

BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 28 JANUARY 2016

COUNCIL CHAMBER, BRIGHTON TOWN HALL



AGENDA



**Brighton & Hove
City Council**

Council Meeting

Title:	Council
Date:	28 January 2016
Time:	4.30pm
Venue	Council Chamber, Brighton Town Hall
Members:	All Councillors You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Father John Wall
Contact:	Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

	<p>Public Involvement The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.</p> <p>Please note that the Public Gallery is situated on the second floor of the Town Hall. We have made a number of adjustments to make the venue as accessible as reasonably possible.</p> <p>If you wish to attend a meeting but are unable to use stairs please contact the Democratic Services Team (Tel: 01273 291066) in advance of the meeting to discuss your access requirements. WE can then work with you to enable your attendance and also to ensure your safe evacuation from the building, in the event of an emergency.</p>
	The Town Hall has facilities for disabled people including a lift and wheelchair accessible WCs. In the event of an emergency evacuation there is a special lift which can be used as part of a managed evacuation to assist disabled people. Please refer to the Access Notice in the agenda below.
	An infra-red hearing enhancement system is available within the council chamber to assist hard of hearing people. Headsets and neck loops are provided. If you require any further information or assistance, please contact the receptionist on arrival.

This Agenda and all accompanying reports are printed on recycled paper

AGENDA

69 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.

70 MINUTES

1 - 40

To approve as a correct record the minutes of the last Council meeting held on the 17th December 2015 (copy attached).

Contact Officer: *Mark Wall*

Tel: 01273 291006

71 MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

72 TO RECEIVE PETITIONS AND E-PETITIONS.

Petitions will be presented by Members and/or members of the public to the Mayor at the meeting.

73 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on the 21st January 2016 will be circulated separately as part of an addendum at the meeting.

74 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of 12noon on the 21st January 2016 will be circulated separately as part of an addendum at the meeting.

COUNCIL

75 PETITIONS FOR COUNCIL DEBATE

41 - 48

Petitions to be debated at Council. Reports of the Monitoring Officer (copies attached):

- (a) Save the Brighton & Hove Animal Welfare Team. Lead petitioner Rhian on behalf of Brighton Dogwatch.
- (b) Solution Based Proposals to End Homelessness. Lead petitioner Ree, on behalf of Love Activists Brighton.

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 01273 291006

76 WRITTEN QUESTIONS FROM COUNCILLORS.

49 - 50

A list of the written questions submitted by Members has been included in the agenda papers. This will be repeated along with the written answers received and will be taken as read as part of an addendum circulated separately at the meeting.

Contact Officer: Mark Wall

Tel: 01273 291006

77 ORAL QUESTIONS FROM COUNCILLORS

51 - 52

A list of Councillors who have indicated their desire to ask an oral question at the meeting along with the subject matters has been listed in the agenda papers.

Contact Officer: Mark Wall

Tel: 01273 291006

78 CALL OVER FOR REPORTS OF COMMITTEES.

- (a) Call over (items 79-81) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.
- (c) Oral questions from Councillors on the Committee reports, which have not been reserved for discussion.

6.30 - 7.00PM REFRESHMENT BREAK

Note: A refreshment break is scheduled for 6.30pm although this may alter slightly depending on how the meeting is proceeding and the view of the Mayor.

79 SCHOOL ADMISSION ARRANGEMENTS 2017/18

53 - 100

Extract from the proceedings of the Children, Young People & Skills Committee meeting held on the 11th January 2016, together with a report

COUNCIL

of the Executive Director for Children's Services (copies attached).

Contact Officer: Lisa Johnson, Tel: 01273 291228,
Richard Barker Tel: 01273 290732
Ward Affected: All Wards

80 LEGAL SERVICES – ORBIS PUBLIC LAW

101 - 138

Extract from the proceedings of the Policy & Resources Committee meeting held on the 21st January 2016 (to be circulated), together with a report of the Head of Legal & Democratic Services (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis, Tel: 01273 291500,
Ross Keatley Tel: 01273 291064
Ward Affected: All Wards

REPORTS REFERRED FOR INFORMATION

The following reports have been referred to the full Council for information in accordance with procedural rule 24.3

81 OVERPAYMENTS ON THE HOUSING REPAIRS AND IMPROVEMENT CONTRACT

139 - 152

Extract from the proceedings of the Housing & New Homes Committee meeting held on the 13th January 2016, together with a report of the Interim Executive Director for Environment, Development & Housing (copies attached).

Contact Officer: Caroline De Marco, Tel: 01273 291063,
Graham Liddell Tel: 01273 291323
Ward Affected: All Wards

NOTICES OF MOTION

82 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION:

153 - 158

- (a) **Fair Trade.** Proposed by Councillor Hill (copy attached).
- (b) **Immigration Bill.** Proposed by Councillor Littman (copy attached).
- (c) **Being Prepared for Flooding.** Proposed by Councillor Sykes (copy attached).

83 CLOSE OF MEETING

The Mayor will move a closure motion under Procedure Rule 17 to terminate the meeting 4 hours after the beginning of the meeting (excluding any breaks/adjournments).

Note:

1. The Mayor will put the motion to the vote and if it is carried will then:-

COUNCIL

- (a) *Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;*
- (b) *Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.*

The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.

- (c) *Following completion of the outstanding items, the Mayor will then close the meeting.*
2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*
3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

Once all the remaining items have been dealt with the Mayor will close the meeting.

PUBLIC INVOLVEMENT

Provision is made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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

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

Electronic agendas can also be accessed through our meetings app available through www.moderngov.co.uk

We can provide meeting papers in alternate formats (including large print, Braille, audio tape/disc, or in different languages. Please contact us to discuss your needs.

WEBCASTING NOTICE

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You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

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

ACCESS NOTICE

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The Town Hall has a specially designed lift that can be used in the event of an emergency evacuation. The size of the refuge areas (in the fire protected areas where people unable to use the stairs will wait to be assisted from the building via the lift), will accommodate 2 wheelchair users and several standing users.

If the public gallery is full, Committee Room 1 on the ground floor can be used. This is an inclusive space with video conferencing facilities and AV links to the council chamber, automatic doors, level access, its own step-free fire escape, and nearby WC facilities including wheelchair accessible provision. From this room you can watch the meeting and take part in proceedings, for example if you have submitted a public question.

Please inform staff on Reception if you have any access requirements so that they can either direct you to the public gallery, or to the video-conferencing room as appropriate.

We apologise for any inconvenience caused

FIRE / EMERGENCY EVACUATION PROCEDURE

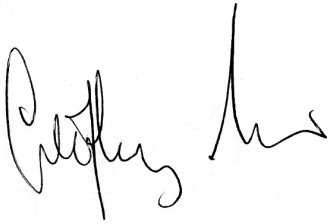
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COUNCIL

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- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and

Do not re-enter the building until told that it is safe to do so.

Date of Publication - Wednesday, 20 January 2016



Chief Executive
King's House
Grand Avenue
Hove
BN3 2LS

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 17 DECEMBER 2015****COUNCIL CHAMBER, BRIGHTON TOWN HALL****MINUTES**

Present: Councillors Hyde (Chair), West (Deputy Chair), Allen, Atkinson, Barford, Barradell, Bell, Bennett, Bewick, Brown, Cattell, Chapman, Cobb, Daniel, Deane, Druitt, Gibson, Gilbey, Greenbaum, Hamilton, Hill, Horan, Inkpin-Leissner, Janio, Knight, Lewry, Littman, Mac Cafferty, Marsh, Meadows, Mears, Miller, Mitchell, Moonan, Morgan, Morris, Nemeth, A Norman, K Norman, O'Quinn, Penn, Phillips, Robins, Simson, Sykes, Taylor, C Theobald, G Theobald, Wares, Wealls and Yates

PART ONE**52 DECLARATIONS OF INTEREST**

- 52.1 Councillor Inkpin-Leissner declared a personal and prejudicial interest in Item 68, Expansion of Gatwick Airport, Notice of Motion which had been referred from the Economic Development & Culture Committee for information; as he worked at Gatwick Airport.
- 52.2 Councillor Hamilton declared a personal interest in Item 58(a), Petition regarding Specialist Advisory Teachers in the Learning Support Service as his daughter worked for the service.
- 52.3 Councillor Bennett declared a personal and prejudicial interest in Item 68(a), Expansion of Gatwick Airport, Notice of Motion which had been referred from the Economic Development & Culture Committee for information; as she worked at Gatwick Airport.
- 52.4 No other declarations of interests in matters appearing on the agenda were made.

