





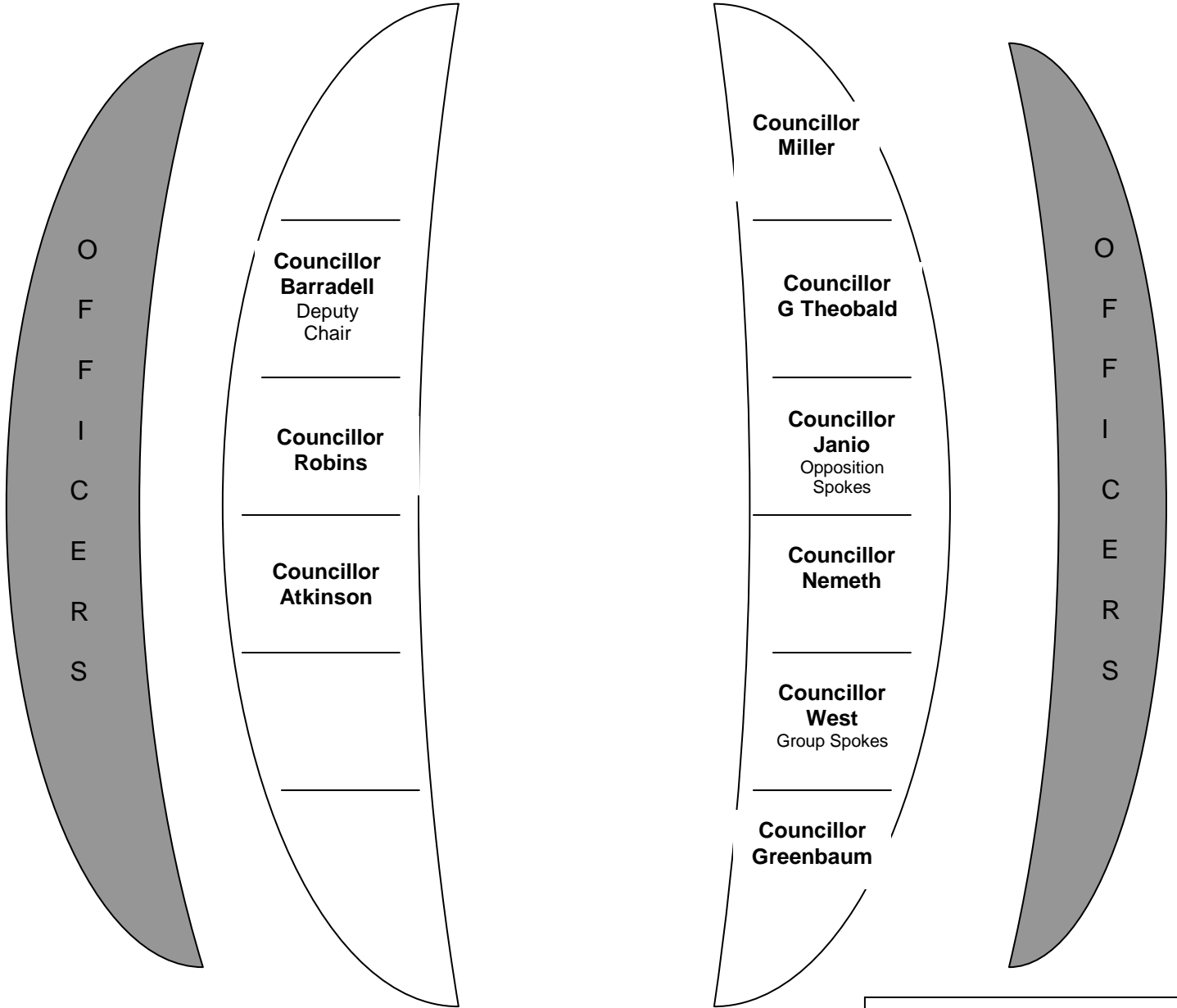
Brighton & Hove
City Council

Environment, Transport & Sustainability Committee

Title:	Environment, Transport & Sustainability Committee
Date:	15 March 2016
Time:	4.00pm
Venue	The Ronuk Hall, Portslade Town Hall
Members:	Councillors: Mitchell (Chair), Barradell (Deputy Chair), Janio (Opposition Spokesperson), West (Group Spokesperson), Atkinson, Greenbaum, Miller, Nemeth, Robins and G Theobald
Contact:	John Peel Democratic Services Officer 01273 29-1058 john.peel@brighton-hove.gov.uk
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Democratic Services: Environment, Transport & Sustainability Committee

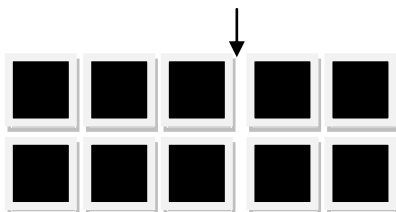
Legal Officer	Executive Director Environment, Development & Housing	Councillor Mitchell Chair	Democratic Services Officer
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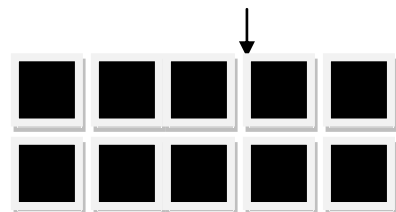
Press

Public Speaker Public Speaker

Public Seating



Public Seating



AGENDA

PART ONE

Page

64 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
 - (a) Disclosable pecuniary interests;
 - (b) Any other interests required to be registered under the local code;
 - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

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

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

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

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

65 MINUTES

1 - 12

To consider the minutes of the meeting held on 19 January 2016 (copy attached).

Contact Officer: John Peel

Tel: 29-1058

66 CHAIRS COMMUNICATIONS

67 CALL OVER

- (a) Items (71 – 79) 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.

68 PUBLIC INVOLVEMENT

13 - 16

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

- (a) **Petitions:** To receive any petitions presented by members of the public;
 - (i) Saxon Court, Hove Motorcycle Bay
 - (ii) Western Road Parking
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 8 March 2016;
 - (i) Communal refuse consultation: Palmeira Square and Adelaide Crescent
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 8 March 2016.

69 MEMBER INVOLVEMENT

17 - 20

To consider the following matters raised by Members:

- (a) **Petitions:** To receive any petitions;
- (b) **Written Questions:** To consider any written questions;
- (c) **Letters:** To consider any letters;
 - (i) Speeding on Bush Farm Drive, Downs Park Estate, North Portslade- Councillor Atkinson
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.
 - (i) Being Prepared for Floods

ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE

ENVIRONMENT & SUSTAINABILITY MATTERS

70 PERMISSION TO CONSULT ON EXTENSION OF COMMUNAL REFUSE AND RECYCLING 21 - 32

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

Contact Officer: Jan Jonker

Tel: 01273 294722

71 OCCUPATION AGREEMENTS AND FEE SETTING FOR TRAVELLER SITES 33 - 100

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

Contact Officer: Rachel Chasseaud

Tel: 01273 290753

Ward Affected: All Wards

72 THE BIG CONVERSATION - AN OPEN SPACES STRATEGY FOR BRIGHTON & HOVE 101 - 108

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

Contact Officer: Jan Jonker

Tel: 01273 294722

Ward Affected: All Wards

73 HEALTH & SAFETY SERVICE PLAN 2016-17 109 - 118

Report of the Director of Public Health (copy attached).

Contact Officer: Roy Pickard

Tel: 01273 292145

Ward Affected: All Wards

74 OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2016/17 119 - 142

Report of the Director of Public Health (copy attached).

Contact Officer: Nick Wilmot

Tel: 01273 292157

Ward Affected: All Wards

TRANSPORT & PUBLIC REALM MATTERS

75 2016/17 LOCAL TRANSPORT PLAN CAPITAL PROGRAMME 143 - 168

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

Contact Officer: Andrew Renaut

Tel: 01273 292477

Ward Affected: All Wards

ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE

76 TRANSPORT OPERATIONAL POLICIES (HIGHWAY FUNCTIONS) 169 - 196

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

Contact Officer: Christina Liassides Tel: 01273 292036
Ward Affected: All Wards

77 PARKING SCHEMES – CONSULTATION WORK 197 - 220

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

Contact Officer: Charles Field Tel: 01273 293329
Ward Affected: Hollingdean & Stanmer;
Preston Park; Wish;
Withdean

78 BLUE BADGE FRAUD INVESTIGATION UPDATE 221 - 232

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

Contact Officer: Charles Field Tel: 01273 293329
Ward Affected: All Wards

79 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 24 March 2016 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE

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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.

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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.

For further details and general enquiries about this meeting contact John Peel, (01273 29-1058, email john.peel@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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For further details and general enquiries about this meeting contact John Peel, (01273 29-1058, email john.peel@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Monday, 7 March 2016

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE

4.00pm 19 JANUARY 2016

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillor Mitchell (Chair) Barradell (Deputy Chair), Janio (Opposition Spokesperson), West (Group Spokesperson), Atkinson, Greenbaum, Miller, Nemeth, Robins and G Theobald

PART ONE

51 PROCEDURAL BUSINESS

51(a) Declarations of substitutes

51.1 There were none.

51(b) Declarations of interest

51.2 Councillor Janio declared a non-pecuniary interest in Item 57: Fees and Charges 2016/17 as his partner was the owner of a Traders Permit.

51.3 The Deputy Head of Law confirmed that Councillor Janio had been granted dispensation under the Council's Code of Conduct to speak on Item 57.

51(c) Exclusion of press and public

51.4 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(l) of the Act).

51.5 **RESOLVED-** That the press and public not be excluded.

52 MINUTES

52.1 **RESOLVED-** That the minutes of the previous meeting held on 24 November 2015 be approved and signed as the correct record.

53 CHAIRS COMMUNICATIONS

59.1 The Chair relayed that Item 59: Parking Schemes Consultation Work would be brought forward to the first item of business due to public interest in the matter.

54 CALL OVER

54.1 The following items on the agenda were reserved for discussion:

- Item 58: Fees and Charges 2016/17
- Item 59: Parking Schemes- Consultation Work
- Item 62: Traveller Service Waste Contract Procurement
- Item 63: Stanmer Park Restoration Programme- Update and Permission to Consult

54.2 The Democratic Services Officer 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 60: Disabled Bay Traffic Order
- Item 61: Pedal Cycle Parking Places (Phase 2)

55 PUBLIC INVOLVEMENT

(a) Petitions

(i) Fiveways and Surrenden Parking Scheme- Katharine Butcher

55.1 The Committee considered a petition signed by 417 people that requested Balfour Road, Herbert Road, Gordon Road, Bates and Loder Road be included in the proposed Fiveways and Surrenden Parking Scheme.

55.2 The Chair provided the following response:

“Thank you for presenting your petition and I appreciate the work that has gone into it. It was made clear in the consultation literature that other roads may vote in favour of a scheme. Your petition is certainly useful in helping demonstrate the desire across the petition area for a re-consultation on becoming part of the Fiveways parking scheme. As has been previously stated, if there is sufficient strength of feeling, and your petition helps in this regard, the area can be re-consulted this Summer. Over the next three months it would be useful if residents gain more signatures. These can be sent directly to the Transport team and I will ensure that the contact details to do so will be included in my formal written response to you”.

55.3 **RESOLVED-** That the petition be noted.

(b) Written Questions

(i) Freshfield Road crossing- Faye Bridgewater

55.4 The spokesperson was unable to attend and therefore a formal response was provided in writing by the Chair as follows:

“Thank you for your question.

I am aware that Officers have arranged a meeting with ward councillors to discuss potential proposals for Freshfield Road. Once this meeting has taken place officers will invite you to a meeting where proposals can be shared”.

(c) Deputations

(i) Citypark Rangers and their importance to our environment, a volunteer perspective- Cliff Munn

55.5 The Committee considered a Deputation that provided detail on the role of volunteers and the Citypark Ranger service plus the benefit to the wider area and requested that the service retain its funding going forward.

55.6 The Chair provided the following response:

“Thank you for your deputation to this Committee.

As most people now know, the Council is being forced to close a £68 million spending gap, due in large part to the central government reducing the Council's grant to nearly zero by 2019/20.

Nobody wants to make these cuts and as part of our consultation and engagement with our staff and community groups, we are now in a position to look again at these proposals in a way that will retain additional staff as well as still delivering on the proposed budget savings.

We recognise the work that our volunteers and communities do for our City and our intention has always been to build on that collaboration and we very much look forward to this partnership work continuing. I hope that provides some re-assurance”.

55.7 Councillor West commented that he believed the Citypark Ranger service to be crucial and the council should instead be discussing methods in broadening the scope of volunteer numbers rather than reducing the service and cutting the skill base. Councillor West noted his concern that any cut to the service may put the city's biosphere status at risk.

55.8 Councillor Janio stated that he had seen first-hand the excellent function carried out by Citypark Rangers and his group would be seeking to retain the service in the upcoming Budget discussions.

55.9 **RESOLVED-** That the Deputation be noted.

56 MEMBER INVOLVEMENT

56.1 No items from Members were received.

57 FEES AND CHARGES 2016/17

57.1 The Committee considered a report of the Acting Executive Director, Environment, Development & Housing that set out the proposed 2016/17 fees and charges for the service areas covered by the Environment, Transport and Sustainability Committee in accordance with corporate regulations and policy.

57.2 Councillor West noted that there was a proposed rise in allotment fees that would include a forward on the charges for water fees. Councillor West noted his concern over the potential lack of engagement on this matter with the Allotment Federation. Councillor West stated that he welcomed pest control moving to a commercially viable operation as he believed there had been undercharging in the service for a number of years which was disappointing as it provided a service better than most of its private sector competitors. Councillor West noted that he surprised the new administration were seeking to increase parking charges after a number of years rejecting such rises when in opposition. Councillor West moved the following motion to add a recommendation on behalf of the Green Group:

2.1 b) That the Committee recommends to Policy & Resources Committee that Low Emission Vehicle and Car Club permits be frozen at current rates

57.3 Councillor Greenbaum formally seconded the motion.

57.4 Councillor Janio stated that he disagreed with the overall 2% rise in parking fees and charges and felt that these could have been maintained at a neutral level whilst achieving sustainable transport aims.

57.5 Councillor Miller stated that he hoped the proposed rise in Zone M parking related to the development and expected demand associated with the i360 would not extend across the seafront at a later point. Councillor Miller noted that parking fees in Rottingdean High Street were proposed to rise by 25% which he found to be a negative step when many businesses were struggling or closing in the area. Councillor Miller repeated the point made by Councillor Janio that he could not support a 2% overall rise in charges and that a neutral basis would have been preferable and attainable.

57.6 The Joint Acting Executive Director, Environment, Development & Housing confirmed that discussions had taken place with the Allotment Federation on the proposed competitively priced increase and discussions on the subsidy of water usage would continue over the next few months.

57.7 Councillor Barradell stated that she supported the proposed fees and charges that were cleverly targeted and had responded to resident complaints.

57.8 Councillor Atkinson stated his agreement that the fees and charges were very well targeted, well thought through and an attempt to control or decrease demand. Councillor Atkinson stated that he had previously raised the point that London Road car park was underused at weekends and he would like further information on its usage.

57.9 Councillor Theobald stated that he believed it possible that the council could seek a cross subsidy from the Public Health budget to control increases in sport fees. Councillor Theobald noted that charges were increasing in animal welfare services but he understood the council were seeking to reduce the Animal Welfare team. Councillor Theobald stated that he could not support rises to business and trader permits and his group had been clear on that for a number of years. Councillor Theobald observed that many people using Preston Park station as a commuter point and noted that should be

extended from 11 hours to 12 hours as it may not be sufficient for those travelling to and from London for employment.

57.10 The Head of Transport clarified that there had been very strong demand for traders permits which had increased three fold mainly as there was more flexibility to the permits including being able to park in resident permit bays. In terms of Preston Park station, the durations and pricing could be reviewed for the next budget.

57.11 Councillor Theobald noted that page 26 of the agenda set out the Fees and Charges budget by Service Area and for Sports Booking this figure was £219,000. Councillor Theobald asked if this dealt with sports booking services and if so, this was very costly to run.

57.12 The Joint Acting Executive Director, Environment, Development & Housing clarified that this was a cost related to sports booking and was due in part to seasonal staff and the expense of cash handling which could be costly. This was one of the areas to be part of the discussions due with sports clubs in the city over the coming months.

57.13 Councillor Janio stated that he would be support the Green Group motion as he believed it was a very good idea.

57.14 The Chair then put the motion to the vote which passed.

57.15 The Chair then put the recommendations as amended to the vote which passed.

57.16 **RESOLVED-**

1) That Committee:

- a) Approves the proposed fees and charges for 2016/17 as set out within the report and its appendices with the exception of the item referred to at b) below
- b) That the Committee recommends to Policy & Resources Committee that Low Emission Vehicle and Car Club permits be frozen at current rates
- c) Delegates authority to the Acting Director of Environment, Development & Housing to increase any charges for fees as notified and set by central Government during the year.

58 PARKING SCHEMES – CONSULTATION WORK.

58.1 The Committee considered a report of the Acting Executive Director, Environment, Development & Housing that provided an update on the current position for parking scheme proposals in Hanover & Elm Grove including the Craven Vale area, the Fiveways area and Hollingbury Road/Ditchling Gardens and sought permission to proceed.

58.2 Councillor West noted that a strong response had been received from residents living in the roads adjacent to Fiveways and it was clear that the impact of the introduction of a Controlled Parking Zone (CPZ) had not been fully realised in the consultation process.

Councillor West welcomed the commitment given to re-consult the area but felt this should be introduced more quickly out of respect for the response of local residents. On behalf of the Green Group, Councillor West moved the following motion:

2.2 That an extension to the new resident parking scheme in the Fiveways area to include Balfour Road, Herbert Road, Gordon Road, Bates Road, Loder Road and Loder Place be quickly reconsulted upon and the result be brought to the next meeting of the committee for consideration. Then, subject to committee approval, progressed to final design and published for statutory consultation with the results reported to the July committee”

- 58.3 Councillor Greenbaum formally seconded the motion.
- 58.4 The Chair sought officer advice in relation to the amendment.
- 58.5 The Parking Infrastructure Manager stated that the parking scheme timetable agreed by the committee in 2015 represented a significant amount of work given current resources available. Even if resources were available to prepare the consultation, the deadlines as detailed in the motion could not adhere to statutory timescales.
- 58.6 Councillor Barradell stated that the council had to be clear in its processes and could not adjust its clearly defined rules to make an exception for any specific area.
- 58.7 Councillor Janio stated that his party had been consistent in their view that a full review of parking in the city was required and that should happen as soon as possible to prevent issues such as congestion and continuing extensions of controlled parking zones.
- 58.8 The Chair stated that the Fiveways and Surrenden parking scheme process had been inherited from the previous administration and a more flexible approach to schemes would be encouraged going forward as demonstrated with proposals for Hanover & Elm Grove.
- 58.9 The Chair put the motion to the vote which failed.
- 58.10 The Chair put the substantive recommendations to the vote which passed.
- 58.11 **RESOLVED-**
- 1) That the Committee:
 - (a) Agrees that an initial consultation takes place in the Hanover & Elm Grove and Craven Vale areas (Appendix C) on the schemes outlined in para 5.1.
 - (b) Agrees that a new resident parking scheme be considered within the Ditchling Gardens / Hollingbury Road area (Appendix A) and that this proposal be progressed to the final design with the Traffic Order advertised to allow further comment.

- (c) That, in relation to the following orders for the Fiveways area, having taken account of all duly made representations and objections, the Committee:
- i) Approves the Brighton & Hove Various Controlled Parking Zones Consolidation Order 2015 Amendment Order No.* 201* as advertised but with the amendment referred to in paragraph 5.38 of this report;
 - ii) Approves the Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013 Amendment No.* 201* as advertised but with the amendments referred to in paragraph 5.38 of this report;
 - iii) Agrees that any subsequent requests deemed appropriate by officers are added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order which would be reported back to Committee if any objections were received following the introduction of the scheme.

59 DISABLED BAY TRAFFIC ORDER

59.1 **RESOLVED-** That the Committee (having taken into account of all the duly made representations and objections) agree the following:

- a) Approve the Various Controlled Parking Zones Consolidation Order 2015 Amendment Order No.* 201* and Brighton & Hove (Waiting & Loading/Unloading Restrictions and Parking Places) Consolidation Order 2008 amendment Order No.* 201* as advertised save that there shall be withdrawn from the order:
 - i) The proposed removal of the blue badge parking bay outside No.60 Sutherland Road; and
 - ii) The time limited blue badge bay outside No. 12 /13 Sutherland Road as referred to in paragraph 3.5 of this report.

60 PEDAL CYCLE PARKING PLACES (PHASE 2)

60.1 **RESOLVED-** That, having taken account of all duly made representations and objections, Committee Members approve as advertised the following orders:

- Brighton & Hove Various Controlled Parking Zones Consolidation Order 2015 Amendment Order No.* 201* (ref: TRO-26a-2015)
- Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013 Amendment No.* 201* (ref: TRO-26b-2015)

61 TRAVELLER SERVICE WASTE CONTRACT PROCUREMENT

61.1 The Committee considered a report of the Acting Executive Director, Environment Development & Housing that sought approval for the procurement of a new Traveller

waste contract that would cover waste removal and disposal from official and unauthorised encampments on council land.

- 61.2 Councillor Janio stated his concerns regarding the length of contract and the procurement value. Councillor Janio added that he did not support the delegation of powers to grant an extension to the contract as he believed this should be determined by the committee and moved a motion to delete recommendation 2.2 (ii) as per the report.
- 61.3 Councillor Nemeth seconded the motion.
- 61.4 The Head of Tenancy Services stated that advice from the council's procurement and legal teams was for the contract to be advertised based on current expenditure levels although officers were of the view that the establishment of new sites would lead to a reduction in operational costs. Removing the option of a two-year extension would not reduce the cost of the contract but officers would work to the decision taken by the committee.
- 61.5 Councillor Janio noted that there had been significant problems in fluctuating costs in this area over the past few years and he believed that the committee should have determination on any extension of the contract.
- 61.6 The Acting Executive Director, Environment, Development and Housing stated that it was good practice to offer an extension to a contract as the offer of a fixed term contract normally led to an increase in cost in the tendering process. Furthermore, a decision on whether to take up that extension still rested with the council and if it was felt in three year's time that the contract did not reflect good value, the extension could be rejected. That decision would rest with the Procurement Advisory Board that was represented by Members of each political group.
- 61.7 Councillor West stated that the cost of clean-ups were high and the only way forward in reducing costs was to invest further in proper provision.
- 61.8 The Chair proposed a motion to amend recommendation 2.2 (ii) as shown in bold italics below:
- 2.2 (ii) to grant an extension to the contract referred to in 2.1 above of up to two years ~~should he/she consider it appropriate at the relevant time~~ ***following consultation with the Procurement Board.***
- 61.9 Councillor Janio stated that he was in support of the proposal and he would withdraw his motion given that assurance.
- 61.10 Councillor Miller stated he found it unfair that residents of the city had to pay for refuse collection via council tax yet those living on Traveller sites did not. Councillor Miller added that this was even more difficult to view in the context of proposed cuts to the Park Ranger service that maintained public space for thousands of people. Councillor Miller suggested the council look at the provision of bins to Traveller sites that were paid for and if these were not used, offenders be prosecuted under fly tipping laws.

- 61.11 Councillor Robins noted a number of positive changes listed at 3.10 specifically the charging by tonnage of waste rather than bins emptied.
- 61.12 Councillor Nemeth asked how the council's recent fly tipping campaign and policies would overlap with the proposed contract.
- 61.13 The Head of Tenancy Services stated that officers worked closely with colleagues in Cityclean and this had led to fly tipping prosecutions in the past. In reference to refuse equipment, the Head of Tenancy Service explained that the council did not charge for the provision of bins as in doing so, that the council would be giving permission to sites recognised as unauthorised encampments.
- 61.14 Councillor Nemeth stated that he understood the council had purchased expensive surveillance equipment a number of years ago and asked if this equipment was currently used.
- 61.15 The Head of Strategy & Projects clarified that he would look into this matter and provide an update to Members.
- 61.16 The Chair then put the recommendations, as amended to the vote which passed.

61.17 **RESOLVED-**

- 1) That the committee approves the procurement of a contract for the provision of waste services for Gypsy, Roma, Traveller sites for a period of three years.
- 2) That the committee grants delegated authority to the Acting Executive Director Environment Development & Housing, in consultation with the Executive Director of Finance-
 - (i) to carry out the procurement of the contract referred to in 1) above including the award and letting of the contract;
 - (ii) To grant an extension to the contract referred to in 1) above of up to two years following consultation with the Procurement Board.

62 STANMER PARK RESTORATION PROGRAMME - UPDATE AND PERMISSION TO CONSULT

- 62.1 The Committee considered a report of the Acting Executive Director, Environment, Development & Housing that provided an update on the Stanmer Park Restoration Programme and sought approval for the next stages of work.
- 62.2 Councillor West stated that the project was of high importance and the council needed to deliver it effectively. Councillor West stated that we welcomed a specific recommendation on the production of a Sustainable Travel Plan as it was important for those that did not have a car to be able to access Stanmer Park easily.
- 62.3 Councillor Miller welcomed the report and opportunity it would provide. Councillor Miller asked for more information as to why the Heritage Lottery Grant for Home Farm was

unsuccessful and what alternatives were being explored, why the car park near the church would be disabled only as it was significant distance from the house and café and if consideration had been given to improving existing car parks. Councillor Miller stated his was sympathetic to the views expressed by Councillor West on access and if options to and from Upper Lodge had been assessed.

- 62.4 The Head of Projects & Strategy options for Home Farm would be detailed in a forthcoming report to the Policy & Resources Committee and these would consider raising capital from sales on other properties not related to Stanmer Park, developing the former Post Office site plus other sources of income. In relation to disabled parking, the detail was still to be worked on and would correlate with issues such as the Sustainable Travel Plan and would represent the next stage of work. The Head of Projects & Strategy added that all car parks were currently in poor condition and any that were retained would require investment. Alternative access routes had been examined including from the Upper Lodges but costs had been found to be prohibitive and therefore not feasible.
- 62.5 Councillor Janio welcomed the report as a very good step supplementing that travel would be a very important matter and it was critical that people were able to visit Stanmer Park by a variety of methods, including by car.
- 62.6 **RESOLVED-**
- 1) That the Committee notes the progress on the Stanmer Park Programme, and specifically the Parks for People HLF application.
 - 2) That the Committee agrees the next stages of work on the Stanmer Programme.
 - 3) That the Committee agrees the Consultation and Engagement Plan for the Stage 2 HLF Application.
 - 4) That the Committee agrees to the production of a Sustainable Travel Plan to inform final recommendations for parking and transport in Stanmer Park.
 - 5) That the Committee notes that proposals for the Home Farm buildings will be considered in more detail in a report to Policy & Resources Committee in February.

63 ITEMS REFERRED FOR FULL COUNCIL

- 63.1 No items were referred to Full Council for information.

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of

Subject: Petitions
Date of Meeting: 15 March 2016
Report of: Monitoring Officer
Contact Officer: Name: John Peel Tel: 29-1058
E-mail: john.peel@brighton-hove.gov.uk
Wards Affected: Various

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. RECOMMENDATIONS:

- 2.2 That the Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's Overview and Scrutiny Committee
- calling a referendum

3. PETITIONS

3. (i) Saxon Court, Hove Motorcycle Bay- Angela Atkinson

To receive the following petition signed by 69 people

"We the undersigned:

- *Question Brighton & Hove City Council's decision to install a motorcycle bay directly outside the main entrance doors of Saxon Court, an assisted living development in Hove;*
- *Inform the Council that ambulances and other emergency vehicles are struggling to properly go about their business under the current arrangements;*

- *Call on the Council to either remove or relocate the bay as a matter of urgency”.*

3. (ii) Western Road Parking- Amy Kitching

To receive the following petition signed by 70 people

“We the undersigned petition the Council to install two 15m loading bay bays, one at each end of the stretch of Western Road between Waterloo Street and Little Western Street to operate between 7pm to 7am and 10am to 4pm”

WRITTEN QUESTIONS

- (i) Communal refuse consultation: Palmeira Square and Adelaide Crescent-
Susan Hunter**

'With reference to the possibility of communal rubbish bins being installed in Palmeira Square and Adelaide Crescent, if they are installed and then generate rubbish around them, rather than in them, will it be agreed that these bins can be removed and put outside the Square and Crescent?'

Geoff Raw
Chief Executive
Brighton & Hove City Council
Grand Avenue
Hove

07/03/2016

Dear Geoff

Bush Farm Drive, Downs Park Estate, North Portslade

I am submitting the following letter under Council Procedure Rule 23.3 to be included on the agenda for the Environment, Transport & Sustainability Committee meeting of 15th March 2016.

Bush Farm Drive is a crescent shaped road with two entrances/exits into and out of the Downs Park estate in North Portslade. These are the only two entrances and exits from the estate on to and from Fox Way. Fox Way, in turn, is the main route for many Mile Oak/North Portslade residents driving on to or across the A293 link road.

Residents of the estate have been reporting problems with speeding cars on Bush Farm Drive for some years now. This is because some drivers turn into Bush Farm Drive at the top end of Fox Way and emerge at the other end of the road back out on to Fox Way in an attempt to save time. The problem seems to be most acute between 7 and 9 in the morning.

For the past few months this issue has become much more serious with large tailbacks building up at the lower end of Bush Farm Drive as drivers coming down Fox Way refuse to let people out as they assume they are trying to "traffic jump". This means that residents of the Downs Park Estate often find it difficult to get out on to Fox Way in a timely fashion.

The tail back, however, does not stop motorists speeding into Bush Farm Drive and hurtling around the crescent shaped road until they meet the built up traffic.

Some months ago a resident had her car badly damaged by such a speeding motorist. The Downs Park estate has a lot of families with children and residents are understandably upset and concerned at the potential danger posed by speeding motorists.

I recently called on a number of residents on the estate and this was the most significant and serious issue that people wanted to talk about. Some residents reported that they had challenged motorists who eventually slowed down due to the tailback emerging out on to Fox Way only to be met with a barrage of abuse.

We also received reports of busses being held up in the tailback of traffic.

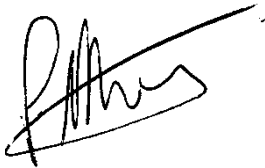
Can I ask that the Council's Road Safety Team conduct an urgent traffic survey at busy times in Bush Farm Drive. This would then allow for consideration of what

AGENDA ITEM 69(C)

measures could be implemented to deal with this problem on a permanent and lasting basis.

I would, of course, be happy to meet with the team on site and assist in any way I can.

Yours

A handwritten signature in black ink, appearing to read 'P. Atkinson', written over a horizontal line.

Cllr Peter Atkinson
North Portslade

NOTICE OF MOTION**BEING PREPARED FOR FLOODS**

This Council notes:

- The latest UK Climate Change Risk Assessment estimates that changes in rainfall patterns caused by climate change may result in more flooding nationally, with the number of properties with a significant likelihood of flooding projected to increase from 560,000 in 2012 to 1.3 million by the 2050s.
- Brighton & Hove is in the top ten Flood Risk Areas in England with more than 30,000 people at risk of flooding and is experiencing more frequent flood events
- Cuts in funding for flood risk management by national government over the past five years have exacerbated damage caused by floods in 2012, 2013/4, 2015, which cost the economy an estimated total £7.5bn as well as causing dislocation and severe distress for people affected.
- Residential and commercial development plans over the next few years in our city provide potential opportunities but also potential threats in terms of surface water flooding.

This Council resolves to:

- Request the Chief Executive to write to the Chancellor of the Exchequer requesting increases in planned Flood Defence Grant in Aid capital funding and in flood risk management revenue funding, in line with analysis by the Environment Agency, National Audit Office and the Association of British Insurers' Flood Free Homes Campaign;
- Request the Environment, Transport and Sustainability Committee to review land use of the city's downland estate from the perspective of reducing flood risk in the city.

Subject:	Permission to Consult on Extension of Communal Refuse and Recycling Collections		
Date of Meeting:	15 March 2016		
Report of:	Acting Executive Director of Environment Development and Housing		
Contact Officer:	Name:	Jan Jonker	Tel: 29-4722
	Email:	jan.jonker@brighton-hove.gov.uk	
Ward(s) affected:	Brunswick & Adelaide, Rottingdean Coastal, Westbourne, St Peters & North Laine, Preston Park		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Three Regency Squares along the sea front still have their refuse collected on a weekly basis from basement storage areas. Whilst this practice has been ongoing for many years and the associated risks have been managed, the council as an employer has a duty to minimise risks to employees as far as practicable.
- 1.2 This report seeks in principle agreement to the introduction of communal refuse collection in these areas, subject to consultation with residents on their locations and options to minimise visual impacts. The report also seeks permission to consult on communal recycling in these areas.
- 1.3 This report also seeks permission to consult streets which have kerbside black bag collections on the implementation of communal refuse and recycling collections.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes that the existing collections from basement properties are considered to present a significant risk to staff which the council has a legal duty to minimise as far as reasonably practicable.
- 2.2 That the Committee agrees in principle to the introduction of communal refuse collection in Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent
- 2.3 That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on the potential locations of communal bins.

- 2.4 That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on communal recycling.
- 2.5 That the Committee approves consultation with the residents of Westbourne Street (southern end) Beaconsfield Road and Viaduct Road on the implementation of communal refuse and recycling collection as an alternative to kerbside refuse and recycling collections

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Communal containers for refuse and recycling collections have been introduced to most central parts of Brighton & Hove. The main reason for their introduction was to improve street cleanliness in areas of high density housing areas where many households do not have outside space to store and contain their waste.
- 3.2 Approval for the main roll out for communal refuse was granted in 2008 and the roll out of communal recycling was approved in July 2013. The schemes were informed by trials and extensive consultation. Prior to communal containers refuse was collected in sacks and recycling in boxes through kerbside collection. These traditional collection systems resulted in:
- Sacks being ripped open by seagulls and foxes even when they were put out on the correct collection day
 - Wind-blown litter from recycling boxes
- 3.3 Due to the number of Houses of Multiple Occupation (HMOs) and the lack of outside storage space wheelie bins were not a viable option in most of these areas. Communal containment realised many benefits including:
- Cleaner streets
 - Increased convenience for householders – not having to store refuse or recycling until collection day and being able to dispose of refuse and recycling little and often
 - Increased efficiency in collections and reduced manual handling
- 3.4 The roll out of communal containers to three main squares along the seafront (Palmeira, Brunswick and Sussex) and some adjacent streets and terraces, was deferred, with any future decision subject to further consultation. The reason for the deferral was to allow opportunities to minimise visual impact of the containers to be assessed. This report seeks in principle agreement to the roll out of communal refuse containers and permission to consult on the locations of communal bins in areas previously excluded, specifically:
- Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace
 - Brunswick Square and Terrace
 - Palmeira Square and Adelaide Crescent
 - Viaduct Road
 - Beaconsfield Road
 - Westbourne Street (Southern end)

3.5 Opportunities to minimise the visual impact of the bins will be explored.

Sea Front Squares

3.6 All of squares and some of the adjoining streets and terraces still receive a weekly black sack collection. Most of the properties in the squares have been converted to flats and refuse is stored in the basement areas (generally old coal stores). Crews manually collect the sacks from these areas carrying the rubbish up the stairs. The key hazards associated with this practice relate to Manual Handling, Personal Safety and Slips, Trips and Falls. This practice has been of concern for a number of reasons:

- The steps can be uneven and slippery
- Many of the bin stores are low and unlit and crews have to manually lift sacks which may be split. There is a risk of head injuries, needlestick / sharps injuries and risks associated with rats.
- It can also be unpleasant for basement properties to be adjacent to bin stores for the rest of the building.

3.7 The photographs in Appendix 1 show some the issues associated with basement collections.

3.8 The Council have a duty to ensure so far as reasonably practicable the health, safety and welfare of employees and others that could be affected by it's undertakings. In accordance with the Management of Health and Safety at Work Regulations 1999, risk assessments have been carried out which have identified the hazards detailed above. These regulations set out a clear hierarchy of risk control, which start with eliminating the hazard and where this is not possible substitute for a safer method ranging through a series of other considerations including adopting safe systems of work.

3.9 To date these hazards, which are classified as significant through the risk assessment process, have been managed as far as practicable with control measures, including extra staff on the round (the round consists of a driver and four loaders, compared to a crew of two on a communal collection vehicle) and appropriate Personal Protective Equipment. Fortunately there has only been one recorded accident which did require hospital attendance. As an employer the council has a duty to manage and review risks and whilst the situation has been managed for many years it does not feel it can allow the current practice to continue.

3.10 The alternatives to basement collections are either communal containment or kerbside black sack collections. Kerbside black sack collection is not considered to be a viable option as it would result in recurrence of problems with bags being ripped open by seagulls. Communal containers would eliminate all manual handling risks and bring these areas in line with most other parts of the city centre. In principle agreement to introduce communal refuse collection is sought because there is no other viable collection system which addresses the identified health and safety concerns.

3.11 Currently recycling is collected on the kerbside using black boxes as it is in more suburban areas. Whilst this does not present any significant concerns in terms of

collection, visual assessment of the amount of recycling placed out for collection indicates that participation rates are low. Permission is therefore also sought to consult on the introduction of communal recycling. The introduction of communal refuse collection would not be dependent on also introducing communal recycling.

3.12 If permission is granted all households will be sent a consultation document. Each area will have a bespoke document showing proposed bin locations. Officers have already met with some of the Resident Associations to seek their input in to the consultation document and proposed bin locations. Advice has been sought from the Council's Conservation Planning Officer and engagement will take place with the Conservation Advisory Group. The feedback from these consultees will help inform the final recommendations. The consultation will seek views as to how the visual impact of the containers might be minimised.

3.13 The possible outcomes to the consultation could be one of two options:

- Communal refuse and communal recycling are both implemented
- Communal refuse is implemented but kerbside recycling collections remain

3.14 The outcome of the consultation will be considered separately for each of the three areas.

Additional Streets to be Included in Consultation

3.15 In addition to the squares discussed above, permission is sought to consult Beacons Field Road and Viaduct Road on the implementation of communal refuse and recycling collection.

3.16 These streets currently receive weekly kerbside refuse and recycling collections. Because most properties in these streets do not have space for wheelie bins refuse is collected in black bags which are frequently ripped open even if placed out on the right day. Communal containment would make the service easier for residents to use and would improve the cleanliness of the street.

3.17 The findings of the consultation will be analysed and presented back to committee together with recommendations for implementation.

Enforcement Activity

3.18 The Council has recently awarded a contract to support Cityclean in waste enforcement activity. The enforcement work will include focus on illegal use of communal bins by businesses and fly-tipping around the bins. This work will further improve the service for residents in communal bin areas.

3.19 One of the aims of the increase in enforcement is to improve street cleanliness and the environment. This is another reason why a return to black sacks on the kerbside is not considered to be a viable option as this would result in dirtier streets.

Communal Bin Refurbishment

3.20 In 2015/16 the council started a programme to refurbish and replace communal bins. This recurring revenue funding of £130,000 per year will help ensure bins

are maintained in a good condition, reducing their visual impact and improving the service.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The existing basement collection service from the sea front squares cannot continue for reasons outlined in this report. Black sack collections from the kerbside are not considered viable due to problems with bags being ripped open by seagulls. The problems with this collection service are the reason for the inclusion of Viaduct Road, Beaconsfield Road and the southern end of Westbourne Street. Wheelie bins are not an option due to the large number of Houses of Multiple Occupancy. For these reasons communal collection is considered to be the only viable option for the seafront squares.
- 4.2 If communal containers are introduced Cityclean will monitor them from the start to ensure they are used properly. Fly-tipping will be monitored on a daily basis. Residents who find it difficult to use the service will be offered an assisted collection.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The proposals for consultation are set out in the body of this report. Early discussions have taken place with ward councillors for the seafront squares and resident groups, to inform the consultation. The outcome of the formal consultation will be brought back to Committee with recommendations for implementation.

6. CONCLUSION

- 6.1 Communal refuse and recycling collections have been successfully introduced in many central parts of the city having a beneficial impact on street cleanliness and making the service easier to use.
- 6.2 The three seafront squares and adjacent streets and terraces were excluded during the initial roll out to allow options to minimise visual impacts of the bins to be assessed. Existing refuse collections from the basements of these properties is an ongoing health and safety concern which the council has a duty to address which is the main reason for the proposed consultation.
- 6.3 There are a number of other individual streets that could benefit from communal collection and it is proposed to consult on these separately.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated to the recommendations in this report will mostly consist of officer time and printing and postage of consultation documents. It is anticipated that costs will be minimal and will be funding from existing revenue budgets within the City Clean service. Any financial implications associated to the recommendations from the outcome of the consultation process will be analysed and reported to this Committee at a future date.

