁵³

Recommendation 20: The council must continue to actively support the work of the Healthy Schools Team and Allsorts to provide guidance and support to trans children and young people. As part of this, the resources given to this work should reflect the demands on the service. In addition, specific trans awareness training should be provided in schools, as well to general LGBT training.

⁵¹ Evidence 27 September 2012

⁵² Written submission p2

⁵³ The Equality Act 2010 provides protection for ‘transsexual people’ under the protected characteristic of gender reassignment. For more information see p58 of this report.

Section 6- Leisure and recreation

- 7.0 The importance of exercise and a healthy lifestyle is well documented, both in terms of physical and mental health. However, the Panel heard that access to sports and recreational activities is problematic for trans individuals. Issues around gendered toilets, gendered changing rooms, and lack of awareness of trans individuals and their needs, and gendered sports (for example women's netball or men's basketball) were all raised with the Panel.
- 7.1 The Panel heard that many trans people can feel excluded at sports facilities not only because of transphobia, but because they feel uncomfortable using the changing facilities. There is a lack of general awareness around facilities for trans people, in particular a lack of gender neutral changing areas.

Case Study –changing rooms and toilets

“A lot of people don't like unisex changing rooms .. some women (and men) don't feel safe in mixed changing rooms.”

“A simple loan key system (for an accessible toilet) would make swimming more accessible for trans people.”

“Huge amounts of money have been spent on redeveloping parts of King Alfred Leisure Centre. It should have been easy to include suitable facilities – changing areas, toilets, showers – for trans people. That would make a big difference to me.”

“The only place I feel comfortable to change in, is the toilet.”

“Intergender loos – it would be nice not to think you are causing a problem just because you need to go to the loo.”

“If the only other option than M and F is ‘disabled’ then it should be called ‘accessible’ and be for people who can't use other toilets for whatever reason.”

“Often in men's toilets, even if there is a cubicle, often there isn't a lock. This is low down in pubs/clubs' priorities but as a trans person you feel unsafe.”

Training and awareness

- 7.2 The Panel heard from Ian Shurrock, Commissioner, Sports and Leisure and Toby Kingsbury, Sports Facilities Manager, B&HCC. The Panel

heard that the sports and leisure team had undertaken broad equalities training but no specific trans awareness training. The team recognised that further training was needed around trans awareness and would welcome views on how best to provide this training.⁵⁴ **The Panel would encourage the sports and leisure team to commission appropriate trans awareness training (see recommendations 1 and 2 on a service users audit and training.)**

- 7.3 The Panel asked for data and any experiences of trans people accessing services or transphobic behaviour, but there was none available. The point was made that the lack of reporting doesn't mean it isn't an issue. Indeed the sports service would be concerned if this meant that people were no longer using the facilities but the team were not aware of it.
- 7.4 Ian Shurrock told the Panel that his team welcomed the chance to talk to the Panel and take on board the issues for trans people in accessing their service. The team do run Muslim women only swimming sessions and noted that programmes can change in relation to demand. A session can build up from a low participant base. **Following the Scrutiny Panel meeting, the sports and leisure team started to explore the option of trans only swimming sessions in St Luke's swimming pool – the Panel welcome this as a positive step forward.**

Facilities

- 7.5 A number of trans people told the Panel that one of the main things that prevented them attending activities in the city's sports and leisure centres, was the lack of changing areas and toilets where they felt safe.
- 7.6 **It is worth highlighting that the issue of appropriate, non-binary toilets and changing areas was raised in relation to all buildings (including schools, work buildings and pubs/clubs). The comments made in relation to sports and leisure facilities should be seen to be applicable to other buildings and venues.**

Recommendation 21: The Panel welcomes the commitment from the sports facilities team that they will engage with the trans community. The Panel recommends that trans individuals are consulted in future facilities planning, and are also consulted and involved in helping to develop trans safe and trans only exercise sessions.

- 7.7 A variety of options are available to make toilets more accessible. Suggestions have included offering trans people the option to use the

⁵⁴ Evidence 27 September 2012

accessible toilets with RADAR locks. Whilst this may be helpful for some, there are associated problems. Any consultation looking at how to make more toilets accessible to all should include trans users and disabled user groups.

- 7.8 It is worth noting that changes to toilet provision would have a wider beneficial effect. For example, more unisex toilets would mean that toilet spaces are effectively utilised and may have the effect of reducing queuing.
- 7.9 A Scrutiny Panel has recently been set up to look at the provision of public toilets in the city. Whilst this is in early stages, that Panel should be aware of the concerns raised by trans individuals in relation to toilets.

Recommendation 22: There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people.

- 7.10 The council should actively examine the changing rooms provided in its leisure and recreation centres to see if there are sufficient accessible changing facilities to accommodate all users, whatever their gender. In addition, when facilities are being refurbished, the opportunity should be taken to ask users what facilities they would like to see. As part of this process, trans support groups should be asked for their views.

Recommendation 23: Individual changing rooms should be available in all leisure buildings and the council should actively encourage other organisations to provide changing rooms that are appropriate for all users, whatever their gender identity.

Section 7 – Employment

Employment

- 8.0 Persia West, from *A Place at the Table* told the panel that employment was central to any consideration of how to make life more equitable for trans people. Employment gives people a place in the world, financial value and a sense of identity. However, trans people can find it difficult to find employment, and for those in work, there are often problems of abuse or lack of understanding, particularly if they are transitioning.
- 8.1 One person told the Panel how they ended up leaving their job - 'forced out' - as their employer did not provide support, or indeed allow them to use the appropriate facilities. Other people told the Panel that medical leave can be problematic for those transitioning. Unison has produced a factsheet (Transgender workers rights – April 2012) which states many trans workers face discrimination, despite the fact it is unlawful. It states: "41% of trans respondents to our most recent UNISON members' survey feared for their job security if people knew they were trans. 60% of them had experienced transphobic comments from colleagues and managers."⁵⁵
- 8.3 Repeatedly, the Panel heard both how employers did not know the legal and employment rights of trans people, and that trans people themselves did not know their rights. In a complex legal arena, there is confusion and misunderstanding on both sides. Ultimately, in a difficult economic climate, any person whose needs are perceived to be more onerous than those of others (however misguided or uninformed that perception), may find themselves penalised. The Panel are aware that there are existing protocols and policies in place aimed at protecting the rights of trans people at work. However, there is an issue over how informative – or even factually correct – these are, and how well used.
- 8.4 Persia West told the Panel that there had been a LGBT jobs fair several years ago – it had been useful but had only been attended by a small number of people. Nonetheless, the council should consider arranging a new LGBT jobs fair to bring SMEs and advice organisations together. The previous job fair had helped identify the barriers facing trans people looking for employment. There is still a role for that today.
- 8.5 There is a lack of 'specialised' advice on employment rights for trans individuals –the Advice Strategy Partnership acknowledge this gap and are exploring opportunities for developing this service.