53 MINUTES

- 53.1 The minutes of the last ordinary meeting held on the 22nd October 2015 were approved and signed by the Mayor as a correct record of the proceedings; subject to an amendment to paragraph 39.15 which was changed as shown in bold italics to read as follows at Councillor Cobb's request:

39.15 “Councillor Cobb stated that she fully agreed with the petition and felt that the city was behind in regard to the provision of leisure facilities and noted ***that technology more than 30 years ago used the heat from a swimming pool to cool the ice of an ice rink and vice versa. She was sure that technology had advanced over this time period, and suggested that the proposed King Alfred development should be able to provide such a facility to enable the inclusion of an ice-rink.***”

54 MAYOR'S COMMUNICATIONS.

- 54.1 The Mayor informed the Council that she had to announce the death of former Conservative Councillor Ruth Larkin who served for 21 years on Brighton Borough Council, before becoming an inaugural member of the Older People's Council in 2007. She chaired the Planning Committee for a number of years and was known for arriving at site visits on her bicycle. The Mayor then asked everyone to stand for a minute's silence as a mark of respect.
- 54.2 The Mayor stated that she was mindful that there were a number of public items on the agenda and that in order to help Members to have an idea of the items to be debated later in the meeting; she intended to adjourn the meeting for the refreshment break after she had concluded the Call Over.
- 54.3 The Mayor then offered the Council's congratulations to the Legal Services Team who had won 2 awards at the recent Local Government Legal Awards. The first was for the Governance Legal Team of the Year which was won by our Corporate Law Team. She noted that the judges of the award commented that the team “developed practical governance solutions tailored to the specific needs of a number of different projects and, significantly, met the aspirations of varied partners within those projects.” She then invited Liz Culbert and Isabella Sidoli to come forward to accept the award on behalf of their team.
- 54.4 The Mayor stated that the second award was for People Related Legal Team of the Year which was won by the Safeguarding and Litigation Legal Team. She noted that the judges of the award commented that the winner “had demonstrated a high standard across the board with particular innovation and good practice in relation to the protection of children from radicalisation and prevention of travel to war zones resulting in widespread acclaim.” She then invited Natasha Watson, Simon Court and Charmain Sadler to come forward to accept the award.
- 54.5 The Mayor noted that the Council had been named the local authority partner of the year at the Fields in Trust annual award ceremony held at Lords Cricket Ground. The award recognises the Council's work with charity Fields in Trust to protect outdoor recreational spaces in perpetuity and encouraging people to use parks and playing fields across the city. She invited Councillors Mitchel and Ann Norman to come forward to jointly accept the award on behalf of the council.
- 54.6 Finally, she stated that she had been made aware of the recent Big Difference Award that the Chief Executive had given to the Council's Bereavement team. She also noted that Bereavement Team had been commended by our partner organisations for their work and role during the Shoreham Airport disaster. Whilst this had been rightly recognised by the Chief Executive, she felt that on this occasion it should be reported

to all Members and the Council given the opportunity to express their thanks and recognition of the team's work. She therefore invited Sean Didcott and Sam Down to come forward on the team's behalf to receive the Big Difference certificate.

55 TO RECEIVE PETITIONS AND E-PETITIONS.

- 55.1 The Mayor invited the submission of petitions from councillors and members of the public. She reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 55.2 Mr. J. Blackbear presented a petition with 232 signatures concerning parking facilities at Ingram Crescent.
- 55.3 Ms. M. Alexander presented a petition with 827 signatures concerning the level of the Council Tax Reduction applied by the Council.
- 55.4 Ms. V. Paynter presented a petition with 122 signatures requesting that a Planning Brief be drawn up for the Kingsway.

56 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 56.1 The Mayor reported that six written questions had been received from members of the public and invited Ms. Paynter to come forward and address the council.
- 56.2 Ms. Paynter thanked the Mayor and asked the following question; "At clause 8.12.1, Supplementary Planning Guidance note SPGBH15 provides for "mid-rise" tall buildings along the Kingsway in Hove which is a designated corridor, suitable to take tall buildings. May I have, please, a definition of what is meant by "mid-rise" and how many storeys over what height this definition would allow?"
- 56.3 Councillor Morgan replied; "Mid-rise buildings are defined in the tall buildings strategic planning document as between 6-8 stories or 18-23 meters tall."
- 56.4 Ms. Paynter asked the following supplementary question; "One of the things that I think needs to be done is that this tall buildings strategy needs to be reviewed. Can you agree that the compass document was created in 2004 which is 11/12 years ago, it's time for it to be reviewed and perhaps tightened up because an awful lot has changed in that period of time?"
- 56.5 Councillor Morgan replied; "Yes I'm happy to take that up with planning officers and discuss whether there is a review due."
- 56.6 The Mayor thanked Ms. Paynter for her questions and invited Mr. Hawtree to come forward and address the council.
- 56.7 Mr. Hawtree thanked the Mayor and asked the following question; "If, Heaven forbid, Hove's Carnegie Library is sold, what Use Class would it have?"

- 56.8 Councillor Morgan replied; “The existing use is D1 and the library is a community facility. The policy Ho20 applies to the retention of community facility which says that in the event that an alternative community facility can be accommodated then a residential or mixed use scheme would be acceptable.”
- 56.9 Mr. Hawtree asked the following supplementary question; “Bearing in mind that we’ve heard quite a lot down the line so far that all this turns upon money. Could you please tell us how much more you anticipate the PFI deal for Brighton library including the ring fenced book fund will cost each year with the forth coming renegotiation of the PFI deal?”
- 56.10 Councillor Morgan replied; “I don’t have that information to hand but I’ll be happy to supply it to you on advice from officers.”
- 56.11 The Mayor thanked Mr. Hawtree for his questions and invited Mr. Sharpe to come forward and address the council.

Mr. Sharpe thanked the Mayor and asked the following question; “So this council set up the fairness commission to make sure everyone has an opportunity to lead healthy and productive lives. The Fairness Commission is set up so it will make a difference because it says in the description of the Fairness Commission the findings of the Fairness Commission will inform the Council budget.

Last Thursday 10th the Fairness Commission was looking at the life chances of children and young people. Even the introductory text to this theme noted “the benefits of early intervention to improve children's life chances. Will the council therefore commit to waiting until the commission has reported in summer 2016 before even considering any cuts to front line services that deliver early intervention for children with special educational needs?”

- 56.12 Councillor Bewick replied; “In terms of pre-school children with special education needs current proposals are looking at a flexible and responsive service to work with all children from pre-school to 18 years. I hear what Mr Sharpe’s saying about the Fairness Commission and that will of course inform the budgets over the four year budget which of course this administration is committed to. The new service however will offer an all year round service to parents, children’s and early years settings rather than mainly term time only. So I don’t accept that this administration isn’t already making the necessary reforms to ensure that those young children have their life chances met. I’d also like to stress that there are no plans to reduce the funding for dedicated one to one support for children with special needs in early years provision or the capacity of the support staff who currently work as nursery nurses in the pre-school area. It’s not possible unfortunately to delay the re-designation of children’s centres from 12 to 7 because the Council does not have enough money in the budget to continue to run that number of designated centres. However these services are available to all children as well as those with special education needs and it’s worth stressing that last year the previous administration agreed to delay a budget reduction of £670,000 for one year only. Reductions in central government funding mean that we have to look at further savings.”

56.13 Mr. Sharpe asked the following supplementary question; "I asked this question because as well as the planned cuts to children's centres which effect early years provision in the city the current publicly available information which isn't always necessarily detailed and fully up to date to be able to fully understand what's happening but my understanding of the current publicly available information suggests that the restructuring of the learning support services effectively proposes quite a significant cut in the staffing levels of the pre-school element of this service as it hasn't been specifically protected and there's no clarity about how many of the staff available will be delivering pre-school services and this cut is unfair because the children involved.

Will the Council please commit to providing the same level of front line services, not talking about back office savings, but front line services for special educational needs provision for children with pre-school SEN needs?"

56.14 Councillor Bewick replied; "There are no plans to reduce front line support to children with special educational needs but there are plans of course to modernise, transform and integrate the service for special educational needs and in terms of the overall headcount actually in terms of the reduction of staff and I think it's very important that members understand this because there's a lot of misinformation on social media and in the media and elsewhere but the actual reduction in staff headcount will be from 58 to 55 staff. Yes, in relation to the pre-school service we are asking for staff to work in different ways, actually in ways that other local authorities around the country already work with their staff and I'll be able to provide further detail to other questions and petitions that are out to this Council later on."

56.15 The Mayor thanked Mr. Sharpe for his questions and invited Ms. Jenkins to come forward and address the council.

56.16 Ms. Jenkins thanked the Mayor and asked the following question; "With our neighbouring local authorities continuing to recognise the value of qualified Teachers of the Deaf, employing them under teachers' pay and conditions, can the Lead Councillor for CYPS explain how the service in our city will not be affected if Brighton and Hove's Teachers of the Deaf, living in a city with very high living costs, are redefined as advisors, their pay and conditions cut and they find themselves forced to leave this authority, in order to do the job they've trained for and given so many dedicated years to?"

56.17 Councillor Bewick replied; "Can I say at the outset that what she said there about a cut in pay and conditions for advisors is absolutely not true. That is not the policy of this administration and let me tell you that this administration places the highest value on qualifications of our teachers of the deaf and thankfully they hold those qualifications in the city where there's currently relatively low incidents of need in this area. However the current proposals are about retaining the need for all SEN specialist advisors working in the area of hearing impairment to have this qualification as they do now and they will continue to have the same pay as they have in the past. Now there is currently a consultation in process with the 8 teams that provide support to schools with children with special educational needs and disabilities and this includes our services for children of course with visual and hearing impairment. This consultation ends on the 31st of January 2016 and the proposal is to bring together an integrated service of

professionals that achieves the right balance between the flexibility and the specialism to meet all needs. There is no proposed reduction in this consultation in front line services to children and families with sensory needs.”