Finance Officer Consulted: Steven Bedford

Date: 03/02/16

Legal Implications:

- 7.2 The Council has powers to specify and provide the type of receptacles to be used for depositing waste for collection and may also require particular locations, including the highway, to be used. In carrying out consultation the Council is under a general duty to ensure that any consultation is fair. This means that it must be carried out when proposals are being formulated, that adequate time and information about the proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision

Lawyer Consulted: Elizabeth Culbert

Date: 18/02/16

Equalities Implications:

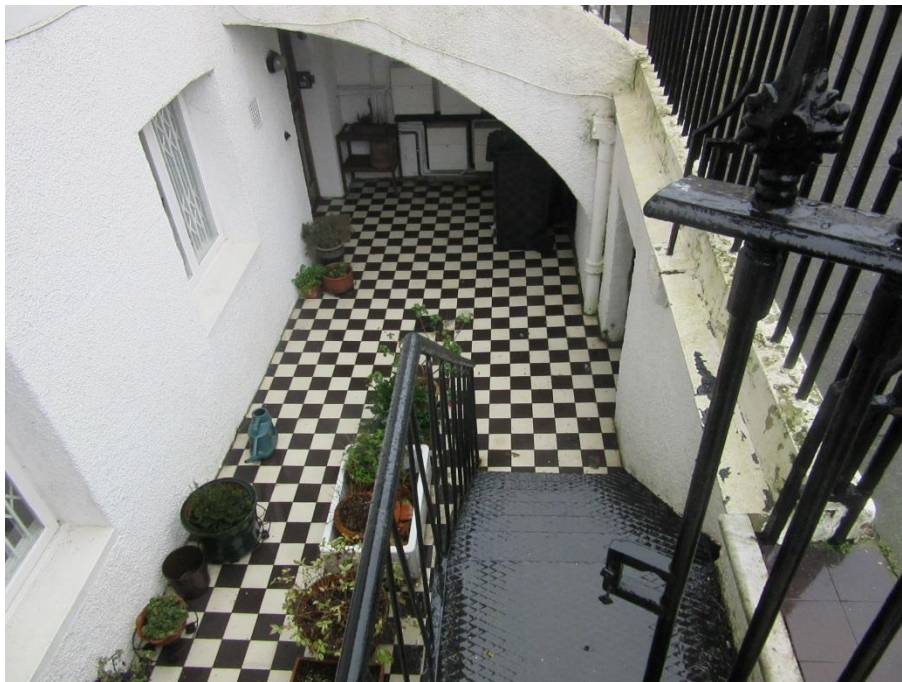
- 7.3 Any residents that are unable to easily access refuse or recycling collection services can apply for assisted collections. This would be the case whichever collection system is adopted as a result of the consultation.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 Photographs showing some of the hazards associated with basement collections

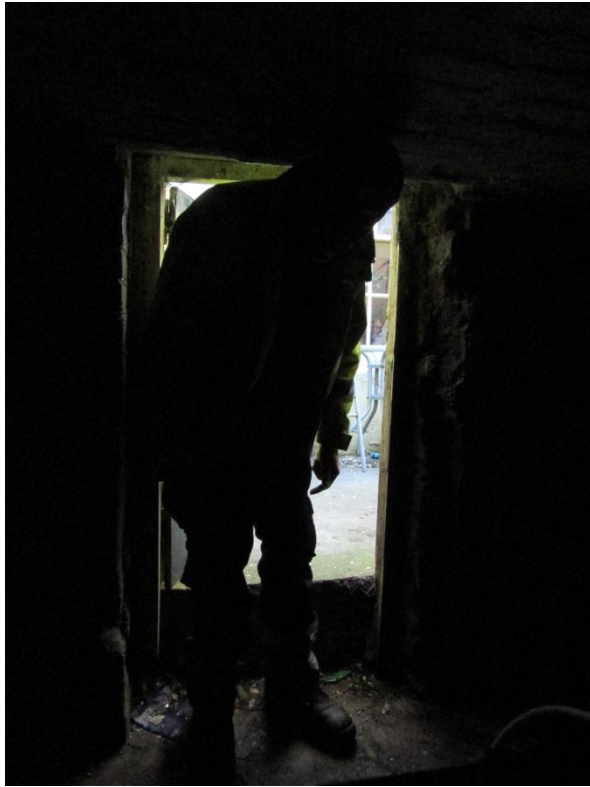
Appendix 1 Photographs Showing Types of Issues Associated With Basement Collections













Subject:	Occupation Agreements and Fee Setting for Travellers Sites		
Date of Meeting:	15th March 2016		
Report of:	Acting Executive Director of Environment, Development and Housing		
Contact Officer:	Name:	Rachel Chasseaud	Tel: 291837
	Email:	rachel.chasseaud@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Mobile Homes Act 1983 provides the legal framework for contractual arrangements between mobile home/caravan site owners and occupants. The act has been amended to put in place much stronger protection for the residents of mobile home Sites, which also encompasses permanent traveller sites.
- 1.2 The council's new permanent Traveller's site requires an Occupation Agreement that differs from the Transit Site. The former is a 'protected site' under the terms of the Mobile Homes Act 1983 and the latter is an 'unprotected site'. This report therefore seeks approval for a new occupation agreement for the permanent site (appendix 1) and a revised and updated occupation agreement for the transit site (appendix 3)
- 1.3 The council's Tenancy Strategy 2013 outlines the local policy context that social landlords should have regard to and this is particularly relevant in relation to the Discretionary Succession Policy (appendix 2).
- 1.4 The report also outlines the rationale for pitch fee and service charge setting for both sites.

2. RECOMMENDATIONS:

- 2.1 That Environment Transport and Sustainability Committee approve the:
 - (a) Occupation Agreement for the permanent traveller site
 - (b) Discretionary Succession Policy for the permanent traveller site
 - (c) Occupation Agreement for the transit traveller site
- 2.2 That Environment Transport and Sustainability Committee approve the:
 - (a) Pitch fee and service charges for the permanent traveller site
 - (b) Pitch fee, deposit and service charges for the transit traveller site.

- 2.3 That Environment Transport and Sustainability committee delegates authority to the Executive Director of Environment Transport and Sustainability, in consultation with the Executive Director of Finance, to vary the estimated service charges on the transit site for water and electricity after 6 months to align the charge to actual costs.
- 2.4 That the committee agrees that beyond 2.3 above, the annual pitch fee and service charge review should be part of the council's budget setting process for future years.

3. CONTEXT/ BACKGROUND INFORMATION

Occupation Agreements

- 3.1 Sections 1 and 2 of the Occupation Agreements contain information prescribed in law about the rights of both the owner and the occupier and the implied terms of the contractual arrangements. Section 3 of both agreements contain the express terms which incorporate the site rules to enable effective management of the site.
- 3.2 In the case of the Travellers sites at Horsdean (now known as St Michael's Way at Horsdean) the site rules reflect the fact that the site is located in a Special Protection Zone 1 (SPZ1) and the need for protection of environment and water supply. The rules have been developed with the input and advice of the Environment Agency and involving the new residents so that they understand what is required and why.
- 3.3 Once approved a residents handbook will be developed for all residents of St Michael's Way with an easy read version of the site rules. Signage will be placed on site making the most critical rules very visible (this being a condition of the planning permission issued by South Downs national Park Authority). In addition every resident will have an induction to ensure that they understand the rules and rights and obligations contained in their agreements.

Occupation Agreement Permanent (Protected) Site

- 3.4 The proposed Occupation Agreement for the permanent (protected site) is at appendix 1.
- 3.5 Under the Mobile Homes Act 1983 a permanent mobile home/caravan site has protected status meaning that occupants have exclusive possession of their pitch and associated buildings. They have a right to reside on their pitch unless they terminate the agreement or their occupation agreement is brought to an end via a court order. Section 2 paragraph 4 of the Occupation Agreement for the protected site outlines the conditions in which a court order to end the agreement might be issued; namely a breach of the terms of the terms of the occupation agreement (for example rent arrears or a breach of the site rules) or if a mobile home is having a detrimental effect on the amenity of the site and the occupier fails to carry out repairs.
- 3.6 It should be noted that the occupants of the protected site do have the right to challenge the express terms of the agreement within 6 months of entering into

the agreement via a residential property tribunal. However we have consulted with the new residents of the protected site prior to bringing this report to committee and would not anticipate this likely to occur.

- 3.7 Section 3 paragraph 19 outlines how, in line with the Localism Act 2011 and council's Tenancy Strategy 2013, the partner, spouse or joint occupancy agreement holder residing with the occupant holder at the time of death can succeed to the occupation agreement providing there has been no prior succession. The Traveller Site Discretionary Succession Policy (appendix 2) outlines the circumstances in which a discretionary succession to another member of the household might be agreed. This would be a close family member, who has been residing in the household for at least the preceding 12 months; where there has been no prior succession and where if the family member were to make a homeless application to the Local Authority the council would be likely to have a duty to accommodate them. This closely mirrors the Discretionary Succession Policy for council housing.

Occupation Agreement - Transit (Unprotected) Site

- 3.8 The occupation agreement for the transit (unprotected site) is at appendix 3.
- 3.9 The implied terms of the occupation agreement for the transit site vary from those of the permanent site. Occupants do **not** have exclusive possession of their pitch and are issued with a 7 day licence which can be extended to up to a period of 3 months.
- 3.10 As non excluded occupants on a licence, the licence can be brought to an end more easily than occupation of the protected site. A 28 day notice will bring the licence to occupy the site to an end.
- 3.11 The express terms in section 3 of the occupation agreement are very similar and only vary where there is a difference between exclusive and non-exclusive possession – for example there is no succession possible to a transit pitch; no overnight visitors are permitted on a transit pitch; washing machines are not permitted on a transit pitch. The express terms in relation to protection of the environment and the water supply are identical in both agreements.

Pitch Fees and Service Charges

- 3.12 The proposed Pitch Fee for both sites has been calculated based upon the estimated costs of running the sites
- 3.13 Benchmarking information has also been used to ensure that a reasonable figure has been reached that is likely to be deemed acceptable for housing benefit and rent valuation purposes.
- 3.14 The proposed new pitch fees (excluding service charges) have the potential to bring in a total income of £0.109m per annum to the council, although there will also be extra costs associated with both day to day and future planned maintenance works. Further to this the provision is expected to reduce the numbers and associated costs of unauthorised encampments in the city.

- 3.15 In calculating the running costs of the site, the cost of security guard provision at the site has not been included. This is because the weekly cost across all pitches would be an additional £46 per week which would make the weekly charge unaffordable. These costs have already been budgeted for and have reduced by approximately £0.030m per annum over the past 3 years through changes to working practices. It should be noted that there will be Traveller Liaison Officer presence at the site during office hours and new and improved CCTV on the new sites. It is not usual to have 24 hour security presence on Traveller sites across the country. It is suggested this provision is maintained for the present kept under review with a view to reducing costs further but maintaining adequate levels of security.
- 3.16 It is proposed that in future pitch fees for both sites and service charges will be subject to an annual review through the council's budget setting process.

Pitch fee and Service Charges for the Permanent (Protected) Site

- 3.17 Section 2 paragraph 9 of the Occupation Agreement for the permanent (protected site) sets out under The Mobile Homes Act 1983 that the pitch fee should be reviewed annually and can only be changed in line with the retail prices index unless through consultation, the occupiers agree to a change in the fee or if a court, on application by the owner, determines that a change to the pitch fee is reasonable.
- 3.18 The average pitch fee for the permanent site is proposed to be £86.25 per week. In summary the weekly pitch fee has been determined as follows:

Pitch Fee	Per week (£)
Staff Costs and Overheads	41.81
Repairs and Maintenance	6.14
Contribution to Capital repayment and future maintenance	34.19
Void Cost and Bad Debt provision (5%)	4.11
Total	86.25

- 3.19 The repairs and maintenance costs have been estimated based on the average weekly expenditure on a similar size property in the council's social housing stock.
- 3.20 The pitch fee has been set to recoup the additional capital contributed to the development of the permanent site by the council over and above the central government grant. The figure included in the calculation would repay the full sum over 30 years. However, it will be placed into a reserve for any major works required to the site in the future so that pressure is not placed on the council's general fund in future years.
- 3.21 The fee will vary between pitches depending on the size. The pitches are banded into 4 sizes £80.26 p/week being the lowest charge and £96.30 p/week being the highest charge.

Pitch number	Size	Weekly Pitch Fee (£)
1	M	83.88
2	M	83.88
3	L	89.80
4	L	89.90
5	L	89.90
6	X/L	96.30
7	X/L	96.30
8	S	80.26
9	S	80.26
10	M	83.88
11	S	80.26
12	S	80.26

3.22 It should also be noted that residents will also be renting static mobile homes placed on site from a private firm. Our research has shown that costs to rent a static home suitable for the site vary from £80 per week to £150 per week. This could bring the weekly accommodation costs (excluding service charges) to range from an estimated £160 per week to in the region of £250 per week.

3.23 There will also be a service charge payable by each pitch which relates to actual costs. Where actual costs are not available estimates have been made. The proposed weekly service charges will total £11.43 per pitch and are made up as follows:

Service Charge	Per Week (£)
Grounds Maintenance	1.60
Litter Picking	9.33
Utilities for Communal Building	0.50
Total	11.43

3.24 In addition residents of the permanent site will be liable for council tax, water, electricity and other utilities.

3.25 Residents of the permanent site who are on a low income will be able to apply for Housing Benefit towards their accommodation costs.

3.26 The following table provides the benchmarking information that we have been able to obtain for permanent pitch fees and service charges for other sites in the South of England and also provides a comparator with local rental costs in the city.

Local Authority	Pitch Fee per week (£)	Service Charge per week (£)
Southampton	120 - 150	
West Sussex	50 - 70	
Poole	73	20
Buckinghamshire	69	
Oxfordshire	92	
Surrey	86	22.50
Salisbury	53 - 88	3.40
<p>How this compares with Housing in Brighton and Hove The average rental cost of a studio or one bed council owned bungalow is currently £82 per week.</p> <p>The average rental cost of one bed flat in the private sector in the city is £158.08 per week.</p> <p>The average cost of a 2 bed house in the private sector in the city is £298.61 per week</p>		

Pitch Fee and Service Charges for the Transit (Unprotected) Site

- 3.27 The transit site pitch fees were £40 per week and £20 per week service charges prior to closing for redevelopment in 2015.
- 3.28 The transit site pitch fee and service charges have also been determined to cover the costs of running the site and is proposed to be a weekly fee of £66.59 per pitch as follows:

Pitch Fee	Per week (£)
Staff Costs and Overheads	41.81
Repairs and Maintenance	11.90
Contribution to Business Rates	1.78
Void Cost and Bad Debt provision (20%)	11.10
Total	66.59

- 3.29 The repairs and maintenance costs are based on actual costs in 2014/15. The 20% included for void time and bad debt provision reflects the level of turn over expected at a transit site.

3.30 In addition it is proposed that there will be a weekly service charge of £35.38 per pitch holder which is broken down as follows:

Service Charge	Per Week (£)
Grounds Maintenance	1.83
Litter Picking	9.33
Utilities for Communal Room	0.50
Cleaning of Toilet/Shower Block	3.72
Electricity	10.00
Water	10.00
Total	35.38

3.31 As per the permanent site service charges these have been based on historical actual costs or estimates. The water and electricity service charges have been difficult to estimate accurately for a number of reasons including the recent history of the site where there have not been steady levels of occupation; problems with the infrastructure of the site which could have skewed the usage of utilities and the fact that the new and improved infrastructure of the site should reduce future fuel and water costs. An estimate has therefore been made based on average household consumption rates. However as this is a very broad estimate it is proposed that the committee delegates authority to officers to review and vary this service charge after 6 months usage on site.

3.32 Occupants of the transit site are able to apply for housing benefit if on a low income but the service charges for water and electricity would not be eligible for housing benefit.

3.33 In addition to the pitch fee and service charge we are proposing that we introduce the requirement for licensees of the transit site to pay a deposit of £100 before accessing a pitch which would be returned to them on departure from the site provided that there are no damages, court costs or other costs to the local authority. This is a practice which has recently been established and has been successful on the new transit site in West Sussex.

3.34 We have obtained the following benchmarking information as a comparator to assist in determining if a reasonable pitch fee and service charges are being recommended.

Local Authority	Pitch Fee per week (£)	Service Charge per week (£)
West Sussex	70	20
East Sussex	50	Electricity is extra
Hertfordshire	40 - 60	Electricity is extra
Bath	80	10 for water and electricity is extra
Bristol	60	5 for water and electricity is extra

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Mobile Homes Act 1983 prescribes the form in which contractual agreements between mobile home/caravan site owners and occupants are drawn up.
- 4.2 Consideration was given to charging a flat rate to permanent pitch holders rather than a banded rate according to the size. However while the day rooms are of identical size, the pitch area does vary significantly allowing different sizes of mobile homes and different household sizes to occupy them.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Environment Agency have been consulted and assisted the council to develop site rules that are appropriate to residential sites located within an SPZ1. They have confirmed that they consider the site rules contained in the occupation agreements fit for this purpose.
- 5.2 A community group, Patcham and Hollingbury Conservation Association (PAHCA) have been actively involved in advising and scrutinising the development of the sites in light of the location on an SPZ1. A pre commencement planning condition required that the council consulted with the Environment Agency and PAHCA about the Site Management Plan which we did before commencing development on site early last year. At that time PAHCA also helpfully reviewed and commented on the existing site rules for Horsdean transit site. All of the suggestions and recommendations that they made have been incorporated to the express terms (site rules) of both occupation agreements.
- 5.3 The council also consulted with the new residents of the permanent site on 9th February 2016 with regard to the proposed pitch fee and service charges and the proposed occupation agreement. The residents felt that the fees and service charges are reasonable and that the banding by pitch size is fair. They also considered that the conditions set out in the Occupation Agreement are reasonable, helpful and achievable.
- 5.4 The council has also consulted with Friends Families and Travellers (FFT), a national organisation representing the interests of Gypsies and Travellers. FFT consider that the pitch fees and service charges, and the methodology for calculating them for both the permanent and transit site are reasonable and fair. They also considered the Occupation Agreements to be very good, reasonable and to be fair. They considered it to be the best example of an occupation agreement and fee setting process that they have seen.
- 5.5 Members of the Traveller Liaison team Joint Working Group have also seen and commented on the occupation agreements. This includes the police, Trading Standards and City Services. All members were happy with the content.

6. CONCLUSION

- 6.1 This council is required to enter into a contractual agreement with occupants of the new permanent traveller site and transit site.

- 6.2 The Mobile Homes Act 1983 prescribes the form these agreements must take. The express terms can be varied but must be fair and reasonable. The express terms incorporate site rules for the good and safe management of the site particularly in light of the location.
- 6.3 The council must set a pitch fee and service charges for the site and it is recommended that this is done on the basis of covering costs, excluding security guard costs, and ensuring that there are adequate reserves for the future maintenance of the site.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The 2016/17 draft revenue budget for the travellers' service as proposed to Policy and Resources Committee 11th February 2016 is £639,810. As the site will not be open until the summer of 2016, and there are uncertainties over future estimated costs and the levels of income recovery, a prudent approach has been taken to set the revenue budget with the assumption that the changes to the new site will be cost neutral. Once the site opens, actual cost and income for 2016/17 will be monitored through the usual Targeted Budget Management (TBM) process. This data will then be used to adjust the level of rent and service charges, if necessary and will inform the budget setting process for 2017/18.

Finance Officer Consulted: Monica Brooks

Date: 10/02/16

Legal Implications:

Under the Mobile Homes Act as amended and enacted, there are a pre-determined set of requirements for what should be included within any occupancy agreement. These have been adopted and so are statute. There is provision for additional terms to be incorporated. This has been done and those additional terms have been consulted upon. The terms would have to be proportionate and not breach any Equalities issues. The consultation has confirmed the agreement to the terms by the relevant groups and so it is the case that they are accepted as reasonable and proportionate.

The rent setting (and deposit) provisions have a clearly articulated formulae with a very clear logic behind the elements that make them up. They will need to be reviewed and this will be a matter for the relevant committee in due course.

The Equalities issues are detailed below, but in addition there are placed upon a local authority requirements and duties under the Equalities Act. I do not consider that the terms breach the duties and the consultation reinforces that they are deemed acceptable by the relevant groups.

It is also noted that there are external pressures due to the location. This is in part due to the Environment agency concerns and in part because it is within the boundaries of the National park. As these agencies have also been consulted and have approved the tenancy agreements in regard to their issues of concern, we do not face any challenges in relation to those bodies. We note however that

particularly in the case on the environment agency, we will need to remain responsive to any issues which may arise and be prepared to respond accordingly.

7.2 *Lawyer Consulted: Simon Court*

Date: 11.02.15

Equalities Implications:

7.3 Provision of a stable location for travelling families enables them to financially contribute to their accommodation costs, pay council tax etc. It will also enable them to focus on health and education issues in the hope that educational attainment and health and well-being will improve for these Traveller families.

Sustainability Implications:

7.4 The express terms (site rules) of both Occupation Agreements are written with assistance from the Environment Agency to ensure that the site is run and occupied in such a way that affords protection to the environment.

7.5 The fees and service charges have been determined so as to move the site towards a self-funding model reducing minimising current and future reliance on corporate council budgets.

Risk and Opportunity Management Implications

7.6 Investment in a well-run permanent and transit traveller will be very likely to reduce unauthorised encampments reducing the risks of community tension between the settled communities and travelling communities and reducing costs both to the Local Authority and the police.

SUPPORTING DOCUMENTATION

Appendices:

1. Occupation Agreement for the Permanent (protected) Traveller Site
2. Discretionary Succession Policy for the Permanent (protected) Traveller Site
3. Occupation Agreement for the Transit (unprotected) Traveller Site

Background Documents

1. Equalities Impact Assessment

Housing

BRIGHTON & HOVE CITY COUNCIL OCCUPANCY AGREEMENT FOR PERMANANT TRAVELLER SITE

WRITTEN STATEMENT UNDER THE MOBILE HOMES ACT 1983 REQUIRED TO BE
GIVEN TO A PROPOSED OCCUPIER OF A PITCH

IMPORTANT — PLEASE READ THIS STATEMENT CAREFULLY AND KEEP IT IN A SAFE PLACE. IT SETS OUT THE TERMS ON WHICH YOU WILL BE ENTITLED TO KEEP YOUR MOBILE HOME ON A PROTECTED SITE AND TELLS YOU ABOUT THE RIGHTS WHICH WILL BE GIVEN TO YOU BY LAW. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND YOU SHOULD GET ADVICE (FOR EXAMPLE FROM A SOLICITOR OR A CITIZENS ADVICE BUREAU).

SECTION 1

Information about your rights

1. The Mobile Homes Act 1983

You will be entering into an agreement with a site owner which will entitle you to keep your mobile home on the site owner's land and live in it as your home. You will automatically be protected and given certain rights under the Mobile Homes Act 1983 ("the 1983 Act"). These rights affect in particular your security of tenure, the sale of your home and the review of the pitch fee.

2. Implied terms

Part 1 of Schedule 1 to the 1983 Act contains a set of implied terms (Chapter 2 applies in relation to all pitches except those on local authority and county council Gypsy and Traveller sites; Chapter 4 applies to permanent pitches on local authority and county council Gypsy and Traveller sites) one set of which will apply automatically to your agreement and cannot be overridden, so long as your agreement continues to be one to which the 1983 Act applies. Part 3 of Schedule 1 to the 1983 Act, if applicable, sets out provisions which supplement the implied terms. The terms that will apply to you are contained in the annex to Section 2 of this agreement.

3. Express terms

The express terms that are set out in Section 3 of this statement will apply to you. If you are not happy with any of these express terms you should discuss them with the site owner, who may in certain circumstances agree to change them.

Housing

4. Additional terms

There are additional terms set out in Part 2 of Schedule I to the 1983 Act which you can ask to be included in your agreement. These deal with the following matters:

- (a) the sums payable by the occupier in pursuance of the agreement and the times at which they are to be paid;
- (b) the review at yearly intervals of the sums so payable;
- (c) the provision or improvement of services available on the protected site, and the use by the occupier of such services; and
- (d) the preservation of the amenity of the protected site.

5. Right to challenge express terms

- 5.1 If you enter into the agreement and subsequently become dissatisfied with the express terms of the agreement you can challenge them, but you must do so within six months of the date on which you enter into the agreement or the date you received the written statement, whichever is later. If you wish to challenge your agreement, you are advised to consult a solicitor or citizens advice bureau.
- 5.2 You can challenge the express terms by making an application to a residential property tribunal. You can ask for any express terms of the agreement (those set out in Section 3 of this statement) to be changed or deleted.
- 5.3 The site owner can also go to a residential property tribunal to ask for the agreement to be terminated.
- 5.4 The residential property tribunal must make an order on terms it considers just and equitable in the circumstances.
- 5.6 You must act quickly if you want to challenge the terms. If you or the site owner make no application to a tribunal within six months of the date on which you entered into the agreement or the date you received the written statement, whichever is later, both you and the site owner will be bound by the terms of the agreement and will not be able to change them unless both parties agree.

6. Unfair terms

If you consider that any of the express terms of the agreement (as set out in Section 3 of this statement) are unfair, you can, in accordance with the provisions of the Unfair Terms in Consumer Contracts Regulations 1999(a) complain to the Office of Fair Trading or any qualifying body under those Regulations.

7. Disputes

Housing

- 7.1 If you have a disagreement with your site owner about rights or obligations under your agreement, or the 1983 Act more generally, and you are unable to resolve the matter between yourselves you can refer the matter to a Residential Property Tribunal. Sometimes there is a time limit for doing so. More information on applications to the tribunal can be found at www.rpts.gov.uk or from your local Residential Property Tribunal Office.
- 7.2 Your site owner can only terminate your agreement on the grounds specified in the implied terms. You cannot be evicted from the site without an order from the appropriate judicial body. If you are notified of termination proceedings and you wish to take legal advice, you should do so promptly.
- 8. Arbitration**
- 8.1 You can agree in writing with your site owner to refer a particular dispute to arbitration.
- 8.2 If the agreement to go to arbitration was made before the dispute arose the 1983 Act provides that such a term will have no effect. Instead such disputes may only be determined by a Residential Property Tribunal.
- 8.3 We can discuss you with you who would be an appropriate provider of mediation or arbitration services.

SECTION 2

Particulars of the agreement

1. The Mobile Homes Act 1983 will apply to the agreement.

Parties to the agreement

2. The parties to the agreement will be—

.....
.....
(insert name and address of mobile home occupier)

.....
(insert name and address of site owner)

Start date

Housing

3. The agreement will begin on (insert date)

Particulars of the pitch

4. The particulars of the land on which you will be entitled to station your mobile home are

.....
.....
.....

Plan

5. A plan showing—

- (a) the size and location of the pitch;
- (b) the size of the base on which the mobile home is to be stationed; and
- (c) measurements between identifiable fixed points on the site and the pitch and base, is attached to this statement.

Site owner's interest

6. The site owner's estate or interest in the land will end on

.....
(If this statement applies insert date);

Or

The site owner's planning permission for the site will end on

..... (If this statement applies insert date)

This means that your right to stay on the site will not continue after either of these dates unless the site owner's interest or planning permission is extended.

(If only one of these statements apply, cross out the words that do not apply. If neither of these statements apply, delete this paragraph.)

Pitch fee

7. The pitch fee will be payable from
(insert date)

The pitch fee will be payable weekly/monthly/quarterly/annually
(cross out the words which do not apply)

Housing

The pitch fee is

.....

The following services are included in the pitch fee—

.....

.....

(Cross out the services which are not included and add any others which are included in the pitch fee)

Review of pitch fee

8. The pitch fee will be reviewed on
(insert date).

This date is the review date.
(Cross out this paragraph if not applicable)

Additional charges

9. An additional charge will be made for the following matters—

.....

.

(List the matters for which an additional charge will be made)

SECTION 2

Implied terms set out in the agreement

This sets out the implied terms which automatically apply to the agreement.

(Annex to Section 2 – SI 2011 No. 1003)

1. DURATION OF THE AGREEMENT

Subject to paragraph 2 below, the right to station the mobile home on land forming part of the protected site shall subsist until the agreement is determined under paragraph 3, 4, 5 or 6 below.

Housing

2. OWNERS ESTATE OR INTEREST

- 2.1 If the owner's estate or interest is insufficient to enable him to grant the right for an indefinite period, the period for which the right subsists shall not extend beyond the date when the owner's estate or interest determines.
- 2.2 If planning permission for the use of the protected site as a site for mobile homes has been granted in terms such that it will expire at the end of a specified period, the period for which the right subsists shall not extend beyond the date when the planning permission expires.
- 2.3 If before the end of a period determined by this paragraph there is a change in circumstances which allows a longer period, account shall be taken of that change.

3. TERMINATION BY OCCUPIER

The occupier shall be entitled to terminate the agreement by notice in writing given to the owner not less than four weeks before the date on which it is to take effect.

4. TERMINATION BY THE OWNER

- 4.1 The owner shall be entitled to terminate the agreement forthwith, if on the application of the owner, the appropriate judicial body (SI 2011 No. 1005):
- (a) Is satisfied that the occupier has breached a term of the agreement and, after service of a notice to remedy the breach, has not complied with the notice within a reasonable time; and
 - (b) Considers it reasonable for the agreement to be terminated.
 - (c) Is satisfied that the occupier is not occupying the mobile home as his only or main residence; and
 - (d) Considers it reasonable for the agreement to be terminated.
- 4.2 The owner shall be entitled to terminate the agreement forthwith if, on the application of the owner, the appropriate judicial body: is satisfied that, having regard to its condition, the mobile home:
- (a) is having a detrimental effect on the amenity of the site; or

Housing

- (b) the appropriate judicial body considers it reasonable for the agreement to be terminated.
- 4.3. Sub-paragraphs (4.4) and (4.5) below apply if, on an application under sub-paragraph (4.1)(a) above:
- (a) the appropriate judicial body considers that, having regard to the present condition of the mobile home, it is having a detrimental effect on the amenity of the site, but
 - (b) it also considers that it would be reasonably practicable for particular repairs to be carried out on the mobile home that would result in the mobile home not having that detrimental effect, and
 - (c) the occupier indicates to the appropriate judicial body that the occupier intends to carry out those repairs.
- 4.4. In such a case the appropriate judicial body may make an interim order:
- (a) specifying the repairs that must be carried out and the time within which they must be carried out, and
 - (b) adjourning the proceedings on the application for such period specified in the interim order as the appropriate judicial body considers reasonable to enable the repairs to be carried out.
- 4.5. If the appropriate judicial body makes an interim order under sub paragraph (4.4), it must not make a determination under sub paragraph (4.1)(a) unless it is satisfied that the specified period has expired without the repairs having been carried out.

5. RECOVERY OF OVERPAYMENT BY OCCUPIER

Where the agreement is terminated as mentioned in paragraphs 3 or 4 above, the occupier shall be entitled to recover from the owner so much of any payment made by him in pursuance of the agreement as is attributable to a period beginning after the termination.

6. RE-SITTING OF MOBILE HOME

Housing

- 6.1 The owner shall be entitled to require that the occupier's right to station the mobile home is exercisable for any period in relation to another pitch forming part of the protected site ("the other pitch") if (and only if):
- (a) on the application of the owner, the appropriate judicial body is satisfied that the other pitch is broadly comparable to the occupier's original pitch and that it is reasonable for the mobile home to be stationed on the other pitch for that period; or
 - (b) the owner needs to carry out essential repair or emergency works that can only be carried out if the mobile home is moved to the other pitch for that period, and the other pitch is broadly comparable to the occupier's original pitch.
- 6.2 If the owner requires the occupier to station the mobile home on the other pitch so that he can replace, or carry out repairs to, the base on which the mobile home is stationed, he must if the occupier so requires, or the appropriate judicial body on the application of the occupier so orders, secure that the mobile home is returned to the original pitch on the completion of the replacement or repairs.
- 6.3 The owner shall pay all the costs and expenses incurred by the occupier in connection with his mobile home being moved to and from the other pitch.
- 6.4 In this paragraph and in paragraph 8.2 below, "essential repair or emergency works" means:
- (a) Repairs to the base on which the mobile home is stationed;
 - (b) Works or repairs needed to comply with any relevant legal requirements; or
 - (c) works or repairs in connection with restoration following flood, landslide or other natural disaster.

7. QUIET ENJOYMENT OF THE MOBILE HOME

The occupier shall be entitled to quiet enjoyment of the mobile home together with the pitch during the continuance of the agreement, subject to paragraphs 6, 8, 8.2 and 8.3..

8. OWNER'S RIGHT OF ENTRY TO THE PITCH

Housing

- 8.1 The owner may enter the pitch without prior notice between the hours of 9 a.m. and 6 p.m.
- (a) to deliver written communications, including post and notices, to the occupier; and
 - (b) to read any meter for electricity, water, sewerage or other services supplied by the owner.
- 8.2 The owner may enter the pitch to carry out essential repair or emergency works on giving as much notice to the occupier (whether in writing or otherwise) as is reasonably practicable in the circumstances.
- 8.3 Unless the occupier has agreed otherwise, the owner may enter the pitch for a reason other than one specified in paragraph 8.1 or 8.2 only if he has given the occupier at least 14 clear days' written notice of the date, time and reason for his visit.
- 8.4 The rights conferred by paragraphs 8.1 to 8.3 above do not extend to the mobile home.

9. THE PITCH FEE

- 9.1 The pitch fee can only be changed in accordance with paragraph 9.2, either:
- (a) with the agreement of the occupier, or
 - (b) if the appropriate judicial body, on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.
- 9.2
- (1) the pitch fee shall be reviewed annually as at the review date.
 - (2) At least 28 clear days before the review date the owner shall serve on the occupier a written notice setting out his proposals in respect of the new pitch fee.
 - (3) If the occupier agrees to the proposed new pitch fee, it shall be payable as from the review date.
 - (4) If the occupier does not agree to the proposed new pitch fee:
 - (a) the owner may apply to the appropriate judicial body for an order under paragraph 9.1(b) determining the amount of the new pitch fee;

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- (b) the occupier shall continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by the appropriate judicial body under paragraph 9.1(b); and
 - (c) the new pitch fee shall be payable as from the review date but the occupier shall not be treated as being in arrears until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of the appropriate judicial body order determining the amount of the new pitch fee.
- (5) An application under sub-paragraph (4)(a) may be made at any time after the end of the period of 28 days beginning with the review date.
- (6) Sub-paragraphs (7) to (11) apply if the owner:
 - (a) has not served the notice required by sub-paragraph (2) by the time by which it was required to be served, but
 - (b) at any time thereafter serves on the occupier a written notice setting out his proposals in respect of a new pitch fee.
- (7) If (at any time) the occupier agrees to the proposed pitch fee, it shall be payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (6)(b).
- (8) If the occupier has not agreed to the proposed pitch fee:
 - (a) the owner may apply to the appropriate judicial body for an order under paragraph 9.1(b) determining the amount of the new pitch fee;
 - (b) the occupier shall continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by the appropriate judicial body under paragraph 9.1(b); and
 - (c) if the appropriate judicial body makes such an order, the new pitch fee shall be payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (6)(b).
- (9) An application under sub-paragraph (8) may be made at any time after the end of the period of 56 days beginning with the date on which the owner serves the

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notice under sub-paragraph (6)(b) but no later than four months after the date on which the owner serves that notice.

- (10) The appropriate judicial body may permit an application under sub-paragraph 4)(a) or (8)(a) to be made to it outside the time limit specified in sub-paragraph (5) (in the case of an application under sub-paragraph (4)(a)) or in sub-paragraph (9) (in the case of an application under sub-paragraph (8)(a)) if it is satisfied that, in all the circumstances, there are good reasons for the failure to apply within the applicable time limit and for any delay since then in applying for permission to make the application out of time.
- (11) The occupier is not to be treated as being in arrears—
 - (a) where sub-paragraph (7) applies, until the 28th day after the date on which the new pitch fee is agreed; or
 - (b) where sub-paragraph (8)(b) applies, until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of the appropriate judicial body order determining the amount of the new pitch fee.

- 10. (1) When determining the amount of the new pitch fee particular regard shall be had to:
 - (a) any sums expended by the owner since the last review date on improvements;
 - (i) which are for the benefit of the occupiers of mobile homes on the protected site;
 - (ii) which were the subject of consultation in accordance with paragraph 2-(f) and (g) below; and
 - (iii) to which a majority of the occupiers have not disagreed in writing or which, in the case of such disagreement, the appropriate judicial body, on the application of the owner, has ordered should be taken into account when determining the amount of the new pitch fee;
 - (b) any decrease in the amenity of the protected site since the last review date; and

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- (c) the effect of any enactment which has come into force since the last review date.
 - (2) When calculating what constitutes a majority of the occupiers for the purposes of sub-paragraph (1)(a)(iii) each mobile home is to be taken to have only one occupier and, in the event of there being more than one occupier of a mobile home, its occupier is to be taken to be the occupier whose name first appears on the agreement.
 - (3) In a case where the pitch fee has not been previously reviewed, references in this paragraph to the last review date are to be read as references to the date when the agreement commenced.
- 11.** When determining the amount of the new pitch fee no regard may be had to:
- (a) any costs incurred by the owner in connection with expanding the protected site, or
 - (b) any costs incurred by the owner in relation to the conduct of proceedings under this Act or the agreement.
- 12.** (1) There is a presumption that the pitch fee shall increase or decrease by a percentage which is no more than any percentage increase or decrease in the retail prices index since the last review date, unless this would be unreasonable having regard to paragraph 10(1) above.
- (2) Paragraph 10(3) above applies for the purposes of this paragraph as it applies for the purposes of paragraph 10.

13. OCCUPIERS OBLIGATIONS

The occupier shall:

- (a) pay the pitch fee to the owner;
- (b) pay to the owner all sums due under the agreement in respect of gas, electricity, water, sewerage or other services supplied by the owner;
- (c) keep the mobile home in a sound state of repair;

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(d) maintain:

(i) the outside of the mobile home, and

(ii) the pitch, including all fences and outbuildings belonging to, or enjoyed with, it and the mobile home, in a clean and tidy condition; and

(e) if requested by the owner, provide him with documentary evidence of any costs or expenses in respect of which the occupier seeks reimbursement.

14. OWNERS OBLIGATIONS

The owner shall:

- (a) If requested by the occupier, and on payment by the occupier of a charge of not more than £30, provide accurate written details of:
- (i) the size of the pitch and the base on which the mobile home is stationed; and
 - (ii) the location of the pitch and the base within the protected site; and such details must include measurements between identifiable fixed points on the protected site and the pitch and the base.
- (b) if requested by the occupier, provide (free of charge) documentary evidence in support and explanation of:
- (i) Any new pitch fee;
 - (ii) any charges for gas, electricity, water, sewerage or other services payable by the occupier to the owner under the agreement; and
 - (iii) any other charges, costs or expenses payable by the occupier to the owner under the agreement.
- (c) be responsible for repairing the base on which the mobile home is stationed and for maintaining any gas, electricity, water, sewerage or other services supplied by the owner to the pitch or to the mobile home.
- (d) be responsible for repairing other amenities provided by the owner on the pitch any outhouses and facilities provided.

Housing

- (e) maintain in a clean and tidy condition those parts of the protected site, including access ways, site boundary fences and trees, which are not the responsibility of any occupier of a mobile home stationed on the protected site.
 - (f) consult the occupier about improvements to the protected site in general, and in particular about those which the owner wishes to be taken into account when determining the amount of any new pitch fee and;
 - (g) Consult a qualifying residents' association, if there is one, about all matters which relate to the operation and management of, or improvements to, the protected site and may affect the occupiers either directly or indirectly.
- 15.** The owner must not do or cause to be done anything which may adversely affect the ability of the occupier to perform his obligations under paragraph 13(c) and (d).
- 16.** For the purposes of paragraph 14(f), to “consult” the occupier means:
- (a) to give the occupier at least 28 clear days' notice in writing of the proposed improvements which:
 - (i) describes the proposed improvements and how they will benefit the occupier in the long and short term;
 - (ii) Details how the pitch fee may be affected when it is next reviewed; and
 - (iii) States when and where the occupier can make representations about the proposed improvements; and
 - (b) To take into account any representations made by the occupier about the proposed improvements, in accordance with paragraph (a)(iii), before undertaking them.
- 17.** For the purposes of paragraph 14(g), to “consult” a qualifying residents' association means:
- (a) to give the association at least 28 clear days' notice in writing of the matters referred to in paragraph 14(g) which:
 - (i) Describes the matters and how they may affect the occupiers either directly or indirectly in the long and short term; and
 - (ii) States when and where the association can make representations about the matters; and

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- (b) to take into account any representations made by the association, in accordance with paragraph (a)(ii), before proceeding with the matters.

18. OWNERS NAME AND ADDRESS

- 18.1 The owner shall by notice inform the occupier and any qualifying residents' association of the address in England or Wales at which notices (including notices of proceedings) may be served on him by the occupier or a qualifying residents' association.
- 18.2 If the owner fails to comply with sub-paragraph (18.1), then any amount otherwise due from the occupier to the owner in respect of the pitch fee shall be treated for all purposes as not being due from the occupier to the owner at any time before the owner does so comply.
- 18.3 Where in accordance with the agreement the owner gives any written notice to the occupier or (as the case may be) a qualifying residents' association, the notice must contain the the name and address of the owner.
- 18.4 Where:
 - (a) The occupier or a qualifying residents' association receives such a notice, but
 - (b) it does not contain the information required to be contained in it by virtue of sub-paragraph (18.3) above, the notice shall be treated as not having been given until such time as the owner gives the information to the occupier or (as the case may be) the association in respect of the notice.
- 18.5 Nothing in sub-paragraph (18.3) or (18.4) applies to any notice containing a demand to which paragraph 19.1 applies
- 19.1 Where the owner makes any demand for payment by the occupier of the pitch fee, or in respect of services supplied or other charges, the demand must contain the name and address of the owner.
- 19.2 Where:
 - (a) the occupier receives such a demand, but

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- (b) it does not contain the information required to be contained in it by virtue of sub-paragraph (19.1), the amount demanded shall be treated for all purposes as not being due from the occupier to the owner at any time before the owner gives that information to the occupier in respect of the demand.