⁵⁵ Transgender workers right – April 2012. From the website. There is no information on how many people took part in the survey.

8.6 From the other perspective, JobCenterPlus informed the Panel that:

“Diversity in general is seen as a selling point and benefit to the city by most employers due largely to the city’s profile as a liberal and vibrant place to do business. The ‘Pink Pound’, Pride and other high profile events and festivals attract a huge cross section of society which is catered for by businesses in the city. Brighton Jobcentre staff closely mirror the diversity amongst its customers.”⁵⁶

B&HCC employees

8.7 B&HCC carry out an annual staff survey. In 2012, 10 members of staff who filled in the survey identified as transgender. This small number makes it difficult to extrapolate meaningful data, but looking at the responses to the questions asked in the survey, the views of those who identified as transgender were similar to those of all staff.

8.8 At one meeting, the Panel were told that council staff did not feel safe to talk about their experiences with the Panel. On questioning Charlotte Thomas, Head of Human Resources and Organisational Development for the council, the Panel were perturbed to find that HR had no explanation for this. It is imperative that staff must feel safe to discuss any concerns or problems they have with the relevant people and to be assured that remedial action will be taken where necessary. The Panel heard that the council’s Trans Toolkit is available for managers to access over the intranet pages but there is very little in terms of active support. More worryingly, Panel Members highlighted two areas of the Toolkit where they had concerns over a lack of compliance: namely, in the section on what questions could be asked at the interview and in the section on how will personal records be amended & confidentiality assured. It is imperative that this is remedied as a matter of some urgency to reflect current legislation.⁵⁷

Recommendation 24: The council’s Trans Toolkit is due to be revised. The Panel recommends that the council take advice from experts in trans awareness to ensure the toolkit is fit for purpose. This new toolkit should then be proactively publicised and promoted to all staff within the council. Managers should be offered training on its use. In addition, guidance should be given for council staff on what to do when a person changes their name and gender marker following a gender transition.

8.9 It is important that Human Resources engage with all staff – including trans staff. The feedback that the Panel heard that council staff were too anxious to talk to Human Resources is of concern. One person

⁵⁶ Email from JobCentre plus

⁵⁷ P6 and p11 of the Trans Toolkit

expressed the view that the council as an employer didn't care enough about its trans staff and needed to do more to ensure that they understood their rights to protection from discrimination at work. However, one person did tell the Panel that they had managed a person undergoing transition and had found the council very good in supporting this person. This would indicate that there is good practice in the council, but it is down to individual managers.

- 8.10 The council has a LGBT Workers' Forum supported by the Communities and Equalities Team. The LGBT Workers' Forum Panel also supports a LGBT Mentoring Scheme. Whilst it would not be appropriate for the Panel to have information relating to this, it is hoped that processes are in place to learn from the experiences of trans staff.
- 8.11 Brighton & Hove City Council uses the Stonewall index to measure progress on employment equality for LGB people. **Stonewall does not include trans people: the council needs to consider how it is including employment equality for trans people in its assessment processes.**
- 8.12 Galop published a report called *Shining the Light* that set out 10 clear steps to becoming a trans positive organisation. Whilst this was aimed at LGBT organisations that want to be inclusive, not local authorities, it is a valuable document. When asked, Charlotte Thomas, Head of Human Resources at the council replied that on a scale of 0-5 in *Shining the Light*, the council would be 2.5. **The council needs to examine how to move towards being a trans friendly organisation – along the lines of the *Shining the Light* guide.** As part of this, the council needs to have a review of monitoring and employment practices, including how posts are advertised to reach trans people.

Recommendation 25: B&HCC Human Resources in partnership with the BHCC LGBT Workers' Forum and the Equalities Team need to reach out to trans employees to listen to their experiences of working for the council and to make changes accordingly. The LGBT Workers Forum are to be congratulated on their activities on trans inclusion. The Forum must continue to be supported and resourced to develop its work on this.

Small and Medium Enterprises (SMEs)

- 8.13 It was suggested to the Panel that smaller employers were less likely than large organisations to have trans policies in place. This had a negative effect on trans people gaining employment and on support for those transitioning whilst in work. The lack of easily available information and of training and support was reiterated to the Panel. The idea of advocates was raised with the Panel as one way of giving support to a trans person, and this could include specialist advice for finding and maintaining work. **The council should look at ways of**

opening a dialogue with employers in the city to raise awareness of the employment rights of trans people.

Financial inclusion

8.14 Paul Sweeting, from the Advice Strategy Project,⁵⁸ submitted a written paper to the Panel. This noted that trans people face significant barriers to employment, and discrimination in the work place. As a result of barriers to employment, they may be more likely to be on lower incomes and be reliant on benefits. The concomitant effects of this are self-explanatory.

8.15 Persia West told the Panel that if a person was well educated and employed, transitioning may not be a problem.

“The problems arise for those not in such a good social position: for them transitioning can be a tragedy. It is important to look at the unemployed who may get caught in the benefits trap.”

8.16 It is noted earlier in this report (Section 3 Housing) that the changes to the Single Room Rate have a particularly negative impact on trans people. The cumulative effect of benefits and welfare changes need to be examined.