- 56.18 Ms. Jenkins asked the following supplementary question; “Are you saying that teachers of the deaf are not going to be moved onto the Soulbury pay scale?”
- 56.19 Councillor Bewick replied; “There is a proposal which is out for consultation which we’re discussing with staff, with trade unions and other stakeholders to look at moving staff on to Soulbury scales but what I want to stress about this proposed moved is these will still be qualified teachers with qualified teacher status. The pay of those teachers on the Soulbury scales will be protected as part of transitional arrangements for three years so this is not an agenda around cutting the pay and conditions but what we are asking for as part of a modernised, transformed and integrated service is to ask these teachers for example to serve this special needs community not just from 5-16 but from pre-school right up to 18 and 25 in some circumstances. We’re asking for the service to work 365 days a year because parents have told us that the needs of their children requires that service to be provided outside of term times. That is the reason and the rationale behind moving to the Soulbury scales.”
- 56.20 The Mayor thanked Ms. Jenkins for her questions and invited Ms. Duffy to come forward and address the council.
- 56.21 Ms. Duffy thanked the Mayor and asked the following question; “One of the major arguments for moving Teachers of the Deaf off their teachers' contracts onto the Soulbury scale is the idea that these teachers are not offering a holiday service and should be moved onto a contract that offers year round cover. Is the Lead Councillor aware that that is not the case with Teachers of the Deaf in our city, for whom it is standard practise to visit a newly identified deaf child within days of diagnosis, whatever time of year, offer support to families and attend multi-agency meetings throughout the holidays?”
- 56.22 Councillor Bewick replied; “I think it’s important that members are made aware that the hearing impairment service offers all year round support to families where children are newly identified as having a hearing impairment and of course this council applauds and recognises that children and families have needs for advise, information, support where it is due in term time or not. The key reason behind the proposal is to move all current specialist teachers onto these Soulbury scales so we can absolutely guarantee and secure that all year round service that our parents are asking for and at the moment unfortunately that cannot be guaranteed within the current terms and conditions. Now other teams within the proposed integrated service such as the education psychology service I understand already work all year round.”
- 56.23 The Mayor thanked Ms. Duffy for her question and invited Ms. Cox to come forward and address the council.
- 56.24 Ms. Cox asked the following question; “Considering the high levels of engagement and anxiety from parents and families can the Lead Councillor now commit to a formal consultation of stakeholders, parents and most importantly service users on changes to the Sensory Needs Service?”

- 56.25 Councillor Bewick replied; “She referred at the start of her question to the levels of anxiety and I absolutely recognise as indeed do councillors from these benches recognise there’s been a huge amount of anxiety in the city. I think it’s incredibly unfortunate that some of that anxiety has been deliberately inflated by a misinformation campaign on social media and elsewhere which has not helped parents who’ve got children with special educational needs have a rational and informed conversation with council officers and others who are involved in this process and I hope as a result of this discussion and debate today we can move to a debate in the city that is grounded in fact and indeed there’s already been extensive consultation with a wide range of parent groups and parent representative groups including of course parents of children with sensory needs to explain these proposals. Information and other stakeholders relating to the consultation has been posted on the council and amaze websites with a contact address for views and queries. Specifically in relation to hearing impairment council officers met with the national deaf children’s society representatives on the 2nd of November and they’ve arranged further meetings. Parents of children with sensory needs were also represented at the parents and carers connect meeting where council officers consulted on these proposal on the 17th of November. I am of course attentively listening to all the representations that I’m receiving as are council members throughout this chamber who have had representations on this subject and that’s one of the reasons I agreed with officers to extend the consultation period to the end of January so we can assure we get the maximum amount of consultation in this debate.”
- 56.26 Ms. Cox asked the following supplementary question; “Can the Councillor confirm a formal consultation with parents that’s not an email address which is what we’ve been given?”
- 56.27 Councillor Bewick replied; “I’m very happy to take that back to officers and discuss with them ways in which we can consult with parents. There are formal and indeed informal channels through which parents can lobby their councillors or indeed request meetings with me or any member of this chamber to put their views to them about these proposals.”
- 56.28 The Mayor thanked Ms. Cox for her questions and noted that this concluded the public questions for the meeting.

57 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

- 57.1 The Mayor reported that no deputations had been received for the current meeting.

58 PETITIONS FOR COUNCIL DEBATE

- 58.1 The Mayor stated that the council’s petition scheme provided that where a petition secured 1,250 or more signatures it could be debated at a Council meeting. She had been notified of three such petitions which had sufficient signatures to warrant a debate and therefore would call on the lead petitioner to present their petition before opening the matter up for debate.
- 58.2 The Mayor invited Ms. Gillett to come forward and present her petition.

- 58.3 Ms. Gillett thanked the Mayor and presented the petition which called on the Council to not cut specialist advisory teachers from Brighton and Hove's new Learning Support Service. She confirmed that the petition had 10,020 signatures and asked that consideration be given to the families and children who would be affected by the proposed cuts and the teachers themselves who were faced with changes to their working conditions and reductions in service.
- 58.4 Councillor Bewick thanked Ms. Gillett and stated that he recognised the extraordinary high number of people who had signed the petition, which reflected the concerns that had been raised. He stated that the council was committed to children and parents with special educational needs and to continue to provide services that they deserved. He acknowledged that passions were running high and stated that the intention was to recognise qualified teachers and to provide services to meet the needs of those who required support. The overall reduction in numbers proposed was 58 to 55 and no final decision had been taken.
- 58.5 Councillor Brown stated that there appeared to be a lot of mis-information and confusion around the SEND review, along with a lack of open consultation on the proposals which required accurate explanation to alleviate the concerns. She hoped that there would be a chance to ensure the service and schools were working together to meet the needs of those affected.
- 58.6 Councillor Phillips stated that as a teacher she valued the support from specialist teachers which could not be under-estimated. She therefore hoped that some reassurances could be given in regard to the level of service and pay levels that would be maintained following the review. She therefore suggested that as well as the petition being referred to the Children, Young People & Skills Committee, there be no cuts, a continuation of the proactive work and no worse conditions for the staff concerned.
- 58.7 Councillor Bewick noted the comments and stated that he would discuss a number of the points further with officers. He also repeated that the changes were not driven by the need for cuts but rather with a view to providing a better outcome for all concerned which was the aim of good public services.
- 58.8 The Mayor sought clarification from Councillor Phillips as to whether she was moving an amendment to the recommendation in the covering report.
- 58.9 Councillor Phillips stated that she wished to move an amendment to add a further recommendation that her three points be considered by the Children, Young People and Skills Committee in conjunction with the petition.
- 58.10 Councillor Mac Cafferty formally seconded the amendment.
- 58.11 The Mayor thanked Ms. Gillett for attending the meeting and put the amendment to the vote which was lost by 9 votes to 40.
- 58.12 The Mayor then put the recommendation to refer the petition to the Children, Young People & Skills Committee to the vote which was agreed.

- 58.13 **RESOLVED:** That the petition be referred to the Children, Young People & Skills Committee for consideration at its next meeting.
- 58.14 The Mayor then invited Ms. Senker to come forward and present a petition requesting that the Council take 50 Syrian Refugees into the city.
- 58.15 Ms. Senker thanked the Mayor and stated that she wished to present a petition on behalf of Eve Mathis which had a total over 2,000 signatures. She also had a similar petition with over 900 signatures giving a combined total of over 3,055 signatures in favour of extending the number of refugees to be accommodated within the city.
- 58.16 Councillor Daniel thanked Ms. Senker for presenting the petitions and stated that they clearly showed how Brighton and Hove was a city with a big heart. She fully supported the aspirations behind the petitions and noted that in order to be able to offer places there was a need to get private landlords on board to put forward potential homes. She also noted that the Council had agreed to take in 5 families and thanks to the hard work of officers; it was recognised by the Home Office for its work which was being recommended to other authorities as an example of good practice.
- 58.17 Councillor Simson stated that the Conservative Group fully supported the petition being referred to the Neighbourhoods, Communities & Equalities Committee for consideration.
- 58.18 Councillor Littman welcomed the petition and stated that there was a need to continue to push the authority to take action. He was also concerned about the number of unaccompanied children entering the country and the pressure this put on neighbouring authorities and hoped that a report would be forthcoming on the resources available to tackle this.
- 58.19 Councillor Daniel noted the comments and hoped that further discussion could take place at committee level.
- 58.20 The Mayor thanked Ms. Senker for attending the meeting and noted that the recommendation was to refer the petition to the Neighbourhoods, Communities and Equalities Committee for consideration and put it to the council to agree.
- 58.21 **RESOLVED:** That the petition be referred to the Neighbourhoods, Communities & Equalities Committee for consideration at its next meeting.
- 58.22 The Mayor then invited Ms. Rees to come forward to present a petition requesting the council to open up its empty properties to the homeless for the duration of the winter.
- 58.23 Ms. Rees thanked the Mayor and stated that the petition had 8,058 signatures and sought agreement to enable homeless people to be given access to empty properties for the winter along similar lines to that agreed by Manchester. There were a number of homeless people sleeping on the streets and without an address it was impossible to find work. She hoped that the council would support the proposal and take the issue to Parliament in order to get necessary changes to help meet the Council's aspiration of not having homeless people in the city by 2020.