20. QUALIFYING RESIDENTS ASSOCIATION

20.1 A residents' association is a qualifying residents' association in relation to a protected site if:

- (a) it is an association representing the occupiers of mobile homes on that site;
- (b) at least 50 per cent of the occupiers of the mobile homes on that site are members of the association;
- (c) it is independent from the owner, who together with any agent or employee of his is excluded from membership;
- (d) Subject to paragraph(c) above, membership is open to all occupiers who own a mobile home on that site;
- (e) it maintains a list of members which is open to public inspection together with the rules and constitution of the residents' association;
- (f) it has a chair, secretary and treasurer who are elected by and from among the members;
- (g) with the exception of administrative decisions taken by the chair, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each mobile home;
- (h) the owner has acknowledged in writing to the secretary that the association is a qualifying residents' association, or, in default of this, the appropriate judicial body has so ordered.

20.2 When calculating the percentage of occupiers for the purpose of sub-paragraph (20.1)(b), each mobile home shall be taken to have only one occupier and, in the event of there being more than one occupier of a mobile home, its occupier is to be taken to be the occupier whose name first appears on the agreement.

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21 INTERPRETATION

In this Schedule:

“**pitch**” means the land, forming part of the protected site and including any garden area, on which the occupier is entitled to station the mobile home under the terms of the agreement;

“**pitch fee**” means the amount which the occupier is required by the agreement to pay to the owner for the right to station the mobile home on the pitch and for use of the common areas of the protected site and their maintenance, but does not include amounts due in respect of gas, electricity, water and sewerage or other services, unless the agreement expressly provides that the pitch fee includes such amounts;

“**retail prices index**” means the general index (for all items) published by the Statistics Board or, if that index is not published for a relevant month, any substituted index or index figures published by that board;

“**review date**” means the date specified in the written statement as the date on which the pitch fee will be reviewed in each year, or if no such date is specified, each anniversary of the date the agreement commenced; and

“**written statement**” means the written statement that the owner of the protected site is required to give to the occupier by section 1(2) of The Mobile Homes Act.

SECTION 3

Express terms of the agreement

This section of the written statement sets out other terms of the agreement which may be agreed between you and the site owner in addition to the implied terms.

You will be given a separate ‘Residents Handbook’ that details the Site Rules’ by the Traveller Liaison Team.

1. DEFINITIONS

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- 1.1 The term '**pitch**' means the area of the site allocated to you under this agreement, including any structures or buildings erected on this area by the Council, any fixtures and fittings, any hedges, fences, paved areas, or parking areas.
- 1.2 The term '**the Council**' or '**the Council's**' refers to Brighton & Hove City Council.
- 1.3 A '**mobile home**' is not capable of being towed and has to be carried on another vehicle.
- 1.4 A '**trailer**' is a towed by a vehicle and used for commercial purposes as opposed to a '**caravan**' which is towed by a vehicle and used for residential purposes.
- 1.5 The "**site**" means the area, within its defined boundaries, where the pitch allocated to you is situated.

2. DOMESTIC VIOLENCE

You must not use or threaten to use violence by using physical, mental, emotional or sexual abuse against any other person living with you, anyone you have invited into your home, or anyone living in, or in the locality of the site. If you do and that person or their children have to leave the pitch or the site because of violence, or threats of violence or abuse against them, we would usually take steps to evict you from your pitch or take such other legal action as we deem appropriate.

The Council has adopted a code of practice for dealing with domestic violence. The Council will support any person experiencing domestic violence by giving advice, and in some cases, if the Council feel necessary, providing temporary accommodation. Further advice is available from the Traveller Liaison Team or from the Council's Homelessness section.

3. FIREARM'S AND OTHER DANGEROUS WEAPONS

No unlicensed firearm, air rifle/pistol, crossbow, catapult or other dangerous weapon may be brought onto or kept on the site. The council reserves the right to evict occupants' in breach of this clause with 28 days notice.

4. ALTERATIONS AND DAMAGE

- 4.1 You must not carry out any alteration to any area of the site or to your individual pitch or day room without the permission of the Council. The Council's permission will not be unreasonably withheld. This includes any alteration or removal of any items such as fences, gates or barriers. The Council will require you to pay for any alterations, changes or damage you cause, or which you allow or incite to be caused without the permission of the Council.

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- 4.2 You must not erect any structures on your pitch or anywhere else on the site without the permission of the Council. The Council's permission will not be unreasonably withheld.
- 4.3 Some alterations may need planning permission such as the erection of sheds and fences. It is your responsibility to check if a proposed alteration requires planning permission and to provide evidence to the council that you have obtained planning permission if required. You will not be given permission to make an alteration that requires planning permission without having obtained this in advance.
- 4.3 You will be required to pay for the following in cases where you have been the cause, or where the cause has been people living with you (temporarily or permanently) or people visiting you, including children;
- (a) damage to any entrance way/area to the site, buildings, structures, CCTV, fences, gates, walls, paths, roadways, communal areas, barriers, trees, shrubs, bunds or similar structures.
 - (b) removal of rubbish left on site in unauthorised locations.
 - (c) Removal of vehicles, caravans, trailers or mobile homes parked anywhere on the site without the Council's permission or in unauthorised areas.
 - (d) Any other damage caused by your actions, or actions of your household, or visitors or guests.
- 4.4 You must not extend the boundaries of the plot/pitch onto, or otherwise occupy, any neighbouring pitches, landscaped areas or other neighbouring land.
- 5. YOUR CARAVAN / MOBILE HOME**
- 5.1 When you become occupier of the site, you must register your caravan/mobile home details with the Council prior to taking up your pitch. This is for Health and Safety reasons.
- 5.2 If you change your caravan/mobile home, or require additional caravans/mobile homes (subject to paragraph 6.1 below), you must seek permission of the council giving a notice period of at least 14 days.
- 5.3 You must not park any other caravans/mobile homes on your pitch without the permission of the Council. The council's permission will not be unreasonably withheld.
- 5.4 You must not move your caravan/mobile home or vehicles to any other pitch on the site, (even if one becomes vacant) without prior written permission. If the Council agree to such a request, the Council will terminate this agreement and grant you a new agreement for the new pitch.

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5.5 You must ensure that all electrical, gas, water and heating installations or appliances in your caravan/mobile home are in proper working order; in that they meet all current regulations and do not pose a fire or any other risk to anyone.

5.6 Caravans/mobile homes, trailers, any motor vehicles and their contents are brought onto or removed from the site entirely at the owner's risk.

6. VEHICLES AND PARKING

6.1 All vehicles should only be parked on the hard standing allocated to your pitch and must not be parked on any other part of the site without the Council's written permission. In no circumstances should they be parked on the grass, on your pitch or elsewhere on the site. You must not allow visitors to park on the grass.

6.2 You and anyone living with or visiting you must not park on your pitch, anywhere on the site, in the locality of the site, any motor vehicle, caravan, mobile home, boat or trailer which is used or being repaired for racing

6.3 You must ensure all your vehicles, including caravans, are in proper working condition, and do not cause any damage to the pitch, the site, or the environment.

6.4 You must not park or allow any living with you or visiting to park on any vacant pitches or anywhere that would, in the Council's reasonable opinion, cause inconvenience, or obstruct emergency services, the Police or other drivers

6.5 You, those who live with you and your visitors must not block local roadways, bridleways and other vehicle access, and must keep them and car parking spaces clear of un-roadworthy vehicles and other obstructions

6.6 You must not park any untaxed vehicle on your pitch or elsewhere on the site unless it has been registered with the DVLA as SORN

6.7 The Council reserves the right to remove any motor vehicle, caravan, mobile home, boat, trailer that is parked without the Council's permission on any part of the site or on any other part of the Council's land. You will be charged for any storage or removal costs.

6.8 You must not drive any motor vehicle, including quad bikes, motorcycle, mini motos or trailers over grass verges, paved areas, landscaped areas or any other area, which is not a designated public highway.

6.9 If your vehicle leaks or has had leaked any oil or fuel on the site surface, this must be reported and cleaned up by you appropriately to the council's satisfaction.

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7. VEHICLE AND CARAVAN REPAIRS AND MAINTENANCE

- 7.1 You and anyone living with you or visiting you (including children) must not:
- (a) carry out vehicle repairs, carry out welding to or paint spraying of any motor vehicle or trailer anywhere on your plot/pitch or on the site, or in the locality of the site, or on any road, path, bridleway.
 - (b) wash or clean a vehicle or trailer on the site. Vehicles and trailers should be taken to a designated carwash facility for this purpose.
 - (c) carry out any business on site involving amongst other things, the sale or repair of motor vehicles or trailers.

8. OPERATION OF BUSINESSES

- 8.1 You must not operate a business from the site or from your pitch.
- 8.2 Commercial vehicles are permitted on site as long as they are parked appropriately in accordance with section 6 above.
- 8.3 Business equipment, machinery and must be kept in your vehicles, trailers or day rooms and must not be stored anywhere else on your pitch, on the grass or anywhere else on site.
- 8.4 Non-hazardous scrap cannot be stored in your day room and must not be left anywhere on the open on your pitch or elsewhere on the site.
- 8.5 Non-hazardous commercial waste can be brought onto site until the next working day in a commercial vehicle but must be secure and must not be unloaded on your pitch or elsewhere on the site.
- 8.6 Commercial hazardous waste such as asbestos, corrosive and inflammable items must not be brought on to site in any circumstances. Hazardous chemicals such as petrol, diesel, pesticides, weed-killers, bleaches, corrosive chemicals must not be brought on to site or stored on site in any circumstances.
- 8.7 Commercial waste and hazardous waste including scrap metal, electronic and white goods and garden waste, should not be disposed of in the domestic or communal bins.

9. KEEPING ANIMALS

- 9.1 You or people residing with you must not keep a dog, cat, bird or other animal in your home without the Council's written permission. Your pet(s) must not annoy or frighten

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other people, nor must you allow your pet to foul shared areas. If nuisance occurs, we will withdraw our permission.

- 9.2 It is a breach of your occupation agreement if you are convicted of causing cruelty and suffering towards an animal.
- 9.3 You must not keep any animal, bird, reptile, or insect on your pitch or the site if action has previously been taken against you under the Environmental Protection Act 1990 or any other legislation relating to the welfare of animals;
- 9.4 You must clear up and dispose of any animal waste (including urine and faeces) immediately to the Council's reasonable satisfaction and this must not cause damage, a risk to the environment, nuisance or inconvenience to any other person or damage to any property.
- 9.5 You must permanently remove from your home, or the site, any animal, bird, reptile or insect that annoys, frightens or causes harm to other people, or causes damage to property;
- 9.6 All dogs must be microchipped and you will be asked to provide written proof of this.
- 9.7 All dogs must be kept on a lead other than when secured within your own pitch.
- 9.8 Dogs must be neutered if the council believe that you are persistently allowing the dog to stray, or if it is recommended by a veterinary surgeon, an animal behaviourist, or a qualified dog trainer.
- 9.9 You must not allow your dog to stray from you pitch; to access the farmland in the vicinity of the site and/or to chase or worry grazing animals.
- 9.10 You must not keep horses or other animals on your pitch, elsewhere on the site or in the surrounding area without the landowner's agreement.
- 9.11 You must not hunt wild animals, such as rabbits, on the site or in the near vicinity. The council will deal with pest control concerns.

10. DISPOSAL OF WASTE

- 10.1 The council is responsible for your domestic waste collection in line with our domestic waste collection procedures. The details of your collection will be explained in full by the Traveller Liaison Team.
- 10.2 You must place domestic waste in the bins or receptacle provided by the council. Please recycle as much waste as possible.

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- 10.3 You must not place any waste or rubbish, allow, cause or incite it to be placed in any other part of the site, or any part of the locality around the site;
- 10.4 If you have rubbish other than domestic waste (e.g. rubbish or waste from trading activities) you must not bring this on to the site, store this on your pitch or any part of the site.
- 10.5 You must not burn caravans, mobile homes, vehicles, parts of vehicles, tyres, cables or any other materials on the site.
- 10.6 You must not under any circumstances start a fire on any pitch or any part of the site. You must not allow or cause or incite anyone else to do so. Fires will only be allowed at an appropriate location and within terms agreed by the Council and with the permission of the Council.
- 10.7 You are allowed barbeques in a receptacle designed for this purpose or fires in a portable fire bucket, and in an appropriate and safe location.

11. CARE OF YOUR PITCH AND THE SITE

- 11.1 The site is in a special water protection zone and as such we have joint responsibility to avoid the risk of any pollution. You must ensure that your pitch and the site are kept clean and tidy. You must treat the local environment with care
- 11.2 You must not damage, remove or obstruct the entrance or entrance barriers to the site. You must not allow, cause or incite anyone else to do so.
- 11.3 All static mobile homes, caravans and utility buildings on your plot must be kept clean.
- 11.4 You must not damage, remove, alter or otherwise interfere with any structures, buildings, facilities, equipment, skips or waste collection/disposal facilities, hard standings or any other items placed on your pitch, the site, or in the locality of the site, by the Council, the Council's agents or the Police.
- 11.5 You must take all reasonable precautions needed to prevent fire, flood, theft, loss or damage to the Council's property or to any property belonging to the Council's agents or the Police.
- 11.6 You must not overcrowd your pitch, as this may become a fire hazard.
- 11.7 You must not store any hazardous chemicals on site. This includes petrol, diesel, pesticides, weed-killers, discarded televisions, electronic goods and white goods, corrosive chemicals and bleach. If you are unsure if it is safe to keep a chemical on site you should check with the Traveller Liaison Team prior to bringing it on to site. You will need written permission to store potentially flammable or potentially explosive

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substances in your home, for example, gas cannisters and oxygen cylinders. You must also not do or keep anything which might affect the insurance of the property

- 11.8 You must not use bleach on site to clean your pitch or caravan. The council will provide a list of environmentally sensitive products or you can purchase them from the site officer.
- 11.9 You must co-operate with us and your neighbours to keep any shared areas clean and tidy. All shared areas and emergency exits must be kept clear of items. If we need to clear any items belonging to you from shared areas, you may be required to pay our costs.
- 11.10 You or they must not do anything to encourage pests, vermin or animals that may cause a nuisance or damage at your home or in the neighbourhood. Examples of this include but are not limited to feeding wild pigeons and seagulls and not disposing of waste properly
- 11.11 You must keep your garden area tidy. You must not dump waste in the garden, including household items or vehicle parts. You must not allow any garden plants, trees or shrubs to grow onto or over neighbouring land. If you fail to keep these areas tidy we may do the work and you will have to pay our costs. In the first year of the site opening you must water the new turf on your pitch regularly.
- 11.12 You, those living with you (including children) and visitors must not defecate, urinate or dispose of waste water anywhere on site other than in the facilities provided.
- 11.13 Chemical Toilet contents cannot be disposed of on site. If you need advice about where to do so please speak to the Traveller Liaison Team.

12. UTILITIES AND SITE INFRASTRUCTURE

- 12.1 You must not change or tamper with any electrical equipment, CCTV equipment, the fire hydrant, fire safety equipment, drainage infrastructure, water supply infrastructure or other site infrastructure in any way
- 12.2 You must use the correct connectors for your caravans to connect to the electric/water and waste supply.
- 12.3 You must not overload electric points with additional adapters, cables and transformers.
- 12.4 Washing Machines and other domestic appliances must be properly plumbed in and located inside the utility building/day room.
- 12.4 You are not permitted to use generators or compressors on site. Generators and compressors must be stored and have no direct contact with the grassed or paved

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areas to avoid the risk of spillages which could contaminate the environment or cause damage to the site.

- 12.5 You must make all reasonable efforts to conserve water and electricity. For example it is not acceptable to leave hoses running unattended.
- 12.6 You must not abstract water or electricity from the communal facilities, from the transit site pitches or from anywhere other than your own pitch.
- 12.7 You must take care not to block the drains or toilets on the site – for example by attempting to flush away nappies, baby wipes or other sanitary items. You must not flush rubbish down the toilet.
- 12.8 In some cases we are legally obliged to provide your details to the utility provider.

13. BEING A GOOD NEIGHBOUR

- 13.1 You are responsible for the behaviour of all members of your household, including your children and visitors ('they'). This applies in your home, on your pitch and in the shared parts of the site and the local area. You and anyone living in your home or visiting you must not do or incite any behaviour that negatively impacts on, or is detrimental to, the community. This includes behaviours on your pitch, any part of the site, or the locality near to the site, or pitches let to others, in communal areas on the site or on or around any other property on the site belonging to the Council.
- 13.2 You or they must not do or threaten to do anything which causes, or is likely to cause, a nuisance or annoy someone else. Examples of anti-social activities, which cause nuisance and annoyance include, but are not limited to:
 - loud music from televisions, radios, music systems and musical instruments
 - noisy parties
 - too much noise from DIY activities
 - shouting and swearing
 - banging and slamming doors
 - dogs barking and fouling
 - dumping rubbish
 - vandalism and graffiti
 - interfering with livestock
 - interfering with water or drainage systems
 - grazing of animals
 - animals roaming the site untethered
 - driving on the grass

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- 13.3 You or they must not harass or threaten any other person because of race, colour, gender, nationality, religion, age, mental illness, disability, sexuality or for any other reason. Examples of harassment include, but are not limited to:
- violence, threats of violence or violent gestures
 - using abusive or insulting words or behaviour
 - writing threatening, abusive or insulting graffiti
 - damage or threats to damage property
 - intimidating anyone in any way
- 13.4 You or they must not use or threaten to use violence, abuse or use threatening behaviour to anyone in the area of your home or the area of our offices, including other residents, our employees, agents working on our behalf or other people visiting or carrying out lawful activities in the area of your home or our offices.
- 13.4.1 You or they must not use the site, your home, pitch or shared area for any criminal or illegal activity such as paedophilia or drug dealing.
- 13.5 You must not do the following or allow another person to do the following in or around your home or pitch:
- use without prescription, grow or produce any drugs or substances covered by the Misuse of Drugs Act 1971 (or any other relevant act or regulations)
 - supply or offer to supply any of these drugs to another person
 - possess any of these drugs with the intention of supplying them to another person
- 13.7 We will investigate any complaints of nuisance or harassment and will take appropriate action. We may take legal action to evict you if you or they cause a nuisance or harass or threaten any person because of race, colour, gender, nationality, religion, age, mental illness, disability, sexuality or for any other reason, or if you or they commit a crime or are convicted of an indictable offence on your pitch, at the site or in the neighbourhood. We may also take legal action to get an injunction against you or any person you allow to act anti-socially and to recover the costs of this action from you. We may make a referral for a court order. We are unlikely to offer you another pitch in the future if you have been evicted because of anti-social behaviour.

14. ABSENCE FROM THE SITE

- 14.1 The council recognises that from time to time you will wish to carry out cultural travelling either to look for work or to live the traditional way of life. If you wish to do this the following clauses apply:
- (a) The maximum amount of time in any one period that you are permitted to be away from the site is a total of 3 months.

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- (b) The maximum amount of time that you are permitted to be away from the site in anyone calendar year is 6 months.
- (c) You will continue to be responsible for paying the pitch fee and service charges. If you are in receipt of Benefits, you must inform the relevant agencies and check if you continue to be eligible to claim them.
- (d) You must inform the Traveller Liaison Team that you are about to leave your plot giving an estimated time away and a contact telephone number;
- (e) You are to make telephone contact with the Traveller Liaison Team after the first 4 week period. This communication is to continue every 4 weeks up to the maximum permitted time away;
- (f) If you do not make contact with the council it will be taken you are not returning to the site, and we will start proceedings to recover the pitch.
- (g) You must not allow any other person to reside or occupy the pitch for any period you are absent without obtaining express written permission of the council.

15. VISITORS

- 15.1 You are permitted to have visitors, but if the number of visitors leads to overcrowding they will be required to leave.
- 15.2 If the view of the council is that your visitors have stayed beyond what could be reasonably viewed as a visit, we may require that person(s) to leave.
- 15.3 You are not permitted to have visitors who have been barred from any Brighton & Hove council site, or whom are subject to an injunction.
- 15.4 Visitors are not permitted to bring trailers, caravans or live-in vehicles onto site without written permission from the Traveller Liaison Team obtained in advance.

16. DEALING WITH COUNCIL EMPLOYEES AND AGENTS

- 16.1 You must ensure that you, members of your family, lodgers, and anyone living with or visiting you (including children), co-operate with Council employees, and their agents. You must treat staff of Brighton and Hove City Council and their agents with respect, and any threats or abuse towards them could lead to termination of the agreement, and could result in the application to the court for an injunction. You will be pursued for the costs of any legal action taken against you.

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16.2 You must never subject the staff of Brighton and Hove City Council, or cause them to be subjected to, intimidation, obstruction, any physical or verbal abuse, threats or harassment in any location including the employee's home, at any time whether during their work or otherwise:

- (a) Physical abuse includes any actual or threatened assault, attack violent act or aggression.
- (b) Verbal abuse includes any act that is unreasonable and/or unlawful or which is intended or likely to alarm, distress or intimidate.
- (c) Harassment. This is defined as any behaviour that causes alarm, distress or upset to the victim.

16.3 You and anyone living with you or visiting you must not do anything which in the opinion of the Council interferes with, prevents, obstructs or makes more difficult the work of the Council, its agents, its employees. You must allow the Council, its agents and employees, immediate access when required urgently and, at all other times following a period of reasonable notice

17. SITE SECURITY

17.1 You must not give out your keys to anyone other than those residing with you or carers visiting you

17.2 You must not incite or enable others to trespass on to the permanent or transit site.

17.3 You must adhere to any reasonable instructions referring to safety and security by any council employee or agent.

17.4 You must interfere or allow others to interfere with the CCTV equipment, security gates, fire hydrant or any other fire safety equipment.

18. LEAVING THE SITE

18.1 When your site agreement is terminated, you must leave your pitch clean and tidy. You must hand any keys in your charge back to the Council. You must not leave any vehicles or other items or belongings anywhere on the site, on other people's pitches or on your own pitch. You will be charged if failure to do so results in the locks having to be changed.

18.2 The Council will require you to pay for the cost of repairing any damage or removing any items or rubbish/waste from the site.

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19. DEATH OF AN OCCUPATION AGREEMENT HOLDER

- 19.1 In the event of your death, the occupation agreement can be passed on to your spouse or civil partner or a joint tenant or a co-habitee (a person living with you as if they were your spouse or civil partner) if certain conditions are met. This is called 'succession' The conditions for succession are:
- any spouse, civil partner or co-habitee can succeed to the occupation agreement as long as they are living on the pitch as their only or principle home at the time of your death
 - if you have a joint occupation agreement, the occupation agreement will pass to the joint holder and this will count as a succession.
- 19.2 If someone has already succeeded to this occupation agreement, there can not normally be further succession. If there has already been a succession please contact the Traveller Liaison Team. A further succession may be considered in exceptional circumstances. The Permanent Traveller Site Discretionary Succession Policy outlines the circumstance in which a discretionary succession may be granted.
- 19.3 In the event that there is no-one qualified to succeed at the time of your death, the Occupation Agreement becomes part of the your estate. If you have left a will, the Occupation Agreement can be brought to an end by a personal representative of your estate. The personal representative must give at least four weeks' notice in writing ending on a Monday. Your estate is also responsible for other conditions of this agreement..
- 19.4 In the event that there is no will, known as 'intestate', legal responsibility for your Occupation Agreement passes to the Public Trustee. We will end the Occupation Agreement by serving a notice on the Public Trustee. A copy of this notice will be given to any next of kin that you may have.

20. SUCCESSORS IN TITLE

- 20.1 The agreements to which the Mobile Homes Act(s) applies shall be binding on and ensure for the benefit of any successor in title of the owner and any person claiming through or under the owner or any such successor;
- 20.2 Where an agreement to which this Act applies is lawfully assigned to any person, the agreement shall ensure for the benefit of and be binding on that person.
- 20.3 A copy of such assignment or court order needs to be provided to the council.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

The Mobile Homes Act 1983 (“the 1983 Act”) applies to all agreements under which persons are entitled to station a mobile home on a protected site and occupy it as their only or main residence. The 1983 Act provides that before such an agreement is entered into the site owner must give to the proposed occupier of the mobile home a written statement which must include the matters specified in section 1(2)(a) to (d) of the 1983 Act and such other matters which are specified by regulations.

These Regulations specify that the written statement must contain certain information, in addition to that required by section 1(2) (a) to (d) to the 1983 Act, and must be in the form set out in the Schedule.

Part 1 of the Schedule contains information about the occupier’s rights under the agreement.

Part 2 of the Schedule sets out the main provisions of the agreement, name and address, particulars of the land, pitch fee, its review and additional charges.

Part 3 of the Schedule contains any other express terms of the agreement.

These Regulations revoke the Mobile Homes (Written Statement) (England) Regulations 2006.

An impact assessment has not been prepared for this instrument as it has no significant impact on the private or voluntary sectors.

(1) 1983 c. 34. Section 1 of the 1983 Act was substituted by section 206(1) of the Housing Act 2004 (c. 34). The power to make regulations under section 1(2) is, in relation to England, conferred on the Secretary of State and, in relation to Wales, conferred on the Welsh Ministers; see the definition of “appropriate national authority” in section 5(1) of the 1983 Act, as amended by section 261 of the Housing Act 2004. The 1983 Act extends to England and Wales and Scotland and has been substantially amended, in relation to England and Wales by sections 206 to 208 of the Housing Act 2004, the Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (England) Order 2011 (S.I. 2011/1005), the Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) Order 2011 (S.I. 2011/1004), and, in relation to England, by the Mobile Homes Act 1983 (Amendment of Schedule 1) (England) Order 2006 (S.I. No 2006/1755) and the Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011 (S.I. 2011/1003).

(2) For the definitions of “mobile home” and “protected site”, see section 5(1) of the 1983 Act.

(3) S.I. 2006/2275.

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I have read/I have had explained to me the conditions for the Gypsy and Traveller Caravan Site and my pitch and I understand them and agree to abide by them. I also understand that if I give any false information to the Council or do not give the Council the names of any persons who are to occupy my pitch, the Council may take action to terminate this agreement.

I,, agree to the terms and conditions set out in this agreement.

Signed:

Dated:

In the presence of:

Occupation/Job Title:

Address: Brighton & Hove Traveller Liaison Team
1st Floor, Bartholomew House
Bartholomew Square
Brighton
East Sussex BN1 1JP

Data Protection Act 1998

The information we hold about you will be used for housing management purposes. We may also use it for other council purposes, where the law permits us. The council is registered under the Data Protection Act 1998 for these purposes.

This authority is under a duty to protect the public funds it administers. We may check information provided by you or a third party with other information we hold. This enables us to check the accuracy of information to prevent or detect crime, and to protect public funds in other ways as permitted by law. We may also share this information with other bodies administering public funds for these purposes. We will not disclose information about you to anyone, unless the law permits us to.

The council is the data controller for the purposes of the Data Protection Act 1998. If you want to know more about the information we have about you, or the way we use your information, please write to the council's Data Protection Officer, Hove Town Hall, Norton Road, Hove, BN3 4AH.

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Permanent Traveller Site Discretionary Succession Policy

The Right of Succession

- 1.1 In the event of your death, the Occupancy Agreement may pass on to your spouse or civil partner or a joint occupancy agreement holder or a co-habitee (a person living with you as if they were your spouse or civil partner) if certain conditions are met. This is called 'succession' and the conditions are:
- any spouse, civil partner or co-habitee can succeed to the occupancy agreement as long as they are living on the pitch as their only or principle home at the time of your death
 - if you have a joint occupancy agreement holder, the occupancy agreement will pass to them and this will count as a succession
- 1.2 If you have already succeeded to this occupancy agreement, there can not normally be further succession. If there has already been a succession please contact the Traveller Liaison Team. A further discretionary succession may be considered in exceptional circumstances.

Discretionary Succession

- 2.1 In certain circumstances if the occupancy agreement holder dies and there has already been one statutory succession of the occupancy agreement, the council may offer a discretionary succession.
- 2.2 Brighton & Hove City Council will grant discretionary succession to family members¹ who are considered to be likely to be in 'priority need' should they become homeless; who had been resident with the deceased occupancy agreement holder for at least 12 months prior to the death. There will not be an automatic right to a discretionary succession for family members as each application will be individually assessed to determine whether they meet the criteria outlined below.
- 2.3 Where a family member of the deceased occupancy agreement holder applies for discretionary succession, the council will consider whether the criteria have been met.

¹ Family members are defined by Section 113 Housing Act 1985 as spouses, parents, grandparents, siblings, uncles, aunts, nephews and nieces; including step-relations, half-relations and illegitimate children and persons living together as husband and wife.

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We will also look at other factors such as the behaviour of the person looking to succeed. Where for instance we have had to take action due to their poor behaviour this will go against granting a succession.

- 2.4 Where there is more than one applicant the persons must agree among themselves who is to take over the occupancy agreement. If they cannot agree, we are entitled to choose the successor. If there is a spouse/civil partner, the spouse/civil partner must become the successor, they cannot opt out of this status and, for example, request that the occupancy agreement passes to another family member – it must remain with them.
- 2.5 Where the discretionary succession application is declined, officers will be sensitive, provide support and allow reasonable time to find an alternative pitch or alternative accommodation. This includes sign posting to other agencies. In these cases remaining occupants would normally be provided with a period of 6 months to find alternative accommodation. This information and the reason for them not being able to succeed will be provided in writing. Information will also be provided about how to request a review of the decision.
- 2.7 Those who are declined a succession will be able to request a review of that decision via the Council's complaints procedure and would ultimately be able to request that it is scrutinised by the Ombudsman or through the Courts.

Discretionary Succession Policy - Criteria

In addition to the criteria set out in this appendix the applicant must meet the Priority Need test, in order to qualify for discretionary succession to an occupancy agreement.

Each application will be individually assessed by a Traveller Liaison Officer and a final decision will be made by the Traveller's Service Team Manager.

The council will consider:

- i) Evidence of residence with the deceased occupancy agreement holder as their only home, for a continuous period of 12 months before their death. Electoral registration and registration for benefits or as a tax payer from the address will be required, as will evidence that they were the family member of the deceased.
- ii) Evidence of relationship to the deceased occupancy agreement holder as outlined.

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- iii) Immigration status
- iv) Mental capacity
- v) Anti-social behaviour or conviction of any indictable offences committed at the site or in the neighbourhood.
- vi) Debt to the council including where applicable, evidence of consistent payment of use and occupation charges
- vii) An interest in an occupation agreement for a pitch or tenancy elsewhere
- viii) Potential interest in property owned or rented by their spouse/civil partner
- ix) Income exceeding the 'working household income limits' as per the council's Allocations Policy
- x) Evidence of sufficient income to secure a pitch privately.
- xi) And any other information significant to the individual case.

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Brighton & Hove City Council Transit Pitch Licence Agreement

WRITTEN STATEMENT UNDER THE MOBILE HOMES ACT 1983 REQUIRED TO BE GIVEN TO A PROPOSED OCCUPIER OF A PITCH

IMPORTANT — PLEASE READ THIS STATEMENT CAREFULLY AND KEEP IT IN A SAFE PLACE. IT SETS OUT THE TERMS ON WHICH YOU WILL BE ALLOWED TO RESIDE ON THE TRANSIT SITE. THIS IS NOT A PROTECTED SITE UNDER PROVISIONS OR AMENDMENTS UNDER THE MOBILE HOMES ACT 1983. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND YOU SHOULD GET ADVICE (FOR EXAMPLE FROM A SOLICITOR OR A CITIZENS ADVICE BUREAU).

SECTION 1

Information about your rights

1. The Mobile Homes Act 1983

You will be entering into an agreement with a site owner which will entitle you to keep your mobile home on the site owner's land and live in it as your home.

2. Implied terms

Part 1 of Schedule 1 to the 1983 Act contains a set of implied terms (Chapter 2 applies in relation to all pitches except those on local authority and county council Gypsy and Traveller sites. Part 3 of Schedule 1 to the 1983 Act, if applicable, sets out provisions which supplement the implied terms. The terms that will apply to you are contained in the annex to Section 2 of this agreement.

3. Express terms

The express terms that are set out in Section 3 of this statement will apply to you. If you are not happy with any of these express terms you should discuss them with the site owner, who may in certain circumstances agree to change them.

4. Unfair terms

If you consider that any of the express terms of the agreement (as set out in Section 3 of this statement) are unfair, you can, in accordance with the provisions of the Unfair Terms in Consumer Contracts Regulations 1999(a) complain to the Office of Fair Trading or any qualifying body under those Regulations.

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5. Disputes

5.1 If you have a disagreement with your site owner about rights or obligations under your agreement, or the 1983 Act more generally, and you are unable to resolve the matter between yourselves you can refer the matter to a Residential Property Tribunal. Sometimes there is a time limit for doing so. More information on applications to the tribunal can be found at www.rpts.gov.uk or from your local Residential Property Tribunal Office. We would recommend that you seek independent legal advice.

6. Arbitration

- 6.1 You can agree in writing with your site owner to refer a particular dispute to arbitration.
- 6.2 If the agreement to go to arbitration was made before the dispute arose the 1983 Act provides that such a term will have no effect. Instead such disputes may only be determined by a Residential Property Tribunal.
- 6.3 We can discuss you with you who would be an appropriate provider of mediation or arbitration services.

SECTION 2

Particulars of the agreement

1. The Mobile Homes Act 1983 will apply to the agreement.

Parties to the agreement

2. The parties to the agreement will be—

.....
.....
(insert name and address of mobile home occupier)

.....
(insert name and address of site owner)

Start date

3. The agreement will begin on *(insert date)*

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Particulars of the pitch

4. The particulars of the land on which you will be entitled to station your mobile home are

.....
.....
.....

Plan

5. A plan showing—

- (a) the size and location of the pitch;
- (b) the size of the base on which the mobile home is to be stationed; and
- (c) measurements between identifiable fixed points on the site and the pitch and base, is attached to this statement.

6. The Pitch Deposit will be £100

This must be paid in advance and will be returned to you after departure in full providing the conditions in Section 3 paragraph 18 are met

7. Pitch fee

The pitch fee will be payable from
(insert date)

The pitch fee will be payable weekly/monthly/quarterly/annually
(cross out the words which do not apply)

The pitch fee is
.....

fee

Additional charges

8. An additional charge will be made for the following matters—

.....
.

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SECTION 2

Implied terms set out in the agreement

This sets out the implied terms which automatically apply to the agreement.

(Annex to Section 2 – SI 2011 No. 1003)

1. DURATION OF THE AGREEMENT

Subject to paragraph 2 below, the right to station the mobile home on land forming part of the protected site shall subsist until the Fixed period set out in the agreement (see paragraph 3.1, of Part 3) expires or termination under paragraph 3 or 4 whichever is sooner.

2. OWNERS ESTATE OR INTEREST

- 2.1 If the owner's estate or interest is insufficient to enable him to grant the right for the fixed period set out in the agreement, the period for which the right subsists shall not extend beyond the date when the owner's estate or interest determines.
- 2.2 If planning permission for the use of the site as a site for mobile homes has been granted in terms such terms that it will expire at the end of a specified period, the period for which the right subsists shall not extend beyond the date when the planning permission expires.
- 2.3 If planning permission for the use of the site for mobile homes has been granted in terms such that it requires the Owner to limit the duration of stay for mobile homes on the site, the period for which the right subsists does not extend beyond that duration.

3. TERMINATION BY OCCUPIER

The occupier shall be entitled to terminate the agreement before the expiry of the Fixed Period set out in the agreement by giving written notice to the Owner.

4. EARLY TERMINATION BY THE OWNER

- 4.1 The owner shall be entitled to terminate the agreement before the expiry of the Fixed Period set out in the agreement

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- (a) Without being required to show any reason, by giving written notice not less than four weeks before the date on which that notice is to take effect or
- (b) forthwith where;
 - (i) the occupier has breached a term of the agreement and, after the service of a notice to remedy the breach has not complied with the notice within a reasonable time, and
 - (ii) the owner considers it reasonable for the agreement to be terminated.

5. RECOVERY OF OVERPAYMENT BY OCCUPIER

Where the agreement is terminated as mentioned in paragraphs 3 or 4 above, the occupier shall be entitled to recover from the owner so much of any payment made by him in pursuance of the agreement as is attributable to a period beginning after the termination.

6. QUIET ENJOYMENT OF THE MOBILE HOME

The occupier shall be entitled to quiet enjoyment of the mobile home together with the pitch during the continuance of the agreement, subject to paragraphs 7, 8 and 9.

7. OWNER'S RIGHT OF ENTRY TO THE PITCH

- 7.1 The owner may enter the pitch without prior notice between the hours of 9 a.m. and 6 p.m.
 - (a) to deliver written communications, including post and notices, to the occupier; and
 - (b) to read any meter for electricity, water, sewerage or other services supplied by the owner.
- 7.2 The owner may enter the pitch to carry out essential repair or emergency works on giving as much notice to the occupier (whether in writing or otherwise) as is reasonably

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practicable in the circumstances. In this paragraph 'essential repair or emergency works' means:

- (a) repairs to the base on which the mobile home is stationed;
- (b) repairs to any outhouses and facilities provided by the Owner on the Pitch and to any gas, electricity, water, sewerage or other services or other amenities provided by the Owner in such outhouses;
- (c) works or repairs needed to comply with any relevant legal requirements; or
- (d) works or repairs in connection with restoration following flood, landslide or other natural disaster

8 Unless the occupier has agreed otherwise, the owner may enter the pitch for a reason other than one specified in paragraph 7 only if he has given the occupier at least 14 clear days' written notice of the date, time and reason for his visit.

8.1 The rights conferred by paragraphs 7 to 8 above do not extend to the mobile home.

9. OWNERS NAME AND ADDRESS

9.1 The owner shall by notice inform the occupier of the address in England or Wales at which notices (including notices of proceedings) may be served on him by the occupier .

9.2 If the owner fails to comply with sub-paragraph (9.1), then any amount otherwise due from the occupier to the owner in respect of the pitch fee shall be treated for all purposes as not being due from the occupier to the owner at any time before the owner does so comply.

9.3 Where in accordance with the agreement the owner gives any written notice to the occupier or the notice must contain the name and address of the owner.

9.4 Where:

- (a) The occupier receives such a notice, but
- (b) it does not contain the information required to be contained in it by virtue of sub-paragraph (9.3) above, the notice shall be treated as not having been given until such time as the owner gives the information to the occupier or (as the case may be) the association in respect of the notice.

9.5 Nothing in sub-paragraph (9.3) or (9.4) applies to any notice containing a demand to which paragraph 10.1 applies

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- 10.1 Where the owner makes any demand for payment by the occupier of the pitch fee, or in respect of services supplied or other charges, the demand must contain the name and address of the owner.
- 10.2 Where:
- (a) the occupier receives such a demand, but
 - (b) it does not contain the information required to be contained in it by virtue of subparagraph (9.1), the amount demanded shall be treated for all purposes as not being due from the occupier to the owner at any time before the owner gives that information to the occupier in respect of the demand.

11 INTERPRETATION/DEFINITIONS

“**pitch**” means the area of the site licensed to you under this agreement land, forming part of the site, on which the occupier is entitled to station their trailer under the terms of the agreement;

“**pitch fee**” means the amount which the occupier is required by the agreement to pay to the owner for the right to station their trailer on the pitch and for use of the common areas of the protected site and their maintenance, but does not include amounts due in respect of gas, electricity, water and sewerage or other services, unless the agreement expressly provides that the pitch fee includes such amounts.

The “**site**” means the area, within its defined boundaries, where the plot/pitch licensed to you is situated

the Council’ or **‘the Council’s**’ refers to Brighton & Hove City Council

A **‘trailer**’ is a towed by a vehicle and used for commercial purposes as opposed to a **‘caravan**’ which is towed by a vehicle and used for residential purposes.

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SECTION 3

Express terms of the agreement

This section of the written statement sets out other terms of the agreement which may be agreed between you and the site owner in addition to the implied terms.

You will be given a separate 'Residents Handbook' that details the Site Rules' by the Traveller Liaison Team.

1. TEMPORARY LICENCE TO OCCUPY

- 1.1 This is not a protected site under any provisions or amendments under the Mobile Homes Act 1983
- 1.2 The Owner grants the Occupier a licence to occupy the Pitch for the duration of the Fixed Period, subject to:
 - (i) pre-payment by the Occupier of the deposit, pitch fee and of additional charges specified in paragraphs 6, 7 and 8 respectively of Part 2; and
 - (ii) compliance by the Occupier of all other terms and conditions applicable to them under this agreement
- 1.3 The Owner Reserves the right to move the Occupier at any time to a different pitch from the one first allocated, in the interests of good site management.
- 1.4 Subject to paragraphs 3 and 4 of the Annex to part 2, this agreement shall remain in force for a period of 7 days commencing on and ending at 12 noon on(the "Fixed Period").
- 1.5 Subject to paragraph 1.6 the Owner may renew this agreement, each period to last a further 7 days, allowing the Occupier a maximum term of occupation of 12 weeks EXCEPT that no such renewal will be offered where:
 - (i) The occupier or members of his/her family are in breach of any term and condition of this agreement; or
 - (ii) The owner is rent arrears in relation to the site
- 1.6 Irrespective of whether the Owner grants a renewal of this agreement at the expiry of the Fixed Period, the terms and conditions set out in this agreement will continue to apply for the duration of the Occupiers occupation.