Recommendation 26: The particular impacts on trans people of government welfare reform agenda must be taken into account. As part of this, the specific vulnerabilities of trans people as recipients of welfare benefits should be explicitly acknowledged in the council’s strategy on financial inclusion.

8.17 The Panel were told that if you are a trans person entitled to benefits, your details are restricted so that if you make a phone inquiry often you cannot be advised at once but have to be called back by someone with authorisation to access your files. This measure was introduced as a proactive step to protect information about a trans person’s status but it has had the unintended consequence of increasing delays and administrative problems for trans people. The Panel heard that the Criminal Records Bureau have a special phone line and a dedicated team that trans individuals can call when requesting a CRB check. This would seem a sensible way forward for benefits advisors to follow.

Lack of understanding

8.18 Several people reported problems to the Panel in banks when staff insinuate a trans person is trying to de-fraud the bank or to use another

⁵⁸ The Advice Partnership brings together a range of providers, funders and partners to develop a co-ordinated, strategic approach to advice provision.

person's bank account details. People in organisations such as banks need to be aware that individuals may not always comply with gender expectations. As one person put it:

“People ought to recognise that an a-typical gender presentation is not a sign of criminality.”

Recommendation 27: When appointed the Council's Trans Champion (see recommendation 36) contact local high street banks, building societies and East Sussex Credit Union to encourage sharing best practice regarding staff training/awareness and bank records procedures for trans customers.

Section 8 - The responsibilities of Brighton & Hove City Council

Public Sector Equality Duty

9.1 The Equality Duty is a duty on public bodies and others carrying out public functions. It came into force as part of the Equality Act 2010. The guide for public sector organisations states the purpose of the Duty:

“It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.”⁵⁹

9.2 The new Equality Duty replaces the three previous public sector equality duties – for race, disability and gender. It covers the following ‘protected characteristics’:

- age
- disability
- gender reassignment⁶⁰
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

9.3 The Equality Act designates people who have undergone or intend to undergo gender reassignment as having a ‘protected characteristic’ and places an obligation on public bodies (such as councils) to demonstrate how they are meeting the ‘equality duty’ for groups with such characteristics. The Act does not require people to be under medical supervision in order to be protected.

9.4 The Equality Duty has three aims. It requires public bodies to have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

⁵⁹ Equality Act 2010: Public Sector Equality Duty. What do I need to know? A quick start guide for public sector organisations (www.homeoffice.gov.uk/equalities/)

⁶⁰ The Equality Act 2010 provides protection for ‘transsexual’ people defined in the Act as “people who are proposing to undergo, are undergoing, or have undergone the process of changing their sex”. These people now have the protected characteristic of gender reassignment.

- 9.5 The council needs to demonstrate very clearly how it is meeting its Public Sector Equality Duty. It is hoped that this report will assist the council in meeting its duty in regards to gender reassignment.

Recommendation 28: All public bodies (including NHS bodies and schools) should publish an annual statement on what they have done to meet their public sector equality duty in respect of trans people.

Equalities and monitoring

- 9.6 Monitoring of trans service users or staff is a complex and sensitive process. The Scottish Transgender Alliance makes the following point:

“When monitoring numbers of transgender service users or staff, the security and safety of the information that you gather is essential, and you may wish to consider the systems you have in place for storing and coding the information. Organisations who have attempted to gather this information in the past have found these systems are crucial to building the trust and confidence of those being monitored, whether they are staff or service users.”⁶¹

- 9.7 They go on to say that many transgender people are extremely protective about the privacy of their gender identity and gender reassignment history. In addition, identifying somebody as having the protected characteristic of gender reassignment without their permission, even accidentally, could lead to either civil court proceedings for unlawful harassment and discrimination under the Equality Act 2010 or even to criminal charges under section 22 of the Gender Recognition Act 2004. It is therefore vital that data is anonymous and untraceable.
- 9.8 Mary Evans, Head of Equalities and Monitoring, B&HCC, told the Panel that through the City Inclusion Partnership a single monitoring form was being developed across the statutory sector. This would have the same questions and format so that information could be shared where appropriate. The form was originally based on the 2011 census but has now changed and has an additional question around gender identity. Mary Evans told the Panel there was now a question on gender and a ‘please specify’ option to allow people to identify as gender variant or genderqueer. The Council needs to ensure that a common data set is developed to ensure that monitoring information is uniform and can be analysed and compared.
- 9.9 Paul Sweeting, of the Advice Partnership noted that it is difficult to undertake a robust assessment of the current use of local advice

⁶¹ www.scottishtrans.org

provision as it is not consistently or substantially monitored. Paul Sweeting suggested that the council “consider including the collection of equalities data in a standardised format by advice agencies as a standard requirement in funding agreement”.⁶²

- 9.10 It is important that the council has a clear policy on monitoring, and uses a minimum data set with the same questions used consistently. Partners and subcontractors must be encouraged to use the same questions.

Recommendation 29: City-wide there needs to be wider recognition of non-binary gender. Further discussion should be undertaken with the trans community to ensure that all monitoring is sensitive, appropriate and properly implemented. Furthermore, the results of this monitoring, appropriately anonymised, should be made publicly available on an annual basis.

Community development and engagement

- 9.11 B&HCC are one of the organisations that fund LGBT HIP – and this Panel has benefitted enormously from the help of Nick Douglas who facilitated the Panel’s ‘listening exercise’. However, there are issues around levels of funding to community groups, the capacity of these groups to take on more work, and engagement with the trans support groups. In addition, work needs to be done to embed trans awareness into the policies of the council and its partners.
- 9.12 As all different sectors of the council look at their training needs and their consultation processes with the trans community, they also need to consider the funding for these services.

Recommendation 30: The importance of an on-going mechanism for consultation and engagement with trans people in the city should be recognised by the council. The Panel recommend that this should be funded accordingly.