- 58.24 Councillor Moonan thanked Ms. Rees for her petition and for bringing the matter to the attention of the council. She fully agreed it was unimaginably tough to live on the streets; however there was a need to consider the implications for the council should it follow the example of Manchester. If properties were made available then council would have a duty of care, for example there would need to be running water and facilities and provision to deal with issues such as drug taking and protection. She noted that shelters were opened in the winter and that the council already worked with local charities and churches to provide food and shelter. She also noted that the Government had recently announced additional resources for 25 Authorities to help with this situation and that Brighton was one of a few outside London who could apply for those resources.
- 58.25 The Mayor noted that there were no other speakers and thanked Ms. Rees for attending the meeting. She also noted that the recommendation was to refer the petition to the Policy & Resources Committee for consideration and put it to the council to agree.
- 58.26 **RESOLVED:** That the petition be referred to the Policy & Resources Committee for consideration at its next meeting.

59 TO CONSIDER NOMINATIONS FOR THE DEPUTY MAYOR-ELECT

- 59.1 The Mayor noted that the arrangements for the mayoralty had been changed in the previous year and therefore sought nominations for the Deputy Mayor-elect for the 2016/17 municipal year.
- 59.2 Councillor Meadows nominated Councillor Mo Marsh as Deputy Mayor-elect.
- 59.3 Councillor Morgan formally seconded the nomination.
- 59.4 Councillor G. Theobald stated that the Conservative Group were happy to support the nomination.
- 59.5 The Mayor noted that there were no other nominations and put the nomination of Councillor Marsh as Deputy Mayor-elect for the 2016/17 municipal year to the Council which was agreed.
- 59.6 **RESOLVED:** That Councillor Marsh be appointed as Deputy Mayor-elect for the 2016/17 municipal year.

60 WRITTEN QUESTIONS FROM COUNCILLORS.

- 60.1 The Mayor reminded Council that written questions from Members and the replies from the appropriate Councillor were taken as read by reference to the list included in the addendum which had been circulated as detailed below:

(a) Councillor Taylor

- 60.2 "Will the Chair of the Environment, Transport & Sustainability Committee estimate the cost of installing single yellow lines per metre and the cost of their enforcement?"

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee.

- 60.3 “The cost of installing single yellow lines is approximately £10 per metre but this doesn’t include the legal traffic order cost (depends on amount of proposals within the order which we batch up for economies of scale) and the signing involved (about £100 per sign required).
- 60.4 The enforcement costs cannot be worked out per metre as we don’t work costing fro

(b) Councillor Simson

- 60.5 “At a recent meeting of the Children, Young People and Skills Committee the Chair stated that it was the Administration’s policy not to agree any amendments to recommendations put forward in Committee reports. Will this policy be consistent across all Committees for the remainder of the Administration’s term?”

Reply from Councillor Morgan, Leader of the Council.

- 60.6 “I can confirm that the Administration recognises the right of any Councillor to put forward an amendment for consideration. Indeed we are happy to discuss any proposed changes to recommendations prior to a meeting which may lead to an improvement. At the recent Children, Young People and Skills Committee, Councillor Daniel, as a committee member, was representing the view that the Labour Group Members did not feel that the proposed amendment under discussion was substantively improving the recommendation, because the recommendation as it stood covered the scenario that the amendment related to, but did not name any specific provider. You will note that the administration abstained rather than voted against the amendment for that reason, which allowed the amendment to go through. There was no intention to suggest that there had been a change of policy in respect to amendments to recommendations, which anyway would have to go to the Council’s Constitutional Working Group.”

(c) Councillor G. Theobald

- 60.7 “What does the Council do to monitor the reliability of bus services in the City and do they work with the bus companies to try and improve this?”

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee.

- 60.8 “Bus companies are required to supply an annual punctuality figure to the council. The Key Performance Indicator figure, which is then supplied to the Department of Transport, was 85.5% for 2014-15. The figure was slightly lower than the previous year’s figure of 89.4% because of the number of road works that were temporarily impacting on the bus network (including North Street and Brighton Station), combined with the essential partial closure of the A259 west of Brighton Pier for structural works.

60.9 The council employs a bus inspector to monitor the performance of supported bus services, which represent 3% of the city's bus network. 97% of the bus network is operated commercially: the council does not monitor them but does work with the bus operators, through the Quality Bus Partnership as well as the Transport Partnership, to tackle issues which impact on the reality of bus services."

61 ORAL QUESTIONS FROM COUNCILLORS

61.1 The Mayor noted that notification of 7 oral questions had been received and that 30minutes were set aside for the duration of the item. She then invited Councillor G. Theobald to put his question to the Leader of the Council.

(a) Council Budget

61.2 Councillor G. Theobald asked, "Will Councillor Morgan tell me what sort of responses he expects to receive to his city innovation challenge for new budget ideas with £1000 on offer to each of the five best suggestions?"

61.3 Councillor Morgan replied, "I hope to have a great many and very good suggestions from the imaginative people of Brighton and Hove."

61.4 Councillor G. Theobald asked the following supplementary question, "I understand that it's not until January the 4th that Councillor Morgan will be taking these suggestions according until the Argus. I want to thank him for that response and I wonder if he could tell me whether this competition can be back dated to May 2015 because if he cares to look again at our local election manifesto our 'Common Sense Council for Brighton and Hove' he will find many innovative ideas some of which have already been taken up by his administration but there are some others which he may find of great help?"

61.5 Councillor Morgan replied, "I think it was a competition for ideas and proposals back in May and sadly Councillor Theobald and his team were runners up."

(b) Mazda Fountain

61.6 Councillor Littman asked, "In the 32 weeks since this administration was elected on how many days has the Mazda Fountain been operating?"

61.7 Councillor Mitchell replied, "I don't have the information to hand as to the number of days that the Mazda fountain has been operating but I can supply that in a written answer to Councillor Littman."

61.8 Councillor Littman asked the following supplementary question, "Including maintenance, repairs, officer's time, running cost etc. how much does this cost the council?"

61.9 Councillor Mitchell replied, "The fountain is maintained by property and design the operational costs average out at £7000p/a."

(c) Member / Officer Roles and Responsibilities

- 61.10 Councillor Bell asked, "Does the Leader believe it is appropriate for the Chief Executive to write to a committee and for the directors of Brighton and Hove City Council to endorse on committee paperwork an item on which they are trying to apply pressure on elected Members to make a decision. Surely as officers of this city who are paid employees by the residents of this city through the council tax they should be there to support the administration and not to be a lobbying group which is what they appear to have become?"
- 61.11 Councillor Morgan replied, "If Cllr. Bell is willing to share details then I'd be happy to look into it for him."
- 61.12 Councillor Bell asked the following supplementary question, "I'm very happy with that but as I've asked a question in full Council I would hope that once I do submit this Councillor Morgan that it will actually be explained publicly as well."
- 61.13 Councillor Morgan replied, "If suitable I'll bring it to the next council meeting."

(d) Innovative Thinking

- 61.14 Councillor Simson asked, "Before I ask my question I would like to clarify that it is not to do with the competition currently running or the steps taken to manage budget reductions. I recently read that over half of councils anticipate that between a 10th-5th of their income will be derived from entrepreneurial sources in four years. So what I would like to know is what your Administration is doing if anything to look at new ways to generate additional income and I stress income. We're not talking about additional revenue from parking or anything else like that. It's not about increasing revenue but my question is about newly generated income something new, additional and innovative."
- 61.15 Councillor Morgan replied, "Yes, our Administration is engaging actively in many different ways of bringing in income. One of those is the depot at City Clean where we're investing in a new workshop which will bring in income from fleets of vehicles that'll be serviced there. We'll be announcing a range of projects in the new year which will bring in additional income from new council tax from new revenue from rental streams but we will be taking up ideas that are presented by business, by residents, by school children in the competition which we are launching this year. I'd like to take this opportunity to thank Brighton and Hove Buses, The Hilton Brighton metropole hotel, Nat West entrepreneurial spark, The University of Sussex and Microsoft for their support for our campaign, our innovation challenge which we'll be launching on January 4th."
- 61.16 Councillor Simson asked the following supplementary question, "In some local government research that I was also reading it mentioned that about half of the councils that took part had at least one post dedicated to encouraging their authority to be more commercial and I just wondered if this was something we had within this council?"

61.17 Councillor Morgan replied, "We do indeed have officers dedicated in grant support but it is the job of every officer, every Member and indeed now every resident to think of ways of generating income of keeping our services going because as was announced today by the Secretary of State for Communities and Local Government councils will no longer receive any funding by 2020 and so it is entirely the burden on the residents to fund their local services from that date."