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- 1.7 Subject to the occupiers compliance with all other terms and conditions of the agreement the Owner will not seek to restrict the Occupiers occupation of the pitch to 12 weeks if, by imposing such a restriction, the occupier or his/her immediate family would be in breach of a section 62a direction given by the police under the Criminal Justice and Public Order Act 1994.
- 1.8 The owner reserves the right to vary the pitch fee, after giving 4 weeks notice.
- 1.9 This agreement authorises only the occupier and members of his/her immediate family to occupy the pitch. For the purposes of this agreement' immediate family' shall mean the occupier's spouse or partner and children, if any.
- 1.10 The occupier shall not without permission in writing from the owner, permit, allow or suffer any other person to stay on the pitch or any other part of the site.
- 1.11 This agreement is personal to the occupier and is not capable of being assigned or capable of being made the subject of any sub-licence.
- 1.12 The occupier shall be responsible for ensuring that the occupier and his/her immediate family and any lawful visitors abide by the site rules which are incorporated into this agreement and are binding on all persons present on the site. The owner may vary the site rules from time to time, on reasonable notice.
- 1.13 In addition to the terms and conditions contained in the agreement, the occupier shall obey and comply with any instructions or directions of an officer or agent of the council, including rules introduced from time to time for the management and regulation of the site.

2. DOMESTIC VIOLENCE

You must not use or threaten to use violence by using physical, mental, emotional or sexual abuse against any other person living with you, anyone you have invited into your home, or anyone living in, or in the locality of, our properties. If you do and that person or their children have to leave the property because of violence, or threats of violence or abuse against them, we would usually take steps to evict you from your pitch or take such other legal action as we deem appropriate.

The Council has adopted a code of practice for dealing with domestic violence. The Council will support any person experiencing domestic violence by giving advice, and in some cases, if the Council feel necessary, providing temporary accommodation. Further advice is available from the Traveller Liaison Team or from the Council's Homelessness section.

3. FIREARM'S AND OTHER DANGEROUS WEAPONS

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No unlicensed firearm, air rifle/pistol, crossbow, catapult or other dangerous weapon may be brought onto or kept on the site. The council reserves the right to evict occupants' in breach of this clause with 28 days notice.

4. ALTERATIONS AND DAMAGE

- 4.1 You must not carry out any alteration to any area of the site or to your individual without the permission of the Council. The Council will require you to pay for any alterations, changes or damage you cause, or which you allow or incite to be caused without the permission of the Council.
- 4.2 You must not erect any structures on your pitch or anywhere else on the site without the permission of the Council.
- 4.3 You will be required to pay for the following in cases where you have been the cause, or where the cause has been people living with you (temporarily or permanently) or people visiting you, including children;
- (a) damage to any entrance way/area to the site, buildings, structures, CCTV, fences, gates, walls, paths, roadways, communal areas, barriers, trees, shrubs, bunds or similar structures.
 - (b) removal of waste left on site in unauthorised locations.
 - (c) Removal of vehicles, caravans, trailers or mobile homes parked anywhere on the site without the Council's permission or in unauthorised areas.
 - (d) Any other damage caused by your actions, or actions of your household, or visitors or guests.
- 4.4 You must not extend the boundaries of the pitch onto, or otherwise occupy, any neighbouring pitches, landscaped areas or other neighbouring land.

5. YOUR CARAVAN

- 5.1 When you become occupier of the site, you must register your caravan details with the Council prior to taking up your pitch. This is for Health and Safety reasons.
- 5.2 If you change your caravan, or require additional caravans (subject to paragraph 6.1 below), you must seek permission of the council giving a notice period of at least 14 days.

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- 5.3 You must not park any other caravans on your pitch without the permission of the Council. The council's permission will not be unreasonably withheld.
- 5.4 You must not move your caravan or vehicles to any other pitch on the site, (even if one becomes vacant) without prior written permission. If the Council agree to such a request, the Council will terminate this agreement and grant you a new agreement for the new pitch.
- 5.5 You must ensure that all electrical, gas, water and heating installations or appliances in your caravan are in proper working order; in that they meet all current regulations and do not pose a fire or any other risk to anyone.
- 5.6 Caravans, trailers, any motor vehicles and their contents are brought onto or removed from the site entirely at the owner's risk.

6. VEHICLES AND PARKING

- 6.1 All vehicles should only be parked on the hard standing or parking area allocated to your pitch and must not be parked on any other part of the site without the Council's written permission. In no circumstances should they be parked on the grass. You must not allow visitors to park on the grass.
- 6.2 You and anyone living with or visiting you must not park on your pitch, anywhere on the site, in the locality of the site, any motor vehicle, caravan, mobile home, boat or trailer which is used or being repaired for racing
- 6.3 You must ensure all your vehicles, including caravans, are in proper working condition, and do not cause any damage to the pitch, the site, or the environment.
- 6.4 You must not park or allow any living with you or visiting to park on any vacant pitches or anywhere that would, in the Council's reasonable opinion, cause inconvenience, or obstruct emergency services, the Police or other drivers
- 6.5 You, those who live with you and your visitors must not block local roadways, bridleways and other vehicle access, and must keep them and car parking spaces clear of unroadworthy vehicles and other obstructions
- 6.6 You must not park any untaxed vehicle on your pitch or elsewhere on the site unless it has been registered with the DVLA as SORN
- 6.7 The Council reserve the right to remove any motor vehicle, caravan, mobile home, boat, trailer that is parked without the Council's permission on any part of the site or on any other part of the Council's land. You will be charged for any storage or removal costs.

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- 6.8 You must not drive any motor vehicle, including quad bikes, motorcycle, mini motos or trailers over grass verges, paved areas, landscaped areas or any other area, which is not a designated public highway.
- 6.9 If your vehicle leaks or has had leaked any oil or fuel on the site surface, this must be reported and cleaned up by you appropriately to the councils satisfaction.

7. VEHICLE AND CARAVAN REPAIRS AND MAINTENANCE

- 7.1 You and anyone living with you or visiting you (including children) must not:
- (a) carry out vehicle repairs, carry out welding to or paint spraying of any motor vehicle or trailer anywhere on your plot/pitch or on the site, or in the locality of the site, or on any road, path, bridleway.
 - (b) wash or clean a vehicle or trailer on the site. Vehicles should be taken to a designated carwash facility for this purpose.
 - (c) carry out any business on site involving amongst other things, the sale or repair of motor vehicles or trailers.

8. OPERATION OF BUSINESSES

- 8.1 You must not operate a business from the site or from your pitch.
- 8.2 Commercial vehicles are permitted on site as long as they are parked appropriately in accordance with section 6 above.
- 8.3 Business equipment, machinery and must be kept in your vehicles or trailers and must not be stored anywhere else on your pitch, on the grass or anywhere else on site.
- 8.4 Commercial non-hazardous scrap can be stored in your vehicles on site in small quantities but must not be left anywhere in the open on your pitch or elsewhere on the site.
- 8.5 Commercial non-hazardous waste can be brought onto site until the next working day in a commercial vehicle but must be secure and must not be unloaded on your pitch or elsewhere on the site.
- 8.6 Commercial hazardous waste such as asbestos, corrosive and inflammable items must not be brought on to site in any circumstances. Hazardous chemicals such as petrol, diesel, pesticides, weed-killers, bleaches, corrosive chemicals must not be brought on to site or stored on site in any circumstances.

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- 8.7 Commercial waste and hazardous waste including scrap metal, electronic and white goods and garden waste, should not be disposed of in the domestic or communal bins.

9. KEEPING ANIMALS

- 9.1 You or people residing with you must not keep a dog, cat, bird or other animal in your home without the Council's written permission. Your pet(s) must not annoy or frighten other people, nor must you allow your pet to foul shared areas. If nuisance occurs, we will withdraw our permission.
- 9.2 It is a breach of your occupation agreement if you are convicted of causing cruelty and suffering towards an animal.
- 9.3 You must not keep any animal, bird, reptile, or insect on your pitch or the site if action has previously been taken against you under the Environmental Protection Act 1990 or any other legislation relating to the welfare of animals;
- 9.4 You must clear up and dispose of any animal waste (including urine and faeces) immediately to the Council's reasonable satisfaction and this must not cause damage, a risk to the environment, nuisance or inconvenience to any other person or damage to any property.
- 9.5 You must permanently remove from your home, or the site, any animal, bird, reptile or insect that annoys, frightens or causes harm to other people, or causes damage to property;
- 9.6. All dogs must be microchipped and you will be asked to provide written proof of this.
- 9.7 All dogs must be kept under control of the owner. All dogs must have a collar and tag with the name and address of the owner clearly inscribed. Dogs that fall under the definition of a dangerous dog as contained in the Dangerous Dogs Act 1991 are not permitted on site.
- 9.8 Dogs must be neutered if the council believe that you are persistently allowing the dog to stray, or if it is recommended by a veterinary surgeon, an animal behaviourist, or a qualified dog trainer.
- 9.9 You must not allow your dog to stray from you pitch; to access the farmland in the vicinity of the site and/or to chase or worry grazing animals.
- 9.10 You must not keep horses or other animals on your pitch, elsewhere on the site or in the surrounding area without the landowner's agreement.
- 9.11 You must not hunt wild animals, such as rabbits, on the site or in the near vicinity. The council will deal with pest control concerns.

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10. DISPOSAL OF WASTE

- 10.1 The council is responsible for your domestic waste collection in line with their domestic waste collection procedures. The details of your collection will be explained in full by the Traveller Liaison Team.
- 10.2 You must place domestic waste in the bins or receptacle provided by the council. Please recycle as much waste as possible.
- 10.3 You must not place rubbish, allow, cause or incite it to be placed in any other part of the site, or any part of the locality around the site.
- 10.4 If you have waste other than domestic waste (e.g. rubbish/waste from trading activities) you must not bring this on to the site, store this on your pitch or any part of the site other than as outlined in section 8 above..
- 10.5 You must not burn caravans, mobile homes, vehicles, parts of vehicles, tyres, cables or any other materials on the site.
- 10.6 You must not under any circumstances start a fire on any pitch or any part of the site. You must not allow or cause or incite anyone else to do so. Fires will only be allowed at an appropriate location and within terms agreed by the Council and with the permission of the Council.
- 10.7 You are allowed barbeques in a receptacle or fires in a portable fire bucket designed for this purpose, and in an appropriate and safe location.

11. CARE OF YOUR PITCH AND THE SITE

- 11.1 The site is in a special water protection zone and as such we have joint responsibility to avoid the risk of any pollution. You must ensure that your pitch and the site are kept clean and tidy. You must treat the local environment with care
- 11.2 You must not damage, remove or obstruct the entrance or entrance barriers to the site. You must not allow, cause or incite anyone else to do so.
- 11.3 All caravans on your pitch must be kept clean.
- 11.4 You must not damage, remove, alter or otherwise interfere with any structures, buildings, facilities, equipment, skips or waste collection/disposal facilities, hard standings or any other items placed on your pitch, the site, or in the locality of the site, by the Council, the Council's agents or the Police.

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- 11.5 You must take all reasonable precautions needed to prevent fire, flood, theft, loss or damage to the Council's property or to any property belonging to the Council's agents or the Police.
- 11.6 You must not overcrowd your pitch, as this may become a fire hazard.
- 11.7 You must not store any hazardous chemicals on site. This includes petrol, diesel, pesticides, weedkillers, discarded televisions, electronic goods and white goods, corrosive chemicals and bleach. If you are unsure if it is safe to keep a chemical on site you should check with the Traveller Liaison Team prior to bringing it on to site. You will need written permission to store potentially flammable or potentially explosive substances in your home, for example, gas cannisters and oxygen cylinders. You must also not do or keep anything which might affect the insurance of the site.
- 11.8 You must not use bleach on site to clean your pitch or caravan. The council will provide a list of environmentally sensitive products or you can purchase them from the site officer.
- 11.9 You must co-operate with us and your neighbours to keep any shared areas clean and tidy. All shared areas and emergency exits must be kept clear of items. If we need to clear any items belonging to you from shared areas, you may be required to pay our costs.
- 11.10 You or they must not do anything to encourage pests, vermin or animals that may cause a nuisance or damage at your home or in the neighbourhood. Examples of this include but are not limited to feeding wild pigeons and seagulls and not disposing of rubbish properly
- 11.11 You, those living with you (including children) and visitors must not defecate, urinate or dispose of waste water anywhere on site other than in the facilities provided.
- 11.12 Chemical Toilet contents cannot be disposed of on site. If you need advice about where to do so please speak to the Traveller Liaison Team

12. UTILITIES AND SITE INFRASTRUCTURE

- 12.1 You must not change or tamper with any electrical equipment, CCTV equipment, the fire hydrant, fire safety equipment, drainage infrastructure, water supply infrastructure or other site infrastructure in any way
- 12.2 You must use the correct connectors for your caravans to connect to the electric and water supply.
- 12.3 You must not overload electric points with additional adapters, cables and transformers.

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- 12.4 Washing Machines are not permitted on transit pitches.
- 12.4 You are not permitted to use generators or compressors on site. Generators and compressors must be stored and have no direct contact with the grassed or paved areas to avoid the risk of spillages which could contaminate the environment or cause damage to the site.
- 12.5 You must make all reasonable efforts to conserve water and electricity. For example it is not acceptable to leave hoses running unattended.
- 12.6 You must not abstract water or electricity from the communal facilities, from the transit site pitches or from anywhere other than your own pitch.
- 12.7 You must take care not to block the drains or toilets on the site – for example by attempting to flush away nappies, baby wipes or other sanitary items. You must not flush rubbish down the toilet.
- 12.8 In some cases we are legally obliged to provide your details to the utility provider.

13. BEING A GOOD NEIGHBOUR

- 13.1 You are responsible for the behaviour of all members of your household, including your children and visitors ('they'). This applies in your home, on your pitch and in the shared parts of the site and the local area. You and anyone living in your home or visiting you must not do or incite any behaviour that negatively impacts on, or is detrimental to, the community. This includes behaviours on your pitch, any part of the site, or the locality near to the site, or pitches let to others, in communal areas on the site or on or around any other property on the site belonging to the Council.
- 13.2 You or they must not do or threaten to do anything which causes, or is likely to cause, a nuisance or annoy someone else. Examples of anti-social activities, which cause nuisance and annoyance include, but are not limited to:
- loud music from televisions, radios, music systems and musical instruments
 - noisy parties
 - too much noise from DIY activities
 - shouting and swearing
 - banging and slamming doors
 - dogs barking and fouling
 - dumping rubbish
 - vandalism and graffiti
 - interfering with livestock
 - interfering with water or drainage systems
 - grazing of animals

Housing

- animals roaming the site untethered
- driving on the grass

13.3 You or they must not harass or threaten any other person because of race, colour, gender, nationality, religion, age, mental illness, disability, sexuality or for any other reason. Examples of harassment include, but are not limited to:

- violence, threats of violence or violent gestures
- using abusive or insulting words or behaviour
- writing threatening, abusive or insulting graffiti
- damage or threats to damage property
- intimidating anyone in any way

13.4 You or they must not use or threaten to use violence, abuse or use threatening behaviour to anyone in the area of your home or the area of our offices, including other residents, our employees, agents working on our behalf or other people visiting or carrying out lawful activities in the area of your home or our offices.

13.5 You or they must not use your pitch, trailer or shared area for any criminal or illegal activity such as paedophilia or drug dealing.

13.6 You must not do the following or allow another person to do the following in or around your home:

- use without prescription, grow or produce any drugs or substances covered by the Misuse of Drugs Act 1971 (or any other relevant act or regulations)
- supply or offer to supply any of these drugs to another person
- possess any of these drugs with the intention of supplying them to another person

13.7 We will investigate any complaints of nuisance or harassment and will take appropriate action. We may take legal action to evict you if you or they cause a nuisance or harass or threaten any person because of race, colour, gender, nationality, religion, age, mental illness, disability, sexuality or for any other reason, or if you or they commit a crime or are convicted of an indictable offence at the site or in the neighbourhood. We may also take legal action to get an injunction against you or any person you allow to act anti-socially and to recover the costs of this action from you. We may make a referral for a court order. We are unlikely to offer you another pitch in the future if you have been evicted because of anti-social behaviour.

15. VISITORS

15.1 You are not permitted to have any overnight visitors.

Housing

15.2 You are not permitted to have visitors who have been barred from any Brighton & Hove council site, or whom are subject to an injunction. .

16. DEALING WITH COUNCIL EMPLOYEES AND AGENTS

16.1 You must ensure that you, members of your family, lodgers, and anyone living with or visiting you (including children), co-operate with Council employees, and their agents. You must treat staff of Brighton and Hove City Council and their agents with respect, and any threats or abuse towards them could lead to termination of the agreement, and could result in the application to the court for an injunction. You will be pursued for the costs of any legal action taken against you.

16.2 You must never subject the staff of Brighton and Hove City Council, or cause them to be subjected to, intimidation, obstruction, any physical or verbal abuse, threats or harassment in any location including the employee's home, at any time whether during their work or otherwise:

- (a) Physical abuse includes any actual or threatened assault, attack violent act or aggression.
- (b) Verbal abuse includes any act that is unreasonable and/or unlawful or which is intended or likely to alarm, distress or intimidate.
- (c) Harassment. This is defined as any behaviour that causes alarm, distress or upset to the victim.

16.3 You and anyone living with you or visiting you must not do anything which in the opinion of the Council interferes with, prevents, obstructs or makes more difficult the work of the Council, its agents, its employees. You must allow the Council, its agents and employees, immediate access when required urgently and, at all other times following a period of reasonable notice

17. SITE SECURITY

17.1 You must not give out your keys to anyone other than those residing with you or carers visiting you

17.2 You must not incite or enable others to trespass on to the permanent or transit site.

17.3 You must adhere to any reasonable instructions referring to safety and security by any council employee or agent.

17.4 You must interfere or allow others to interfere with the CCTV equipment, security gates, fire hydrant or any other fire safety equipment.

Housing

18. LEAVING THE SITE

- 18.1 When your site agreement is terminated, you must leave your pitch clean and tidy. You must hand any keys in your charge back to the Council. You must not leave any vehicles or other items or belongings anywhere on the site, on other people's pitches or on your own pitch. You will be charged if failure to do so results in the locks having to be changed.
- 18.2 The Council will require you to pay for the cost of repairing any damage or removing any items or rubbish from the site.
- 18.3 The Council will deduct the costs of any damage to your pitch, or damage caused by you or members of your household to the site, from your deposit. The council will also deduct any monies owed in respect of pitch fees, service charges, court fees or any other monies due to be recharged to you as outlined in this agreement. This will include costs of cleaning up the pitch and removing any rubbish.
- 18.4 You will receive a letter outlining the charges deducted from your deposit. You will be entitled to request a review of the decision to deduct monies from your deposit. You must do so by making a request in writing to the Traveller's Team Manager within 7 days of receiving your letter.
- 18.5 If there has been no deduction from your deposit, or if there is money due to be returned to you this will be returned after your pitch has been inspected by a council officer or their agent within 7 days of your departure from the site.

19. VARIATION OF TERMS

- 19.1 The owner may vary the express terms and conditions of this agreement at any time after consulting the occupier. However, the requirement to consult shall not apply if the Owner reasonably believes that the varied terms and conditions need to be introduced urgently.

20. TERMINATION OF THE AGREEMENT

- 20.1 When the agreement expires at the end of the Fixed period, the occupier shall leave the site and give vacant possession of the pitch on or before that date.
- 20.2 If the occupier intends to leave the pitch before the end of the Fixed Period in accordance with paragraph 3 of the Annex to Part 2, the occupier shall give the owner not less than one week's notice of his/her intention.

Housing

- 20.3 If the occupier leaves the pitch taking his/her caravan(s) he/she will be deemed to have terminated this agreement, unless the owner has given him/her consent to vacate the pitch with his/her caravan for an agreed period.
- 20.4 Any notice or other document relating to this agreement to be served by the owner may be delivered to the occupier in person, sent by post or left on the pitch (including affixing to the occupiers vehicle) marked for their attention.

21. NO EXCLUSIVE POSSESSION

- 21.1 The occupier acknowledges that the pitch and all parts of the site will be shared with the owner and other persons with whom the owner enters into an agreement for temporary occupation and that the occupier shall not have exclusive possession on the pitch or any part of the site under any circumstances. This agreement does not make the occupier a tenant of the owner.

22. Declaration

- 22.1 The Occupier hereby acknowledges that he/she has:
- (i) received a copy of this agreement prior to signing it;
 - (ii) received a copy of the current site rules;
 - (iii) read the agreement and site rules, or they have been read to him/her; and he/she understands them.
- 22.2 The Occupier hereby accepts the terms and conditions of this agreement and agrees to be bound by them.
- 22.3 The Owner agrees to be bound by the terms and conditions of this agreement, insofar as they apply to the Owner.
- 22.4 In accordance with paragraph 9.1 of the Annex to Part 2, in the Schedule to this agreement the Owner gives notice of the address at which notices (including notices of proceedings) may be served on the Owner by the Occupier.

Housing

I have read/I have had explained to me the conditions for the Gypsy and Traveller Caravan Site and my pitch and I understand them and agree to abide by them. I also understand that if I give any false information to the Council or do not give the Council the names of any persons who are to occupy my pitch, the Council may take action to terminate this agreement.

I,, agree to the terms and conditions set out in this agreement.

Signed:

Dated:

In the presence of:

Occupation/Job Title:

Address: Brighton & Hove Traveller Liaison Team
1st Floor, Bartholomew House
Bartholomew Square
Brighton
East Sussex BN1 1JP

Data Protection Act 1998

The information we hold about you will be used for housing management purposes. We may also use it for other council purposes, where the law permits us. The council is registered under the Data Protection Act 1998 for these purposes.

This authority is under a duty to protect the public funds it administers. We may check information provided by you or a third party with other information we hold. This enables us to check the accuracy of information to prevent or detect crime, and to protect public funds in other ways as permitted by law. We may also share this information with other bodies administering public funds for these purposes. We will not disclose information about you to anyone, unless the law permits us to.

The council is the data controller for the purposes of the Data Protection Act 1998. If you want to know more about the information we have about you, or the way we use your information, please write to the council's Data Protection Officer, Hove Town Hall, Norton Road, Hove, BN3 4AH

Subject:	The Big Conversation – An Open Spaces Strategy for Brighton & Hove		
Date of Meeting:	15 March 2016		
Report of:	Acting Executive Director of Environment Development and Housing		
Contact Officer:	Name:	Jan Jonker	Tel: 29-4722
	Email:	jan.jonker@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The city's parks and open spaces are critical to the economy, quality of life and the environment. In light of this reduced budget, future provision and maintenance of parks and open spaces needs to be reviewed and alternative models of funding and service delivery assessed and tested to inform a revised Parks & Open Spaces Strategy.
- 1.2 The challenge for the strategy will be to protect and enhance parks, and maximise environmental, economic and health benefits at a time of reducing resources.
- 1.3 Development of the Open Spaces Strategy was approved by Environment, Transport and Sustainability Committee in October 2014. This report sets out our progress since then and seeks approval for the next stages of the work

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the background to the strategy development.
- 2.2 That the Committee agrees the next steps in the strategy development with a draft strategy to be ready for consideration by this committee by October 2016.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The term 'Open Spaces' incorporates a wide range of land uses including:
 - Formal parks and gardens
 - Natural and semi natural green space
 - Amenity green space
 - Church yards
 - Allotments
 - Outdoor sports facilities

- Play areas
- 3.2 Brighton & Hove has an extensive network of open spaces infrastructure of over 50 parks, including heritage parks, seven green flag parks, playing fields and amenity green space, plus the seafront, over 3,000 allotments, 50 play grounds, green verges and extensive areas of natural and semi-natural space forming part of the South Downs National Park. Most green public spaces in the city are managed by City Parks supported by a large number of stakeholders including many volunteers and Friends of Groups.
- 3.3 Maintaining high quality open spaces is vital to the city. Open spaces contribute to economic growth, urban regeneration and neighbourhood renewal making the city a more attractive destination and a nicer place to live. They help improve the mental and physical wellbeing of the population. Green networks support biodiversity, including rare species of plants and animals and link the city to the sea and the Downs. They play an important role in creating more resilience to extreme weather. The city is part of the wider Brighton & Lewes Downs Biosphere, recognising the unique nature of the local environment.
- 3.4 The existing Parks Strategy was adopted in 2006. Since then a lot of progress has been made, and key projects include:
- The formal designation of the South Downs National Park in 2010 the boundary of which extends far into the city.
 - The creation of the Biosphere Partnership of which Brighton & Hove is the lead partner.
 - Changes in practices to increase the amount of perennial planting both to improve biodiversity and reduce costs
 - Extending wildflower planting in to the city, in part through the Nature Improvement Area (NIA) project in partnership with the national park and funded through DEFRA and the introduction of sheep grazing
 - Implementing parking controls in Preston Park and East Brighton Park to improve the appearance and safety for park users with any surplus income ring-fenced to the park.
 - The delivery of the Playbuilder Project which resulted in 26 of the city's play areas being upgraded and the completion of four skateparks.
 - The delivery of The Level HLF funded project. The Level is one of the city's main parks and was highlighted in the previous strategy as being a priority in terms of investment need.
 - The adoption of the Open Space, Sport and Recreation Study produced in line with Planning Policy Guidance 17 and adopted in 2008 which provides an assessment of the existing provision of outdoor space and sets high level recommendations for each typology and local open space standards.
 - The adoption of the Open Space Study Update 2011 further assessed the findings of the 2008 study and undertook an analysis of open space at both a sub area and ward level.
 - The adoption of the Allotment Strategy in March 2014
 - The commitment to progressing the Stanmer Project as a Council priority in partnership with the SDNPA.

Future Challenges and Opportunities

- 3.5 The service faces significant challenges in future. Current budgets are insufficient to maintain all existing parks and infrastructure to current standards. As an example, many playgrounds received a significant amount of investment over the last six years through external grant funding and s106 contributions. Much of this investment will come to the end of its life at similar times and existing budgets are insufficient to maintain all of these sites. Currently, the council is unable to make any significant investment in play areas without external funding. A similar situation applies to other facilities such as outdoor sport facilities and infrastructure such as paths, gates and fences. General maintenance funding is also expected to reduce over coming years affecting the amount and quality of horticultural displays.
- 3.6 The budget proposals for 2017/18 include reducing the subsidies to outdoor sports and allotments by £0.230m. Over the next year officers will work with sports clubs, and groups like the Allotment Federation to identify how these savings can be made whilst minimising the impact on the users of these services and facilities as far as possible.
- 3.7 If service budgets are reduced without service modernisation and finding alternative ways of working there will be a gradual erosion of parks and open spaces across the city. A strategic approach will enable clear priorities to be identified. It will also enable alternative funding and maintenance models to be explored. These could include things like:
- Business Improvement District Funding either as individual parks or clusters, e.g. Squares
 - Establishing a Parks Foundation; a separate body from the council aimed at fundraising e.g. legacy, crowdfunding
 - Establishing Park Management Charitable Trusts, not-for-profit organisations that secure external funding
 - Exploring the use of Enabling Developments: small scale developments that provide ring-fenced funding for park maintenance
 - Exploring ways of sports and leisure activities to be self-funding (e.g. bowls clubs, allotments, sports clubs and facilities – tennis, football, and cricket). Fees have been historically set at a rate to reflect the councils health and wellbeing objectives and it is recognised that most sports bookings do not recover the cost of provision
 - Exploring other avenues of funding – e.g. Public Health / NHS though recognising reduced budgets from these avenues, or EU funding such as, including Horizon 2020 and Interreg funding as the council's ability to subsidise these activities comes to an end.
 - Explore possibilities around corporate sponsorship such as naming rights and other corporate packages
- 3.8 While there is no single solution that will be suitable for all parks and open spaces, these options will be considered during the development of the strategy. Part of the Big Conversation will consider the viability of some of these options.
- 3.9 Research from Nesta demonstrates the potential of new models of delivery:

- After becoming a cooperative council, Lambeth is working to adopt a new relationship with citizens across all local services. Through the Cooperative Parks Programme, the council is offering local communities three levels of involvement in the management of parks and open spaces – remain under council management, through community-led groups or ‘cooperative management’. The Programme is promoting a stronger focus on value for money and transparency
- Potters Fields Park, Southwark is managed by the Potters Fields Park Management Trust, a not-for-profit organisation. Its aim is to manage and maintain the park for the public to enjoy. The park is leased for events and functions to generate funds of maintenance and to develop programmes which educate and engage. Consequently, it does not need any financing from public funds
- Wimbledon and Putney Commons are largely financed through a levy on the Boroughs of Wandsworth, Merton and Kingston, relevant to the number of Band D properties in each borough. This levy is passed on by way of an addition to the council tax on properties in the area
- Green Estate, Sheffield is a social enterprise formed out of a project to regenerate green spaces. Its stewardship model has increased engagement of local people in the neighbourhood and created a entrepreneurial opportunities for funding by mixing commercial sales and services with social and environmental activities

3.10 Some progress on alternative ways of working has already been made. Examples include:

- St Peters Cricket club has taken on a lease for the facility in Preston Park and responsibility for maintenance
- The number of bowls clubs has been rationalised and a number of clubs have taken responsibility for some of their greens.
- Future options for tennis provision are being discussed with the Lawn Tennis Association (LTA) and tennis users.
- Early discussions are underway with individuals and organisations interested in taking over management of some outdoor sports facilities
- British Cycling has made a significant capital contribution to the Preston Park Cycle track and the hire cost of the Preston Park cycle track has been brought in line with that of similar facilities elsewhere to cover day to day maintenance
- The RFU and Hove Rugby Club have contributed to the resurfacing of the pitches in Hove and are leading on delivery of this work. Once completed it will allow the pitches to be used more intensively.
- Alternative management models for Stanmer Park are being explored including establishment of a ring fenced budget to deliver the maintenance plan.
- The Allotment Strategy was co-produced with the Allotment Federation with support from the Food Partnership and all three organisations are working together with an open book approach to identify better ways of working.

- 3.11 To inform the strategy a review of play areas is being completed and a sub strategy for outdoor sports pitches is being produced with Sport England who have contributed to the funding of the document. External support to help compile the strategy is being procured. The brief includes reviewing all relevant baseline information, reviewing and assessing the viability of different operating models, with business plans and creating a detailed action plan to implement the strategy.
- 3.12 The ambition is to co-produce the strategy with key partners and stakeholders and its development will be subject to extensive consultation and engagement led by council officers. The Project cuts across directorates as the strategy impacts the economy, the environment and public health.

4 COMMUNITY ENGAGEMENT & CONSULTATION

- 4.1 As set out in the body of this report, the quality and quantity of open space has a significant impact across many aspects of the city, from the economy to public health. Alternative ways of providing services involve coproducing services and working closely with stakeholders who may lead on management of some sites.
- 4.2 For the strategy to be effective it needs buy in across the council and across external partners and stakeholders. The project is being managed through the Corporate Modernisation Board to secure this wider support. It will also be subject to wide scale communication and engagement. A high level communication plan is set out as Appendix 1.

5 NEXT STEPS

- 5.1 Much of the baseline data for the Strategy already exists and progress has been made gathering further evidence. The review of play areas is being completed and the outdoor playing pitches strategy will be completed in the summer. The key next stages of work are:
- March 2016 Appointment of consultants to support final stages of strategy development
 - Preparation of draft strategy and action plan
 - Delivery of consultation and engagement plan.
- 5.2 It is anticipated that a draft strategy will be available in October 2016, with final adoption early in 2017. Exploration of alternative delivery options is already underway and will be progressed in parallel with the development of the strategy. Examples include:
- Dialogue with the Allotment Federation to coproduce options to reduce subsidies
 - Discussions with interested parties around leases for facilities, similar to the approach adopted with St Peters Cricket Club in Preston Park
 - Review of management arrangements for Stanmer Park
- 5.3 This work will continue alongside the strategy and will inform the final version with reports back to members at the appropriate times.

6. CONCLUSION

- 6.1 Parks and open spaces are critical to the economy, health and sustainability of the city as well as being key to the UNESCO Biosphere Designation. Existing resources are insufficient to maintain all existing infrastructure, a situation that is likely to get worse as the infrastructure ages and budgets reduce.
- 6.2 The Open Spaces Strategy will establish an updated policy framework for the management of parks and open spaces, and explore alternative delivery options to protect and enhance this infrastructure at a time of reducing resources. The strategy will be delivered through a detailed action plan appended to the strategy.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5 The cost of officer time and consultancy associated to developing an Open Spaces Strategy will be funded from the existing Parks Projects revenue budgets in the current (2015/16) and next financial year (2016/17).

It is anticipated that the strategy will support actions to achieve future savings proposals of £0.230m relating to sports and recreation subsidies, and £0.200m relating new delivery models of parks services. The recurring financial impact of the proposed savings will be incorporated in future years budgets as part of the budget setting process when information on the costs and income becomes more robust and can be accurately forecast.

It is anticipated that the strategy will assist in making funding applications for external resources and the development of funding bids to deliver the identified actions.

Finance Officer Consulted: Steven Bedford

Date: 11/02/16

Legal Implications:

- 7.1 The proposed Strategy will assist the Council in focusing on and meeting its obligations in relation to the provision and management of Parks and Open Spaces.

Lawyer Consulted: Elizabeth Culbert

Date: 2/3/2016

Equalities Implications:

- 7.2 The strategy will be subject to an Equalities Impact Assessment (EIA). The EIA will be completed early on to inform the consultation and engagement process.

Sustainability Implications:

- 7.3 The city's parks and open spaces are critical to the city's environmental and economic sustainability, and form a key element of the region's Biosphere. The strategy will seek to enhance the sustainability of these resources.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None

Subject:	Health and Safety Service Plan 2016-17		
Date of Meeting:	15th March 2016		
Report of:	Director of Public Health		
Contact Officer:	Name:	Roy Pickard	Tel: 292145
	Email:	roy.pickard@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Health & Safety Service Plan is required under the National Local Authority Enforcement Code, issued by the Health and Safety Executive, under Section 18 of the Health and Safety at Work etc Act 1974.
- 1.2 This work is very important to a city like Brighton & Hove with its leisure and tourist industry, its night time economy and its retail businesses. It keeps the city's workers, residents and visitors safe and healthy and enhances the city's reputation as an attractive place to work, live and visit.
- 1.3 Recent years' activities were determined by reducing service budget, the local public health agenda and the 'better regulation' agenda. Deregulation impacted on health and safety following Lord Young's review of health and safety, Common Sense - Common Safety, the Löfstedt review recommending reducing the burden of unnecessary regulation on businesses and the HSE's National Local Authority (LA) Enforcement Code which provided a principle based framework that recognised the respective roles of business and the regulator in the management of risk. The resulting reduced demand reflects reduced posts.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves the proposed Health & Safety Service Plan 2016/2017 at Appendix 1.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Health and safety legislation in Great Britain is enforced by HSE or one of the over 380 Local Authorities (LA), depending on the main activity carried out at any particular premises. In general, Local Authorities are the main enforcing authority for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries. In Brighton and Hove this is approximately 8,000 businesses.
- 3.2 Each LA is an enforcing authority in its own right and must make adequate provision for enforcement. The LA National Enforcement Code introduced in

May 2013 sets out the principles that each LA should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.

- 3.3 Local Authorities use a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including:
Provision of advice and guidance to individual businesses or groups
proactive interventions, including inspection reactive interventions, e.g. to investigate an accident or complaint.
- 3.4 LA inspectors may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.
- 3.5 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), National Local Authority Enforcement Code. This Code requires Local Authorities to make adequate arrangements for providing a health and safety service that includes an enforcement role.
- 3.6 There have been a number of national health and safety reviews over the last five years. Consequently, Central Government thinking on how Local Authorities should approach enforcement of health and safety has changed. Regulators are to achieve their objectives in a way that minimises the burdens on business. Local Authorities are to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement. This approach will ensure that regulators are efficient and effective in their work, without imposing unnecessary burdens on those they regulate.
- 3.7 To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval

4.0 THE IMPACT OF THE REDUCTION IN RESOURCES

- 4.1 As part of the council's efficiency drive to make savings, the health and safety service over the last four years has undergone changes.
- 4.2 To contribute to the councils savings, staffing levels were reduced this year from 3 FTEs to 0.6 FTEs
- 4.3 This reduction in resources has resulted in less preventative work being carried out and less inspection of proactive high risk premises or activities.
- 4.4 Consequently, the service has become predominately reactive focusing on accident/complaint investigation and investigations as a result of referrals from other agencies.

5.0 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Service Plan is a statutory requirement. LAC 67/2(rev 4) and The National Local Authority Enforcement Code provides direction to Local Authorities on meeting statutory requirements.

6.0 COMMUNITY ENGAGEMENT & CONSULTATION

- 6.2 Business satisfaction rates for the Health and Safety service remain high with 96.6% of businesses feeling that they had been treated fairly and 97.5% of businesses felt the contact was helpful in 2014-15.

7. CONCLUSION

- 7.1 This report details how the Council intends to comply with its statutory duties.
- 7.2 Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to a wider public health agenda

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The costs associated in regulating and enforcing the Health & Safety Plan are met from the Health and Safety service revenue budget within Regulatory Services.

Finance Officer Consulted: Mike Bentley

Date: 17/02/16

Legal Implications:

- 8.1 Section 18(4) of the Health & Safety at Work etc. Act 1974 imposes a duty on every local authority to make adequate arrangements for the enforcement within their area of the relevant statutory provisions for which they are responsible, and to perform those duties in accordance with guidance issued by the HSE. The Health & Safety Service Plan proposed for approval will assist the council in discharging its section 18 duties.

Lawyer Consulted: Elizabeth Culbert

Date: 29th February 2016

Equalities Implications:

- 8.2 An Equalities Impact Assessment has been completed as part of our contact with groups during discussions in 2010 a review of this impact assessment was carried out in 2012.
- 8.3 Where business considers that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by an LA they can complain to the Independent Regulatory Challenge Panel whose members have the competence and experience to assess regulatory matters.

Sustainability Implications:

- 8.4 Unacceptable risk, fatalities and major injuries would reduce development of the city, tourism and benefits to local people, in addition to private and family lives.

Any Other Significant Implications:

- 8.5 The service plan protects public health by improving standards in work places reducing sickness and ill health. The public and visitors to the city are also protected from accidents and incidents that can lead to injury.
- 8.6 A safe and healthy workforce benefits the local economy and develops the city's tourism.

Crime & Disorder Implications:

- 8.7 The reduction in preventative work may lead to an increase in poorly performing business resulting in more enforcement action,

Risk and Opportunity Management Implications

- 8.8 Proportionate decision making is required by the Council's Enforcement Policy, HSE's Enforcement Policy Statement and Enforcement Management Model

Public Health Implications:

- 8.9 Health and safety at work enforcement complements accident protection work like road safety and home safety. E.g. the health and safety team work with adult social care regarding reducing falls in care homes.

Corporate / Citywide Implications:

- 8.10 Inspectors take a risk based approach to intervention planning for both local & national priorities

SUPPORTING DOCUMENTATION

Appendices:

1. Health & Safety Service Plan 2016/2017

Documents in Members' Rooms

1. None

Background Documents

1. Health & Safety at Work etc Act 1974
2. Reducing administrative burdens: Effective inspection and enforcement – Philip

Hampton - March 2005

3. Health & Safety Executive strategy 'be part of the solution'
4. Local Authority Circular (LAC 67/2 (rev4))
5. Common sense, Common Safety - Professor Ragnar E Lofstedt
October 2010
6. Lord Young Report - Department of work and pensions. Good Health & Safety,
Good for Everyone March 2011
7. Local Government Group2 (LGG) and HSE published joint guidance -
"Reducing Proactive Inspections"
8. Reclaiming Health & Safety for all. An Independent review of health & safety
legislation. Professor Ragnar E Lofstedt. November 2011
9. The LA National Enforcement Code

Service Plan 2016-17

Directorate:	Public Health Directorate	Service:	Health And Safety Team
Responsible Officer:	Roy Pickard		

Corporate Plan - Priorities	
1	Economy and housing
2	Children and young people
3	Health and wellbeing
4	Community safety & resilience
5	Environmental sustainability

Corporate Plan - Purpose and Ambition (Modernising the Council)	
6	Strong civic leadership
7	Value for money
8	Quality public services
9	Protect the vulnerable
10	A high performing workforce

Service Objectives for 2015/16	
1	To comply with the National Local Authority Enforcement Code
2	
3	
4	
5	
6	



Key Service deliverables

Service Objective 1:					
Directorate Objective number	Action/deliverable	Due Date	Accountable Lead Officer	Internal /External partners involved	Measure of Success
	Proactive inspection of high risk activities in those sectors specified by HSE or where intelligence suggests risks are not being effectively managed.	31 st March 2017	Roy Pickard	HSE Fire Brigade Planning Building Control	Inspection of high risk activities in those sectors where intelligence suggests that risks are not being effectively managed.

Service Objective 2:					
Directorate Objective number	Action/deliverable	Due Date	Accountable Lead Officer	Internal /External partners involved	Measure of Success
	To investigate 150 RIDDOR accident notifications.	31 st March 2017	Roy Pickard	HSE Police Fire Brigade Planning Building Control Fall Prevention Team.	150 RIDDOR notifications investigated.

Service Objective 3:

Directorate Objective number	Action/deliverable	Due Date	Accountable Lead Officer	Internal /External partners involved	Measure of Success
	To investigate 200 complaints of poor working practices/conditions.	31 st March 2017		HSE Police Fire Brigade Planning Building Control	200 complaints investigated.