- 9.13 The Panel heard from several people that they referred trans or gender questioning people on to the Clare Project, yet the Clare Project is a small community based organisation with very limited resources. FTM Brighton, Allsorts and Transformers also raised the issue of limited capacity. In addition, these organisations and support groups explained that their limited resources are devoted to addressing the unmet need for information and support among trans people who are not receiving this from statutory services. This means they do not have the time or resources to put in bids for further funding - this becomes a self-perpetuating circle of under-funding and scarce resources.

⁶² Written submission

- 9.14 It is important that the issues of capacity building and longer-term sustainable funding are addressed. Without the capacity and the funding for long-term support, the trans community will continue to struggle to receive support.
- 9.15 Bearing in mind that the national picture is that of reductions across the board in public expenditure to reduce the deficit, the council still needs to ensure that these support groups – that have been described as “life saving” – are able to continue. The city’s trans support groups are currently small and not obviously part of the wider community and voluntary network. There are a number of generic and specialist infrastructure support agencies in the city, who could, as part of the wider Transforming Local Infrastructure project, be asked to collectively consider how they could help trans community groups have an active voice in decision making.

Transforming Local Infrastructure⁶³

- 9.16 A partnership made up of six infrastructure organisations in the city secured over £300,000 in government funding to transform local support services to grassroots groups, charities and other not-for-profit organisations in the city. The partnership leading the project is “committed to ensuring that the design and delivery of new and current support services are accessible and take into account the needs of equality groups.” As part of this, the project will need to ensure that trans support groups’ needs are identified and, where feasible, addressed.

Recommendation 31: That infrastructure services and the Transforming Local Infrastructure project continue to consider how to engage the city’s trans community groups to ensure they have an active voice in decision making.⁶⁴

Trans Equalities Strategy

- 9.17 Following the publication of *Count Me In Too*, work commenced on a city-wide Trans Equalities Strategy, led by Spectrum (Brighton & Hove’s LGBT Community Forum). However, following the closure of Spectrum, the strategy was never completed. It is unclear to the Panel what happened to this initial work, but the Panel is clear that following a comprehensive needs assessment (to include housing and adult social care, as well as health) a city wide trans equalities strategy should be

⁶³ Transforming Local Infrastructure” (TLI) is a Cabinet Office project, with money being distributed through the National Lottery’s “Big Fund”. The project’s aim is to support infrastructure charities – those that provide services to other charities and voluntary or community sector groups, rather than direct to service users – to work in partnership more effectively; it is also aimed at supporting sustainability in the sector by increasing volunteering, fundraising and development opportunities.

developed. This strategy should be lead by the council's Trans Champion (see Recommendation 36) who will have a responsibility to ensure that the findings of this report result in action.

Recommendation 32: Following the needs assessment (see recommendation 13) a city wide trans equalities strategy should be developed by the council and partner organisations with the full engagement and participation of trans individuals and support groups. This should include an action plan with clear leads and responsibilities. This should be led by the council's Trans Champion (see recommendation 36).

Representation and acceptance of trans people

- 9.18 Hate incidents and transphobia are closely linked with media representation. The Panel were told *"it is seen as culturally acceptable to harass trans people"* and *"transphobia is the last acceptable bastion of this sort of humour"*.
- 9.19 Whilst it is beyond the council to change media representation of trans people, there is a lot it can do in terms of making the public statement that both the council – and the city – are trans friendly. During the course of this inquiry, there was a substantial amount of incorrect and offensive media comment. This Panel put out a strong statement that this sort of comment should not be tolerated:

"We acknowledge and regret that the tone and content of much of the on-line debate over the last week has caused distress and may have damaged the trust we have sought to build up. We condemn the offensive and discriminatory tone of much of that comment, and reiterate that all members of the panel remain committed to transgender equality. We also recognise the need for balanced, fair and accurate media reporting and will be working proactively to encourage this regarding the scrutiny going forward."⁶⁵

- 9.20 Brighton & Hove City Council as a leader in the city must do what it can to counter inappropriate representation of trans people and foster wider acceptance.

- 9.21 People told the Panel:

"Brighton should invest in its public image as a gender diverse city, in the same way as there is LGB diversity."

"It is a public image issue not a police issue."

⁶⁵ <http://www.brighton-hove.gov.uk/index.cfm?request=c1210574>

“It will take a long time for change. But this is a fantastic opportunity for Brighton to be a real star in separating out the T from the LGB. Normalisation is key.”

“It would be amazing if Brighton could put trans on the map, so there was no more embarrassment. That would take away the fear.”

“To feel included and supported by Brighton, its Lesbian and Gay community, the council and other professional services would go a long way to easing the sense of isolation and vilification we encounter.”

- 9.22 The Panel agree that there is a lot the council can do to take the lead in changing perceptions of trans people. The council has a dual role in leadership as a ‘Trans Champion’ and also in helping to address the information gap. There are issues around the lack of publicly available information, both for employers and for trans people themselves in terms of their rights and entitlements. The council needs to be at the forefront of working with groups and organisations in the city to help close this information gap. There is also a case to be made to look at how Brighton & Hove as a city presents itself. For example, positive entry adverts that Brighton is a diverse city and intolerance has no place here could be located at key areas in the city like the railway station - and on the council’s website. One person remarked:

“It would make a huge difference if the council made a big public statement that it is open to trans people.”

- 9.23 Brighton & Hove City Council was one of the first to raise the transgender flag on council buildings on the Transgender Day of Remembrance on 20 November 2009. As noted by the report *Human Rights and Gender Identity – Best Practice Catalogue*:

“Official endorsements by city councils help raise awareness on the situation of trans people and have positive repercussions in the respective institution as well as in society at large.”⁶⁶

- 9.24 As a city, Brighton & Hove is seen by many as a safe refuge and a place where they can be themselves and live their lives as they would wish. This is one of the city’s great strengths and something all who live here should be proud of. It is also a reputation that city leaders’ must enhance through actions and demonstrable policies of inclusion.
- 9.25 Trans people are as much a part of the population of the city as anyone and should be represented as such. There are obvious sensitivities

⁶⁶ **Human Rights and Gender Identity** Best Practice Catalogue, Silvan Aguires, Richard Kohler, Sophie Aujean, Julia Ehrh. December 2011. www.igla-Europe.org

over including trans people in publicity materials just ‘because they are trans’, but there is scope for reflecting the trans population in the same way that older people or LGB people are included in information.