(e) Drainage

61.18 Councillor Wares asked, "Recently a report was put forward regarding flood risk management and it highlighted that we have seven hotspots around the city that would receive some project to actually alleviate that problem between 2016 and 2017. In that report it said that extensive cleansing was required to the drainage infrastructure and part of that infrastructure is the cleansing of gullies and at the present time the city does that on a cycle of I believe about every 18 months and I would just like to ask the Chair of Environment, Transport & Sustainability whether or not she would actually consider speaking with officers to implement a revised cleaning schedule of say every 6 months to those area where the seven hotspots exist until such time as these major works are implemented?"

61.19 Councillor Mitchell replied, "Brighton and Hove is primarily a dense urban area with lots of structures and hard landscapes in close proximity to each other. Many properties have hard landscaped their front gardens to facilitate parking and this has had the effect of diverting additional rain water on to the highway. Policies have been introduced to mitigate this. Highway verges do however form a useful and natural type of drainage and it has been recognised more recently that they should not be hardened. Where increased about of water gets discharged onto the highway the drainage infrastructure needs to be enhanced. This has constantly been undertaken by councils over the years and the resultant infrastructure 19,000 gullies and 5,000 soakaways in the highway if working correctly and to capacity are sufficient to deal with the majority of the rainfall even if it is more frequent. As an Administration we have decided to take a more risk based approach to cleaning gullies and improving the service. We are undertaking a study which is looking at things like historic flood events, tree density, local topography and the silt levels in gullies to develop a prioritised list of areas that may require an increased frequency of cleansing. This work will be completed by next April and as always our priority will be to protect homes from flooding and other safety issues."

61.20 Councillor Wares asked the following supplementary question, "My question was actually whether or not we would increase the frequency of cleaning gullies and perhaps to assist with the survey that's being undertaken on the 10th of December a number of residents and myself actually went round Patcham and in that instance we actually found that 37% of every gully was actually blocked or surcharging so I don't think it will take very much to actually undertake this survey but again I repeat can we actually have some works to these gullies rather than us being in a position where we either resemble Venice or we actually have some of the same problems as our colleagues in the likes of Cumbria are currently experiencing?"

61.21 Councillor Mitchell replied, "Perhaps you missed it but in my previous response to you I did say that the outcome of this review may well indicate that some gullies need to be

cleansed more frequently than some others in other areas. So yes that is something we are looking at.”

(f) School Parking

61.22 Councillor Taylor asked, “Across the city many residents have concerns regarding the lack of off street car parking in our schools this issue particularly effects residence in Withdean ward where we have five schools very near to each other. What assurances can the Chair of the Children’s Committee give the residents of the city and Withdean in particular that they will look to resolve this problem?”

61.23 Councillor Bewick replied, “I must actually confess that I was under the wrong illusion that it would be my colleague Councillor Mitchell who would respond as it was to do with parking but obviously the word ‘schools’ comes in the brief as well. My committee has recently of course looked at issues to do with ice cream vans outside schools. I’m happy for this to be taken up at the next committee meeting and to provide a response in committee to Councillor Taylor. My apologies for not having a more thorough response today.”

(g) Park Rangers

61.24 Councillor Miller asked, “Can I ask the Chair of the Environment, Transport & Sustainability Committee to explain how the community will be assisted by the council to keep our precious parks look pristine prior to reducing the number of park rangers from 9 to 3 as the justification of this two thirds reduction is an expectation that the community will step in to fill the gap of six park rangers and would she also like to take this opportunity on behalf of the Administration to apologies for the appalling way that staff were notified of their job losses?”

61.25 Councillor Mitchell replied, “I’ll answer the last bit first as I believe you are alluding or you’re trying to suggest that staff were informed that they had lost their jobs by text and that was not the case, nobody was informed they lost their job via a text message. In relation to the park ranger issue as part of the need to find the £68 million savings due to steadily decreasing funding from your Conservative Government City Clean and City Parks are being asked to find potential savings of £4 million and they’re looking at that in a number of ways not just with the park ranger issue but more broadly with how they continue to maintain parks and preserve them into the future. Policy & Resources Committee recently approved consultation on a proposal to reduce the rangers service and officers will therefore be working up these proposals and formally consulting with staff, stakeholders and trade unions but the key elements of the service will be retained those of conservation, rights of way, volunteering including recruitment and support. We will protect statutory and essential frontline services as much as possible, we will look for alternative funding and delivery models too but these are very difficult budget decisions that need to be made and if there are other way of finding the funding to prevent these or other budget reductions then these will of course be looked at very seriously. I am pleased to report that these discussions are very positive and that some worthwhile options are actively now being pursued.”

61.26 Councillor Miller asked the following supplementary question, “I’d just like to ensure that those worthwhile options are pursued sooner before the cuts of six park rangers

goes ahead and I would also question whether the Administration should look into why the interim executive director apologised in the paper for the sacked by text if that wasn't necessarily the case?"

- 61.27 Councillor Mitchell replied, "Well the Interim Director apologised for the clumsy way that any message relating to the future of a member of staff's job was communicated and that was entirely the right thing to do. In relation to the ongoing discussion and consultation around the park ranger service I assure you that this is being pursued with all speed not least to give reissuance and some comfort to the staff involved."

62 CALL OVER FOR REPORTS OF COMMITTEES.

(a) Callover

- 62.1 The Head of Democratic Services confirmed that Items X had been reserved for discussion; and

- Item 64 - Council Tax Reduction Review
- Item 66 - Response to Scrutiny Panel Report on Private Sector Housing
- Item 67 - Welfare Reform, Response to Recommendations made by the Centre for Economic and Social Inclusion
- Item 68 - Expansion of Gatwick Airport – Notice of Motion

(b) Receipt and/or Approval of Reports

- 62.2 The Head of Democratic Services confirmed that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 63 - Gambling Act 2005 – Revised Policy
- Item 65 - Support Serviced Review

(c) Oral Questions from Members

- 62.3 The Mayor noted that there were no oral questions in relation to items that had not been reserved for discussion.

63 GAMBLING ACT 2005 - REVISED POLICY

- 63.1 **RESOLVED:** That the final Statement of Gambling Policy (as appended to the report) be approved and adopted by the Council.

64 COUNCIL TAX REDUCTION REVIEW

- 64.1 Councillor Hamilton introduced the report which outlined the recommendations resulting from a review of the Council Tax Reduction (CTR) scheme that had been introduced in April 2013. He noted that there was a need to review the scheme annually and as things stood there would be a shortfall of £3.6m in 2016/17 to fund the scheme if no action was taken. As such it was recommended that those people on CTR should receive an 80% discount on their council tax, resulting in the minimum contribution people of working age pay towards their council tax would change from

15% to 20%. This would result in an increase on average of 97p week and would be capped at £1.65 per week.

- 64.2 Councillor Sykes stated that it was a complex matter and suggested that had action been taken in previous budgets it would not be necessary to increase the minimum contribution from 15% to 20% and affect the most vulnerable in the city. He was concerned that the council tax process was becoming more centralised and controlled by the Government and could not support the changes.
- 64.3 Councillor Wealls stated that it was a difficult decision to take and noted that the council was moving closer to the average rate for an Authority in the country. He noted that the council tax collection rate had improved and suggested that it was partly as a result of improvements in the economy. He also felt that the previous Administration could have taken action to enable resources to be available to help address the situation.
- 64.4 Councillor Littman stated that he believed the vulnerable in society were being disproportionately affected as a result of the proposals and argued that there were alternative actions that could be taken; e.g. the relationship with the Revenue Support Grant could be reviewed.
- 64.5 The Mayor stated that there was a need for a point of clarification and called on the Monitoring Officer to clarify the position in relation to the decision before the council.
- 64.6 The Monitoring Officer referred Members to the extract from the proceedings of the Policy & Resources Committee meeting held on the 3rd December, which had been circulated with the addendum papers. He stated that the recommendations should have been clearer, in that the Council was being asked to approve the Council Tax Reduction Scheme as detailed below point 4 and listed in roman numerals. He apologised for the error in the draft minutes and noted that the Interim Executive Director for Finance & Resources had clarified this point at the Policy & Resources Committee meeting.
- 64.7 He therefore confirmed that the approval of the Council Tax Reduction scheme was reserved to full Council and the Council was recommended to approve the scheme as outlined in the extracts and the report.
- 64.8 The Mayor thanked the Monitoring Officer for the clarification and called on Councillor Hamilton to respond to the debate.
- 64.9 Councillor Hamilton stated that whilst the council tax collection rate may have improved, the income from business rates had fallen. He also noted that the previous Administration had put forward increases in the level of CTR and that given the funding shortfall outlined earlier, the proposed increase was necessary. He therefore recommended that the revised scheme be agreed.
- 64.10 The Mayor referred to the extracts from the proceedings of the Policy & Resources Committee and stated that points 1 to 4 were for noting and that the scheme as detailed and listed under points i to iv was recommended for approval. She then asked for the voting system to be activated and put the recommendations to the vote.