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Subject:	Official Feed and Food Controls Service Plan 2016/17		
Date of Meeting:	15th March 2016		
Report of:	Director of Public Health		
Contact Officer:	Name:	Nick Wilmot	Tel: 292157
	Email:	nick.wilmot@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 To agree the Official Feed and Food Controls Service Plan previously known as Food Law Enforcement Service Plan required by the Food Standards Agency.

2. RECOMMENDATIONS:

- 2.1 That the committee agrees the Official Feed and Food Controls Service Plan 2016/2017 set out in the appendix to this report.

3. BACKGROUND INFORMATION:

- 3.1 The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provides the basis on which local authorities are monitored and audited by the Food Standards Agency.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Official Feed and Food Controls Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) is an integral part of the organisation of Regulatory Services within Public Health.
- 3.4 In accordance with the Standard outlined in the Framework Agreement the food service is a mix of enforcement, intelligence based work, investigation and education. Key performance targets are completion of 98% of programmed food safety interventions and 90% of service requests responded to within 5 days.
- 3.5 In addition, areas of current good practice, and opportunities for further improvement, have been identified, both in Food Safety and Food Standards, in section 6.3 of the Service Plan. The targeting of resources to

these areas of work aims to provide a balanced mix of services, which is most likely to benefit the business sector, consumers and other stakeholders. The service will continue to focus enforcement action on the poorer performing businesses.

- 3.6** It is pleasing to note that the general standard of hygiene attained by local businesses continues to improve with the number of those deemed 'broadly compliant', achieving a standard of 3 or more out of 5 on the Food Hygiene Rating Scheme (FHRS), rising from 94.1% in December 2014 to 94.8% in December 2015.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The plan and activities detailed within it are legally required to comply with the Food Law Code of Practice.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

- 5.1 The planning process is governed by the national Food Safety Framework Agreement and so follows the same format each year. In past years draft plans have been circulated to the Brighton & Hove Food Partnership, the Brighton & Hove Citizens panel and Regulatory Services Peer Review.

6. CONCLUSION

- 6.1 That the committee agrees the Official Feed and Food Controls Service Plan 2016/2017 set out in the appendix to this report.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated with producing and compliance of the proposed Official Feed and Food Controls Service Plan 2016/17 will be met from the Food Safety revenue budget within the Environmental Health service.

Finance Officer Consulted: Michael Bentley

Date: 06/01/16

Legal Implications:

- 7.2 The Food Standards Agency places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Official Feed and Food Controls Service Plan 2016/17 identifies the planned number of interventions for that period.

Lawyer consulted: Elizabeth Culbert

Date: 04/01/16

Equalities Implications:

- 7.3 An Equalities Impact Assessment has been undertaken. See 2.4.5 of appendix A for profile of food premises registering with the food service during the year 2014/2015. The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting services are employed where necessary to assist businesses to comply with regulatory requirements.

Any Other Significant Implications:

Public Health Implications:

- 7.4 The Food and Feed Service Plan is seen as key to protecting public health in the City. It is in line with the stated outcome to 'reduce health inequalities and long standing public health issues' as part of the priority of tackling inequalities which states that 'we will continue with high profile enforcement of food and health and safety rules, maintaining our excellent record of environmental health improvements.'

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Official Feed and Food Controls Service Plan 2016/2017

Documents in Members' Rooms

1. None

Background Documents

1. None

Brighton & Hove City Council Official Feed and Food Controls Service Plan 2016/2017

1. Service Aims and Objectives

1.1 Aims and Objectives

- 1.1.1 The food service function of Brighton & Hove City Council is enforced by Environmental Health and Trading Standards staff within Regulatory Services. With the retirement of the Head of Regulatory Services in 2015/16 permanent arrangements for overall management responsibilities will be confirmed during 2016/17. Regulatory Services comes under the Director of Public Health.
- 1.1.2 Environmental Health & Licensing staff are primarily concerned with protecting and improving public health across the city. Within this service food safety officers work to ensure that food prepared and sold from local establishments is safe. This is achieved by carrying out a programme of interventions at food businesses, sampling and responding to service requests. Wherever practicable links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.
- 1.1.3 The overall objective of the service is to provide a comprehensive food safety service to benefit consumers and the business community, with a considered balance between enforcement, investigation, advice and education.
- 1.1.4 Trading Standards officers aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. It's goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers and businesses, by means of advice, information, education and enforcement.

The core aims being to ensure: -

- Accurate food information for consumers.
- That compositional standard of food is maintained.
- That food and feed are free from unsafe contaminants

The objectives being: -

- To carry out risk-based and intelligence led activities;
- To undertake screen testing and food sampling to reflect identified areas of concern;
- To respond appropriately to food complaints and initiate proportionate action;
- Respond to trader requests in a timely manner; and
- To educate the public on compositional and labelling issues to improve eating habits.

1.2 Links to Corporate Objectives and Plans

- 1.2.1 Brighton & Hove City Council's Corporate Plan for 2015-19 is to provide strong civic leadership for the wellbeing and aspiration of Brighton and Hove. The Council will be successful if it is judged to have delivered:
- **A good life** – ensuring a city for all ages, inclusive of everyone and protecting the most vulnerable
 - **A well run city** – keeping the city safe, clean, moving and connected
 - **A vibrant economy** – promoting a world class economy with a local workforce to match
 - **A modern council** – providing open civic leadership and effective public services
- 1.2.2 The Official Feed and Food Control Service Plan has strong links with all of these aims.
- 1.2.3 The service has a published Enforcement Policy. This policy is a cornerstone for fair and open enforcement.
- 1.2.4 The service continually monitors business opinion through satisfaction surveys. The findings help to ensure that the service meets the requirements of local businesses, residents and visitors and provides a service the city deserves.

2. Background

2.1 Profile of the Local Authority

- 2.1.1 Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. Bounded by the English Channel to the south and the South Downs to the north, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.
- 2.1.2 Demographic information is available from online Brighton & Hove Local Information Service <http://www.bhlis.org/>. The Summary of Statistics estimated a resident population of 278,120 in 2015.

Resident Population by Ethnic Group 2011 Census

White British, Irish, mixed and other	243,512
Asian or Asian British	11,278
Black or Black British	4,188

Oxford Consultants for Social Inclusion's (OCSI) Community Insight report of November 2015 reports that 4.9% of households have no member of the family with English as the main language.

- 2.1.3 Tourism plays a major part in the local economy. The Economic Impact of Tourism Brighton & Hove 2013 produced by Tourism South East estimated that £830M worth of direct sales were generated for local businesses by visitors to the city in that year.

2.2 Organisational Structure

2.2.1 Brighton & Hove City Council is a unitary authority that operates a committee system model. Responsibility for the food safety and standards services is delegates to the Environment & Sustainability Committee.

2.3 Scope of the Feed and Food Service

2.3.1 A specialist Food Safety Team within Environmental Health carries out the food safety function. The work of the team includes:-

- Inspecting food premises:-
- The investigation of food safety complaints;
- Food poisoning investigations when linked to a premises;
- Investigating infectious disease notifications;
- Microbiological food sampling;
- Food safety training;
- Responding to requests for advice;
- Initiatives relating to working with the community and businesses;
- Taking appropriate steps to publicise and act upon national food alerts;
- Publicising the food hygiene standards of local businesses;
- Promoting healthy catering initiatives within local food businesses.

2.3.2 The food standards function is carried out by Trading Standards Officers. The work of the team includes the following: -

- Risk based enforcement activity;
- Complaint investigation;
- Food analysis and investigation;
- Service Requests from businesses;
- Education programmes;
- Reacting to Food Alerts.

2.3.3 Food Standards work is undertaken in conjunction with work on other areas of Trading Standards law. For instance, a programmed food visit will also include giving advice about other matters such as prices, business names and weights and measures. In this way, a comprehensive visit is under taken so as to minimise any inconvenience caused to the general day-to-day running of the business.

2.3.4 Both Trading Standards and Environmental Heath officers have responsibility for enforcing relevant legislation in respect of imported products of animal origin and non animal origin. The food safety team deal with microbiological issues and Trading Standards, compositional standards and also contaminants which includes mycotoxins and chemicals.

2.4 Demands on the Feed and Food Service

Food Safety

2.4.1 As at December 2015 there were 3250 food businesses registered. These premises are broken down into the following profile:-

6	Primary Producers
48	Manufacturers/Processors
3	Packers
2	Importers/Exporters
32	Distributors/Transporters
615	Retailers
2542	Restaurants and other Caterers
2	Manufacturers Selling Mainly by Retail
3250	TOTAL

2.4.2 Four food businesses are approved under Regulation (EC) 853/2004 for specific dairy, fish and meat products processing.

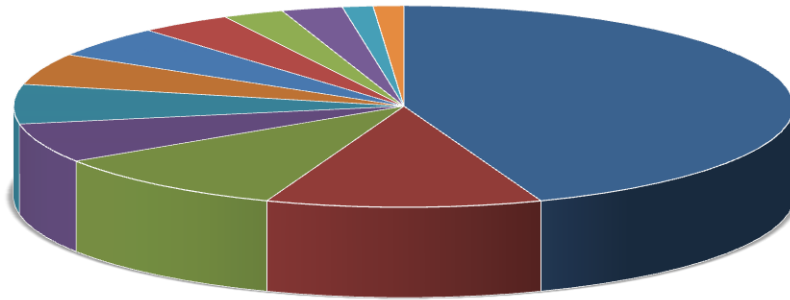
2.4.3 The nature of the city causes a considerable seasonal variation in the department's workload. Some businesses only open during spring, summer or school holidays, the intervention programme has to be tailored to meet these service needs. There is a dramatic increase in the number of visitors in the spring and summer and this increases the volume of requests for service, enquiries and other reactive work. Outdoor events such as music events, festivals, specialist markets, farmers' markets, open-air concerts and funfairs also add to the seasonality of the workload.

2.4.4 Premises data is captured on Uniform and therefore the premises profile is the same but as the risk assessment is based on the LGR scheme the individual premises have a different inspection frequency for Food Standards. As of the 11 January 2016, 2690 premises were considered to have an 'inspectable risk' for Food Standards work. It has been noted that there is a high turnover of new premises requiring food standards advice.

Access to services

2.4.5 As part of the drive for continued improvement and dialogue with businesses, all establishments are requested to complete feedback questionnaires following inspections. The questionnaires request information on the ethnic origins of the business owners. 64% of those who gave an answer between April 2014 and March 2015 identified themselves as White British. The ethnicity of the remaining were as below.

Ethnicity of Food Businesses Where Notified 2014/2015



- 44.3% White Other
- 11.4% Other
- 10.1% Asian British-Chinese
- 6.3% Other Asian Background
- 6.3% White Irish
- 5% Asian or Asian British-Bangladeshi
- 5% Asian or Asian British-Indian
- 3.8% Black or Black British-African
- 2.5% Black British other
- 2.5% Mixed White Asian
- 1.3% Asian or Asian British-Pakistani
- 1.3% Mixed White Black African

2.4.6 In addition to having a number of key food safety advice leaflets in a variety of languages, the service has the capacity to have any leaflet, letter or other document translated as required. Wherever possible, opportunities are taken to provide information about services to ethnic communities. Where necessary, interpreters accompany officers on planned interventions.

2.4.7 Access to the service is provided by:

- Visiting either Bartholomew House Customer Services Centre, open hours 8:45am to 4:30pm weekdays or Hove Town Hall, opening hours 8:45am to 5pm;
- Self-help points across the city including all the main council offices, libraries, leisure centres and some schools;
- General telephone calls to the Call Contact Centre on (01273) 292161;
- Advice can also be accessed via the council's website, www.brighton-hove.gov.uk;
- Email to ehl.food@brighton-hove.gov.uk.

2.4.8 Food Standards complaints are initially received by Citizens Advice Consumer Service. There is a referral protocol regarding food issues requiring enquiries to be sent to Trading Standards within 24 hours.

2.4.9 The food safety team operates a hotline where businesses and consumers can obtain immediate advice from a food safety officer, during office hours. Senior food competent environmental health staff

provide cover for an out of hour's service to respond to food safety emergencies and incidents.

2.4.10 New food businesses registering with the service are provided with access to a wide range of online documents, hard copies can be provided on request to assist compliance with food safety legislation.

2.5 Regulation Policy

2.5.1 The Council has a Corporate Enforcement Policy in line with the national Regulators Compliance Code for Enforcers. The enforcement policy is grounded in better regulation principles of proportionality, accountability, consistency, transparency and targeting.

2.5.2 Any breaches of food law noted in businesses where Brighton & Hove City Council has an interest, either as proprietor or responsibility for structural repair, are brought to the attention of the Chief Executive without delay.

3 Service Delivery

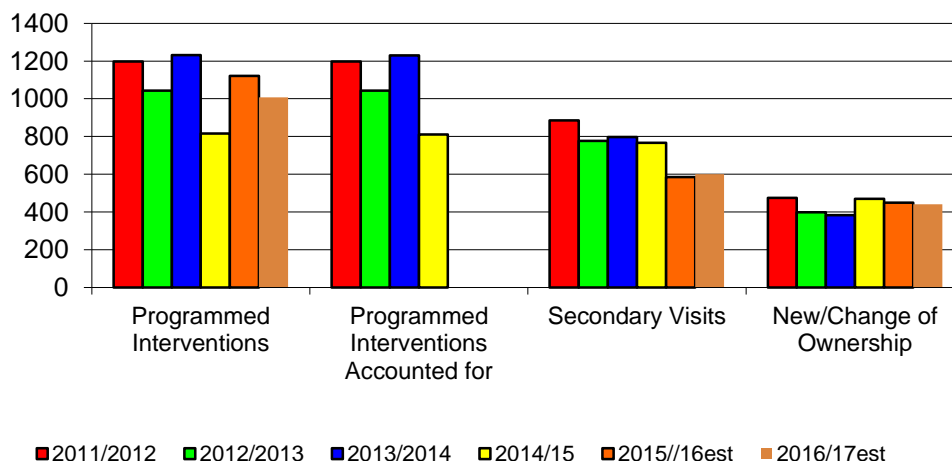
3.1 Interventions at Food and Feedingstuffs Establishments

Food Safety

3.1.1 This section details the planned risk based food safety intervention programme for 2016/2017. The level of achievement in food safety intervention based activity over the past four years is shown in the chart below along with estimates for completion of the current year and 2016/2017.

3.1.2 Inspection intervals are calculated on a risk-based approach. The service sets a target of 98% compliance with the annual programme. Table 3.1.1 estimates the number of planned interventions for the current year and 2016/2017. The target takes account of possible service or operational problems such as a turnover of staff at the end of the year, emergencies or difficulties contacting seasonal businesses or home caterers.

Chart of Intervention-Based Activity 2011-2017



See tables 3.1.1 and 3.1.3 for further details.

Year	11/12	12/13	13/14	14/15	15/16	16/17est
Programmed Interventions	1197	1043	1232	815	1121	1008
Accounted for	1197	1043	1230	811		
Target %	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D
Achieved%	100 A-D	100 A-D	99.8 A-D	99.5 A-D		

Table 3.1.1 Achievement of Planned Food Safety Inspection/Intervention Programme 2011-17.

3.1.3 The Food Safety Code of Practice contains a mechanism for risk rating each businesses based on factors such as:- if unwrapped high risk-food is handled, prepared or cooked; size of the business; any high-risk operations undertaken; number of customers; vulnerability of the customers to food-borne illness; standards of hygiene; condition of the structure and confidence in management. By scoring all of these factors an overall risk rating of A to E is arrived at. Category A premises are the highest risk and E the lowest.

3.1.4 Category E businesses present a minimal risk due to the limited types of food they handle and/or they cater for a limited number of people. The service operates an alternative enforcement strategy to maintain surveillance of these low risk businesses. This strategy enables the service to provide greater focus on higher risk category A to D establishments.

3.1.5 The alternative surveillance of low-risk businesses follows a structured documented procedure: postal questionnaires, sample inspections to check the validity of the information gained and follow up inspections.

3.1.6 Migration to the Food Hygiene Rating Scheme (FHRS) has resulted in the need for a greater level of surveillance. The service therefore proposes to alternate between a questionnaire and intervention on the usual frequency for category E establishments. An estimate of the number of interventions for 2015/16 and 2016/17 has been included into table 3.1.2.

Year	11/12	12/13	13/14	14/15	15/16est	16/17est
Questionnaires	175	66	191	201	255	229
Visit	-	77	20	37	40	60

Table 3.1.2.Premises dealt with under alternative strategy or inspected.

3.1.7 Planned food safety interventions programme for the year 2016/2017 as estimated at December 2015 is:-

Risk Category of Premises	Number of Interventions Due
A	3
B	83
C	347
D	575
Total	1008
Low-risk premises due for intervention	289

3.1.8 The target is to achieve a minimum of 98% of the annual inspection programme. The three product-specific premises approved under Regulation (EC) 853/2004 will receive interventions within the risk rated programme as necessary.

3.1.9 The Food Safety Code of Practice encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. Local authority performance is monitored by the Food Standards Agency through the Local Authority Enforcement Monitoring System (LAEMS).

3.1.10 A further target is to ensure that at least 85% of food establishments are 'broadly compliant', with a Food Hygiene Rating Score of three or more.

3.1.11 As at January 2016 the level of broadly compliant establishments rated in the FHRS scheme stood at 94.8%. This level of compliance protects public health, the local economy and reputation of the council as a responsible regulator.

3.1.12 **Secondary Interventions** - The main purpose of secondary interventions is to monitor food businesses that fail to comply with significant statutory food safety requirements, or where directly required by Regulation. Failure could include:-

- Failure to comply with a single requirement that compromises food safety, public health or prejudices consumers;
- Failure to comply with a number of requirements that, taken together, indicate ineffective management; or
- Service of a Hygiene Emergency Prohibition Notice or Order.

3.1.13 When considering both the need for and timing of a secondary intervention, consideration is given to the seriousness of any failing, history of the business, confidence in management and the likely effectiveness of this action when compared to any other enforcement option.

3.1.14 Safeguard measures associated with the FHRs permits any food business that does not attain the top rating of five to request a rescore once any necessary issues have been resolved. The revisit must be unannounced and made no sooner than three months after the initial intervention and within three months of the request being made.

3.1.15 Other secondary interventions are categorised as those that are not primary interventions but include:-

- Additional interventions of establishments that are subject to product-specific food hygiene regulations;
- Sampling visits;
- Visits to check on the progress of measures required after a previous intervention;
- Visits to investigate food and food premises complaints;
- Visits to discuss implementation of Hazard Analysis of Critical Control Points based system;
- Visits involving training of food handlers;
- Inspections of premises to assess a licence.

3.1.16 **Interventions at New Businesses/Change of Ownership** - Where the service becomes aware that ownership of a food business has changed or a new business has commenced, it aims to undertake an intervention within 28 days of the business starting trading.

3.1.17 The purpose of the intervention is to establish the scope of the business, gather and record information, determine if food sampling or swabbing is necessary, identify food safety breaches, determine relevant enforcement action to be taken by the food service, communicate this to the business and determine a risk rating score. Based on the last five years' data, it is predicted that there will be 440 new businesses or changes of ownership in 2016/2017.

3.1.18 **Monitoring of Vacant Premises** – The service aims to inspect all new food businesses within 28 days of opening. Food safety law does not require prior approval.

Year	11/12	12/13	13/14	14/15	15/16est	16/17ets
Secondary inspections	885	777	797	766	585	600
New Premises or Change in Ownership	475	389	383	470	450	440

Table 3.1.3 Estimate for 2015/2016 and 2016/17 based on data since 2011.

3.1.19 It is estimated that the number of staff required to carry out the programme of inspections plus other visits is 7.25 full time equivalents. Resources required to undertake secondary visits generated by complaints, enquiries or to undertake sampling are included in the appropriate part of this plan.

Food Standards and Feed Hygiene

3.1.20 The LGR system requires high-risk premises to be visited each year, medium risk every two years and the low risk every five years. This means that all 138 high risk, 50% of the 1124 medium risk and 20% of the 1735 low risk premises should be visited each year. The service is proposing to move to the FSA risk rating scheme in 2016/17 which may result in a variation of figures going forward.

This scheme will align us with Food safety colleagues and allow us to have an accurate risk rating for feed premises.

- 3.1.21 The target for 2015-16 was to visit 138 high-risk and 562 medium risk premises liable to inspection. Similar targets will remain in place for 2016/17.
- 3.1.22 There is no commitment to visit low risk premises but in 2015-16, 155 low risk premises were visited up to 11th Jan 2016 as a result of project work, complaints and other routine inspections.
- 3.1.23 Approximately 5% of inspections require a follow-up visit. Officers do not work exclusively on the food function. Follow up visits will be made to all premises when a non-compliance is detected and formal action is contemplated.
- 3.1.24 One full time and one part time posts make up the Food Team. This equates to 1.6 FTE. About 90% of their time is spent on the food function.
- 3.1.25 **New Businesses** – Trading Standards Officers aim to assess new food businesses within 56 days.
- 3.1.26 **High Risk Premises** - Premises with good management control, no history of contraventions or complaints will be subject to a minimum intervention approach and will only be inspected if they change their product range or complaints are received.
- 3.1.27 **Poorer performing High Risk Premises** -These premises will be inspected every year but may be the subject of additional interventions depending on their compliance. Nationally and locally most food fraud has concerned misdescribed alcoholic drink of unknown provenance.
- 3.1.28 **Medium Risk Premises** - These premises will receive an intervention at two yearly intervals. These interventions will alternate between comprehensive inspections, and a mix of sampling visits, complaint visits or other monitoring or surveillance. At least 50% of the premises liable to an inspection will be subject to a comprehensive visit.
- 3.1.29 **Low Risk Premises** - A programme of interventions will be based on the intelligence received about the individual premises or where the business requests support/advice.
- 3.1.30 **Feed Hygiene** – The service participates in the National Trading Standards feed programme. We will undertake inspections of premises identified by the national team as requiring a visit. This equates to approximately 11 visits per annum.

3.2 Feed and Food Complaints

Food Safety

- 3.2.1 It is the policy of this authority to respond promptly to all requests for advice from business. It is the target of the service to respond to 90% of planning application consultations within 10 working days, and all other demand driven work within 5 days.

Year	10/11	11/12	12/13	13/14	14/15
Within target %	98.8	97.3	96.2	95.4	96.8

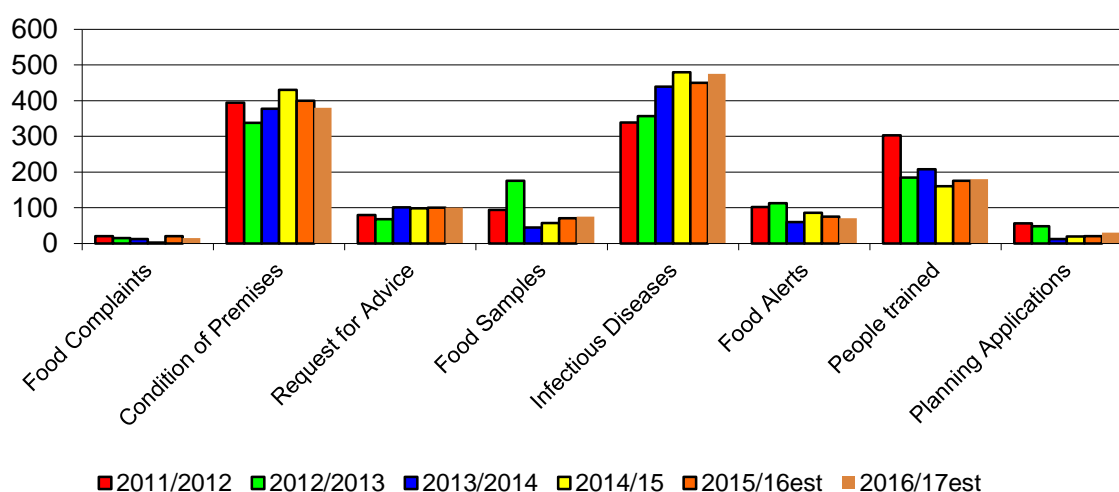
Table 3.2 Percentage of Demand Driven Work within Target Response Time

3.2.2 All food complaints received are investigated in accordance with the council's Enforcement Policy and documented procedures. See below for a chart showing the pattern of demand driven work since April 2011 and estimates for the current year and 2016/2017. The source figures for this chart are contained in tables within the relevant part of the plan.

Year	11/12	12/13	13/14	14/15	15/16est	16/17est
Food Complaints	20	15	12	2	20	15
Condition of Premises	394	338	377	430	400	380

Table 3.2.1 Estimate of complaints for current year and 2016/2017 based on data from 2011 onwards.

Chart of Demand Driven Work 2011-2017



See

tables 3.2.1, 3.4.1, 3.4.3, 3.5.1, 3.6 and 3.8 for the source of data.

3.2.3 It is estimated that 1.5 Full Time Equivalent officers will be required to meet this level of service requests.

Food Standards

3.2.4 It is the policy of this authority to respond promptly to all food complaints and to carry out enquiries in accordance with the complaints procedure. The following figures show a final estimate for 2015/16 as the report is generated before the end of the calculated year.

Year	11/12	12/13	13/14	14/15	15/16 est
Number of Complaints	104	130	100	106	125

3.3 Home Authority Principle and Primary Authority Principle

3.3.1 Brighton & Hove City Council fully supports the Home Authority principle, and has entered into 12 informal arrangements with businesses whose operational activity extends outside of the city. Currently there are no primary authority food businesses in the city.

3.4 Advice to Businesses

Food Safety

3.4.1 Advice is given during inspections, by hotline, website, newsletter and as part of the planning application process.

Year	11/12	12/13	13/14	14/15	15/16est	16/17est
No of Requests	79	68	101	98	100	100
Planning Applications	56	48	12	19	20	30

Table3.4.1 Requests received since 2011 and estimates for the current year and 2016/2017

3.4.2 It is estimated that 0.5 Full Time Equivalent Officer is required to meet this estimated demand.

Food Standards

3.4.3 The level of requests for advice has remained reasonably consistent over several years. The following figures show an estimate for 2015/16 as the report is generated before the end of the calculated year.

Level of Service Requests

	11/12	12/13	13/14	14/15	15/16 est
	158	137	153	149	150

3.5 Feed and Food Sampling

Food Safety

3.5.1 A formal arrangement is in place with Public Health England's (PHE) Food Water & Environment laboratory based at Porton Down for the analysis of samples that require microbiological examination.

3.5.2 The service participates in national microbiological sampling initiatives coordinated PHE, countywide programmes co-ordinated by the Chartered Institute of Environmental Health (CIEH) Sussex Food Liaison Group and locally devised surveys. Samples of food and swabs of food-contact surfaces may also taken as part of routine work and when investigating specific issues at food premises.

3.5.3 During 2015/2016, the service took part in national food sampling programmes:-

- Study 56 – Salad from salad bars.
- Study 57 – Sandwiches and jacket potato fillings.

As at the time of drafting this plan the subjects for study 58 had yet to be agreed.

3.5.4 In addition to these nationally agreed programmes, the service took part in microbiological sampling programme across Hampshire, Kent, Surrey and Sussex of ready to eat smoked and cured fish.

3.5.5 Sampling is also carried out during routine food hygiene inspections to aid officers in the assessment of practices carried out within commercial kitchens and identify any issues. Where any unsatisfactory results were found, corrective action was put in place to ensure the safety of food produced.

3.5.7 It is estimated 0.25 Full Time Equivalent officer will be required for this service.

Year	11/12	12/13	13/14	14/15	15/16est	16/17est
No. of samples	94	175	44	57	70	75

Table 3.4.3 Food Safety Samples Submitted 2011-2015 & estimate for the current year and 2016/2017.

3.5.8 Arrangements are in place with the PHE laboratory at Porton Down for the analysis of samples that require microbiological examination. The allotted cost for sampling for the financial year 2015/2016 was £11,429.

3.5.9 As at December 2015, the allocation for the year 2016/2017 had not been confirmed.

Food standards

3.5.10 The Public Analyst contract was awarded to Public Analyst Scientific Services (PASS) in 2013. The current allocation of budget for sampling analysis is £4,300. The focus of the contract remains composition, labelling and chemical contamination.

3.5.11 Inspections, investigations and advice for 2015/16 equated to approximately 1.6FTE.

3.5.12 A budget of £ 4,300 was allocated in 15/16 to facilitate the contract with the appointed Public Analyst for the purposes of food analysis. Sampling programmes are informed by FSA initiatives, TSSE regional and local intelligence.

Food Sampling Work undertaken in 2015/16

MONTH	PROJECT
May-July	Tropane Alkaloids
May -July	Compositional Standards and Labelling
May-July	Meat Substitution
May -July	Fish Species
May -July	Allergens
Aug-Oct	Tropane Alkaloids
Aug- Oct	Mycotoxins
Aug-Oct	Meat Substitution
Aug-Oct	Raw Chicken and Chicken Products
Aug-Oct	Food Supplements and Body Building Supplements
Nov-Jan	Tropane Alkaloids
Nov-Jan	Mycotoxins

Nov -Jan	Compositional standards and Labelling
Nov-Jan	Allergens
Year long	Spirits Sampling as a part of the inspection programme
Year long	Home Authority Sampling
Year long	Complaints/Officer initiative

3.5.13 National initiatives are fully funded and take account of potential problems requiring further investigation. The cost for the regional and local projects will be set to allow for contingencies, such as complaints and reacting to food alerts.

3.5.14 During 2015/16 Trading standards have also carried out work funded by the FSA on animal feed which ties in to the Official Feed and Food Controls. The FSA following the lead of the European Food Standards Agency and the Food and Veterinary Office are also pushing controls on imported food and are asking coastal Local authorities to check what is coming in through marinas and small ports. This work will be funded again in 2016-17.

3.5.15 During 2015/16, officers found issues with meat substitution at several premises as a result of the sampling programme. Officers will continue to advise and carry out further work relating to this in 2016/17.

3.5.16 New regulations governing the labelling of food and whether they contain allergens, came into force in 2014. Officers have undertaken work to inform businesses of their obligations under these regulations, by holding business surgeries and providing guidance in the twice yearly Food Safety newsletter as well as during routine visits and via mail shots. This will continue in 2016/17 prioritising advice to small independent traders.

3.5.17 Control and Investigation of Outbreaks and Food-related Infectious Disease

- Specific infectious diseases are notifiable to the local authority. The department investigates these cases in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. See below for the number of cases investigated from 2011 to 2015 and an estimate of the numbers expected for the current year and 2016/2017. Investigations of outbreaks must commence as soon as practical. In individual notifications, the investigation has to commence within 5 days. It is estimated that 0.5 FTE officer will be required to meet this level of complaints.

Year	11/12	12/13	13/14	14/15	15/16est	16/17est
No. of reports	339	357	439	480	450	475

Table 3.5.1 Notifications for 2015/2016 & 2016/2017 based on data from 2011 onwards.

3.5.18 The number of notifications included in table 3.5.1 has been corrected to discount those illnesses not associated with food such as mumps, measles and hepatitis.

Year	11/12	12/13	13/14	14/15	15/16est	16/17est
Campylobacter	198	174	226	293	250	240
Salmonella	35	29	42	11	30	25

Table 3.5.2 Estimate of Number of specific notifications for 2015/2016 & 2016/2017

3.5.19 Food-borne illness can be contracted as a result of a number of reasons including poor food handling in the home or foreign travel. It is therefore difficult to attribute any increase or reduction to one source.

3.6 Feed/Food Safety Incidents

3.6.1 An out of hours emergency service is staffed by senior staff who are suitably authorised to carry out the full range of food safety functions including responding to emergency food safety incidents.

3.6.2 Information regarding national food safety alerts, such as product recalls from the FSA, is received during office hours via the national alert system.

3.6.3 The Environmental Health Manager (Food Safety) and senior staff within the Food Safety Team are registered on the rapid alert system to receive food alerts through a text message scheme direct to their mobile phones. The information contained in the food incidents is distributed and acted on as deemed necessary.

Year	11/12	12/13	13/14	14/15	15/16est	16/17est
Food Alerts	102	113	60	86	75	70

Table 3.6 Food Alerts for the current year and 2016/17 based on data from 2011 onwards.

3.7 Liaison with Other Organisations

Food Safety

3.7.1 There are a number of arrangements in place with other professions and local authorities to promote consistency, provide joint projects and develop services: -

- The Food Safety team sends a representative to Sussex Food Liaison Group which develops common approaches to regulation across Sussex.
- An Environmental Health Officer attends the Chartered Institute of Environmental Health's Sussex Food Study Group which develops joint procedures and practices.
- An officer attends the regular liaison meetings with Children's Services and school caterers.
- District Control of Infection Committee, Community Consultant in Disease Control reviews procedures and agrees communicable disease outbreak and food poisoning control measures.
- The authority is a member of the Brighton & Hove Food Partnership. The partnership includes representatives from local businesses and community groups, community workers and members of the Sustainability Commission. The Partnership raises awareness of food producers in supporting health, the economy and the environment increasing access to nutritious, safe, affordable food and providing a network for information exchange.
- A liaison arrangement is in place with Sussex Career Services and local schools to enable teachers and students from Brighton & Hove to gain work experience.

This work is accounted for in the reactive work estimate of resources required.

Food Standards

3.7.2 The team works closely with 18 other Trading Standards Services in the southeast that together make up Trading Standards South East (TSSE). Activities include liaison on all trading standards issues, co-ordinated activities, sampling and advice projects and sharing of information via the TSSE intranet. As well as this officers use the national knowledge hub which allows access to trading standards services nationally. The team also work directly with the FSA and receive food alerts which identify problem products which we can move quickly to remove from the food chain at a local level. Officers also use this forum to receive advice and intelligence regarding the feed function.

3.8 Feed and Food Safety and Standards Promotional Work, and Other Non-Official Controls Interventions

3.8.1 The city Health and Wellbeing Board’s strategy focuses on priority areas where it can make the greatest impact. The strategy includes healthy weight and good nutrition. The Food Safety Team work with Brighton & Hove Food partnership promoting healthy menu options via the Healthy Choice Award in a diverse range of settings targeting health inequality: nurseries, breakfast clubs and after-school clubs and care homes. This was relaunched in July with the introduction of the Healthy Choice Award GOLD for settings that also work towards sustainability criteria.

3.8.2 A Project Officer has been appointed to work within the Food Safety Team to develop a Healthy Choice Award for cafes, restaurants, takeaways, pubs and canteens. The criteria and application materials have been developed, and the Award prioritises the preparation of meals using fresh ingredients, the use of healthier ingredients and cooking methods and adequate opportunities for customers to make healthier choices if they wish.

3.8.3 The programme also supports the Public Health Sugar Smart City campaign. Sugar Smart City aims to motivate settings such as schools, food outlets and retailers to take action and help residents reduce their sugar intake. Food outlets are being asked to make ‘Sugar Smart Commitments’ such as to promote free tap water for customers, offer a range of low and no sugar soft drinks, or to develop lower sugar dessert or children’s menu options. Outlets are also being asked to volunteer to put a 10p levy on non-alcoholic soft drinks they sell which contain added sugar. This money will be paid into the Children’s Health Fund to support projects that aim to improve children’s health and food education.

3.8.4 The service aims to organise 12 food hygiene training courses per year. The food safety training activity by number of people trained is given below. The CIEH Level 2 Award Food Safety in Catering course is a full day course aimed at food handlers.

Year	2011/2012	2012/13	2013/14	2014/15	2015/16est	2016/17est
Trained	303	184	208	160	175	180

Table3.8 Total Training Undertaken since 2011

3.8.5 The service took part in Food Safety Week during June 2015 by organising displays in Customer Service Centres at Bartholomew House, Hove Town Hall, Brighton Town Hall and Hove Library.

4. Resources

4.1 Financial Allocation

Food Safety

4.1.1 The proposed 2016/17 budget allocation for the Food Safety service has yet to be set but it is envisaged that the budget for will be inline with that for 2015/16.

Food Standards

4.1.2 It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. Cost of the food standards function in 2015/16 was as follows based on the percentage of time officers spend on the food function outlined above and below:

Staffing Inspection, complaints and advice Management/Support	£ 3,200
Food Team	£42,170
Total	£45,370
Purchases	£ 500
Analysis	£ 4,300
Total	£ 5,000
Total	£ 56,170

The budget has not yet been set for 2016/17 but similar funding levels are envisaged as 2015/16.

4.2 Staffing Allocation

Food Safety

4.2.1 Establishment of the Food Safety Team for the year 2016/2017 is 11.04 full time equivalent field officers plus two full time equivalent administrative support staff and management, broken down as follows:-

- 1 x Environmental Health Manager
- 2 x Senior Environmental Health Officers
- 3.8 x Environmental Health Officers
- 4.24 x Senior Technical Officers
- 1 x Food Nutrition Project Officer

4.2.2 As detailed in 3.1.19, 3.2.3, 3.4.2, 3.5.7, 3.5.17 and 3.8.2 of this plan it is estimated that 11 full time equivalents are required to fulfil the given objectives. This is inline with the allocated resources.

Food Standards

4.2.3 The Inspection and Sampling Team is responsible for Food Standards Inspection. The proportion of time allocated to this function in 2015/16 was estimated as follows:-

Support	0.05
Management	0.05
Food Staff	1.6
Total	1.7 FTE

4.3 Staff Development Plan

4.3.1 The Authority has a structured appraisal and development system. During staff appraisals, individual training needs and any gaps in competence are identified. The information is used to produce individual training and development plans for each officer for the coming year.

4.3.2 All food safety field officers hold relevant qualifications to comply with the requirements of the Food Safety Code of Practice. In addition to the annual appraisal system ongoing professional development is monitored and managed through officer self assessment, management monitoring, regular 1-2-1's and the quality assurance system detailed in 5.1.1 below.

5.0 Quality Assessment

5.1 Quality Assessment and Internal Monitoring

Food Safety

5.1.1 The service has a documented procedure relating to food safety duties. Internal audits are carried out to ensure compliance with these procedures. The service is accredited to ISO 9001 and externally audited by the British Standards Institute. Staff performance is reviewed, monitored and managed through the appraisal system, monthly 1-2-1 and review by the departmental management team.

5.1.2 The service actively seeks the views of businesses by giving out post-inspection questionnaires to traders inspected. In 2014/2015, 239 questionnaires were returned. The key findings of these returns were:-

- 94.5% of respondents were either very satisfied or satisfied that Brighton & Hove City Council had done all that it could to help deal with their premises inspection.
- 96.7% of respondents understood the purpose of the visit to their premises.
- 96.6% found the information given to them by the visiting officer easy or very easy to understand.

Similar high levels of satisfaction were recorded from questionnaires returned in the previous seven years.

Food Standards

5.1.3 We aim to continually improve the level of service provided. Procedures are implemented and reviewed where necessary to incorporate identified improvements.

6. Review

6.1 Review Against the Service Plan.

Food Safety

6.1.1 In addition to the quality checks detailed in 5.1, performance is reviewed against the Service Plan by comparing the number of interventions achieved against the number programmed. Monthly statistical reports are produced so that performance can be closely monitored and managed through the year. Any problems are promptly identified and resolved through management reviews, team meetings and monthly one to ones between field staff and their line manager.

6.1.2 Official Feed and Food Controls Service Plans are produced and reviewed on an annual basis by management review and consideration by elected members through the committee structure and Full Council.

6.1.3 In the year 2014/2015, 99.5% of the due food safety interventions were accounted for. This included interventions carried out and businesses that ceased trading before they could receive their planned intervention. 470 interventions were undertaken of new businesses or premises that had changed ownership.

6.1.4 At January 2016, 94.8% of the food businesses in the city were deemed to be 'broadly compliant', or better ie a Food Hygiene Rating Score of three or better.

6.1.5 From April 2014 to March 2015 30 Hygiene Improvement Notices were served and five successful prosecutions were undertaken.

Food Standards

6.1.6 Service reviews are carried out on a monthly basis to check that the inspection programme is on target and to ensure that projects are being completed in the agreed timescale.

6.1.7 The Service Reviews indicate that the service is on target to achieve the interventions programme.

6.1.8 During staff one-to-one's each officer's performance is monitored, to identify good performance and any areas of improvement.

6.1.9 Complaints are responded to within the stated timescales.

6.2 Identification of Any Variation from the Service Plan

Food Safety

6.2.1 Reviewing the final outcome of 2014/2015 against last year's Service Plan shows two areas of variation.

- Last year's service plan predicted that there would be 735 secondary inspections carried out in 2014/15. Whereas 585 were actually conducted. This may be due to a number of reasons including improved standards in food outlets.
- Last year's plan also estimated that there would be 550 inspections of new businesses undertaken. 470 such inspections were actually undertaken. This may be due to a number of businesses registering that never actually started trading as so did not require inspection.

Food Standards

6.2.2 There was no significant variation from the plan.

6.3 Areas of Improvement

Food Safety

6.3.1 As a result of publishing the food safety standards through the Food Hygiene Rating Scheme standards generally are continuing to improve year on year. Table 6.1 demonstrates the improvement which has been built on the local Scores on the Doors scheme since migration to the national scheme in March 2012.

FHRS rating	April 2012	Jan 2013	Jan 2014	Dec 14	Jan 16
0	6	3	4	5	5
1	114	113	95	74	85
2	86	92	83	89	51
3	284	265	266	226	202
4	508	589	638	660	617
5	1311	1377	1469	1604	1736
Total	2309	2624	2555	2851	2696

Table 6.1. Number of food businesses in each FHRS Rating

6.3.2 In July 2015 the service underwent an external audit from by the Food Standards Agency. The audited identified a number of minor improvements in the overall arrangements and controls for incidents. An action plan has been agreed in relation to these points.