- 9.26 Stephanie Scott informed the Panel that there had been a move to rebrand Pride, the annual event in the city, as Gay Pride. Stephanie Scott felt this move should be rejected.⁶⁷ The Panel agree – Pride has long aspired to be an inclusive event and to rebrand it in this way would be counter-productive.

Recommendation 33: Any activity commissioned or supported by the council in relation to LGBT activities, and in particular Pride, needs to mandate trans inclusion.

- 9.27 The Panel was told that there has recently been a publicity campaign running in Washington DC to educate people. As part of the role of ‘Trans Champion’, the council should consider running a positive educational campaign in the city.

Recommendation 34: B&HCC should take the lead in creating an identity for the city as a trans friendly place that challenges stigma and discrimination. This includes such actions as a public statement on the website, trans branding, vocal support and partnership working with trans support groups, and publicity information including trans individuals as local citizens.

Advocacy

- 9.28 The subject of advocacy was raised with the Panel. People need to be supported to feel they can make complaints about services where appropriate. An advocacy service would empower trans people to make complaints and also to feel confident to engage with services.
- 9.29 Several people questioned whether complaints about council staff had been properly resolved. In response, the Head of Standards and Complaints, Brian Foley told the Panel:

“It is very worrying that the initial consultation showed there was no confidence in the complaints system.”

- 9.30 Brian Foley went on to say if there were any specific examples, these would be addressed – it is difficult to see where systems need to be looked at, based on generalisations.

“Standards and Complaints can provide information to trans people on how to make complaints. I would be pleased to do what ever we can to ensure trans people have access to our

⁶⁷ Evidence 25 September 2012

website, our email address, telephone number and complaints leaflets.”

- 9.31 It is worth noting here that the new local Healthwatch will begin in April 2013. The Department of Health briefing states:

*“Local Healthwatch goes to the heart of the government’s ambition for a health and care service that is centred around patients and users. Local Healthwatch will gather people’s (whether current users of services or not) views on, and experiences of, the health and social care system. In this way, community views will have real influence with those who commission and provide services about what users, carers and citizens need and want from them. This can help them to be more responsive to what matters to service users and the public, and to design services around their needs”.*⁶⁸

- 9.32 It is hoped that Healthwatch will be a strong voice for all patients and users – including trans people – and that there will be an advocacy role as part of this.

Forms and honorifics

- 9.33 The Panel were told that some trans people found it difficult to select an appropriate option when completing forms – particularly online – that have an obligatory honorifics box. It can create an unnecessary sense of exclusion and frustration to be forced to accept a title that doesn’t reflect someone’s gender expression. One person gave the example of being unable to complete a form for a bus pass without identifying their title– an identity they did not wish to have. City Services told the Panel that recently, following a request from a customer, Revenues & Benefits explored the opportunities available across the service to use Mx as a title within their forms and computer systems to reflect the change in an individual’s gender identify. This change did not cost anything. The team explained:

*“Discussions took place with the technical support team to see if the software could accommodate such a change and it was found to be an easy add-on to the system. With regards to forms, no changes were required: some do not request a customer’s title and others have a blank box so people can choose their own. The whole process took about a week from initial discussion to updating the system to include the prefix.”*⁶⁹

⁶⁸ Department of Health *Local Healthwatch: A strong voice for people– the policy explained*
<http://www.healthwatch.co.uk/sites/default/files/Local-Healthwatch-policy.pdf>

⁶⁹ Written submission

- 9.34 Given recent press coverage of the subject of honorifics, the Panel would like to make clear that they never had any intention of recommending that the use of honorifics should be removed. The recommendation of this report is aimed at giving more choice to those who do not want to identify as Mr/Ms/Mrs/Dr. It is worth noting that this may not just apply to trans people: others may not choose to use a honorific if given the option.

Recommendation 35: The Panel welcome the addition of the honorific Mx by council benefits staff as giving an alternative option. The Panel recommend that all on-line forms are examined to look at the possibility of additional options, leaving blank or entering the title the individual feels is appropriate to them.

Conclusion

- 10.1 The Scrutiny Panel heard from a number of trans individuals, support organisations and service providers in the city. They heard that in many areas (health, housing, leisure, and employment) trans people faced more difficulties than many others.
- 10.2 The Panel were profoundly moved on hearing the experiences of trans people and how a better understanding and simple changes could have a huge impact on people's lives. One of the most upsetting things for a trans person, leading to mistrust and misunderstanding, is the mis-use of pronouns. Yet, this should be a simple thing to get right. People alter their gender presentation because of a profound and inherent conviction that this is their identity. Using the correct pronoun and respecting an individual's choice is paramount. This is just one example of how a step-change in social attitudes could make a real difference. Brighton & Hove prides itself on its inclusive and diverse reputation and it is time to take some steps to make this a reality for trans people who live, work, study and socialise here.
- 10.3 This report aims to remove some of the inequalities faced by trans people and makes a number of recommendations for action. The Panel would hope that all of these can be accepted and result in real change. A number of recommendations in this report are aimed at partners in the city, particularly in the area of health. The Panel intends that the council will play the role of trans champion, not only in areas where it has direct responsibility, but also in encouraging others to take these recommendations on board.
- 10.4 To ensure that tangible results do come out of this inquiry, the Panel recommends that a lead officer is appointed in the council to act as a 'Trans Champion'.

Recommendation 36: The implementation of these recommendations is crucial and should be carefully monitored. The Panel recommends that a lead officer is appointed as a 'Trans Champion' within the council. This person should be at Senior Management level (within Corporate Management Team or Assistant Director level or above) and will be responsible to champion the rights of trans people both inside and outside of the organisation. They will also have responsibility for the commissioning of the trans needs assessment and the lead on the development of a city-wide Trans Equalities Strategy (see recommendation 32). In addition, a Councillor should be nominated as the council's trans-champion (as distinct from the existing LGBT champion).