64.11 The Mayor confirmed that the recommendations had been approved by 41 votes to 9 as detailed below:

64.12 **RESOLVED:**

- (1) That it be noted that the Council undertook formal consultation as a part of this review and that as part of the formal consultation a draft scheme was published and people were invited to give their views on that scheme;
- (2) That the outcome of that consultation (appendix 1) which has been summarised in section 5.4 be noted;
- (3) That it be noted that an Equalities Impact Assessment (EIA) (appendix 2) has been undertaken on the proposed changes in the draft scheme and the recommendations in this report. It should further note that, to meet their Public Sector Equality Duty, members must give conscientious consideration to the findings of this assessment when making a decision on the recommendations in 2.9.1 – 2.9.4. The actions which will be undertaken as a result of this EIA are set out in section 7.4.
- (4) That it be noted that the Chief Finance Officer (s151) will, prior to 1st April 2016, exercise delegated powers to increase the appropriate calculative elements of the scheme to give effect to national changes.

Scheme from 1st April 2016

- (5) That the changes set out in paragraphs 2.9.2 and 2.9.3 of the report are made to the Council Tax Reduction Scheme (Persons who are not Pensioners)(Brighton & Hove City Council) 2013 to take effect from 1st April 2016;
- (6) That people on CTR will receive up to an 80% discount on their Council Tax meaning the minimum contribution people of working age pay towards their Council Tax be changed from 15% to 20%;
- (7) That for customers entitled to CTR on 31st March 2016 transitional protection be provided until either the claim ends; the customer moves property; or 31st March 2017 (whichever occurs first) to minimise the increase paid by any household to £1.65 per week inclusive of the separately agreed Council Tax rise as a result of the change set out in 2.9.2 only; and
- (8) That the discretionary fund used to support the CTR scheme be set at a minimum of £0.1m and maintained at the 2015/16 level of £0.15m through the use of up to £0.05m from the Welfare Reform reserve.

Note:

64.13 The Mayor then adjourned the meeting at 6.40pm for a refreshment break.

64.14 The Mayor reconvened the meeting at 7.15pm.

65 SUPPORT FUNCTIONS REVIEW**65.1 RESOLVED:**

- (9) That Brighton & Hove City Council joins the Orbis Joint Committee as a founding partner, with the terms of reference as set out in appendix 2 (as they now stand) subject to necessary modifications to reflect expanded membership and the Council's committee system;
- (10) That it appoints Councillor Les Hamilton to the Orbis Joint Committee on behalf of Brighton & Hove City Council;
- (11) That subject to Council agreeing to recommendation 2.5 in the report and satisfactory due diligence, delegate the power to enter into the inter-authority agreement and the power to make the final decision on operational changes to the Chief Executive, Section 151 Officer and the Monitoring Officer and authorise the same to take all steps necessary or incidental to the implementation of the recommendations;
- (12) That the terms of reference of the Orbis Joint Committee as detailed in the appendix 1 to the extract be approved; and
- (13) That the appointment of a substitute Member of the Joint Committee as designated by the Leader of the Council and notified to the Chief Executive be agreed.

66 RESPONSE TO SCRUTINY PANEL REPORT ON PRIVATE SECTOR HOUSING

- 66.1 Councillor Hill introduced the report which detailed the findings of a Scrutiny Panel that looked at Private Sector Housing and the response to the Panel's recommendations from the Housing & New Homes Committee. She stated that there were too many properties in the private sector that fell below a decent living standard and noted that it was intended to develop a Housing Strategy Plan to find ways to tackle the problem. She also noted that further work was to be undertaken in respect of the licensing of HMO's and with letting agents to encourage clearer information in relation to fees etc...
- 66.2 The Mayor congratulated Councillor Hill on her maiden speech on behalf of the council.
- 66.3 Councillor Gibson welcomed the report and sated that it highlighted an important issue which affected a large number of people in the city. He believed that the current situation in the private sector market favoured landlords and this needed to be addressed in order to ensure that tenants had some support and protection. He noted that it was likely to require a national change but in the meantime hoped that the good landlord scheme could be extended and ethical lettings encouraged.
- 66.4 Councillor Wealls welcomed the report and noted that a number of elements in the Housing & Planning Bill that were due to be discussed later would help to achieve the aims set out in the report.

- 66.5 Councillor Miller suggested that it would be beneficial if home ownership was encouraged and taken up by more people as this would reduce the demand on the private sector and lead to more availability for private tenants. He noted that recent Government announcements were aimed at enabling this change and hoped that this would be supported by the council.
- 66.6 Councillor Mears stated that as a member of the Housing & New Homes Committee she was concerned about the number of properties that were being used for student accommodation. She hoped that discussions could be held with the universities and ways found to provide more affordable housing for residents and universities to provide their own accommodation.
- 66.7 Councillor Mac Cafferty stated that as the only remaining member of the Scrutiny Panel he wanted to acknowledge the work previous Councillor Wilson in helping to formulate the report.
- 66.8 Councillor Hill noted the comments and stated that further work was being undertaken by officers in relation to the issue of studentification and she hoped a report would be forthcoming.
- 66.9 The Mayor stated that the report had been referred to the council for information and therefore moved that it be noted.
- 66.10 **RESOLVED:** That the report be noted.

67 WELFARE REFORM, RESPONSES TO RECOMMENDATIONS MADE BY THE CENTRE FOR ECONOMIC AND SOCIAL INCLUSION

- 67.1 Councillor Daniel introduced the report which set out the council's response to the recommendations of the Centre for Economic and Social Inclusion in relation to the impact of welfare reform. She noted that there was an intention to continue to support people affected by the changes and to provide affordable housing in the city and to mitigate the reforms wherever possible.
- 67.2 Councillor Taylor stated that he believed there were levels of support for people such as universal credit and increases in tax allowance which enabled people to get into work and retain more of what they earn.
- 67.3 Councillor Littman stated that the changes to the Council Tax Reduction Scheme would result in more people being affected and struggling on a daily basis. The various welfare reforms were leading to people being unable to remain in the city and it was not the council's or residents' fault but the Government which was removing support and preventing sustainable housing solutions for residents.
- 67.4 Councillor Mears noted that the report had been referred to the Housing & New Homes Committee in January, but questioned the process and why it had not come direct to the Committee given the fact that it was the Housing Revenue Account (HRA) budget that was mainly affected. She believed that it should be for the Housing Committee to consider and agree any actions and was concerned that the committee's remit was being over-ridden.

- 67.5 Councillor Meadows stated that a number of families in the city were likely to be affected by the various changes and there was a need to enable them to make informed choices. She also noted that the housing component for universal credit was not paid to anyone under the age of 21, which meant additional support was required for those residents. She also believed it was likely that there would be an increase in rent arrears and potential for a rise in the number of homeless people in the city.
- 67.6 Councillor Yates stated that there was a need for debate and consideration of how to address the impacts of welfare reform.
- 67.7 Councillor Gibson stated that the figures were terrifying and that there was a need for action to be taken. The council could have chosen not to increase council tax and thereby supported residents but this had not been the case to date.
- 67.8 Councillor Miller stated that there was a need to ensure that those on welfare were not better-off than those who chose to work and paid tax. He did not believe it was fair for those on welfare to be better-off than those who worked.
- 67.9 Councillor Daniel noted the comments and stated that there was a need to address the impact of the welfare reform programme and endeavour to support the residents of the city. The issue was about inequality across all sectors of the population and was broader than just a housing matter; although it needed to be taken into account.
- 67.10 The Mayor stated that the report had been referred for information and therefore moved that it be noted.
- 67.11 **RESOLVED:** That the report be noted.

68 EXPANSION OF GATWICK AIRPORT - NOTICE OF MOTION

- 68.1 Councillor Morgan noted that the Economic Development & Culture Committee had agreed to support the expansion of Gatwick Airport and stated that whilst a reduction in overall air travel was a valid aspiration, the expansion of Gatwick would result in benefits to the local economy and should be supported. The airport had one of the cleanest fleets and had taken innovative action to reduce noise levels. In view of the likelihood that either Heathrow or Gatwick would get a second runway, he believed as did many other businesses and organisations in the region that Gatwick was the right choice.
- 68.2 Councillor Littman referred to the recent Paris Climate debate and the comments of the Director General of the CBI which supported his view that the intention to increase air travel with a second runway was taking the climate change policy in the wrong direction.
- 68.3 Councillor West questioned the view that a second runway at Gatwick would have economic benefits for the city in so much as there were other factors that needed to be considered such as traffic flows. The transport links passed through the National Park and the National Park Authority had already expressed concerns over the impact of

increased traffic through the area. He believed that further consideration needed to be given to environmental factors and the incompatibility with any expansion at Gatwick.