6.3.3 In January 2016 the food service underwent an audit as part of a Sussex wide Inter Authority Audit. The audit report concluded:

"Brighton & Hove City Council's implementation of the Food Hygiene Rating Scheme appears to be very good throughout, following all the major principles detailed in the Brand Standard. In particular, the Service should be

congratulated for its vigorous ongoing consistency and monitoring procedures related to the scheme, which has been enthusiastically adopted by all staff.”

Food Standards

6.3.4 Advancements have been made in the delivery of food law enforcement. There are many examples of joined up working and co-operation where co-ordinated sampling programmes and officer training feature highly. However, there are still areas for improvement. They are as follows:

- Targeting beer, wines and spirits misdescription and traceability, this work links in with the Licensing Authority function and Alcohol Project Board.
- Improved use of the Environmental Health newsletter to provide businesses with information.
- Increasing the number of voluntary contacts by businesses
- Developing the access to on-line business advice.
- Better publicity for the healthy eating education message.
- Developing links with schools
- Increasing and maintaining the competency and professional development of food officers.
- Establishing consumer concerns and reflecting this in local activity.

Subject:	2016/17 Local Transport Plan Capital Programme		
Date of Meeting:	15 March 2016 – Environment, Transport & Sustainability Committee		
	17 March 2016 – Policy & Resources Committee		
Report of:	Acting Executive Director – Environment, Development & Housing		
Contact Officer:	Name:	Andrew Renaut	Tel: 01273- 292477
	Email:	andrew.renaut@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The city council secures capital funding for transport schemes through the government's Local Transport Plan [LTP] process. The council approved the use of capital funding for LTP projects for 2016/17 on 25 February 2016 as part of the overall budget, and allocated £4.274 million for those projects. Further allocations for the following two years (2017/18 and 2018/19) were also confirmed as part of the 4-year budget planning approach.
- 1.2 The LTP is a statutory document and the council's fourth LTP [LTP4] was approved by the council in March 2015. The LTP4 consists of a long-term Strategy to 2030, and a short term 4-year Delivery Plan. Maintaining, managing and improving the city's transport and highway infrastructure, which is one of the city's largest assets with an estimated value of nearly £1.7 billion, is an essential part of the council's investment which helps support and provide access to the many activities that are important to the city's residents and local communities and its wider, sub-regional economic role within the Greater Brighton City Region.
- 1.3 The proposed, detailed programme for 2016/17 allocates funding across a number of capital renewal (maintenance) and integrated transport projects and programmes of work, and is based on government estimates of how much investment is required. The content of the proposed LTP capital programme enables the pro-active allocation of funding to projects or programmes that will deliver long-term benefits to the city and its residents through the renewal, or construction of new, transport infrastructure which is the responsibility of the council as the Local Highway Authority. It is based on a number of factors, which include taking account of:-
- recent or past decisions made by this or other council committees, often following public consultation, to deliver transport projects and programmes;

- the prioritisation of allocations to projects or programmes identified in investment or action plans which are required to deliver the aims and objectives of approved, council strategies or plans following public consultation;
- decisions made by committees in response to the receipt of petitions or deputations;
- requests for improvements from ward councillors or residents which are prioritised according to need or significance, based on committee-approved policies or assessment criteria, if available;
- engagement and discussion with The Connected City's Transport Partnership;
- and technical or statistical data, surveys or evidence which indicate that a significant problem exists and requires capital investment to correct it.

1.4 The proposed LTP capital programme therefore includes commitments to schemes that are already approved, ongoing programmes of works and new projects. The programme focuses on ensuring the highway network is maintained and renewed to a high standard, improving safety, increasing choices for some journeys by providing for, and encouraging, the use of sustainable transport, and creating a more attractive public realm.

1.5 Investment in short-term, reactive repairs are made to the transport network in response to relatively minor problems identified by officers or residents, and these are carried out from within existing revenue budgets, which are allocated within each financial year via the delegated authority assigned to the Director of Environment, Development & Housing.

2. RECOMMENDATIONS:

That the Environment, Transport & Sustainability Committee:

2.1 Recommends to request that Policy & Resources Committee agrees the 2016/17 Local Transport Plan capital programme budget allocation of £4.274 million to projects and programmes, as set out in Appendix 2 of this report; and

2.2 Notes the indicative allocation of future LTP budgets to projects and programmes for 2017/18 and 2018/19 of £5.391million and £5.169 million to fund the Local Transport Plan 4-year Delivery Plan, as set out in paragraph 7.2 of this report.

That the Policy & Resources Committee:

2.1 Agrees the 2016/17 Local Transport Plan capital programme budget allocation of £4.274 million to projects and programmes, as set out in Appendix 2 of this report; and

2.2 Notes the indicative allocation of future LTP budgets to projects and programmes for 2017/18 and 2018/19 of £5.391million and £5.169 million to fund the Local Transport Plan 4-year Delivery Plan, as set out in paragraph 7.2 of this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 For many years, the capital funding secured through the LTP process and invested through its strategies and delivery plans has contributed towards enhancing local neighbourhoods and environments and the strengthening the city's role as a transport hub and centre for economic activity within the wider Greater Brighton City Region. Significant examples include rebuilt highway structures on the seafront-strengthened to last another 125 years and creation of new business opportunities; Brighton Station Gateway-an enhanced interchange and arrival point for visitors; Seven Dials – an improved safety record; and New Road-an acclaimed example of improved public realm. More localised investment in neighbourhoods has included pedestrian crossings, cycle facilities and Rights of Way improvements.
- 3.2 In addition, LTP budgets have been used to help secure and deliver significant levels of capital funding from other sources for many different projects, such as the Lewes Road Corridor Local Sustainable Transport Fund project; the Better Bus Area scheme focused on Edward Street/Eastern Road; investment in a Low Emission Zone (North Street) supported by funding secured for cleaner vehicles through the Clean Bus Technology Fund; and a grant to tackle dangerous junctions for cyclists (invested in the Seven Dials junction). More recently, allocations in the LTP budget have been used to secure significant levels of funding for Local Growth Fund projects from the Coast to Capital Local [CtoC] Enterprise Partnership [LEP]. These projects include Valley Gardens, BikeShare and an Intelligent Transport Systems [ITS] Package to improve the movement and flow of people and vehicles.
- 3.3 The proposed 2016/17 allocation of funds (set out in Appendix 1) has been based on two main factors - 1) the progress made on completing or continuing spend on 2015/16 projects and programmes; and 2) the agreed contributions or commitments to begin new projects/programmes in 2016/17.
- 3.4 The content of the programme is described briefly below, and is consistent with the principles established within the LTP4 Delivery Plan – maintaining the network, managing movement, and improving streets and infrastructure. When required, all projects will be fully co-ordinated with other council schemes and works by other agencies (gas, water etc) to minimise disruption and ensure efficient use of funds.

CAPITAL RENEWAL (MAINTENANCE) FUNDING BLOCK

- 3.5 The proposed programme of £2.480m for this area of work amounts to about 60% of the total available LTP budget for 2016/17. This capital funding is focused on maintaining links and routes and reflects the continued and growing need to renew highway infrastructure in order to ensure that it has a longer life and therefore minimises the need for ongoing/short-term repairs to potholes that are funded from reduced revenue budgets. It also broadly reflects the government's estimation of spending in this area, based on its current formula for calculating LTP allocations.
- 3.6 The programme includes £1.000 million for road re-construction. Priority consideration will be given to repair damage that has occurred to key routes to address the effects of high traffic volumes and recent and continuing extreme

winter weather conditions. Sections of roads where the surface requires immediate, major repairs or renewal will be identified based on recent surveys. A further £0.145m will help improve the condition of footways across the city, with a focus on well-used corridors, and £0.150m has been allocated to begin addressing significant problems associated with damaged highway drainage that causes surface water flooding on roads and pavements. Priority locations could include Union Road and Eaton Road, Hove.

- 3.7 Significant works to assess and strengthen highway structures across the city will also continue (requiring £0.795m allocation) to ensure they remain in a safe condition and are fit for purpose. The significant amount of investment that is specifically required in order to renew and maintain structures which are a critical, but ageing, part of the seafront's infrastructure accords with the conclusions and recommendations of a council Seafront Infrastructure Scrutiny Panel in 2014, which considered existing and future funding sources and opportunities to manage or use those finance streams differently. A main priority for 2016/17 will be a further allocation of £0.595m to contribute towards the essential £10.5 million strengthening works to the Former West Street Shelter Hall structure which supports the A259 Kings Road. The majority of this funding has been secured via a successful bid to the government's Highways Maintenance Challenge Fund.
- 3.8 The development of funding applications and further schemes for the renewal of the city's seafront structures (often referred to as 'the Arches') within the vicinity of the Waterfront Central site (Brighton Centre/Kingswest), as prioritised by this committee in November 2015. A further bid will therefore be made in 2016 to seek funding from the LEP's LGF Resilience budget beyond 2016/17.
- 3.9 £0.300m has been allocated to assist in reducing the ongoing maintenance requirements for the £10 million-plus worth of street lighting in the city. Surveys and condition assessments have identified a number of areas/corridors that require street lighting column replacement. An ongoing programme to upgrade lighting with more efficient lanterns/lamps will continue to contribute towards the city's carbon reduction targets. Works are planned in Ditchling Road, Lewes Road and Wilson Avenue. Officers are also giving further consideration to exploring alternative approaches to funding this area of work, including the Green Investment Bank, to help accelerate reductions in electricity and maintenance costs, and carbon emissions.
- 3.10 A government requirement for all Highway Authorities to identify and account for their infrastructure (often referred to as assets) by preparing a Highway Asset Management Plan [HAMP] will be continued during 2016/17. £0.090m is estimated to be required to fulfil this requirement and the completed HAMP will form the basis of a comprehensive inventory, which will then be used to prepare medium and long-term programmes of works to maintain the highway to required standards, based on its current condition. These programmes will aim to maximise the use of the most cost-effective methods and materials to address the variety of problems that users of the network experience.

INTEGRATED TRANSPORT FUNDING BLOCK
Connecting people with destinations, activities and services

- 3.11 Ensuring that transport investment is targeted in locations that will help support the wider needs of the city is critical to helping deliver a broad range of improved service outcomes. These locations can include important local facilities and/or more significant destinations that help draw people and investment to the city from a wider area.
- 3.12 £0.496m worth of proposed investment in 2016/17 will include improving the safety and environment around, and on routes to, schools and increasing the transport options available to reach centres of economic activity and employment can assist in reducing congestion. Measures include those that will assist in encouraging sustainable travel behaviour change, such as workplace and school travel planning. Local shopping centres are a focus for many communities/visitors and provide a variety of facilities and services that can help to reduce the need to make a number of separate journeys. Enabling these locations to be more accessible and attractive to everybody and function safely and practically e.g deliveries and servicing, provides the opportunity for them to thrive as part of the local economy. Completion of the East Street project in the Old Town is planned, subject to the completion of the Traffic Regulation Order [TRO] and any other remedial works. Work to develop proposals for the Boundary Road/Station Road corridor in Portslade will be undertaken beyond 2016/17 as part of the LTP 4-year Delivery Plan, following its prioritisation by committee in November 2015.
- 3.13 Local parks and open spaces provide excellent opportunities for people of all ages to improve their quality of life in terms of relaxation, fresh air or exercise. Improving access to those locations will enable them to be reached safely and sustainably, or address local perceptions of danger or severance, and therefore be used more regularly. Improving Rights of Way [RoW] in line with the statutory RoW Improvement Plan, including those that provide improved links with the South Downs National Park remain a priority.
- 3.14 £0.315m worth of investment is proposed in interchange facilities, where people can transfer between different forms of transport on their journey/visit, is also proposed, including a contribution to help deliver the BikeShare project and provide cycle parking at rail stations, including Hove, Portslade, London Road and Moulsecoomb. Work will also begin on the development of the 'Gateway to the Sea' project, between Brighton Station and the Seafront, following its prioritisation by committee in November 2015.

Improving neighbourhoods

- 3.15 Continued investment is required in targeted road safety engineering schemes to reduce casualties, in line with the positive results achieved in recent years in reducing the number of people killed or seriously injured. £0.080m is proposed to monitor the outcomes of the phased introduction of 20 mph speed limits in areas of the city, and identify any issues and remedial measures. The locations for proposed investment of £0.345m on high risk sites will be confirmed following the completion of an assessment of collision and injury data, and will aim to maximise the reduction of casualties.
- 3.16 Walking and cycling are the best forms of 'low carbon' transport and the activity involved provides additional personal health benefits for individuals and, if used as an alternative to car journeys, can help reduce pollution and therefore benefit

wider communities, especially if acute air quality problems have been identified. Increasing the mobility of local residents with dropped kerbs and level surfaces, alongside clear wayfinding signing for visitors, are important ways to increase the attractiveness and convenience of these types of journeys in the city, especially over short distances. A total of £0.188m is planned to be spent specifically in these areas in 2016/17. Other projects will include investment in measures to enable and increase active travel.

Managing links and improving routes

- 3.17 Ensuring the efficient movement of people and vehicles across and along key transport corridors helps to keep the city moving. Work will continue on the development of the Valley Gardens project, which aims to improve and increase priority and provision for buses, taxis, pedestrians and cyclists, as well as addressing traffic management and flow on this main corridor. Work to develop proposals for the Church Road corridor in Hove will be undertaken beyond 2016/17 as part of the LTP 4-year Delivery Plan, following its prioritisation by this committee in November 2015.
- 3.18 Continued investment in the use of technology to manage the LGF-funded Intelligent Transport Systems [ITS] Package will help modernise and optimise traffic signal-controlled junctions and pedestrian crossings and improve driver information. In order to assist the committee in having a better understanding of this particular project, an outline summary is attached in Appendix 3 to this report. The upgrade and installation of existing and new electric vehicle charging points will also assist in more efficient movement, widening choice and reducing carbon emissions, as agreed by committee in July 2015.

Minor works

- 3.19 Minor investment is required in 2016/17 for some schemes after the main construction works have been completed in 2015/16 e.g safety audits and additional remedial works, and to allow some initial scoping and preliminary work on new schemes. There will also be investment in data collection to assist in monitoring and assessing the wider effects of some schemes/projects.

Future transport capital programme investment

- 3.20 In approving its 2016/17 budget, the council has also confirmed that it expects to receive capital allocations from the government of approximately £5.391 million and £5.169 million in 2017/18 and 2018/19 respectively through the LTP process. These sums will enable the ongoing development and delivery of certain schemes or initiatives and will be dependent upon future budget decisions made by the council, and the committee is recommended to note them. Within the LTP capital programme, priority consideration will need to be given to ongoing/committed projects when considering future allocations of funds, in addition to any changes in the identification of needs, priorities, and outcomes. Scheme development, through design and/or consultation, can also result in further changes, as would any opportunity to introduce new initiatives or projects.

OTHER SOURCES OF FUNDING

- 3.21 The LTP process is one of a number of sources of funding that are used to deliver transport schemes. Previously successful bids to other government sources such as the Local Sustainable Transport Fund [LSTF], Better Bus Area [BBA] initiative, and Highways Maintenance Challenge Fund, supported by

contributions from the council's LTP budget, have secured significant investment for key corridors. The council will also be seeking to bid for funding from the government's newly announced, £20 million Sustainable Travel Transition Year Fund, in advance of the launch of a new £60 million Access Fund which is expected to take place later in 2016 to provide further support for sustainable and accessible travel projects.

- 3.22 Investment in local transport is also secured through the planning process via legal (Section 106) agreements. Funds from the redevelopment of the Royal Sussex County Hospital will fund measures in the Eastern Road corridor. Sums secured for making bus stops and pedestrian routes accessible and level will be used in 2016/17 to continue the funding of these important work programmes.
- 3.23 The council has also been successful in securing funding for major and significant transport schemes by bidding through the newly created Local Growth Fund [LGF] process, which is led and administered by the Coast to Capital Local Enterprise Partnership [LEP], and supported by its Local Transport Body [LTB]. This funding will support the retention and delivery of jobs and housing in the city, given its prominent role in the Greater Brighton City Region. In future years, the LTP capital programme will also need to reflect new bids to the LTB for funding, and any capital funding required to deliver the strategic transport priorities that emerge through the Government's Devolution process (which could result in giving areas certain opportunities, freedoms and flexibilities). The current transport proposals set out in the Greater Brighton City Region's Devolution Prospectus, 'Platforms for Prosperity', include greater access to local transport funding; better bus and rail connections and routes; and Park + Ride.
- 3.24 Funding has already been secured from 2015/16 onwards for the Valley Gardens project (Phases 1 & 2), BikeShare and the ITS Package. Future bids will be made for projects that could start between 2016/17 and 2020/21 as those funding opportunities arise, including Gateway to the Sea and seafront highway structures.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The proposed 2016/17 LTP capital programme is consistent with the Strategy and the principles of the Delivery Plan in the approved LTP4, and the proposed allocation of capital investment will help contribute to meeting local transport and wider policy objectives and outcomes.
- 4.2 The programme includes commitments to financial contributions to projects and programmes that have helped secured much larger sums of capital funding from other sources for the council to invest in its transport network. Maintaining these commitments is essential to deliver those projects and should help support the consideration of the council's case for any similar bids in the future.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The LTP4 was developed using the results of consultation with residents, stakeholders and with the city's Transport Partnership. As outlined in paragraph 1.3 of this report, many individual projects and programmes have been, or will be, the subject of consultation with local communities and ward councillors.

Alongside the Maintenance programme, the delivery of Integrated Transport will be considered by the council's Traffic Manager in terms of minimising the potential effects of works on the overall operation and management of the transport network in Brighton & Hove.

- 5.2 Multi-agency working remains key to helping achieve improvements in service outcomes and overall performance across the city through scheme development and transport investment. Improving transport infrastructure and services ensures that the council and its partners can meet the varying needs of the city, especially at a time when achieving sustainable economic, environmental and social outcomes, through value for money investment, are high priorities.

6. CONCLUSION

- 6.1 The decision of the committee to approve the allocation of the 2016/17 LTP capital programme to projects and programmes will provide a clear indication of proposed plans for capital investment in transport using the LTP budget, and other sources of funding such as the LGF. It therefore enable works to be continued or started, which will continue to support the council's, city's and wider stakeholders' objectives.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The 2016/17 capital programme was approved at Budget Council in February 2016 and this report sets out the proposed use of the £4.274m approved funding for the LTP capital programme. The 2016/17 LTP capital programme is funded by Department of Transport grants and takes into consideration a repayment to the council's reserves relating to forward funding of the 2015/16 LTP programme, as shown in the table below.
- 7.2 Future years' capital programmes will require Policy and Resources Committee approval.

	Confirmed allocation (£'000) 2016/17	Indicative allocation (£'000) 2017/18	Indicative allocation (£'000) 2018/19
Total Approved Funding Available:			
DfT Integrated Transport Block Grant	3,059	3,059	3,059
DfT Maintenance Block Grant	2,404	2,332	2,110
Total Grant Funding	5,463	5,391	5,169
Repayment to Council Reserves	(1,189)		
Total Funding Available	4,274	5,391	5,169

Finance Officer Consulted: Sue Chapman

Date: 4/03/16

Legal Implications:

- 7.3 The LTP is a statutory requirement and the document was adopted by Full Council in March 2015. There are no direct legal implications associated with approving the 2016/17 LTP capital programme, which is consistent with the 4-

year Delivery Plan set out within the LTP4. Any relevant legal implications will be considered when individual schemes are brought forward for implementation.

Lawyer Consulted:

Elizabeth Culbert

Date: 2/03/16

Equalities Implications:

- 7.4 The LTP4 was developed by taking into account the council's Equality & Inclusion Policy, and an appropriate level of Equalities Impact Assessment was undertaken in line with it. This was based on securing, understanding and taking into account the views of people who are identified as having 'protected characteristics' (those against which discrimination is unlawful) as defined by the Equality Act 2010. In developing specific projects and programmes within the 2016/17 LTP capital programme, the needs of these communities will be prioritised from the outset, and wherever possible will be incorporated into designs in order to overcome barriers to movement that may be experienced.
- 7.5 In doing so, this will ensure that the transport network is made accessible to all, irrespective of any protected characteristic. Improvements to areas of the city, transport routes and facilities will enhance the provision and choice for people, especially those with mobility difficulties, or other disabilities. Road safety schemes improve conditions for vulnerable road users. This type of investment will also support the work of the council's newly established Fairness Commission.

Sustainability Implications:

- 7.6 LTP funding enables the council to meet environmental objectives set out in the LTP4 Strategy and the council's Sustainability Action Plan Strategy, such as a shift towards greater use of sustainable transport and reducing carbon emissions.

Any Other Significant Implications:

- 7.7 The 2016/17 LTP capital programme helps deliver the objectives of the LTP as a strategic document for the city, and transport and travel have a significant role in supporting and helping achieve the city's and council's wider objectives across a number of service departments. Additional, wider implications associated with the proposed investment are therefore set out in Appendix 2 of this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed 2016/17 and Future Years LTP capital programme allocations

Documents in Members' Rooms

1. None

Background Documents

1. Report to Budget Council – 25 February 2016
2. Report to Environment, Transport & Sustainability Committee – 24 November 2015
3. Report to Policy & Resources Committee meeting – 19 March 2015
4. Brighton & Hove City Council's Fourth Local Transport Plan [LTP4] – March 2015

Any Other Significant Implications

Crime & Disorder Implications:

- 1.1 There are no direct implications arising from the proposed 2016/17 LTP capital programme. However, the LTP4 has a particular focus on improving road safety and personal security and, wherever possible, its projects and programmes will seek to reflect and deliver the aims of the council's Community Safety and Crime Reduction Strategy 2014-17, especially in helping to deliver measures that improve the physical environment, ensure communities are stronger, and help people feel safer. This can include work to design, improve, manage and maintain public spaces and streets so that people feel safe. The positive use of spaces is encouraged to ensure that crime and antisocial behaviour are discouraged.

Risk and Opportunity Management Implications:

- 1.2 The design of most transport schemes are safety audited to ensure they comply with current design standards. Regular monitoring and reporting throughout the year of the LTP capital programme and its projects will minimise the risk of not fully spending the approved investment programme. Maintenance of the seafront as an asset to the city is identified within the council's Strategic Risk Register because it includes the transport routes and highway structures that form support it. Investment in it therefore forms part of the proposed 2016/17 capital programme. Investment in scheduled maintenance of roads, pavements and cycleways provides safer infrastructure for all users and reduces the need for expensive reactive repairs.

Public Health Implications:

- 1.3 Transport and travel are critical to delivering the city's public health objectives as they contribute significantly to some of today's greatest challenges to public health, including road traffic injuries, physical inactivity, the adverse effect of traffic on social cohesiveness and the impact on outdoor air and noise pollution. Improving people's and communities' health and well-being is a key objective of the LTP4, and the LTP capital programme allows continued investment in transport improvements that provide for and promote active travel, such as walking and cycling. This investment also helps to improve air quality by reducing harmful emissions therefore delivering objectives and actions set out in the council's Air Quality Action Plan, such as providing for electric vehicles and enabling greater use of alternatives to the car for some journeys. Creating less dangerous and more attractive environments, such as road safety and public realm schemes, will improve individual and community health and quality of life.

Corporate / Citywide Implications:

- 1.4 The LTP includes principles and objectives that will help support the city's planned economic growth, social development and environmental enhancement. The annual capital programme plays an important role in delivering the council's Corporate Plan; the City Plan Part 1 policies (especially Policy CP9 on

Sustainable Transport) and the schemes/projects identified within its associated Infrastructure Delivery Plan. The LTP will also reflect the current and emerging priorities and policies of the council, city, and other partners and stakeholders as established in other key strategies and policy documents such as the LEP's Strategic Economic Plan; the Greater Brighton City Region's Devolution Prospectus; the updated Sustainable Community Strategy; and the vision and outcomes set out in the 2014-2019 South Downs National Park Partnership Management Plan.

PROPOSED 2016/17 AND FUTURE YEARS LTP CAPITAL PROGRAMME ALLOCATIONS

Project/ Scheme	Description <i>(please see Footnote below for explanation of asterisked (*) projects)</i>	2016/17 Proposed Allocation (£'000s)	2017/18 Indicative future req'ment	2018/19 Indicative future req'ment
<i>CAPITAL RENEWAL/MAINTENANCE BLOCK</i>				
<i>Maintaining links and routes to improve.....</i>				
Surfaces	Roads	1,000	###	###
	Pavement/Footways	145	###	###
Drainage	Replacement of failed gullies/soakaways	150	###	###
Street Lighting	Replacement of failed columns	300	###	###
Bridges & Structures	A259 Kings Road Arches (east of i360 site)	75	0	0
	Former West Street Shelter Hall (A259)*	595	###	###
	Marine Parade retaining wall (Duke's Mound)	75	###	###
	Other locations – incl. Waterfront Central	50	###	###
Highway Asset Management	Mapping, surveys, update inventory and finalising plan	90	50	50
<i>CAPITAL RENEWAL/MAINTENANCE SUB-TOTAL</i>		<i>2,480</i>	<i>2,332</i>	<i>2,110</i>
<i>INTEGRATED TRANSPORT BLOCK</i>				
<i>Connecting people with.....</i>				
Education, Training & Learning	Safer Routes to Schools	58	###	###
	School Travel Plan Measures	20	###	###
<i>SUB-TOTAL</i>		<i>78</i>		
Workplaces & job opportunities	Business Travel Plan Measures - matched funding with businesses	20	###	###
	Personalised Travel Planning	20	0	0
<i>SUB-TOTAL</i>		<i>40</i>		
Shopping areas	Old Town/The Lanes – East Street	5	0	0
	Boundary Road/Station Road, Portslade	0	0	###
<i>SUB-TOTAL</i>		<i>5</i>		
Parks, open spaces & the National Park	Rights of Way – incl. access to SDNP	58	###	###
<i>SUB-TOTAL</i>		<i>58</i>		
Interchanges	Brighton Station Gateway	15	0	0
	Cycle Parking at Stations***	65	0	0
	BikeShare project**	200	30	0
	Accessible bus-stops	35	###	###
<i>SUB-TOTAL</i>		<i>315</i>		
<i>Improving neighbourhoods with.....</i>				
Road Safety	Area-wide 20mph limits – monitoring and speed reduction measures.	80	###	###
	High risk sites	345	###	###
<i>SUB-TOTAL</i>		<i>425</i>		
Active travel measures	Pedestrian crossings – freestanding sites	115	###	###
	Walking network – incl. dropped kerbs and handrails	50	###	###
	Cycle facilities	23	###	###
<i>SUB-TOTAL</i>		<i>188</i>		
<i>.....continued</i>				

Project/ Scheme	Description <i>(please see Footnote below for explanation of asterisked (*) projects)</i>	2016/17 Proposed Allocation (£'000s)	2017/18 Indicative future req'ment	2018/19 Indicative future req'ment
Managing links and routes with.....				
Technology & Travel Information	Intelligent Transport Systems [ITS] project**	92	100	0
	Information – Traveline	13	13	13
	JourneyOn website	10	10	10
	Electric vehicle charging points	55	55	55
	SUB-TOTAL	170		
Corridor improvements	A270 Elm Grove traffic signals - upgrade	92	0	0
	Eastern Road/Edward Street- BBA project	5	0	0
	Valley Gardens – Phases 1 & 2**	299	756	57
	Church Road, Hove	0	###	###
	SUB-TOTAL	396		
Minor works	Scheme completion & scoping/Monitoring	50	###	###
	SUB-TOTAL	50		
Connecting people and neighbourhoods with, and improving the				
City Centre & Seafrost	'Gateway to the Sea' – engagement and concept design	69	###	###
	SUB-TOTAL	69		
INTEGRATED TRANSPORT SUB-TOTAL		1,794	3,059	3,059
GRAND TOTALS		4,274	5,391	5,169
Funded From				
LTP Grant Allocation		5,463	5,391	5,169
Funding from/(to) Reserves		-1,189	0	0

Footnote

* - committed contribution, as part of the council's successful bid to the government's Highways Maintenance Challenge Fund.

** - local contribution, committed to support approved Local Growth Fund [LGF] allocation.

*** - committed contribution to support approved DfT funding allocation to Southern Railways project.

- project/programme will require continued funding to deliver existing/ongoing commitment.

NOTES –

Increased investment in measures to make bus stops and walking routes and facilities more accessible will continue to be secured using 'Section 106' funds obtained via legal agreements for development schemes which are approved through the planning process. Opportunities will also be taken to invest in secure on-street motorcycle parking through the same process.

In many cases, costs indicated above are preliminary estimates. Expenditure on schemes may need to be increased, reduced or deferred during a financial year as information on scheme progress becomes available. Some works are also subject to network co-ordination with other projects, developers and utility companies, contractor availability and weather conditions.

SUMMARY OF INTELLIGENT TRANSPORT SYSTEMS [ITS] PACKAGE

Introduction

The council and its partners have undertaken some significant development of systems in the city and have made good progress to date in investing in Intelligent Transport Systems [ITS] to manage the traffic and highway network in the city. This package of new measures will enable the council to further manage and control the city's road network to respond to the challenges caused by traffic congestion.

The main objectives of the ITSPackage are as follows:-

- expand and upgrade Brighton & Hove's traffic management capability;
- enable greater interaction between the Strategic Road Network and the city's road network more effectively;
- enable better management of traffic congestion and road safety and improve journey time reliability;
- manage traffic for key events on the network more effectively; and
- improve response to unplanned incidents on the network.

There are different forms of ITS measures and those that were proposed as part of this Package (as at January 2015) are set out in the attached table.

Summary Description

The £2.152 million package is based on 'strategic corridor approaches' to implementing additional ITS infrastructure to further strengthen the resilience of the city's transport network on routes which lead to/from, or are within the vicinity of, the 5 priority development areas in the city which are specifically identified within the Coast to Capital's [CtoC's] Local Enterprise Partnership's [LEP's] Strategic Economic Plan. These are the Seafront, Valley Gardens, the New England Quarter, the Lewes Road Corridor and Shoreham Harbour Regeneration Project, and the ITS investment will also complement and support other schemes in these locations.

A Business Case was prepared and submitted to secure additional funding through the Local Growth Fund [LGF] process to deliver it (as explained below) and the application focused on a bid for funding to invest in ITS along the 3 main Principal Road corridors serving the city and its hinterland. These are the A23, A259 and A270 (plus some key, secondary roads linked to them or the 5 SEP development areas, and the city's Traffic Control Centre [TCC]), as these represent the busiest strategic routes where the benefits of ITS are most likely to be greatest in terms of minimising congestion and maximising efficient movement.

Funding

HOW MUCH & WHEN – Estimated construction costs and construction timetable						
Est. Costs:	£2.152 million			Start & end of construction:		2015/16-2017/18
Spend Profile	2015-16: (£m)	2016-17: (£m)	2017-18: (£m)	2018-19: (£m)	2019-20: (£m)	TOTAL:
LGF	0.447	0.786	0.597			1.830
Local contribution	<u>0.130</u>	<u>0.092</u>	<u>0.100</u>			<u>0.322</u>
TOTAL	0.577	0.878	0.697			2.152
Funding expectations	<p>£1.83m – Local Growth Fund Resilience budget allocation [85%]</p> <p>£0.322m – Local contribution BHCC Local Transport Plan 4 capital programme [15%]</p> <p>The funding programme is indicative and is sufficiently flexible and scaleable to respond to any changes in funding proposals or requirements.</p>					

Background/Decisions

2013

An original £3million ITS bid was submitted to the LTB for ‘devolved Government Major Scheme Funds’ (pre-LGF). The bid was not prioritised as insufficient funding was available, but it was designated as a ‘next best priority’.

2014

The ITS Package was included in the council’s Transport investment priorities for the city as part of the overall bid for LGF set out within Coast to Capital LEP’s Strategic Economic Plan.

2015

January – ITS Package funding application submitted to the LEP for funding from LGF Resilience budget for 2015/16 onwards.

March - BHCC ETS Urgency Sub-Committee endorsed the ITS bid submitted to the LTB for LGF. The bid was independently assessed by an LTB-appointed auditor, and the LTB subsequently granted ‘conditional approval’ for LGF funding, subject to some further clarification and minor revisions to the funding application.

April – A revised application was submitted to address the independent assessor’s comments.

May – Confirmation was received from the LEP that the amended application was acceptable to the independent assessors and that the funding allocation will be recommended for full approval by LEP officers, under delegated authority, as agreed by the LTB.

Current position

Work is currently underway to design and develop the programme of measures that achieves the most efficient way of delivering the ITS Package's objectives across a 3-year period, which takes account of the need to maximise the outputs that will be delivered through the investment whilst minimising disruption on the network when/if other work is planned.

This programming will primarily aim to treat individual corridors one by one in order to complete the delivery of a comprehensive set of measures and begin to secure the potential benefits at an early stage.

BRIGHTON & HOVE CITY COUNCIL **COAST TO CAPITAL LTB RESILIENCE SCHEME APPLICATION** **ITS PACKAGE**

Scheme Programme and Spending Profile **(as at January 2015)**

Citywide Traffic Management

Route/ Corridor	Location	Description	Cost (£)	Overall benefits	SEP priority development area linkage
All	Traffic Control Centre (HTH)	New remote-based and cloud server systems (such as Stratos and Inview)	100,000	More accessible fault and management regime enabling better understanding of problems and quicker response and repair times.	Benefits access to all 5 priority development areas
All	Traffic Control Centre (HTH)	55" wall screen	5,000	Additional observational capacity, especially for day to day management of network during emergency & civil contingency events	Benefits access to all 5 priority development areas
TOTAL			105,000		

A23 corridor

Route/ Corridor	Location	Description	Cost (£)	Overall benefits	SEP priority development area linkage
A23	A27 to Preston Circus	6 x Bluetooth receiver units	12,000	Greater and more reliable source of data for journey times and identifying congestion	New England Quarter [NEQ]
	Carden Avenue to city centre	8 x additional fixed bus lane enforcement ANPR cameras	120,000	Will provide increased visibility of network coverage of key north-south route to increase passenger journey time reliability	NEQ Seafront
	Oxford Street	2 x additional fixed bus lane enforcement ANPR cameras	30,000	Will provide increased network coverage of key link between Lewes Road/Ditchling Road and London Road	NEQ
	Eastern Road/Edward Street	4 x additional fixed bus lane enforcement ANPR cameras	60,000	Will provide increased visibility of network coverage of key east-west route to increase passenger journey time reliability	Valley Gardens Seafront
	Old Steine (northbound- towards London Road/NEQ & Lewes Road)	Driver information VMS	10,000	Increased advance or real-time notification of delays to inform travel decisions and increase efficiency of network by travel reduction or diversion	Seafront NEQ
TOTAL			232,000		

A259 corridor

Route/ Corridor	Location	Description	Cost (£)	Overall benefits	SEP priority development area linkage
A259 (W)	WSCC boundary to A23	6 x Bluetooth receiver units	12,000	Greater and more reliable source of data for journey times and identifying congestion	Shoreham Harbour Seafront
	Kingsway/Church Road, Portslade (eastbound-towards city centre)	Driver information VMS	10,000	Increased advance or real-time notification of delays to inform travel decisions and increase efficiency of network by travel reduction or diversion	Shoreham Harbour Seafront
	Kingsway/Wish Road	Replace existing crossing with Puffin	50,000	Reduced delays for traffic and safer facilities for pedestrians	Shoreham Harbour Seafront
	Kingsway/Walsingham Road	Replace existing crossing with Puffin	50,000	Reduced delays for traffic and safer facilities for pedestrians	Shoreham Harbour Seafront
	Kingsway/King Alfred	Replace existing crossing with Puffin	50,000	Reduced delays for traffic and safer facilities for pedestrians	Shoreham Harbour Seafront
	Kingsway/Osborne Villas	Replace existing crossing with Puffin	50,000	Reduced delays for traffic and safer facilities for pedestrians	Shoreham Harbour Seafront
	Kingsway/Fourth Avenue	Replace existing crossing with Puffin	50,000	Reduced delays for traffic and safer facilities for pedestrians	Shoreham Harbour Seafront
	The Drive (between A270 and A259)	2 x new CCTV cameras	40,000	Will provide increased visibility of network coverage of key north-south route	Seafront
	Kingsway/First Avenue	Replace existing crossing with Puffin	30,000	Reduced delays for traffic and safer facilities for pedestrians	Shoreham Harbour

Route/ Corridor	Location	Description	Cost (£)	Overall benefits	SEP priority development area linkage
					Seafront
	Kingsway/Holland Road	Driver information VMS	10,000	Increased advance or real-time notification of delays to inform travel decisions and increase efficiency of network by travel reduction or diversion	Shoreham Harbour Seafront
	King's Road/ Montpelier Road	Replace existing crossing with Puffin	50,000	Reduced delays for traffic and safer facilities for pedestrians	Seafront
	Kingsway/Preston Street (eastbound-towards city centre)	Driver information VMS	10,000	Increased advance or real-time notification of delays to inform travel decisions and increase efficiency of network by travel reduction or diversion	Seafront
A259 (E)	A23 to ESCC boundary	6 x Bluetooth receiver units	12,000	Greater and more reliable source of data for journey times and identifying congestion	Valley Gardens Seafront
	Marine Parade/Bedford Street	Replace existing crossing with Puffin	30,000	Reduced delays for traffic and safer facilities for pedestrians	Seafront
	Marine Parade/Paston Place	Replace existing crossing with Puffin	50,000	Reduced delays for traffic and safer facilities for pedestrians	Seafront
	Marine Parade/Lewes Crescent	Replace existing crossing with Puffin	50,000	Reduced delays for traffic and safer facilities for pedestrians	Seafront
	Marine Drive/Arundel Road	Replace existing crossing with Puffin	30,000	Reduced delays for traffic and safer facilities for pedestrians	Seafront
	Wilson Avenue (northbound-	Driver information VMS	10,000	Increased advance or real-time notification of delays to inform travel	Seafront

Route/ Corridor	Location	Description	Cost (£)	Overall benefits	SEP priority development area linkage
	away from A259)			decisions and increase efficiency of network by travel reduction or diversion	
	Ovingdean roundabout to ESCC boundary	4 x additional fixed bus lane enforcement ANPR cameras	60,000	Will provide increased visibility of network coverage of key east-west route to increase passenger journey time reliability	Seafront
TOTAL			654,000		

A270 CORRIDOR

Route/ Corridor	Location	Description	Cost (£)	Overall benefits	SEP priority development area linkage
A270 (W)	WSCC boundary to A23	6 x Bluetooth receiver units	12,000	Greater and more reliable source of data for journey times and identifying congestion	Shoreham Harbour Seafront
	Old Shoreham Road/Trafalgar Road (A293)/Locks Hill junction	New signal installation (including improved pedestrian facilities) plus MOVA* software	200,000	Optimise the control and movement of people and vehicles through the junction to reduce delays	Shoreham Harbour
	Old Shoreham Road-Hove Cemetery (westbound)	Driver information VMS	10,000	Increased advance or real-time notification of delays to inform travel decisions and increase efficiency of network by travel reduction or diversion	Shoreham Harbour
	Old Shoreham Road/Sackville Road/Nevill Road & Old Shoreham Road/St Joseph's Close junctions	New signal installation (including improved pedestrian facilities) plus MOVA* software	200,000	Optimise the control and movement of people and vehicles through the junction to reduce delays	Shoreham Harbour
	Old Shoreham Road/New England Road junction	New signal installation (including improved pedestrian facilities)	200,000		NEQ
A270 (E)	Elm Grove (eastbound-away from A270 Lewes Road)	Driver information VMS	10,000	Increased advance or real-time notification of delays to inform travel decisions and increase efficiency of network by travel reduction or diversion	Lewes Road Corridor NEQ
	A23 to ESCC boundary	6 x Bluetooth receiver units	12,000	Greater and more reliable source of data for journey times and identifying	Lewes Road Corridor

Route/ Corridor	Location	Description	Cost (£)	Overall benefits	SEP priority development area linkage
				congestion	Valley Gardens Seafront
	Vogue Gyrotory to Stanmer Park	3 x additional fixed bus lane enforcement ANPR cameras	45,000	Will provide increased visibility of network coverage of key east-west route to increase passenger journey time reliability	Lewes Road Corridor
TOTAL			689,000		

OTHER CORRIDORS

Route/ Corridor	Location	Description	Cost (£)	Overall benefits	SEP priority development area linkage
A293	A27 to A259	6 x Bluetooth receiver units	12,000	Greater and more reliable source of data for journey times and identifying congestion	Shoreham Harbour
A2023 (S)	Hove Street/Church Road/New Church Road junction	New signal installation (including improved pedestrian facilities) plus MOVA* software	200,000	Optimise the control and movement of people and vehicles through the junction to reduce delays	Shoreham Harbour
B2123	Falmer Road/Warren Road	New CCTV camera (with WiFi link)	20,000	Will provide increased network coverage of key north-south route between A27/A259 and city centre	Seafront
Church Road, Hove	George Street junction	Renew CCTV camera	20,000	Will provide increased visibility of network coverage of key east-west route	Seafront
Dyke Road	Upper Drive/Highcroft Villas junction	New CCTV camera (with WiFi link)	20,000	Will provide increased network coverage of key north-south route	NEQ
	Upper Drive/Highcroft Villas junction	New signal installation (including improved pedestrian facilities) plus MOVA* software	200,000	Optimise the control and movement of people and vehicles through the junction to reduce delays	NEQ
TOTAL			472,000		

SUMMARY TOTALS

Citywide - £105,000 (2015/16)

Other corridors - £472,000 (2015/16)

A23 - £232,000 (2016/17)

A259 - £654,000 (2016/17)

A270 - £689,000 (2017/18)

TOTAL = £2,152,000

Subject:	Review of Transport Operational Policies (highway functions)		
Date of Meeting:	15 March 2016		
Report of:	Acting Executive Director, Environment, Development & Housing		
Contact Officer:	Name:	Christina Liassides	Tel: 29-2036
	Email:	christina.liassides@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Transport Operational Policies are documents which provide consistency and clarity for decision-making. Many of the tasks undertaken in Asset and Network Management are statutory highway duties or powers defined by national legislation. However, there is local discretion in how some of these duties or powers are applied. The policy documents define these discretionary parameters for officers and for the public.
- 1.2 These policies are reviewed periodically to ensure that they reflect current legislation, guidance, funding and other local considerations for the city of Brighton & Hove and are presented to Members for approval.