- 10.5 Despite the best efforts of the Panel, there are some areas that warrant further examination that this Panel did not cover. Adult Social Care

Services, in particular, Home Care Services, suicide prevention services, the support given to parents, domestic violence and safe spaces, and the wider issue of capacity building all need to be examined. In addition, the council needs to consider the access of trans people to democratic and political participation in the city. **The Panel trust that these issues will also be picked up by the Trans Champion.**

- 10.6 The Government is due to put out a 'call for evidence' following the Trans Gender Equalities Action Plan. The Panel would like this report to form part of that work.

Recommendation 37: The work of this Panel should be forwarded on to the government departments looking at trans equality, specifically in response to the expected call for evidence after the Trans Gender Equalities Action Plan.

Legislation

Equality Act 2010

The Equality Act was enacted in October 2010, and aimed to simplify and harmonise protection offered to people from discrimination, harassment and victimisation (Public Sector organisations also have the duty to promote equality and good relations between all protected characteristics).

The act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. The protected characteristics are:

- Age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.⁷⁰

A key part of the Act is the Public Sector Equality Duty. Section 149, the public sector equality duty, includes the requirement that public authorities have due regard to the need to eliminate discrimination, harassment and victimisation against transsexual people, to advance equality of opportunity and foster good relations between transsexual people and others. **Under the specific duty, public authorities are obliged to publish information used to demonstrate how they have complied with this duty.**⁷¹

Gender Recognition Act 2004 (GRA)

The purpose of the GRA was to provide transsexual people with legal recognition in their acquired gender. The legal recognition follows from the issue of a full **Gender Recognition Certificate**. On issue of a full GRC the person will be entitled to a new birth certificate in their acquired gender.⁷²

⁷⁰ <http://www.homeoffice.gov.uk/equalities/equality-act/>

⁷¹ Taken from The Workplace and Gender Reassignment - a guide for managers

⁷² It should be noted that surgical intervention/gender reassignment surgery is not a requirement for the issue of a GRC.

International context

The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity are a set of internationally recognised principles intended to address violations of the rights of lesbian, gay, bisexual, trans and intersex (LGBTI) people. They were developed at an experts' meeting held by the International Commission of Jurists (ICJ) and human rights experts in 2006 in Indonesia. The twenty-nine principles were adopted unanimously by the experts, along with recommendations to governments, regional intergovernmental institutions, civil society, and the United Nations (UN).

In March 2010, the CoE Committee of Ministers adopted a *Recommendation on measures to combat discrimination on grounds of sexual orientation and gender identity*. They address many key issues for LGBT people under various headings,

namely:

(i) right to life, security and protection from violence ((a)“hate crimes” and other hate-motivated incidents and (b)“hate speech”);ii) freedom of association;(iii) freedom of expression and peaceful assembly; (iv) right to respect for private and family life; (v) employment; (vi) education; (vii) health; (viii) housing; (ix) sports; (x) right to seek asylum; (xi) national human rights structures and (xii) discrimination on multiple grounds.⁷³

⁷³ <https://wcd.coe.int/ViewDoc.jsp?id=1606669>

Glossary

There are a number of sensitivities around the terminology used in talking about transgender. The list below is not exhaustive and reflects a number of sources.

Acquired gender refers to the gender in which a trans person lives and presents to the world. This is not necessarily the gender they were assigned at birth

Cis-gender is a term used for non trans people (people who experience a match between the gender they were assigned at birth, their bodies, and their personal identity).

Cross-dresser is a term for an individual who wears the clothing of the gender opposite to the one they were assigned at birth but who doesn't usually live permanently in that role. Sometimes referred to as a transvestite.

Gender affirmation surgery refers to any surgery which is part of transition. (sometimes referred to as gender realignment surgery or gender confirmation surgery)

Gender Dysphoria is often used by the medical profession to describe the discomfort that arises when the experience of an individual as a man or a woman is incongruent with the sex characteristics of their body and the associated gender role.

Gender-queer is a term sometimes preferred by a person who may identify as between genders or as neither a man nor a woman.

Gender-questioning is a term sometimes used for a person who is questioning their gender expression.

Gender variance is a term sometimes used to describe all variations from expected gender norms.

Intersex describes an individual for whom genetic, hormonal and physical features typically thought of as male and female both exist.

Real Life Experience (RLE) refers to the process of a person changing their name and living full-time in accordance with their gender identity as part of a treatment pathway. The RLE generally lasts for at least one year and is required by Gender Identity Clinics (GIC) prior to approval for surgical gender reassignment procedures.

Trans is an umbrella term for transgender. Trans individuals are those who feel inherently that the gender they were assigned at birth does not correspond to their gender identity. The term **trans man (FTM)** is used to refer to a person who was assigned female at birth but has a male gender identity. Trans men may plan to transition or may be transitioning or have

completed transition to live as a man. **Trans woman (or MTF)** is a person who was assigned male at birth but has a female gender identity and therefore may plan to transition, be transitioning or have transitioned to live as a woman. Both these transitions may or may not involve hormone treatment and various surgical procedures.

Susan Stryker and Stephen Whittle (2006) use transgender as their term of choice for: *“a wide range of phenomena that call attention to the fact that ‘gender’ as it is lived, embodied, experienced, performed and encountered, is more complex and varied than can be accounted for by the currently dominant binary sex/gender ideology of Eurocentric modernity”*.⁷⁴

Transgender and trans are terms that: *“describe a person who feels that the gender they were assigned at birth is not a correct or complete description of what they are or feel themselves to be. The term transgender can be used to describe a person who undergoes gender reassignment in order to live in their self identified gender (for example, men or women), but can also be used to describe a wide range of gender expressions that are variations from normative gender expression (for example, masculine or ‘butch’ women, feminine men and cross-dressers)”*.⁷⁵

Transsexual describes a person who wishes to undergo, has undergone or is undergoing transition. It is most commonly used in relation to clinical practice. The Gender Trust’s definition is: “A person who feels a consistent and overwhelming desire to transition and fulfill their life as a member of the opposite gender. Most transsexual people actively desire and complete gender reassignment surgery.”⁷⁶

Transitioning is the process by which an individual moves permanently to a gender role that differs to the one assigned to them at birth. This process of changing gender presentation may involve social, medical or surgical change – or it may not.