- 68.4 Councillor G. Theobald stated that there was a need for Gatwick to remain at the centre of air travel for Europe rather than lose that to an airport abroad. The expansion of Gatwick would have the potential to release further opportunities for the residents of the city as well as the local economy and it was the right thing to support this proposal.
- 68.5 Councillor Bell stated that the expansion of Gatwick Airport had to be supported as the potential benefits for the economy; jobs and the development of transport links were evident and should not be ignored.
- 68.6 Councillor Greenbaum queried how any expansion of the airport could be justified when the recent Paris summit had made a commitment to a 2% increase in global climate change. She believed that around 80% of flights at Gatwick were leisure related and argued that any increase in its capacity could not be justified in terms of climate change. There were other local airports that could take more flights and these options should be explored.
- 68.7 Councillor Druitt questioned where the potential for jobs would come from as a result of a second runway at Gatwick. He also suggested that people should be encouraged to stay in this country and visit the city rather than making it easier for them to go abroad for a holiday. He believed that a healthy economy relied on a healthy environment and the protection of the environment had to be the prime concern.
- 68.8 The Mayor stated that the notice of motion had been referred for information and noted that a request for a recorded vote had been made which she was inclined to accept. She therefore asked for the voting system to be activated and put the motion to be noted to the vote which was **carried** by 38 votes to 0 with 10 abstentions as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen	√			Mac Cafferty		X	
Atkinson	√			Marsh	√		
Barford	√			Meadows	√		
Barnett	Absent			Mears	√		
Barradell	√			Miller	√		
Bell	√			Mitchell	√		
Bennett	Withdrew			Moonan	√		
Bewick	√			Morgan	√		
Brown	√			Morris	√		
Cattell	√			Nemeth	√		
Chapman	√			A Norman	√		
Cobb	√			K Norman	√		

Daniel	√			O'Quinn	√		
Deane		X		Page	Absent		
Druitt		X		Peltzer Dunn	Absent		
Gibson		X		Penn	√		
Gilbey	√			Phillips		X	
Greenbaum		X		Robins	√		
Hamilton	√			Simson	√		
Hill	√			Sykes		X	
Horan	√			Taylor	√		
Hyde			Ab	C Theobald	√		
Inkpin-Leissner	<i>Withdrew</i>			G Theobald	√		
Janio	√			Wares	√		
Knight		X		Wealls	√		
Lewry	√			West		X	
Littman		X		Yates	√		
					For	Against	Abstain
				Total	38	10	1

68.9 **RESOLVED:** That the decision to support the expansion of Gatwick Airport as outlined in the agreed Notice of Motion be noted.

Note:

68.10 Councillors Inkpin-Leissner and Bennett withdrew from the Chamber during the debate and voting thereon, having declared a personal and prejudicial interest in the item.

69 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION:

69.1 Prior to the consideration of the item, the Mayor noted that the Notices of Motion listed as items 69 (a) and 69 (f) in the agenda related to the Housing & Planning Bill. As such she was minded to take both motions in one debate and to then hold separate votes on each one.

(a) Housing & Planning Bill

69.2 The Notice of Motion as listed in the agenda was proposed by Councillor Meadows and seconded by Councillor Cattell.

69.3 Councillor Cattell stated that she had worked in local government for a number of years and had not seen such an onslaught on the planning system as was the case today. She could not see who would be able to afford the average price of a home

which now stood at £250k outside of London; and yet the Government planned to require councils to sell-off homes and pay an amount to the Government. She had recently attended a planning summit and many there had expressed concerns about the Bill which was regarded as being ill-thought out and fundamentally flawed. She therefore hoped that the motion would be supported.

69.4 The Mayor congratulated Councillor Cattell on her maiden speech on behalf of the council.

(f) Payments for High-value Council Housing

69.5 The Notice of Motion as listed in the agenda was proposed by Councillor Gibson and seconded by Councillor Phillips.

69.6 Councillor Gibson noted that under the right to buy scheme the council had lost around 1,400 properties and was now going to be required to make a payment to the Government on the assumption that it would sell a number of properties. He did not believe that central government should be controlling council housing and that of Housing Associations who would also be affected. He suggested that there was a need to get the Bill amended and to enable councils to retain the receipts from sales so that they could replace lost properties.

69.7 Councillor Miller noted that there were families living in accommodation that was too small for their needs, whilst others were living in accommodation that was too large. There was a need to encourage people to move out of large three-bedroom properties so that they became available for those families in need of such accommodation. It was a situation that would not be found in the private sector and by enabling receipts from right to buy to go into starter homes; it would enable younger people to get onto the property ladder. He also suggested that there were people living in council homes that could live in the private sector which would then release properties to those in need. The properties that were sold-off did not disappear and would remain part of the housing market.

69.8 Councillor G. Theobald stated that the Government had made it clear that it was committed to seeing every home that was sold under right to buy replaced by another. He therefore supported the Bill and the need to reinvigorate the housing market.

69.9 Councillor Mears stated that the number of properties that would be affected by the Bill was not known and suggested that it was a matter of choice which would enable people to own their own homes.

69.10 Councillor Taylor stated that the intention was to enable people to fulfil their own aspirations and to own their own homes, which was something that should be encouraged.

69.11 Councillor Bewick stated that since right to buy had been introduced more than 35,000 council properties had been sold and only 4,000 had been built to replace them. In the last year alone 12,320 had been sold and only 1,863 started or acquired to replace them. He was yet to see how a like for like replacement would be achieved.

69.12 Councillor Meadows questioned why people who had lived all their lives in a family home should be asked to leave that home. She also noted that the majority of homes sold to private landlords under right to buy had been converted into houses for multiple occupation rather than kept as a family home.

69.13 Councillor Gibson stated that council housing was not subsidised and the fundamental point of the Green Group's notice of motion was that local authorities should decide what happens to council housing and not central government.

69.14 The Mayor then put the following motion 69 (a) to the vote:

"This council notes that the Housing and Planning Bill, if passed, would threaten the provision of affordable homes for rent and to buy in the city through:

- forcing 'high-value' council homes to be sold on the open market;
- extending the right-to-buy to housing association tenants; and
- undermining section 106 requirements on private developers to provide affordable homes.

This council resolves to ask the Chief Executive:

- (1) to write to the Secretary of State expressing its concerns about the Bill; and
- (2) to set up an urgent meeting between the Leader of the Council and the Chief Executive with the local Members of Parliament to raise our concerns.

69.15 The Mayor confirmed that the motion had been **carried** by 33 votes to 16 with 1 abstention as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen	√			Mac Cafferty	√		
Atkinson	√			Marsh	√		
Barford	√			Meadows	√		
Barnett	Absent			Mears		X	
Barradell	√			Miller		X	
Bell		X		Mitchell	√		
Bennett		X		Moonan	√		
Bewick	√			Morgan	√		
Brown		X		Morris	√		
Cattell	√			Nemeth		X	
Chapman	√			A Norman		X	
Cobb		X		K Norman		X	
Daniel	√			O'Quinn	√		

Deane	√			Page	Absent		
Druitt	√			Peltzer Dunn	Absent		
Gibson	√			Penn	√		
Gilbey	√			Phillips	√		
Greenbaum	√			Robins	√		
Hamilton	√			Simson		X	
Hill	√			Sykes	√		
Horan	√			Taylor		X	
Hyde			Ab	C Theobald		X	
Inkpin-Leissner	√			G Theobald		X	
Janio		X		Wares		X	
Knight	√			Wealls		X	
Lewry		X		West	√		
Littman	√			Yates	√		
					For	Against	Abstain
				Total	33	16	1

69.16 The motion was **carried**.

69.17 The Mayor then put the following motion 69 (f) to the vote:

“This council notes proposals in the Housing and Planning Bill for Local Housing Authorities to be required to consider selling high value housing as it becomes vacant, and for a payment to be made to the Secretary of State of the market value of such housing, whether or not any sale is made.

The council further notes that if this money is lost to Brighton and Hove it could severely impair the council’s ability to build affordable housing to tackle the growing housing crisis in the city. This council therefore;

- (1) Requests the Chief Executive to write to the Housing Minister, expressing its support for the principle that councils should decide on how many of their empty properties are sold off and that any payments to the Secretary of State be made only after sufficient funds have been set aside to repay debt and replace the council property with an equivalent at the same rents;
- (2) Agrees that the council will issue an immediate press release to publicise this decision.”

69.18 The Mayor confirmed that the motion had been **carried** by 33 votes to 17 with 1 abstention as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen	√			Mac Cafferty	√		
Atkinson	√			Marsh	√		
Barford	√			Meadows	√		
Barnett	Absent			Mears		X	
Barradell	√			Miller		X	
Bell		X		Mitchell	√		
Bennett		X		Moonan	√		
Bewick	√			Morgan	√		
Brown		X		Morris	√		
Cattell	√			Nemeth		X	
Chapman	√			A Norman		X	
Cobb		X		K Norman		X	
Daniel	√			O'Quinn	√		
Deane	√			Page	Absent		
Druitt	√			Peltzer Dunn	Absent		
Gibson	√			Penn	√		
Gilbey	√			Phillips	√		
Greenbaum	√			Robins	√		
Hamilton	√			Simson		X	
Hill	√			Sykes	√		
Horan	√			Taylor		X	
Hyde			Ab	C Theobald		X	
Inkpin-Leissner	√			G Theobald		X	
Janio		X		Wares		X	
Knight	√			Wealls		X	
Lewry		X		West	√		
Littman	√			Yates	√		
					For	Against	Abstain
				Total	33	17	1

69.19 The motion was **carried**.

69.20 Prior to the consideration of the next item, Councillor G. Theobald asked for clarification in terms of the validity of the motion, in having regard to the position of the proposer and a potential conflict of interest as a member of a trade union.