2. RECOMMENDATIONS:

- 2.1 That the Environment, Transport and Sustainability Committee approves the Brighton & Hove City Council Transport Operational Policies as attached at Appendix 1 to this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 These policies are essential tools in the delivery of Transport operational services because they enable officers to have a consistent and approved approach to similar issues across the city, and enable the public to understand the requirements and rationale for decisions on the provision of service.
- 3.2 The majority of policies presented in this report are existing ones that were last reviewed and approved by Members in January 2008.
- 3.3 For 2016, all the attached policies have been reviewed using information analysed from various sources including national legislation, national guidance, other local authorities, Environment, Transport & Sustainability Committees, Scrutiny Panels, Full Budget council decisions, Equalities Engagement Days, the

National Highways & Transportation annual survey, Brighton & Hove residents' surveys and from direct customer communication.

- 3.4 There have been no substantial changes to the following existing policies apart from incorporating any Scrutiny recommendations: HP 3/2 Private Streetworks; HP 8/1 Tree Planting and Landscaping; HP 8/2 Tree Management; HP 8/4 Control of Placements on the Highway; HP 8/5 Planting on the Highway; HP 8/7 Provision of Highway Bollards; HP 8/8 Transport abandoned on the Highway.
- 3.5 HP 7/2 Maintenance of Footways has been revised to reflect a Full Council budget decision in 2012 regarding cost-effective use of materials for repair.
- 3.6 HP 8/6 Vehicle Crossings over Pavements and Verges has been revised to include a greater level of detail. This is because the original policy did not provide sufficient information for people applying to have a crossover on the highway to reach a private driveway. There are various safety and accessibility considerations that must be satisfied before a crossover can be approved and it is important that applicants are aware of this before paying for an officer assessment of their application.
- 3.7 HP 8/10 Grass Verge Parking is a new policy that has been drawn up as a result of officer experience and investigation into issues, including with Members and local communities. This policy encapsulates what already happens in the service that is routinely provided.
- 3.8 HP 9/1 Events-Permit Policy is a new policy that relates to events that impact on the public highway. This policy incorporates existing good practice in the city alongside the new requirements under the Permit scheme, which are legal obligations. The policy does not include resident street parties and play streets.
- 3.9 A recent review of the website has ensured that our information is better presented and more up-to-date. This will be an ongoing process and will reflect information that is contained within our policies. This means that customers can make informed decisions on certain issues (e.g. whether to apply for a crossover for a private driveway) or can access good information about why we provide a service in a particular way.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 A periodic review of Transport Operational Policies is good practice and ensures that the council has formally approved and adopted considered approaches to service provision.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The attached policies have been reviewed using all accessible data including Committee decisions and Scrutiny recommendations, survey information and local contact with residents, businesses, events' organisers and ward councillors.

6. CONCLUSION

- 6.1 This report recommends approval of the Transport Operational Policies attached in Appendix 1 in order that the council has an agreed operational framework for highway service provision.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The cost of officer time to review and update the Transport Operational Policies has been funded from existing revenue budgets within the Transport service. It is anticipated that there will not be any significant financial implications associated to policy changes, and that all policy changes will be carried out from within existing and approved budgets.

Finance Officer Consulted: Steven Bedford

Date: 02/02/16

Legal Implications:

- 7.2 Where the Transport Operational Policies are supported by specific legislation this is referred to in the Policies. The Policies are in accordance with the Council's powers and duties as Highway Authority.

It is not considered that any adverse human rights implications arise from the report.

Lawyer Consulted:

Name Hilary Woodward

Date: 04/02/16

Equalities Implications:

- 7.3 An Equalities Impact Assessment has been undertaken on this policy review. Consistency and clarity of service provision helps the authority to maintain a safe and accessible highway within defined parameters.

Sustainability Implications:

- 7.4 There are no sustainability implications as a result of this report.

Any Other Significant Implications:

- 7.5 There are no other significant implications as a result of this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Transport Operational Policies (highway functions)

Documents in Members' Rooms

1. None

Background Documents

1. Environment Committee report January 2008 on Transport Operational Policies
2. OSOC Street Trees Scrutiny April 2009
3. OSOC Street Access Scrutiny 2010 and review 2011
4. Full Budget Council February 2012
5. Environment Committee report July 2014, on adoption of Permit Scheme
6. Environment, Transport & Sustainability Committee, October 2014, Citywide Parking Review update (verge and pavement parking)



Transport Operational Policy Statement: Highway functions

Private Street Works

HP 3/2

Objective:

To set out the principles for:-

1. The making up of private streets;
2. The apportionment of costs;
3. Urgent repairs.

Policy:

1. The Council will only resolve to execute street works under the Private Street Works Code (Section 203-237 Highways Act 1980) where:-

- i) there is a **considerable** benefit to the community at large, not simply to the properties within the street
and

- ii) at least 60% of the frontagers are in favour of the proposals.

In such cases and if funds are available, the Council shall fund a proportion of the cost of the scheme to represent the benefit to the community at large and the remainder of the cost shall be apportioned amongst the frontagers in accordance with the provisions of the private street works code.

2. The Council may resolve to execute street works under the private street works code if it receives a petition to this effect from at least 75% of the frontagers. In such cases the whole cost of the scheme shall be apportioned between the frontagers in accordance with the provisions of the private street works code.
3. In the case of a need for urgent repairs, action shall be taken in accordance with the most appropriate of the following options:-
 - (a) Advise frontagers that the responsibility for maintenance is theirs and suggest that they employ a contractor to carry out repairs on their behalf;
 - (b) Where it is claimed that the damage is caused by "outside" users, advise frontagers to seek legal advice as to whether they can claim the cost of the repairs from those held to be responsible;
 - (c) Serve notices under Section 230 of the Highways Act 1980 and in default execute the works. (Section 230 empowers a Street Works Authority to serve notices on

frontagers requiring them to carry out repairs and in default of said repairs carry out repairs and recover costs).

Supporting information:

A private street is a street that is not a highway maintainable at the public expense. Frontagers to private streets must be aware, if they have carried out a proper search on purchasing their properties, that they have a potential liability for street works charges.

The Highways Act 1980 gives a Street Works Authority the power to make up and adopt such private streets. (Although this would only be carried out for the benefit of the community at large), Section 205[1] states, inter alia:

“Where a private street is not, to the satisfaction of the Street Works Authority, sewered, levelled, paved, metalled, flagged, channelled, made good and lighted, the Authority may resolve with respect to the street to execute street works.....”

References:

Highways Act 1980

Date of last approval: January 2008

Date of approval:

Review by: 5 years or if any major changes required



Transport Operational Policy Statement: Highway functions

Maintenance of footways – materials

HP 7/2

Objective:

To maintain a safe, quality environment for pedestrians within the financial resources available.

Policy:

1. Footway maintenance shall be carried out in accordance with the standard specification for the inspection and implementation of safety maintenance incorporated in the Council's "Highway Maintenance Plan".
2. Black Bituminous material is the most economical form of footway surfacing. It is recognised that in certain locations such as conservation areas, this type of material may not be appropriate. However within the available funding for essential safety repairs, it is now not possible to maintain surfaces completely with a 'like for like' basis as before, and therefore different materials may be used where it is more sustainable and cost-effective to do so. Where enhancements are funded via grant aid or capital monies, every effort will be made to maintain the enhancements to the desired standards where budgets permit.
3. Where a scheme is proposed which will change the footway or kerb material, the new materials shall be subject to a maintenance audit by the Highway Maintenance Team. New materials will need to be safe, suitable, readily available and value for money.
4. Surface finishes will generally accord with the Council's street design documents.
5. In certain areas such as adjacent to tree roots and in areas constantly overrun by vehicles, bituminous surfacing may be necessary in order to ensure public safety and best value for money.
6. The use of alternative sources of funding for enhancing footway materials should be encouraged as a well designed and constructed footway should remain virtually maintenance free for a number of years, and provide a considerable environmental and economic benefit to the community.
7. A contribution from maintenance monies may be made towards any "match-funding" required to draw down additional funding.
8. In all works, the use of environmentally sustainable materials is to be considered.

Conservation areas and scheme sites may necessitate the use of specific materials but these should be sought from sustainable and local suppliers where possible.

Supporting information:

The primary function of highway safety maintenance is to maintain the highway in a safe condition in accordance with the council's statutory duty, as set out in section 41 of the Highways Act 1980, and the Highway Maintenance Code of Practice).

References:

Highways Act 1980
Code of Practice for Well Maintained Highways
Highway Maintenance Plan
Street Design Manual
Manual for Streets

Date of last approval: January 2008

Date of current approval:

Review by: 5 years or if any major changes required



Transport Operational Policy Statement: Highway functions

Tree planting and landscaping in connection with highway improvements

HP 8/1

Objective:

To control the planting of trees in highway verges.

Policy:

1. Wherever possible, at least one new tree shall be planted for any highway tree felled in the course of highway improvements.
2. Tree planting shall be carefully planned and the Engineer and Arboriculturist shall ensure that the siting does not obstruct visibility and choice of species is such that the trees are capable of growing into their natural shape without causing an obstruction to road users or house owners or affect the surface structure of the highway.
3. Existing trees in streets will be allowed to grow to their natural shape, where the condition of the trees and their distance from nearby houses and carriageway users permit.
4. The Arboriculture Manager shall be consulted on the selection of species and planting requirements.
5. Financial provision should be made for landscaping and tree planting on all appropriate highway schemes.
6. Appropriate measures shall be taken to protect existing trees during the course of all highway works.

Supporting information:

The policy of Brighton and Hove is to discourage tree felling and to ensure that new planting is appropriate to its location to retain the enhanced appearance that street trees offer the community.

References:

H & T Committee – 22 March 1974 Agenda Item 3
H & T Committee – 25 March 1975 Agenda Item 8
H & T Committee – 16 December 1980 Agenda Item 6.2
H & T Committee – 16 September 1992 Agenda Item 9.2

OSOC – Street Trees - April 2007 Date of last approval: January 2008
Date of current approval:
Review by: 5 years or if any major changes required



Transport Operational Policy Statement: Highway functions

Tree Management (other than in connection with highway improvements)

HP 8/2

Objective:

To regulate conditions under which trees may be felled or planted on the highway (for reasons other than highway improvements).

Policy:

1. No singly standing tree may be felled other than for reasons of it becoming so diseased, damaged or positioned by growth as to pose a threat to life or property (whether on or off the highway) and then only if the threat cannot be dealt with by tree surgery.
2. Where a tree is necessarily felled, a single replacement tree shall be planted.
3. In considering a site for replacement or other planting the Highway Maintenance Manager and Arboriculture Manager shall together take into consideration the following factors:-
 - (a) the nature and volume of traffic using the road;
 - (b) the profile and geometry of the road;
 - (c) proximity of street lights, signs and other furniture;
 - (d) proximity of underground mains, drains and services;
 - (e) proximity of adjacent structures;
 - (f) the ability of the site to allow the tree to grow to its full natural shape in good health;
 - (g) Preservation of areas designated as having importance as wildlife habitats.
4. Trees may be donated by individuals for planting in the highway provided that the species are satisfactory and that suitable sites can be agreed taking into account the above criteria. Alternatively, individuals may contribute a suitable sum (to be agreed with the Executive Director Environment Development and Housing) and

the work be put in hand by the Highway Maintenance Manager and Arboriculture Manager.

5. The Arboriculturist, when considering species selection, shall select a tree most appropriate to its highway location and specific subsoil conditions present locally.
6. Any proposal which would require a departure from any condition of this Policy must be referred to the Highway Maintenance Manager for consideration as a special case.
7. The above conditions are to be applied in existing roads for the sake of continuity. Where a new road is proposed, then consultation with both the Arboriculture Manager and the Highway Maintenance Manager shall be undertaken. A joint site visit shall be arranged for this purpose.

Supporting information:

The Policy addresses the Highway Authority's duty to maintain highways cost-effectively and ensure the safe passage of users and ensures the appropriate factors are considered at all times in relation to trees in a street environment.

References:

OSOC – Street Trees – April 2007

Date of last approval: January 2008

Date of current approval:

Review by: 5 years or if major changes required



Transport Operational Policy Statement: Highway functions

Control of Placements on the Highway

HP 8/4

Objective:

To control obstructions upon the highway to ensure safe use and access for everyone, whilst supporting business and encouraging a vibrant street scene.

Policy:

1. The Executive Director, Environment, Development and Housing shall, where appropriate, issue licences under the Highways Act 1980 as amended by the Local Government (Miscellaneous) Act 1982 for reasonable use and controlled obstruction of the highway by businesses and organisations. Permitted items shall include:-
 - a) Shop displays (including stands and racks)
 - b) Tables and chairs
 - c) Event-related items (stalls, stages, safety barriers etc.)
 - d) Free-standing items for advertising/information (map panels, menu boards, "A" Boards, dispensers etc.)
 - e) Other items permitted by said legislation

A licence fee will reflect the cost to the council of providing this service.

The Authority will set reasonable licence conditions, including site-specific conditions, for all licences issued. In general such conditions will relate to public access and safety. Recommendations from Licensing Committee April 24th 2009 and The Street Access Scrutiny Panel 2010 shall be included in this policy.

Where deemed necessary, for example in pedestrianised zones, conservation areas and districts within the main tourist areas of the City, the Council may, in addition to the above, impose reasonable conditions regarding the appearance of objects and structures authorised by licence. Such conditions would be intended to preserve or enhance the amenity of the highway and its immediate surroundings.

2. The Executive Director, Environment, Development and Housing shall issue, where appropriate, statutory licences permitting the following obstructions:-
 - (a) Temporary obstructions associated with building, refurbishment and development works, as permitted by the Highways Act 1980 (e.g. deposit of building materials, parking of builders' skips, erection of scaffolding/hoardings, etc.). A licence fee will reflect the cost to the council of providing this service.

- (b) Temporary Highway Obstructions – e.g. private drain/sewer connections, etc.
- (c) Permanent Highway Furniture – e.g. roadside seats, bus shelters, etc.
- (d) Amenities on certain highways and provided for under Section 115A to K of the Highways Act as amended under the Local Government (Miscellaneous Provisions) Act 1982. A licence fee will reflect the cost to the council of providing these services.

3. Licences fees are considered and set annually at Environment, Transport & Sustainability Committee.
4. Appropriate enforcement action shall be undertaken against unlicensed objects and breaches of licence conditions.
5. All licensees will be required to indemnify the Council against all claims arising from the grant of any permission relating to the highway.
6. Powers under the Highways Act 1980 shall be applied to control overhanging trees/hedges, projecting roots, etc. considered to obstruct the highway.
7. To exercise the functions of the Council in relation to (a) the interference with, or obstruction to, any highway, or (b) any nuisance on any highway or land adjoining a highway.

Supporting information:

The Council will carry out its duty to protect and uphold the rights of use and enjoyment of all legitimate users of the public highway, without discrimination, as established by the Highways Act 1980 and other relevant legislation.

References:

Highways Act 1980
 Local Government (Miscellaneous Provisions) Act 1982
 Equalities Act 2010
 Clean Neighbourhoods Act 2005
 Environmental Protection Act 1990
 Licensing Committee (Non Licensing Act 2003 Functions) report April 24th 2009
 The Street Access Scrutiny Panel 2010

Date of last approval: 2010

Date of current approval:

Review by: 5 years or if major changes required



Transport Operational Policy Statement: Highway functions

Planting on the highway by commercial concerns

HP 8/5

Objective:

To permit planting on highway land by commercial concerns and their advertisement of the fact.

Policy:

1. The Executive Director, Environment Development and Housing is authorised to agree planting on highway land by commercial concerns with associated advertising, and may set appropriate conditions.
2. Any applicant requires permission to carry out such planting, and will need to enter an agreement satisfying, among other things, the following:-
 - a) Provision of a planting plan scale 1/500 or greater;
 - b) Exact and complete details of any signs the applicant wishes to be displayed;
 - c) An undertaking covering a five year maintenance period or financial reimbursement in the event of a failure to fulfil the conditions;
 - d) Indemnification of the Council against any claims relating to the planting or as a subsequent result of a tree being installed by a Commercial body for a period of 2 years post planting.
3. In considering an application, factors such as road safety, additional maintenance implications, forthcoming highway work, the sympathy of the proposals within the environment and other relevant matters shall be taken into account.
4. Procedure for considering applications shall provide for taking into account at the appropriate time the views of the local members.
5. Proposals will need to satisfy current legislation concerning Public Utilities apparatus and in some cases this may require provision by the applicant of proposed drawings and details.
6. Information relating to the above proposals shall be passed onto both the Arboriculture Manager and Highway Maintenance Manager for comment and a

possible site visit organised for all parties concerned in order to ensure these conditions are adhered to.

Supporting information:

Planting in verges has been regulated by the provisions of the Highways Act 1980. This policy is designed to allow commercial organisations to improve the aesthetic appearance of the highway.

References:

OSOC – Street Trees 2007

Date of last approval: January 2008

Date of approval:

Review by: 5 years or if major changes required



Transport Operational Policy Statement: highway functions

Vehicle Crossings over Footways and Verges to private hardstandings

HP8/6

Objective:

To control the construction and use of vehicle crossings.

Policy:

1. For all crossing proposals the layout and specification of the vehicle crossing shall conform to the Manual for Streets.
2. For all properties the layout and specification of a hardstanding shall conform to the Manual for Streets. Where the gardens of existing properties are small, the absolute minimum length of a hardstanding, within the property curtilage, shall be not less than 4.5m at right angles to the Highway boundary or the length of the owners'/occupiers' vehicle, whichever is the greater. The minimum width of a hardstanding shall be not less than 2.75m.
3. There is no right of appeal against refusal of a crossing application. Refusals will include the reason(s) for the decision. If the reason(s) can be overcome the applicant should make a new application and appropriate costs will be charged.
4. The usual permitted width of a single crossing will be 2.75m plus any tapered kerbs. The maximum allowed width of a crossing will be 5.5m including any tapered kerbs.
5. The hardstanding should be in place before the crossing is constructed, though a crossing application can be made before the hardstanding is built. The crossing will not be signed off as acceptable if there is no hardstanding or if it is not accessible.
6. A visibility splay of 2m by 2m on each side of the vehicle access to the property must be kept clear of obstructions over 0.6m in height to allow clear visibility of pedestrians on the footway. The crossing will not be signed off as acceptable if this area is obstructed.
7. Carriageway visibility will also be taken into account when assessing whether permission can be granted for a crossing. This includes there being a minimum distance of 10m from the crossing to any junction.
8. If the crossing is within a Controlled Parking Zone the application will be passed to the relevant team to assess the impact on overall parking provision. The applicant is responsible for paying for the removal of any relevant parking bay and the costs associated with the amendment of the Traffic Regulation Order (TRO) if permission is

granted.

9. A second crossing to a property will not be approved if there is less than 5m between the two crossings.
10. If there is street furniture such as a lamp column within 1m of the proposed crossing the applicant is responsible for paying for and arranging the relocation of the street furniture with the relevant Council team if permission is granted.
11. If there is a street tree within 1m of the proposed crossing the Council's Arboriculture team will be consulted. If the proposed crossing will damage the tree and no mitigation is possible the application will be refused. If mitigation measures are possible these will be stated on the permission, and the applicant is responsible for ensuring that they are followed.
12. Other local factors such as siting of bus stops or pedestrian crossings will also be considered.
13. The contractor carrying out the crossing works must be accredited in accordance with the New Roads and Street Works Act 1991 and hold Public Liability insurance to the value of £10 million. The contractor cannot start the works until a licence has been issued, which will include the agreed construction dates.
14. The contractor will be responsible for carrying out any necessary remedial works to the crossing for a period of two years from the date of completion. Responsibility for and maintenance of the crossing will then revert to the Council.
15. The Council will issue a sign off letter when the works are complete, confirming that they have been carried out to a satisfactory standard.
16. The Council may exercise its powers to seek recovery of costs and damages where unauthorised alteration of the public highway has occurred.
17. Approval of a vehicle crossing shall, where appropriate, be subject to planning permission and/or other consents. If planning permission or other consents are required and are refused, Highways approval will also be refused.
18. Highways approval to construct a vehicle crossing will lapse after six-months from the date of written approval unless works have commenced. The applicant should reapply and appropriate costs will be charged.

Supporting information:

Section 184 of the Highways Act 1980 gives the Highway Authority the power to demand a properly constructed footway crossing "where the occupier of any premises adjoining or having access to a highway maintainable at the public expense habitually takes or permits to be taken a mechanically propelled vehicle across a kerbed footway or a verge in the highway to or from those premises".

This Policy gives the officers authority to ensure that vehicle crossings are properly

<p>constructed and that hardstandings conform to the Council's recommended minimum dimensions and to rectify illegal crossings.</p> <p>The policy does not replace the need to obtain planning permission or any other form of consent for the crossing or hardstandings.</p>
<p>References: Highways Act 1980 Manual for Streets</p> <p>Date of last approval: January 2008</p>
<p>Date of current approval:</p>
<p>Review by: Within 5 years or if major changes required</p>



Transport Operational Policy Statement: Highway functions

Provision of highway bollards

HP 8/7

Objective:

To ensure a consistent approach to the installation of bollards or posts on the public highway.

Policy:

1. Bollards or posts will only be provided from the Highway Safety Maintenance budgets where necessary to protect the public highway (roads and pavements) from damage.
2. Requests by third parties for the provision of a bollard/s to protect non-public highway land or structures shall not be funded through Highway Safety Maintenance budgets.
3. Bollards/posts will be kept to the minimum practicable and particular regard will be paid to siting so as not to cause a dangerous or unnecessary obstruction on the public highway
4. Third party requests can be serviced by Highway Maintenance Teams if:-
 - a) Funding is provided by said third party or separate source;
 - b) The Highway Authority is able to agree to the installation of the posts having considered that visibility splays and sight lines are not restricted and passage along the highway is not affected.
 - c) Only recognised and approved types of posts shall be permitted in the public highway and installed by the council's nominated contractor.
 - d) When private property is at risk of damage by motor vehicles the installation of bollards on the public highway shall be the last option considered and may still not be agreed. Funding would have to be identified from outside of the Highway Maintenance budget.
5. Highway Maintenance will not use bollards or posts to prevent vehicular conflict with pedestrians.

Supporting information:

Where vehicular traffic traversing onto the public footway is causing damage to the

structure of the footway, some form of remediation will be considered. Provision of bollards will only be considered where all other alternatives have proved to be ineffective or are impractical.

References:

Disability Discrimination Act 1995
Highways Act 1980

Date of last approval: January 2008

Date of approval:

Review by: 5 years or if any major changes required



Transport Operational Policy Statement: Highway functions

Transport Abandoned on the Highway

HP 8/8

Objective:

To investigate forms of transport and associated items believed to have been permanently discarded upon the public highway on in the open air and to remove those found to be abandoned within the meaning of relative legislation.

Policy:

1. Motor vehicles, trailers and caravans believed to have been left upon the highway or in the open air with the intention of permanently discarding them shall be investigated. Those believed, after investigation, to be genuinely abandoned within the meaning of the Law (i.e. those without current owners/keepers) shall be removed and disposed of in accordance with appropriate legislation.
2. Bicycles, electric buggies and other similar forms of transport believed to have been left upon the highway with the intention of permanently discarding them shall be investigated. Those items believed, after investigation, to have been so discarded shall be removed and disposed of in accordance with appropriate legislation
3. Unidentifiable bicycle parts and security equipment (locks, chains etc.) believed to have been discarded upon the highway shall be removed and disposed of in accordance with appropriate legislation

Supporting information:

The Council will carry out its duty to remove forms of transport abandoned within the meaning of relevant legislation.

References:

Refuse Disposal (Amenity Act) 1978
Clean Neighbourhoods and Environment Act 2005
Highways Act 1980

Date of last approval: January 2008

Date of approval:

Review by: 5 years or if any major changes required



Transport Operational Policy Statement: Highway functions

Grass verge parking and vehicle overrun

HP 8/10

Objective:

To ensure a consistent approach to the provision of posts on highway grass verges.

Policy:

1. There is no legislation that requires the highway authority to maintain a verge. Verges are not intended as a right of passage, but to provide drainage, protect the footway from vehicles and improve the appearance of the neighbourhood. (See **Supporting Information**).
2. Vehicles driven over or parked on grass verges have increased as a result of car ownership. This is often within narrow streets not designed with high volumes of vehicle ownership in mind. This issue is generally a parking issue rather than a maintenance issue. (See **Supporting Information**).
3. Where cars are parking on or driving over grass verges and this results in safety issues to people using the pavement (footway) or road (carriageway) the Highway Safety Maintenance team may take action. Safety issues could include:-
 - Excessive mud and detritus being regularly deposited over a period of time on the footway or carriageway which could cause slips or trips.
 - De-stabilisation of the footway or kerbs (surrounding the verge) making either of them unsafe for their intended purpose.
4. The Highway Safety Maintenance team will not necessarily take action such as installing posts if the parking is only affecting the verge itself. This is because of the following reasons:-
 - There is no statutory duty to maintain the verge.
 - Access may become an issue – if cars are parking on the verge, putting posts in may result in vehicles parking fully on the road, thus potentially narrowing the carriageway and causing obstruction, especially for emergency vehicles.
 - The overrun is sometimes required for passage of large vehicles such as buses and delivery lorries.
 - Posts increase street clutter, create ongoing maintenance issues and also add to difficulties with grass cutting.
 - There may be displacement of parking to nearby or adjacent streets including other verges.

- 5 As a general rule, the council does not use bollards or posts to prevent vehicular conflict with pedestrians. (See Policy HP8/7)
- 6 The Council may allow the installation of bollards/posts within verges by an adjoining householder if :-
- Funding is provided by said third party.
 - The Highway Authority is able to agree to the installation of the posts having considered that visibility splays and sight lines are not restricted and passage along the highway is not affected.
 - Only recognised and approved types of posts shall be permitted in the public highway and installed by the council's nominated contractor.
 - When private property is at risk of damage by motor vehicles the installation of bollards/posts on the public highway shall be the last option considered and may still not be agreed. (see provision of Highway Bollards Policy HP8/7)
7. Hardening of verges to tolerate parking is not recommended because of the following reasons:
- Drainage – verges perform an important surface water drainage function
 - Aesthetics and appearance in a local area
 - Increased parking - this may encourage more vehicles to park on the hardened area, increasing potential conflict with pedestrians, causing potential for damage to kerbing, utility plant and other infrastructure, and removing any clear pavement delineation, resulting in obstructive or potentially dangerous parking.
 - Resources – to harden verges or create lay-bys is an expensive process, which requires adequate drainage, porous surfacing materials, possible re-alignment of the highway and may require moving of utility equipment at the council's expense.
8. The Department of Transport has approved signage for 'no verge/no pavement parking.' This needs to be accompanied by a Traffic Regulation Order to legally designate the restrictions. This type of prevention can only be carried out following investigation on a site-by-site basis and if specially-designated funding is identified for that purpose.

Supporting information:

Statutory Duty

- There is no duty placed on a local authority to maintain the verge as there is with the rest of the structure of the highway, other than to mow any grass or trim vegetation if present.

Maintenance and Financial implications

- Verge posts tend to be regularly knocked out and require maintenance. The more posts across the city the greater the cost to the Authority.

- There are no identified budgets for the process of hardening verges or creating parking bays unless this is part of a new scheme design.

Access

- If vehicles are forced to park fully on the road by verge posts then they can become an obstruction for larger and emergency vehicles.
- If verges are hardened, more vehicles may park there; where verges have been hardened previously this has led to obstruction of the pavement, at pedestrian crossing points and of lines of sight for both vehicles and pedestrians at junctions.

Street Clutter

- Councils are trying to reduce street clutter and not to hinder other services like Cityparks carrying out their duty to cut the grass.

Displacement

- Large scale posting of verges could result in vehicle displacement to other locations potentially creating the same problems there.

Drainage

- Councils are responsible for Surface Water Management, and verges play an important part in absorbing rainfall and reducing the flood risk to nearby properties.

References:

Legislation

A local authority may designate limited areas of 'no pavement/verge parking' through a Traffic Regulation Order (TRO) supported by authorised signage.

The Department for Transport's Code of Practice for Well Maintained Highways 2005 stipulates the criteria used to maintain the highway structure but makes no reference to any verge or its maintenance.

Previous approval: None

Date of approval:

Review by: 5 years or if major changes required



Transport Operational Policy Statement: Highway functions

Events Road Closures

HP 9/1

Objective:

To adhere to B&HCC Network Management Duty in authorising road closures for events other than resident street parties or play streets.

Policy:

1. The Brighton & Hove Permit scheme came in to force on 30th March 2015 and has been introduced to more effectively manage the busy road network in the city. The permit scheme's main objective is to co-ordinate any activity that needs road space on the council's network thereby meeting the requirements of its Network Management Duty. (See **supporting information**)
2. The event will need to be checked with the Council as Permit Authority to ensure road space is available and then the application can be managed by the Council's Highway Events Team who will issue any road closure orders necessary. (See **supporting information**)
3. The Highway Events Team must ensure every occupation of the highway/road closure is managed safely and to the same standard as a Utility or Highway Contractor's site.
4. Applications for road closures must be received at least 3 months before the proposed event date.
5. The following information must be included within a traffic management plan before the road space can be booked:
 - Description of the event and how it will impact on the road network
 - Exact dates and times of the event's intended road closures
 - Traffic management drawing to detail the exact location of signage
 - Dates of when advanced warning signs will be placed. An agreement from the street lighting department to secure any signs to lamp columns is required
 - Dates of when event materials will be placed on the highway and removed
 - Details of the traffic management company the event intends to use to enact the road closure
 - Copies of the intended traffic management company's £10 million public liability insurance
 - Copy of the intended traffic management company's Lantra qualification
 - Details of the stewarding company the event intends to use to maintain the road

closure

- Details of the stewards' Lantra qualification
- Evidence of consultation with all affected properties within any road closure
- Confirmation of the date that agreement of any re-routing was obtained from all public transport providers and evidence of that agreement
- Confirmation of the date that agreement of any re-routing was obtained from emergency services and evidence of that agreement
- Payment for processing of the legal road closure document

Supporting information:

The Events Road Closure Policy does not apply to Resident Street Party or Play Street applications. For guidance and application forms for these applications please follow the link to the councils web page <https://www.brighton-hove.gov.uk/content/parking-and-travel/roads-and-highways/street-parties-and-play-streets> or request details from highwayevents@brighton-hove.gov.uk or call 01273 293366

The Traffic Management Act 2004 (TMA) allows authorities to implement permit schemes as a way to fulfil their Network Management Duty. The TMA describes the Duty as managing the road network with the aim of securing the expeditious movement of traffic on an authority's road network and ensuring the safe transit of its users.

For guidance on the council's traffic management permit scheme please follow the link to the council's web page <https://www.brighton-hove.gov.uk/content/parking-and-travel/roads-and-highways/traffic-management-permit-scheme> or request details from permit.admin@brighton-hove.gov.uk or call 01273 293366

Ensuring parity is also a requirement within the Network Management Duty and events therefore need to show that they meet the requirements for road closures as detailed in "Safety at Street Works and Road Works: A Code of Practice", as required of any organisation wishing to close the public highway such as Utility Companies or our own contractors.

References:

- Traffic Management Act 2004
- New Roads and Street Works Act 1991
- Traffic Signs and General Directions Manual 2002
- Safety at Street Works and Road Works A Code of Practice

Previous approval: None

Date of approval:

Review by: 5 years or if major changes required

Subject:	Parking Schemes – Consultation work		
Date of Meeting:	15th March 2016		
Report of:	Acting Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Charles Field	Tel: 29-3329
	Email:	Charles.field@brighton-hove.gov.uk	
Ward(s) affected:	Hollingdean & Stanmer, Preston Park, Wish & Withdean		

NOT FOR PUBLICATION**1. PURPOSE OF REPORT AND POLICY CONTEXT**

1.1 The purpose of this report is to update on progress for three parking schemes and seek agreement for the scope of the initial consultation on two of the schemes.

- Preston Village / Surrenden area – Agree initial consultation proposals (options and area)
- West Hove – Agree initial consultation proposals (options and area)
- Hollingbury Road & Ditchling Gardens – Traffic Order consultation

1.2 The report also summarises the recent satisfaction surveys in parking schemes implemented over the last 18 months.

2. RECOMMENDATIONS:

2.1 That the Committee:

- (a) Agrees that an initial consultation takes place in the Preston Village area (Appendix B) on the schemes outlined in para 5.1.
- (b) Agrees that an initial consultation takes place in the Surrenden area (Appendix B) on the schemes outlined in para 5.1.
- (c) Agrees that an initial consultation takes place in the West Hove area (Appendix C) on the schemes outlined in para 5.5.
- (d) Notes the update on the Hollingbury Road / Ditchling Gardens area (Appendix D),
- (e) Notes the results of the satisfaction surveys in parking schemes implemented in the last 18 months.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At the Environment, Transport & Sustainability Committee on 13th October 2015 the Parking Scheme priority timetable was agreed which would require officers commencing work on a number of proposed parking schemes throughout Brighton & Hove (Appendix A).
- 3.2 That Committee also agreed to a further report on the options to take forward on a consultation in the Preston Village and West Hove area in 2016. The Hove Park area which is due to start in Spring 2017 will be reported to a further Environment, Transport & Sustainability Committee.
- 3.3 At the Environment, Transport & Sustainability Committee on 19th January 2016 Members also approved that a new resident parking scheme be considered within the Hollingbury Road / Ditchling Gardens area (Appendix D) and that this proposal be progressed to the final design with the Traffic Order advertised to allow further comment. The report to Committee outlined that 100% of respondents (19) were in favour of the proposal in Ditchling Gardens while 66.7% of residents (44 out of 66) were in favour of the proposal in Hollingbury Road.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The main alternative option is doing nothing which would mean the proposals would not be taken forward.
- 4.2 However, it is the recommendation of officers that these proposals are proceeded with for the reasons outlined within the report.

5. COMMUNITY ENGAGEMENT & CONSULTATION

Preston Village / Surrenden area

- 5.1 Following approval to take a scheme forward it is proposed that an initial consultation takes place in both the Preston Village and Surrenden area (Appendix B) in the Autumn with work starting in the Summer in line with the previously agreed parking scheme priority timetable (Appendix A) This would be a leaflet drop to every household which would outline the following 4 options for each area;

Preston Village

- Scheme A - All day - Restricted parking 9am – 8pm
- Scheme B – Two periods in the day - for example. 10am-11am & 2pm-3pm
- No scheme

Surrenden Area

- Scheme A - All day - Restricted parking 9am – 8pm (This would be an extension to the Area F parking scheme in the Fiveways area if a seven day scheme is agreed)
- Scheme B – Two periods in the day - for example. 10am-11am & 2pm-3pm
- No scheme

- 5.2 Residents will also be asked if they would like a scheme for seven days or Monday to Friday. In terms of the Surrenden area a 9am-8pm seven day scheme would mean the area would be an extension of the Fiveways parking scheme and it will be made clear to residents that they must chose these two options (9am-8pm and seven day scheme) if they wish to join the current scheme.
- 5.3 The Surrenden area shown in Appendix B has been included to the original Preston Village area due to the recent deputations and petitions received from residents at the last two Environment, Transport & Sustainability Committees which has indicated the strength of opinion for the area to be consulted again.
- 5.4 It is felt that scheme B could be taken forward even though this is a change of agreement from decisions made at previous Committees. This is on the basis that we can provide free limited waiting/parking outside shops and services as these are more residential areas, the schemes are self-funding and it will be made clear that enforcement beats would be reduced significantly if these options were taken forward.

West Hove

- 5.5 Following approval to take a scheme forward which was supported by a recent petition presented by a Ward Councillor it is proposed that an initial consultation takes place in the West Hove area (Appendix C) in early 2017 with work starting at the end of 2016 in line with the previously agreed parking scheme priority timetable (Appendix A) This would be a leaflet drop to every household which would outline the following 4 options;
- Scheme A - All day - Restricted parking 9am – 8pm
 - Scheme B – Two periods in the day - for example. 10am-11am & 2pm-3pm
 - No scheme

- 5.6 Residents will also be asked if they would like a scheme for seven days or Monday to Friday.
- 5.7 It is felt that scheme B could be taken forward even though this is a change of agreement from decisions made at previous Committees. This is on the basis that we can provide free limited waiting/parking outside shops and services as these are more residential areas, the schemes are self-funding and it will be made clear that enforcement beats would be reduced significantly if these options were taken forward.

Hollingbury Road and Ditchling Gardens area

- 5.8 The draft Traffic Regulation Orders (TRO) were advertised on 29th January 2016 with the closing date for comments and objections on 19th February 2016. The Ward Councillors for the areas were consulted, as were the statutory consultees such as the Emergency Services.
- 5.9 Notices with information about the proposals were erected within roads of the parking scheme for 29th January 2016. The notice was also published in the

Brighton & Hove Independent newspaper on 29th January 2016. Detailed plans and the Traffic Regulation Orders were available to view at the Customer Service centres at Bartholomew House and Hove Town Hall. A plan detailing the proposals is shown in Appendix D.

- 5.10 The documents were also available to view and to respond to directly on the Council website.
- 5.11 No objections were received on the proposals so we are proceeding with this scheme as soon as possible so it will begin operation on 4th April alongside the Fiveways scheme.

New Parking Zones survey results.

- 5.12 In November 2015 postcards were sent to all property addresses in 3 areas where a resident parking scheme has been recently introduced or extended into. These areas are in Zones J (Lewes Road Triangle), R (Bolsover Road), U (Wish Park area) and W (Bakers Bottom area). The postcard invited people to go online to complete a short questionnaire to tell us how well the parking scheme is working for them and their visitors. A freepost address was also given for people to write to us and give their views. The survey ran from 16 November to 16 December 2015. 103 people responded to this survey, giving a response rate of 6%.
- 5.13 The full results are in Appendix E but the highlights show that;
- 69 (67%) of respondents from extensions to Zone J, R, U or W agree or strongly agree that the parking zone works well for them
 - 52 (51%) of respondents agree or strongly agree that the parking zone works well for their visitors.

By Zone

- **J:** 21 (65.6%) strongly agree/ agree the residents parking zone works well for them and 12 (37.5%) for their visitors
- **R:** 8 (100%) strongly agree/ agree the residents parking zone works well for them and 8 (100%) for their visitors
- **U:** 14 (48.3%) strongly agree/ agree the residents parking zone works well for them and 14 (48.3%) for their visitors
- **W:** 26 (76.5%) strongly agree/ agree the residents parking zone works well for them and 18 (54.5%) for their visitors.

6. CONCLUSION

- 6.1 It is recommended that an initial consultation takes place in the Preston Village & Surrenden area (Appendix B) on the schemes outlined in para 5.1. The results of the consultation will be reported back to an Environment, Transport & Sustainability Committee in late 2016 / early 2017.
- 6.2 It is recommended that an initial consultation also takes place in the West Hove area (Appendix C) on the schemes outlined in para 5.5. The results of the

consultation will be reported back to an Environment, Transport & Sustainability Committee in Summer 2017.

- 6.3 The final recommendation is to note that the parking scheme proposal in the Hollingbury Road / Ditchling Gardens area is progressing as no objections were received to the traffic order.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated to officer time and consultation for the Preston Village & Surrenden and West Hove areas will be funded from existing revenue budgets within the Transport service. The detailed financial implications of the schemes will be reported to the Committee in the future once there is more certainty of the scheme proposals.
- 7.2 The capital costs associated to implementing the new Hollingbury Road & Ditchling area parking scheme will be funded by borrowing, with appropriate repayments funded from the revenue income generated from the scheme. It is anticipated that the implementation costs will be approximately £0.025m. The annual income generated from the scheme is forecasted to be approximately £0.017m, which after the estimated cost of managing the scheme would generate sufficient surplus income to fund the borrowing repayments. The recurring financial impact of the scheme will be incorporated in future financial year budgets.
- 7.3 Revenue income generated from on-street parking schemes is first defrayed against relevant costs, with any surplus used to fund qualifying transport and highways related expenditure such as supported bus services, concessionary bus fares and Local Transport Plan projects.
- 7.4 Parking charges are subject to the councils Corporate Fees and Charges Policy. As a minimum, charges will be reviewed annually as part of the budget and service planning process.