Transvestite is a term for an individual who wears the clothing of the gender opposite to the one they were assigned at birth but who doesn’t usually live permanently in that role.

⁷⁴ A Transgender Studies Reader, New York & London: Taylor & Francis: Routledge (with Stryker S., eds) (2006) p3

⁷⁵

http://www.cssd.ac.uk/sites/default/files/downloads/supporting_transgender_students_at_central.pdf

⁷⁶ www.gendertrust.org.uk

Acronyms

B&HCC	Brighton & Hove City Council
CCG	Clinical Commissioning Group
FTM	Female-to-male
GRC	Gender Recognition Certificate
GIC	Gender Identity Clinic
JSNA	Joint Strategic Needs Assessment
LGBT	Lesbian, Gay, Bisexual, Transgender
LBGT,Q	Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning
MTF	Male-to-Female
NCB	NHS Commissioning Board
PCT	Primary Care Trust
PSHE	Personal, Social and Health Education

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Subject:	Re-Procurement of Corporate Print & Copy Devices		
Date of Meeting:	2nd May 2013		
Report of:	Executive Director Finance & Resources		
Contact Officer:	Name:	Mark Watson	Tel: 29-1585
	Email:	mark.watson@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The council has an existing corporate contract for the provision of a fully managed and rationalised printing, copying and scanning solution through the use of Multi Function Devices (MFDs).
- 1.2 The existing contract for the provision of this MFD solution is due to expire in December 2013 after a period of 5 years.
- 1.3 The council is seeking to procure a new contract to enable the continued provision of existing services and build in flexibility to the new contract to allow other services, currently on separate contractual arrangements, to access the corporate solution. This will lead to further consolidation of requirements and even greater economies of scale. There is also a need to allow for reducing numbers of printers and reduction in volumes of printing over the lifetime of the contract in line with changes in working practice.
- 1.4 This report therefore seeks approval from Policy & Resources Committee to procure a new contract for the provision, maintenance, support and associated services relating to MFD's (Multi Functional Devices).
- 1.5 This does not apply to the small, separate devices which are sometimes required, for example, for members.

2. RECOMMENDATIONS:

That the Policy & Resources Committee:

- 2.1 Approves the procurement of a corporate contract for the supply and maintenance of MFD equipment through a framework agreement.
- 2.2 Approves the re-tendering of this contract for an initial term of 3 years with an option to extend for periods of up to 24 months (possible maximum 5 year term).
- 2.3 Approves the timetable and process for procurement, as detailed in section 3 of this report.

- 2.4 Delegates authority to the Executive Director Finance & Resources –
- (i) to award and let the contract following evaluation of tenders; and
 - (ii) to extend the initial 3-year term of the contract by up to 24 months, should the Director consider it appropriate, and subject always to satisfactory performance by the appointed contractor.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In 2007 a review of the council's photocopying and print service was undertaken to assess the distribution and use of the existing photocopier and printer fleet and identify areas for service improvement and potential savings. The review found that the council had operated a decentralised, inefficient and costly service. There were found to be in the region of 160 digital and analogue photocopy machines of varying speeds and functionality and a vast array of desktop printers, largely under the direct control of local teams and individual managers. While these devices may have been purchased at reasonable cost, it was established that there were significant benefits to be found in consolidating this diverse range of devices to deliver financial savings, improved service and sustainability benefits. As a result, the Committee gave approval to procure a fully managed and rationalised corporate Print and Copy service.
- 3.2 The key objective of the contract was to replace upwards of 1800 devices/printers with a more cost-effective printing solution utilising the latest appropriate technology. The major scope for savings was envisaged to be in the removal of desktop printers and photocopiers, replacing them with a significantly reduced fleet of digital multifunction devices (MFDs).
- 3.3 The contract was awarded to Alto Digital in 2008 and provided for the supply of hardware (including end user devices and servers) software, maintenance and supplies (ink/toners). It is a fully managed service assured against a strict service level agreement. Currently the machines are leased and the value of the current contract is £530,000 per annum.
- 3.4 The introduction of a managed service has enabled significant rationalisation of the distribution, ownership and management of equipment and services. This has delivered financial savings and carbon usage reductions.
- 3.5 A review of the implementation in Kings House was undertaken following implementation of the service in 2008. The findings were as follows;
- The number of printer/copiers was reduced from 259 to 55;
 - This resulted in a reduction in annual CO² emissions of 88,750 kg;
 - The change from automatic printing to the user being required to release printing with the use of a security card showed that in one month (May 2009), of the 700,000 pages sent to print, 50,000 pages were deleted without being printed (via the automated 'purge' function) which equates to 600,000 pages p.a. Prior to the implementation of this project, these pages would have been automatically printed and may have been thrown out;

- In 2011 ICT carried out a further review of energy usage associated with MFDs and found that 1492 printers had been replaced by 412 new devices. The size and type of these new devices varied depending on the size and the layout of the building in which they were located. As a result of the reduction the annual office printing energy usage had reduced significantly from 1,224,620 KWh per year to 306,605 KWh per year. In 2011 this equated to a saving of over £90K per year.