Finance Officer Consulted: Steve Bedford

Date: 22/02/16

Legal Implications:

The Council regulates traffic by means of orders made under the Road Traffic Regulation Act 1984. The procedure for making such orders is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which require public notice of proposed orders to be given and for the relevant documents to be placed on deposit for public inspection. Any person may object to the making of an order.

The initial consultation recommended to be carried out on the Preston Village / Surrenden area and West Hove proposals is non-statutory and so, at this stage, does not fall within the procedure set out in the 1996 Regulations mentioned above.

So far as the Hollingbury Road & Ditchling Gardens consultation related to drafted TROs this was statutory consultation and was carried out in accordance with the 1996 Regulations. As there were no objections to the draft TROs the TROs, in their final form, can be made under officer delegation.

It is not considered that any adverse human rights implications arise from the report.

Lawyer Consulted: Hilary Woodward

Date: 24/2/16

Equalities Implications:

7.5 There are no equalities implications arising from the report.

Sustainability Implications:

7.6 None.

Any Other Significant Implications:

7.7 None

SUPPORTING DOCUMENTATION

Appendices:

Appendix A - Resident Parking Scheme Priority Timetable
Appendix B - Preston Village / Surrenden area plan.
Appendix C - West Hove area plan.
Appendix D - Ditchling Gardens / Hollingbury Road area plan.
Appendix E – New Parking Zones survey results

Documents in Members' Rooms

1. None

Background Documents

1. Agenda item ** - Report To ETS Committee 13/10/15
2. Agenda item ** - Report To ETS Committee 19/01/16

Appendix A - Proposed resident parking scheme programme

	Year	2015				2016				2017				2018			
	Quarter	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Priority	Area																
Current	Surrenden & Fiveways area	████████████████															
1	Ditchling Gardens / Hollingbury Road					████████											
2	Hanover / Elm Grove area / Craven Vale area					████████████████████											
3	Preston Village									████████████████							
4	West Hove / Wish area									████████████████							
5	Hove Park													████████████████			



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Client	PARKING INFRASTRUCTURE
	TRANSPORT
Job title	Preston Village / Surrenden area

Drawing Title
Appendix -B



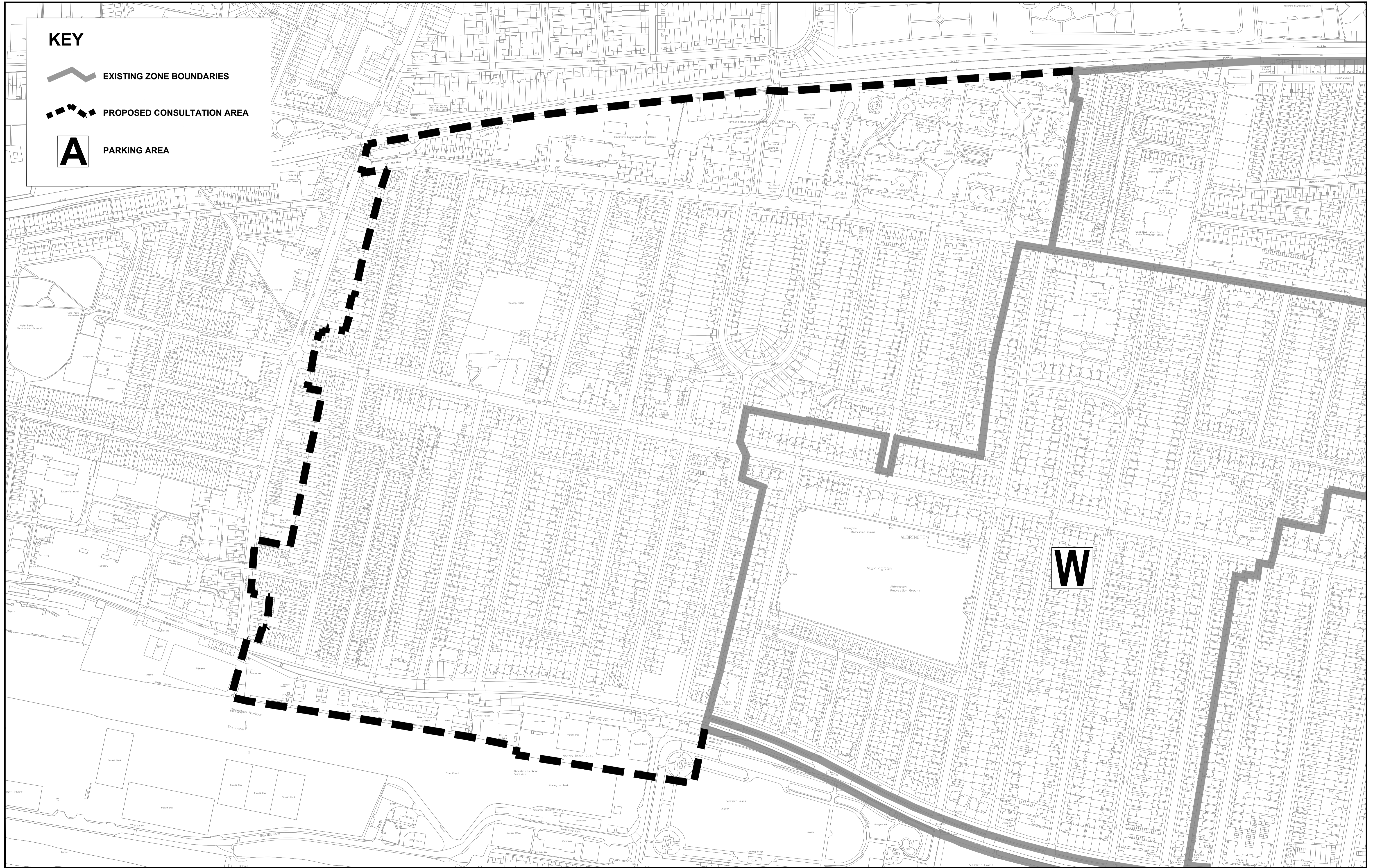
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Drawn	RM	Checked	-	Approved	-
Drawing status	-	Drawing Number	- -	Rev	-

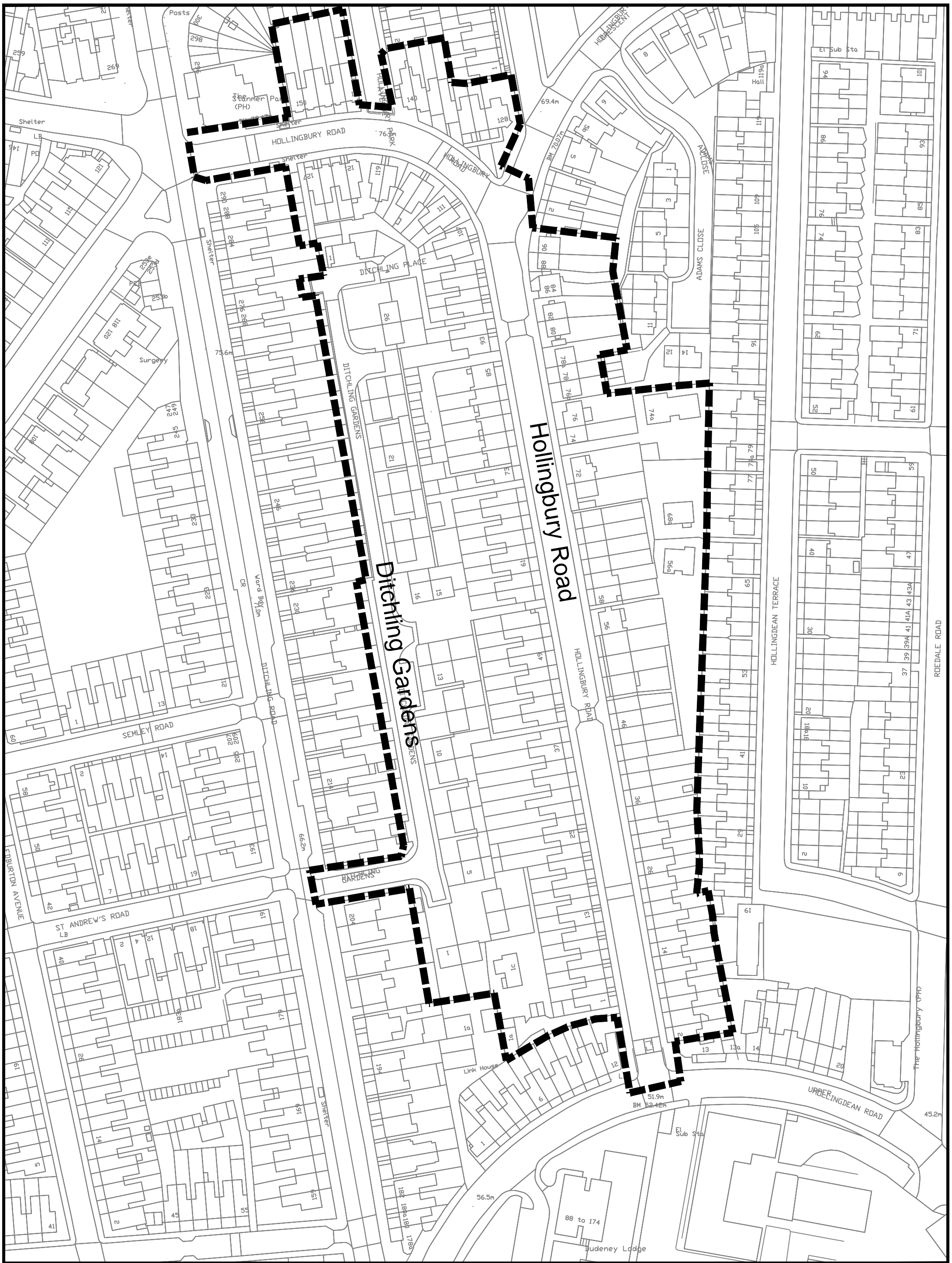
KEY

 EXISTING ZONE BOUNDARIES

 PROPOSED CONSULTATION AREA

 PARKING AREA





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Council, 2015

APPENDIX D

Appendix E - New Parking Zones Survey November /December 2015

In November 2015 postcards were sent to all property addresses in 3 areas where a resident parking scheme has been recently introduced or extended into. These areas are in Zones J, R, U and W. The postcard invited people to go online to complete a short questionnaire to tell us how well the parking scheme is working for them and their visitors. A freepost address was also given for people to write to us and give their views. The survey ran from 16 November to 16 December 2015.

Headline Results

Overall

- 69 (67%) of respondents from extensions to Zone J, R, U or W agree or strongly agree that the parking zone works well for them
- 52 (51%) of respondents agree or strongly agree that the parking zone works well for their visitors.

By Zone

- **J:** 21 (65.6%) strongly agree/ agree the residents parking zone works well for me and 12 (37.5%) for their visitors
- **R:** 8 (100%) strongly agree/ agree the residents parking zone works well for me and 8 (100%) for their visitors
- **U:** 14 (48.3%) strongly agree/ agree the residents parking zone works well for me and 14 (48.3%) for their visitors
- **W:** 26 (76.5%) strongly agree/ agree the residents parking zone works well for me and 18 (54.5%) for their visitors.

Full Results

103 people responded to this survey, giving a response rate of 6%. Results can only be considered as indicative not representative because of the low response rate. There were also four responses from people outside the scope of this consultation and these were not included in the analysis.

The table below shows the distribution of responses from each zone and the response rate from each zone. 4 Responses from streets outside of the scope of this consultation were also received.

Zone	Number of properties mailed	Number of responses	Response rate %
J	1132	32	2.8
U	177	29	16.4
R	79	8	10.1
W	337	34	10.1
Total	1725	107	6.2

Respondents were asked if they live, work or own a business in the resident parking area. Responses by zone were as follows¹:

Do you live, work or own a business in the area?	Zone J		Zone R		Zone U		Zone W	
	Number	%	Number	%	Number	%	Number	%
Live	29	90.6	8	100	29	100	34	100
Work	3	9.4	0	0	1	3.4	1	2.9
Own a business	3	9.4	0	0	0	0	0	0

Respondents were then asked two questions about how well the parking scheme works for them and their visitors. 69 (67%) of respondents from extensions to Zone J, R, U or W agree or strongly agree that the parking zone works well for them and 52 (51%) of respondents agree or strongly agree that the parking zone works well for their visitors. For each of the zones this is as follows:

- **Zone J:** 21 (65.6%) strongly agree/ agree the residents parking zone works well for me and 12 (37.5%) for their visitors
- **Zone R:** 8 (100%) strongly agree/ agree the residents parking zone works well for me and 8 (100%) for their visitors
- **Zone U:** 14 (48.3%) strongly agree/ agree the residents parking zone works well for me and 14 (48.3%) for their visitors
- **Zone W:** 26 (76.5%) strongly agree/ agree the residents parking zone works well for me and 18 (54.5%) for their visitors.

The tables below gives more detail:

Zone J		Strongly Agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree	
		No.	%	No.	%	No.	%	No.	%	No.	%
The residents parking zone is working well:	For me	13	40.6	8	25.0	3	9.4	2	6.3	6	18.8
	For my visitors	4	12.5	8	25.0	9	28.1	6	18.8	5	15.6

¹ % do not = 100% in some zones eg where people both live and work in the zone.

Zone U		Strongly Agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree	
		No.	%	No.	%	No.	%	No.	%	No.	%
The residents parking zone is working well:	For me	5	17.2	9	31.0	2	6.9	3	10.3	10	34.5
	For my visitors	6	20.7	8	27.6	3	10.3	5	17.2	7	24.1

Zone R		Strongly Agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree	
		No.	%	No.	%	No.	%	No.	%	No.	%
The residents parking zone is working well:	For me	5	62.5	3	37.5	0	0	0	0	0	0
	For my visitors	4	50	4	50	0	0	0	0	0	0

Zone W		Strongly Agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree	
		No.	%	No.	%	No.	%	No.	%	No.	%
The residents parking zone is working well:	For me	22	64.7	4	11.8	0	0	2	5.9	6	17.6
	For my visitors	12	36.4	6	18.2	3	9.1	3	9.1	9	27.3

Within Zones J, R, U or W the following streets strongly agree or agree as follows:

Zone J		Strongly Agree/Agree		Neither agree nor disagree		Strongly Agree/Disagree	
		No.	%	No.	%	No.	%
The residents parking zone is working well for me	Aberdeen Road	0	0	0	0	0	0
	Brewer Street	1	100	0	0	0	0
	Caledonian Road	0	0	0	0	1	100
	Edinburgh Road	2	100	0	0	0	0
	Inverness Road	0	0	0	0	1	100
	Lewes Road	1	33.3	1	33.3	1	33.3
	Newport Street	2	100	0	0	0	0
	Park Crescent	5	83.3	1	16.7	0	0
	Park Crescent Place	0	0	0	0	0	0

	Park Crescent Road	1	100	0	0	0	0
	Park Crescent Terrace	1	100	0	0	0	0
	Rose Hill	0	0	0	0	0	0
	St Martins Street	1	100	0	0	0	0
	St Mary Magdalene St	2	66.5	1	33.5	0	0
	St Pauls Street	2	66.7	0	0	1	33.3
	Trinity Street	0	0	0	0	0	0
	Union Road	0	0	0	0	0	0
	Upper Lewes Road	3	42.9	0	0	4	57.1
	Total	21	65.6	3	9.4	8	25
The residents parking zone is working well for my visitors	Aberdeen Road	0	0	0	0	0	0
	Brewer Street	1	100	0	0	0	0
	Caledonian Road	0	0	0	0	1	100
	Edinburgh Road	2	100	0	0	0	0
	Inverness Road	0	0	0	0	1	100
	Lewes Road	0	0	1	33.3	2	66.7
	Newport Street	1	50	0	0	1	50
	Park Crescent	3	50	2	33.3	1	16.7
	Park Crescent Place	0	0	0	0	0	0
	Park Crescent Road	0	0	0	0	1	100
	Park Crescent Terrace	0	0	0	0	1	100
	Rose Hill	0	0	0	0	0	0
	St Martins Street	0	0	1	100	0	0
	St Mary Magdalene St	1	33.3	2	66.7	0	0
	St Pauls Street	2	66.7	0	0	1	33.3
	Trinity Street	0	0	0	0	0	0
	Union Road	0	0	0	0	0	0
	Upper Lewes Road	2	28.6	3	42.8	2	28.6
Total	12	37.5	9	28.1	11	34.4	

Zone R		Strongly Agree/Agree		Neither agree nor disagree		Strongly Agree/Disagree	
		No.	%	No.	%	No.	%
The residents parking zone is working well for me	Bolsover Road	8	100	0	0	0	0
The residents parking zone is working well for my visitors		8	100	0	0	0	0

Zone U		Strongly Agree/Agree		Neither agree nor disagree		Strongly Agree/Disagree	
		No.	%	No.	%	No.	%
The residents parking zone is working well for me	Bute Street	8	53.3	0	0	7	46.7
	Hendon Street	2	40	1	20	2	40
	Rochester Street	4	44.4	1	11.1	4	44.4
	Total	14	48.3	2	6.9	13	44.8
The residents parking zone is working well for my visitors	Bute Street	7	46.7	3	20	5	33.3
	Hendon Street	2	40	0	0	3	60
	Rochester Street	5	55.6	0	0	4	44.4
	Total	14	48.3	3	10.3	12	41.4

Zone W		Strongly Agree/Agree		Neither agree nor disagree		Strongly Agree/Disagree	
		No.	%	No.	%	No.	%
The residents parking zone is working well for me	Glendor Road	5	100	0	0	0	0
	Kingsway	1	50	0	0	1	50
	New Church Road	8	100	0	0	0	0
	Norman Road	1	25	0	0	3	75
	Saxon Road	5	71.4	0	0	2	28.6
	Tandridge Road	2	50	0	0	2	50
	Tennis Road	4	100	0	0	0	0
	Total	26	76.5	0	0	8	23.5
The residents parking zone is working well for my visitors	Glendor Road	4	80	0	0	1	20
	Kingsway	0	0	0	0	2	100
	New Church Road	5	71.4	2	28.6	0	0
	Norman Road	0	0	0	0	4	100
	Saxon Road	4	57.1	1	14.3	2	28.6
	Tandridge Road	1	25	0	0	3	75
	Tennis Road	4	100	0	0	0	0
	Total	18	54.5	3	9.1	12	36.4

Respondents were also able to make general comments about the resident parking zone. Comments for each zone were as follows:

Zone J comments	Times mentioned
We need this scheme/ positive comments	5
Cost is too high	5
Don't want the scheme	4
Getting repeat visitors permits is difficult and long-winded	2
I use company vehicles and can't get a permit to move between vehicles	2
Not enough disabled spaces	1
Not enough general spaces	1
Need free 30 minute slots for businesses and shops	1
Two large industrial bins placed in loading bay outside our shop	1
Lack of parking for our customers	1
Still nowhere to park despite the scheme	1
There's always somewhere within the larger Zone J to park	1
Road is much nicer to live in and less traffic	1
Not enough visitor permits	1
Visitors permits should be 24 hours not a set day	1
The scheme is expensive for our business	1
The scheme has caused congestion on Upper Lewes Road	1
It's now dangerous for cyclists on Upper Lewes Rd	1

Zone R comments	Times mentioned
Positive Comments	3
Lots of cars still going the wrong way	2
Bay for motorcyclists outside No. 39 never used	1
Visitors passes too expensive	1
Too expensive	1

Zone U comments	Times mentioned
Difficult to park late in evening/ coming home from work/ people use the area in the evening for free parking/ should be an extension of zone C	19
Postitive comments	6
Not enough spaces	4
Don't want to pay/ cost too high	3
Too many permits given to houses with more than one car	2
It is harder to park now	1
Difficult to park at weekends	1
People are still parking cars on the Double Yellow Lines overnight	1

Zone W Comments	Times mentioned
Positive comments	13
Firmer enforcement is needed	3
Too expensive	2
All permits are too expensive	2
Don't want double yellow lines across driveway	2
Keep it as a light touch scheme	1

There are a number of examples of reasons why schemes are welcomed by residents including this one:

“I work away from home during the week, usually returning on a Friday late afternoon to Brighton. After a 2.5 hour drive from Swindon, up until the new scheme was introduced last December, I routinely had to wait 30-40 minutes to park my car anywhere in Park Crescent. The record was over an hour ten minutes – nearly half the time spent driving from Swindon. Since the new scheme came in, I now regularly find a parking place immediately or within minutes of arrival into Park Crescent.”

Demographic Information

Age	Number	%
18-24	3	3.4
25-34	4	4.5
35-44	22	24.7
45-54	19	21.3
55-64	20	22.5
65-74	11	12.4
75+	10	11.2
Total	89	100

Gender	Number	%
Male	50	52.1
Female	46	47.9
Total	96	100

Do you identify as the gender you were assigned at birth?		
Yes	92	100
No	0	0
Total	92	100

Ethnicity		Number	%
White	White English/ Welsh/ Scottish/ Northern Irish/ British	80	87.0
	White Irish	2	3.3
	Gypsy or Irish Traveller	0	0
	Any other white background	5	5.4
Asian or Asian British	Bangladeshi	0	0
	Indian	0	0
	Pakistani	0	0
	Chinese	0	0
	Any other Asian background	1	1.1
Black or Black British	African	0	0
	Caribbean	0	0
	Any other Black background	0	0
Mixed	Asian & White	2	1.9
	Black African & White	0	0
	Black Caribbean & White	0	0
	Any other mixed background	1	1.1
Any other ethnic group	Arab	0	0
	Any other ethnic group	0	0
Total		92	100

Sexual orientation	Number	%
Heterosexual/ straight	66	89.2
Lesbian/ Gay woman	1	1.4
Gay man	6	8.1
Bisexual	1	1.4
Other	0	0
Total	74	100

Religion or Belief	Number	%
I have no particular religion	35	43.2
Buddhist	1	1.2
Christian	26	32.1
Hindu	0	0
Jain	0	0
Jewish	5	6.2
Muslim	1	1.2
Pagan	0	0
Sikh	0	0
Agnostic	3	3.7
Atheist	10	12.3
Other	0	0
Other philosophical belief	0	0
Total	81	100

Disability	Number	%
Yes, a little	7	7.5
Yes, a lot	5	5.4
No	81	87.1
Total	93	100

Of those who answered “yes”, disabilities were as follows:

Please state the type of impairment which applies to you.	Number
Physical impairment	9
Sensory impairment	0
Learning disability/ difficulty	1
Long-standing illness	5
Mental health condition	1
Autistic Spectrum	0
Development condition	0
Other	0
Total	16

Are you a carer	Number	%
Yes	6	6.4
No	88	93.6
Total	94	100

Of those who answered “yes”, caring responsibilities were as follows:

Who do you care for?	Number
Parent	2
Child with special needs	1
Other family member	0
Partner/ spouse	2
Friend	0
Other	5
Total	10

Armed Forces	Yes		No	
	Number	%	Number	%
Are you currently serving in the UK Armed Forces? (this includes reservists or part-time service, eg: Territorial Army)	1	1.1	87	98.9
Have you ever served in the UK Armed Forces?	6	7.1	79	92.9
Are you a member of a current or former serviceman or woman’s immediate family / household?	6	7.1	78	92.9

Subject:	Blue Badge Fraud Investigation update		
Date of Meeting:	15th March 2016		
Report of:	Acting Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Charles Field / Yvonne Harvey	Tel: 29-3329
	Email:	Charles.field@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to provide an update on Blue Badge investigation following a successful joint funding bid with East Sussex County Council and Sussex Police.
- 1.2 The report also outlines possible ways forward to develop the service following the successes and national recognition this has received.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the update provided.
- 2.2 That the Committee notes the possible ways forward to develop the service outlined in para 6.2 and requests the Executive Director to investigate the possibilities and resources available during the current service redesign in Transport.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Audit Commission estimates that 20% of blue badges are misused and has estimated each misused Blue Badge costs the tax payer up to £5,000. There are currently just over 13,000 badges on issue by Brighton & Hove City Council: therefore, this would equate to potentially 2,600 misused Blue Badges in the city. Even at a more conservative value of £500 per Blue Badge, this would still represent a risk to the taxpayer of £1.3m. The Blue badge scheme is national and international, so there are 20-30,000 badges issued across the Counties of West & East Sussex as well as Brighton & Hove. As we get many visitors from the local and wider region the cost of fraud could be significantly higher.
- 3.2 Blue Badge misuse directly deprives entitled badge holders of their concessions and councils of parking income. Any surplus parking income is ring fenced to fund transport and travel related projects such as concessionary travel for the elderly, disabled and other qualifying individuals. Examples of misuse/fraud that we have detected;

- Use of a deceased person's badge.
 - Covering up or changing expiry date.
 - Photocopying a badge.
 - Using a valid badge belonging to friend/family to gain free parking with and sometimes without, the badge holder's knowledge.
 - Persistent misuse e.g. using someone else's badge to park for work every day.
 - Using counterfeit or stolen badges.
 - Making a fraudulent application.
- 3.3 A bid was put together in 2014 proposing the creation of a partnership between Brighton & Hove City Council, East Sussex County Council and Sussex Police. Blue Badge fraud would be tackled efficiently with set procedures promoting consistency. The two neighbouring Local Authorities experience significant Blue Badge use across the local authority borders and the joint working will enhance detection leading to better intelligence on offenders.
- 3.4 The joint proposal between Brighton and Hove, East Sussex and Sussex Police requested funding to tackle Blue Badge misuse, free up spaces for the genuinely disabled and to manage offenders in a proportionate and cost effective way. The bid aimed to educate the public about the correct use of Badges, the consequences of misuse through Police participation in high profile operations and other publicity. It was also important to change the public perception of blue badge misuse so that it is no longer seen as either acceptable or a victimless crime.
- 3.5 An application for a funding grant of £183,000 was made to employ two Blue Badge Fraud Investigation Officers and deal with the subsequent work such as enforcement, education and supporting the legal process.
- 3.6 The key innovation of the bid, which has not been tried anywhere else, is the introduction of Community Resolution Orders. It is a relatively new approach used by the Police in other areas (for example, in response to some speeding offences). Prior to our pilot, Community Resolution Orders had never been used as a response to Blue Badge misuse.
- 3.7 Community Resolution Orders (CRO) offer benefits over prosecution in many cases as they are a more proportionate response and do not result in a criminal record. The cost of delivering a CRO is much lower and the likelihood of re-offending has been shown to be 51% lower than other areas. The result is "restorative" rather than "punitive", which is in line with wider trends around conflict resolution to encourage more moderate and informal approaches before pursuing more bureaucratic and adversarial processes.
- 3.8 Community Resolution Orders are more effective than Warning Notices because whilst no criminal record is created, a Police record is made which means that any repeat offence would result in an automatic prosecution. In addition, offenders walk away with a much deeper understanding of both the purpose of Blue Badges and the impact of misuse.

- 3.9 The bid was successful and work began on Blue Badge Fraud Investigation in October 2014. The funding period allowed for 18 months until the end of March 2016.
- 3.10 Officers work across the two Local Authorities, promoting consistency and information sharing with Civil Enforcement Officers who are able to identify hot spots for misuse and act on intelligence from the public.
- 3.11 Sussex Police provide a supporting role where necessary and where serious criminality has occurred they are supplying match funding in the form of officer time. The organisations in this partnership have an excellent track record of working together on a range of projects of joint interest such as Operation Blue Bird and tackling Blue Badge thefts.
- 3.12 With the support of the Police offenders are required to attend a Council Office to watch an education video on the effects of depriving the disabled of their parking concessions. The Council have taken responsibility for arranging these and carried out any prosecutions that come as a refusal to participate in the offered resolution. It is felt that this is an excellent opportunity to deter future misuse and educate the offender that using Blue Badge parking concessions is not a victimless crime.
- 3.13 In addition to the day to day investigations, high profile joint operations branded 'Operation Bluebird' have been carried out between the local authorities Civil Enforcement Officers and the Police. The operations have focused on raising awareness that enforcement is carried out, deterring future misuse. The aim of Operation Bluebird is to free up parking spaces for the disabled by detecting those using the blue badge concessions illegally.
- 3.14 The overall level of Blue Badge misuse may also be reduced as a result of the high profile publicity campaign to raise the profile of Blue Badge misuse and awareness of the presence of blue badge inspectors on street. This has been combined with press releases of enforcement action taken against offenders.
- 3.15 To end of January 2016, the project has resulted in:
- 91 Blue Badges confiscated;
 - 97 Community Resolution Orders;
 - 45 prosecutions.
 - Total = **233 actions**
- The total estimated value of this intervention is therefore £116,500 (at an estimated £500 / badge)
- 3.16 An enforcement letter by the Blue Badge Improvement Service (BBIS) under the Department for Transport highlighted the work being undertaken by Brighton & Hove City Council, East Sussex County Council and Sussex Police (Appendix A)
- 3.17 The initiative was presented at the International Transport Forum in Leipzig on 28th May 2015 (Transport Innovation Deployment for Europe session).

- 3.18 Yvonne Harvey (Parking Services Team leader) presented a speech to the Parking World Conference at the Oval Cricket Ground on the 12th November 2015.
- 3.19 The project has also been shortlisted for two awards at the National Parking Awards in London on Friday 4th March 2016.
- 3.20 The intention is to make this type of enforcement easily transferrable to other Authorities by providing feedback at key stages. The partnership has been asked by the DfT to run local authority regional workshops on enforcement and also at the TEICCAF Local Government Lead & LAIOG annual conference both in April this year, with the aim of promoting best practice. These workshops will provide another useful platform to help promote and encourage more pro-active enforcement to help tackle misuse and abuse.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative to continuing to fund this initiative is not to.
- 4.2 Given the benefits to disabled drivers and financial savings which would be lost by discontinuing this activity, it is not recommended.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 We have surveyed 655 resident Blue Badge holders. 653 (99.7%) supported the initiative.
- 5.2 The main victims of Blue Badge misuse are disabled people who as a result are unable to use the limited number of bays available to them. Therefore, Disabled groups locally have contributed to the videos shown to offenders subject to a Community Resolution Order to allow them to express the impact this type of misuse has on their lives and giving them for the first time a voice in the enforcement process.

6. CONCLUSION

- 6.1 Overall the Blue Badge Fraud investigation pilot project has been a success. A structure is now in place to establish the initiative on an ongoing basis.
- 6.2 Currently work has focussed on Blue Badge misuse in Hove and only a small part of Brighton. Therefore, as part of the ongoing Transport Service Redesign, a case will be put forward for additional resource to extend the initiative:
- Increasing investigation into Blue Badge misuse throughout Brighton as well as Hove.
 - Start investigating fraud on the original Blue Badge application as well as usage on the street.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The council was awarded £0.183m of the DCLG Counter Fraud Fund grant funding during the 2014-15 financial year following a joint funding bid with East Sussex County Council and Sussex Police. This grant has funded the cost of blue badge fraud investigation including enforcement, education and supporting with the legal process. It is anticipated that the grant will be fully spent by the end of the 2015-16 financial year.

It is anticipated that the cost of future enforcement and investigation could be funded from existing revenue budgets within the Parking service subject to available budget and an approved business case.

Finance Officer Consulted: Steven Bedford

Date: 15/02/16

Legal Implications:

- 7.1 Blue Badges are issued under s21 of the Chronically Sick and Disabled Persons Act 1970 which section also contains offences for the misuse of Blue Badges. Prosecutions can also be brought under the Fraud Act 2006 and under the Road Traffic Regulation Act 1984.

It is not considered that any adverse human rights implications arise from the recommendations in this report.

Lawyer Consulted: Hilary Woodward

Date: 10/02/16

Equalities Implications:

- 7.2 The success of the project has been of benefit to many road users including Blue Badge holders that may not otherwise been able to park in certain blue Badge bays or Paid spaces.

Sustainability Implications:

- 7.3 A focused campaign including both enforcement and publicity has provided the opportunity to change the public's perception of this this fraud. Changing the behaviour and of a relatively small group of people provides substantial benefits to a much wider community of disabled persons. In addition the combination of actions will have a long lasting deterrent effect and will engage media interest in a very positive way.

Any Other Significant Implications:

- 7.4 There are no other significant implications.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Blue Badge Improvement Service (BBIS) Enforcement Newsletter – Jan 2016.

Documents in Members' Rooms

1. None

Background Documents

1. None.



Blue Badge Improvement Service (BBIS)

ENFORCEMENT NEWSLETTER

January 2016

Introduction

Welcome to the first Blue Badge Improvement Scheme (BBIS) Enforcement Newsletter! This Newsletter is for the people who work in local authorities administering and enforcing the Blue Badge scheme.

As you will be aware, the substantial monetary value of a Badge is contributing to the incentive to abuse the scheme and commit fraud. The misuse of Blue Badges undermines the benefits of the scheme, impacts upon the lives of disabled people, and costs local authorities money through the loss of parking revenue. Robust, ongoing enforcement processes can help counter more systematic abuse of the Blue Badge scheme.

The aim of this Newsletter is to showcase the great work some local authorities are doing to combat Blue Badge abuse. The Department fully

supports pro-active enforcement and we want to share your stories and best practice for effective enforcement so that all local and their residents can reap the rewards.

The Department for Transport (DfT) is eager to see the rate of enforcement amongst local authorities increase substantially. The primary aim of this Newsletter is on-street enforcement but we are also keen to use this as a platform to recognise the good work currently being undertaken by some local authorities to tackle blue badge fraud and abuse within their administrative area. If you have a policy on Blue Badge enforcement and are happy to share your experiences or successes with the Blue Badge community, please send an email to Vida Browne-Campbell at vida.browne-campbell@dft.gsi.gov.uk

To ensure a good level of communication is maintained with regards to the distribution of this Newsletter, please could you ensure that all relevant Blue Badge administrators and on-street enforcement teams/colleagues within your organisation receive a copy.

We will aim to publish every two months. This opening story has been provided by East Sussex County Council and Brighton and Hove City Council, for which we are most grateful. Both councils have jointly put in place a robust enforcement regime that is currently reaping rewards. Here is their tale.....

Joint Tackling of Blue Badge Misuse in East Sussex and Brighton & Hove

Blue Badge misuse has historically



been perceived as a victimless crime, this is absolutely not the case. When a disabled bay is being used by someone who does not have a legitimate Blue Badge this will have many implications;

- Genuinely disabled people have told us that they are unable to visit places of interest as they cannot park close enough to their intended venue. Some people have missed GP and hospital appointments as they were unable to park close to where they needed to go without severe difficulty.
- Working disabled people cannot get to work on time or sometimes not at all, after driving round and round looking for as close a space as possible.
- All these people, whilst disabled, still wish to, and are certainly entitled to, remain independent and part of society and should be able to enjoy leisure activities across the county or anywhere in Europe.
- In addition to these issues there is also huge amount of revenue lost to parking authorities.

East Sussex County Council and Brighton & Hove Blue Badge Teams have always had a shared interest in robust enforcement and have been holding joint action days for a few years now. Many of East Sussex County Council's badges were being misused in Brighton and vice versa. As there is only one street that divides us, it has always made sense to work together as far as possible.

Both councils along with Sussex Police have worked closely together for a number of years to try tackling this

problem by taking part in joint action days to check badges countywide. This has been welcomed by disabled people, and any objections we do get are usually from offenders when they are caught. We have done as much as we can in order to train enforcement officers and Sussex Police about possible indicators that a badge is being misused. There are of course a number of security features on the badges that give the enforcement officer information about the person to whom the badge has been issued.

The audit commission says that it estimates 20% of badges are misused nationally and this can cost the taxpayer up to £5000 over a three year period, during the life of the badge.

There are in excess of 24,000 badges in East Sussex and a further 12,000 In Brighton and Hove.

If the Audit Commission is correct that is a staggering 7,200 or up to £3,600,000 across our local authorities alone!

As we are outside of London, we have put a more conservative value of £500 per Blue Badge for our respective authorities but this still puts a significant value of £3,600,000 of public money to be protected.

In 2013 the Disabled Person Parking Badge Act was brought into force as an amendment to section 21 of Chronically Sick and Disabled Persons Act 1970. As a result of this new legislation Civil Enforcement Officers now have the power to seize and

retain a suspect badge without police presence if they have reasonable grounds to suspect misuse. This change has made a huge difference for us.



DfT are keen to encourage local authorities to pro-actively carryout enforcement

Examples of misuse/fraud we have detected;

- Use of a deceased persons badge
- Covering up or changing expiry date
- Photocopying a badge
- Using a valid badge belonging to friend/family to gain free parking with and sometimes without, the badge holder's knowledge.
- Persistent misuse e.g. using someone else's badge to park for work every day.
- Using counterfeit or stolen badges.
- Making a fraudulent application.

In October 2014 we gained funding by submitting a joint bid to the Department for Communities and

Local Government to assist us in developing a more robust enforcement system across Sussex. We believed that a joint bid for enforcement funding was the best way forward as we are 'better together'. Our enforcement officers whilst from different backgrounds are able to work closely together, share intelligence, help with building legal cases and learn from each other.

With this funding we have been able to employ two full time Blue Badge investigation officers, one in each area and this has proved to be extremely successful. It has improved detection rates and allowed for improved sharing of intelligence.

Both investigation officers together with myself and the manager of Brighton and Hove have now been trained by the Police to interview suspects in taped interviews under PACE (Police and Criminal Evidence Act). This has helped with collating evidence for our legal teams to present in court.

This joint operation is named 'Bluebird' and large signs are in place across the county which serves as a warning that officers are checking badges in all areas.



Picture of Operation Bluebird sign placed across both authority areas.

Our local press and radio coverage has been very positive and we have received enquiries from other authorities as to how they can set up a similar operation.

We have also had support from Portsmouth City Council who already had a very good success rate in tackling misuse and who were happy to share some tips with us.

Since our dedicated investigation officers have been in place we have had a large number of successful prosecutions, and withdrawal of many badges being misused and that is just in the first year.

In addition to this we have put in place 'community resolution orders' which is our way of educating an offender rather than them gain a criminal conviction. Offenders are invited to attend council offices to watch a video of genuinely disabled people who describe what a disabled bay means to them and what problems they face when those not entitled are using them.

We feel that this is more likely to prevent further offences. The offender will then sign a document to say that they have attended an educational training course and although no further action is taken this will still be held on file internally and used in the event of any further misuse.

We have also held a Blue Badge two week 'amnesty' across the county which gave people in possession of badges, the opportunity to hand them in without fear of further action.

It is our aim to educate people on the use of badges and the consequence of misuse. This is with a long term focus on future prevention of fraud and misuse.

Statistics since Operation Bluebird has been in force;

Prosecutions have been made under;

Sections 115 & 117 Road Traffic Act

Fraud Act 2006

Joint results for both areas to date so far are as follows;

Community Resolution Orders = 122

Successful prosecutions = 58

Simple cautions = 2

Seized badges = 396

No further action = 40

No further action with warning letter to driver of vehicle = 81

Warning letter with no further action to Blue Badge Holder = 77

Currently under investigation = 63

Amnesty results = 78

We have recently been granted a Regulation of Investigatory Powers Act 2000 (RIPA) order to carry out covert surveillance on a suspect who has been abusing the scheme. The offender will be interviewed and a number of charges brought against this person including fraudulent application.

Newspaper Publication Highlighting Enforcement Success

Newspaper articles highlighting the success of Operation Bluebird in East Sussex County Council and Brighton and Hove City Council

<http://www.bbc.co.uk/news/uk-england-sussex-32962646>

http://www.guardian-series.co.uk/news/3754691.Brighton_blue_badge_cheats_face_clampdown/

<https://www.brighton-hove.gov.uk/content/press-release/council-wins-funding-tackle-blue-badge-fraud>

<http://www.yourcountyeastsussex.co.uk/news/oap-caught-out-for-blue-badge-photocopy-scam/>

Thank you to East Sussex and Brighton and Hove for providing the above article sharing their experiences and successes with us.

ON STREET ENFORCEMENT

In England and Wales the Disabled Persons' Parking Badges Act 2013 is now in force and provides some new powers to assist local authorities in enforcing the Blue Badge Scheme. This is in addition to an already wide range of legislation available to local authorities to use in their enforcement activities.

The Act enables enforcement officers to inspect and retain a badge without police presence, if they have

reasonable grounds. Enforcement officers may also operate in plain clothes. Although there is no obligation on local authorities to use this power, we strongly recommend that local authorities use this as an additional tool to help combat blue badge misuse.

However, in using this power, we would expect enforcement officers to take appropriate steps to establish reasonable grounds for retaining the badge. It should also be noted that the Act does not empower the local authority to use force when attempting to retain a badge. A circular providing more information on using the new powers can be found at:

<https://www.gov.uk/government/publications/blue-badge-scheme-enforcement-changes>

The Blue Badge Improvement Service (BBIS) allows enforcement officers to use smart phones and other hand held devices during on-street patrols to check the validity of all badges, no matter which local authority issued them. On-street enforcement officers can also download the photograph of the badge holder. Local authority enforcement teams are encouraged to setup and use this facility.



Example of hand held device

A Northgate information bulletin (issue 26) was sent out on 2 July 2012 providing local authorities with details on the functionality and infrastructure for on street enforcement within BBIS.

We are hoping to arrange several local authority run regional workshops on enforcement later this year with the aim of promoting best practice. In our view, regional workshops could provide another useful platform to help promote and encourage more proactive enforcement to help tackle misuse and abuse. If you are interested in hosting a regional workshop and would like more information, please could you contact Vida Browne Campbell at vida.browne-campbell@dft.gsi.gov.uk. **No cost is incurred by your authority as DfT would pay for the refreshments provided on the day.**