Procurement Strategy

- 3.6 The current contract is due to expire in December 2013. The new procurement will explore options to lease or buy the equipment under a framework agreement, or via a suitable existing contract available across South East 7. Photocopying, printing and MFD equipment and services are widely available under a number of existing framework agreements, including from the GPS (Government Procurement Services) framework. These are pre-approved, OJEU compliant framework agreements which provide a wide range of suppliers and competitive offers. It is recommended that one of these frameworks is used in order to expedite the procurement process and minimise duplication and expense associated with undertaking a full OJEU procurement procedure.
- 3.7 The Specification will require bidders to submit detailed information on financial costs, technical specifications and capabilities, service and maintenance standards, sustainability and general quality controls. Selection of the supplier will be made following evaluation of various elements within the supplier's tender, including; price, technical, experience, resources and sustainability. The exact weighting of these will be decided upon by the project team (led by ICT) as part of the development of the specification.
- 3.8 The proposed elements will be broken down further into weighted components of each section and allocated a percentage score based on the sufficiency and suitability of the responses.
- 3.9 Further, the new contract will be specified to allow flexibility to reduce the number of machines, printing volumes and associated costs as requirements *may* change significantly over the period through implementation of the workstyles programme and associated accommodation changes.
- 3.10 The original procurement in 2008, focussed on general office printing, scanning and copying, however, there are also bulk printing and scanning functions within the council where the devices used are not included in the existing contract. It is the intention to let the new contract with the capacity to include the devices used in these areas as and when their current agreements come to an end. This will further consolidate separate contracts for provision of devices, support and maintenance and deliver better value for money. The identified areas to include are:
- Sign and Print Department – 1 high quality colour laser printer, leased until June 2015.
 - Kings House Print Room – 3 high quality high volume printers / copiers, leased until November 2014.

- Able and Willing – contracts in place may be periodically reviewed to determine if this contract can offer better value for money.
- 3.11 For the avoidance of doubt, the above information and the purpose of this report relates only to the provision of devices and their support and maintenance. Procurement options and decisions about printing services and providers are separate decisions and are not relevant to this procurement.
- 3.12 Prior to the contract tendering process an audit and assessment of requirements will be undertaken by an independent expert, to ensure that the new contract provides the correct machines to the correct areas of the council and that they are appropriately specified to deliver the volume, quality and reliability required.
- 3.13 The procurement timetable is as follows;

Activity	Target Date
Prepare Specification	April 2013
Issue Tender Documents	Early May 2013
Tender Returns	Early June 2013
Bidder Presentations	Mid June 2013
Evaluation	July 2013
Selection & contract forming	Early Aug 2013
Contract Award	Sept 2013
Implementation / start date	Dec 2013

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 There will be consultation with end users to ensure that the user interface is simple and intuitive and meets expectations. This is an important aspect of the procurement process to ensure that the quality and usability of the devices is appropriate. To that end, it is expected that a wide range of users will be involved in the evaluation process. There will also be full collaboration between the corporate Procurement Team and ICT.
- 4.2 Regional SE7 partners have been informed of the proposed approach which will be conducted in line with a set of agreed principles so that opportunities for further regional collaboration are not missed or prohibited.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The spend for provision of print and copy services under the current contract is £530,000 per annum. It is anticipated that the procurement will generate further efficiencies through greater economies of scale and will allow alignment with the workstyles value for money programme in terms of future anticipated demand.

Finance Officer Consulted: Anne Silley

Date: 03/04/13

Legal Implications:

- 5.2 The procurement strategy set out in section 3 of the report would involve a procurement process that complies fully with the relevant EU and UK public procurement laws.
- 5.3 The authority of Policy & Resources Committee to proceed with the intended procurement is necessary by virtue of the estimated value of the proposed contract.

Lawyer Consulted: Oliver Dixon

Date: 02/04/13

Equalities Implications:

- 5.4 An Equalities Impact Assessment (EIA) will be conducted against any part of the procurement which results in a change to user functionality. Service and or customer service impacts will be addressed by relevant services where identified.
- 5.5 This contract will supply devices, software, maintenance and support. This industry typically pays levels above the living wage. A living wage bid will therefore not be applicable.

Sustainability Implications:

- 5.6 A consolidated print and copy service typically results in significant reductions in the energy costs of the service and in carbon usage. This is achieved in the following ways:
- Reduction in the number of printing & copying devices;
 - Ensuring that all devices print in duplex (both sides) by default to reduce the amount of paper used;
 - Ensuring that all devices print mono by default – colour printing is 10 times more expensive than black and white printing;
 - All toners are recycled by the supplier;
 - Ensuring that devices go into 'energy save mode' after 15 minutes of inactivity;
 - Machines 'phone home' to alert the supplier for pro-active maintenance and toner low alerts;
 - Daily print queue purge. Documents are deleted if not printed by the user within 24 hours;
 - Users are able to access printing from any MFD located anywhere in the council (follow me printing).

This procurement will build on what has already been achieved to deliver further sustainability benefits. It will do this by taking advantage of the improvements in technology since the last contract award and the reducing need for print as a result of the Workstyles Programme. It will also bring in other services who do not have access to the current contract.

Crime & Disorder Implications:

5.7 None

Risk and Opportunity Management Implications:

5.8 The proposed procurement offers the opportunity to:

- re-examine and potentially improve service levels to end users;
- consolidate the remaining print and copy contracts and deliver further savings;
- re-examine the market for more energy efficient devices.

Public Health Implications:

5.9 There are no Public Health implications.

Corporate / Citywide Implications:

5.10 This report sets out the required approach to ensure that the council continues to provide functional print, copy and scan services to meet service requirements in an efficient and cost effective way. There are no known citywide implications.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Do nothing: As the existing devices are supplied under lease via this fully managed service, doing nothing would lead to the complete removal of services at the contract end date. An alternative would be to not reinvest in a centralised and managed service and allow individual departments to purchase their own devices. This is not considered a viable or safe option as it would lead to uncontrolled procurement of individual devices, significantly increased cost, higher maintenance and management overheads and increased carbon usage. It would also be counter to the council's investment in the Workstyles programme and may mean that the full benefits of this programme would not be realisable.

6.2 Further extension of existing contract: There is no provision for further extension of the existing contract.

6.3 It is appropriate to go out to market to ensure the council is able to obtain best value for money on any new contract and to meet its procurement obligations.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 Print, copy and scan services are essential to the council's daily business. Procurement of the contract as proposed assures the availability of the tools and functions used by staff and supports business continuity across the council's services.

7.3 Care will be taken to ensure, as far as possible, that the contract is tendered to allow for the office accommodation changes that may result from further implementation of the Workstyles programme.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None