69.21 The Monitoring Officer stated that under the Council's code of conduct the membership of a trade union could be made as a declaration of interest under the membership of a voluntary organisation. The nature of the declaration would also depend upon the financial aspects of any membership which may then affect the ability of a Member to take part and vote in a debate. He also noted that any declaration of interest was for each individual Member to decide although advice could be sought from officers and a declaration made prior to an item being taken. In regard to the next item, he was not aware of any interest that would prevent the Member from speaking or voting on the item.

(b) Trade Union Bill

69.22 The Notice of Motion as listed in the agenda was proposed by Councillor Atkinson and seconded by Councillor Gilbey.

69.23 Councillor Atkinson stated that he wished to clarify that he was a member of UNISON at the Sussex Partnership Trust and held a non-paid role there. He wished to apologise for any confusion caused which had not been his intention.

69.24 In regard to the actual motion, he believed that the Bill would result in a fundamental change in relations between trade unions and employers. Rather than enabling them to have good working relations, where unions can be a critical friend and help to take on board changes, it was likely to be more adversarial. Whereas unions currently offered advice and were there to help find ways to save money; this was unlikely to continue. He believed that many employer organisations and councils in the region had expressed concerns about the Bill and hoped that the motion would be supported. He also confirmed that he was happy to accept the Green Group's amendment.

69.25 The Mayor congratulated Councillor Atkinson on his maiden speech on behalf of the council.

69.26 Councillor Gilbey stated that she had been a UNISON member and was currently a member of the GMB. She believed it was an unnecessary Bill and one that would damage relations given the level of restrictions that would be imposed and effectively turned the clock back.

69.27 Councillor Mac Cafferty moved an amendment on behalf of the Green Group and stated that it was a piece of legislation that was ideologically driven and sought to end the collective bargaining process that was essential for social justice in the workplace.

69.28 Councillor Littman formally seconded the amendment.

69.29 Councillor Janio stated that the intention was to return the control of unions to their members and enable them to choose how to inter-act with their employers. It also gave the members the choice to opt in or not in regard to making political donations and was the right way forward, so he could not support the motion.

69.30 Councillor G. Theobald stated that he had to disagree with the Monitoring Officer on this occasion and felt that there was a conflict of interest. He also noted that there had

been a high number of disputes both within the council and across the country so could not accept that unions provided a good working relationship with employers. He also questioned the cost of union officials and the amount of time off that was granted to union reps.

69.31 Councillor Bell stated that he believed the Bill was fair and reasonable and provided control to local working people so that they had a choice in regard to how matters were taken forward.

69.32 Councillor Atkinson noted the comments and stated that he believed trade unions of today were modern and open and that elements of the Bill could be positive. However, it was unnecessary and should not be taken forward.

69.33 The Mayor then put the following motion as amended 69 (b) to the vote:

“This Council notes with concern the Trade Union Bill which would adversely affect this Council’s relationship with its trade unions and its workforce.

This Council recognises the positive contribution that trade unions and trade union members make in the workplace. The Council values the constructive relationship that it has with the trade unions and recognises their commitment, and that of staff, to the delivery of good quality public services in Brighton and Hove.

This Council is content with the arrangements currently in place for deducting trade union membership subscriptions through payroll. This is an important part of maintaining positive industrial relations and a simple way to administer a system that supports employees. This system is an administrative matter for the Council and should not be interfered with by the Government in Westminster.

This council resolves to:

- Request the Chief Executive to write to the Secretary of State for Business, Innovation and Skills stating the Council’s opposition to the Government’s Trade Union Bill.
- Request the Policy & Resources Committee to continue the council’s own locally agreed industrial relations strategy, take every measure possible to maintain its autonomy and;
 - (i) To maintain the current facility that recognised trade unions can have subscriptions deducted through payroll, unless legally obliged not to, in which case the Council will support trade unions’ efforts to move members onto direct debit.
 - (ii) Maintain an adequate level of release time for Trade Union representatives.
- Support the Heart Unions week of action on 8-14 February 2016.”

69.34 The Mayor confirmed that the motion had been **carried** by 33 votes to 17 with 1 abstention as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen	√			Mac Cafferty	√		
Atkinson	√			Marsh	√		
Barford	√			Meadows	√		
Barnett	Absent			Mears		X	
Barradell	√			Miller		X	
Bell		X		Mitchell	√		
Bennett		X		Moonan	√		
Bewick	√			Morgan	√		
Brown		X		Morris	√		
Cattell	√			Nemeth		X	
Chapman	√			A Norman		X	
Cobb		X		K Norman		X	
Daniel	√			O'Quinn	√		
Deane	√			Page	Absent		
Druitt	√			Peltzer Dunn	Absent		
Gibson	√			Penn	√		
Gilbey	√			Phillips	√		
Greenbaum	√			Robins	√		
Hamilton	√			Simson		X	
Hill	√			Sykes	√		
Horan	√			Taylor		X	
Hyde			Ab	C Theobald		X	
Inkpin-Leissner	√			G Theobald		X	
Janio		X		Wares		X	
Knight	√			Wealls		X	
Lewry		X		West	√		
Littman	√			Yates	√		
					For	Against	Abstain
				Total	33	17	1

69.35 The motion was **carried**.

Closure Motion

69.36 The Mayor noted that the meeting had been in session for 4 hours and in accordance with council procedure rules had to move a motion to terminate the meeting. She therefore put the motion to the vote which was **lost** by 22 votes to 26 with 2 abstentions as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen			Ab	Mac Cafferty		X	
Atkinson	√			Marsh	√		
Barford	√			Meadows	√		
Barnett	Absent			Mears		X	
Barradell	√			Miller		X	
Bell		X		Mitchell	√		
Bennett		X		Moonan	√		
Bewick	√			Morgan	√		
Brown		X		Morris	√		
Cattell	√			Nemeth		X	
Chapman	√			A Norman		X	
Cobb		X		K Norman		X	
Daniel	√			O'Quinn	√		
Deane		X		Page	Absent		
Druitt		X		Peltzer Dunn	Absent		
Gibson		X		Penn	√		
Gilbey		X		Phillips		X	
Greenbaum		X		Robins	√		
Hamilton	√			Simson		X	
Hill	√			Sykes	√		
Horan	√			Taylor		X	
Hyde			Ab	C Theobald		X	
Inkpin-Leissner	√			G Theobald		X	
Janio		X		Wares		X	
Knight		X		Wealls		X	
Lewry		X		West		X	
Littman		X		Yates	√		
					For	Against	Abstain
				Total	22	2	26

69.37 The motion was **lost**.

(c) Multiple Births

69.38 The Notice of Motion as listed in the agenda was proposed by Councillor Taylor and seconded by Councillor A. Norman.

69.39 Councillor Taylor stated that as a triplet he was acutely aware of the high rates for still births and neonatal deaths associated with multiple births. He hoped that by highlighting this issue it would enable further work to be undertaken and improvements made to support those women carrying multiple babies and the babies themselves after their birth. He was also happy to accept the Labour & Co-operative Group's amendment but could not agree with the Green Group's amendment.

69.40 Councillor A. Norman stated that there was a clear need for more resources to be available to people experiencing multiple pregnancies and she hoped that the needs assessment suggested by the Labour Group would identify how improvements could be made.

69.41 Councillor Yates moved an amendment on behalf of the Labour & Co-operative Group and stated that it was disappointing to know that the South East came out badly compared to other regions and levels of care for multiple births.

69.42 Councillor Barradell formally seconded the amendment and noted that having had twins at 29weeks, she owed a great deal to the care and support that she and they received at their local NHS hospital some 25 years ago. She did not believe that they would have survived otherwise and could not contemplate the feeling of loss that others would have had to endure. She full supported the motion and hoped that all Members would do so.

69.43 Councillor Phillips moved an amendment on behalf of the Green Group and stated that she whilst welcomed the motion, she felt that it missed the critical point. The NHS was facing severe cuts and a funding gap which needed to be addressed if the service was to remain a highly valued service that was available to everyone.

69.44 Councillor Mac Cafferty formally seconded the amendment and welcomed the request for the Health & Wellbeing Board to consider seeking a joint needs assessment for multiple births in the city. However, he was also concerned about the funding crisis that was being faced by the NHS and this was the reason for the amendment.

69.45 Councillor Taylor stated that he was pleased to bring the matter to the attention of the council, but had not intended to start a debate on funding issues. He welcomed the positive amendment from the Labour Group and hoped that the motion as amended could be accepted.

69.46 The Mayor noted that the Green Group's amendment had not been accepted and put it to the vote which was **lost** by 10 votes to 40 with 1 abstention as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen		X		Mac Cafferty	√		
Atkinson		X		Marsh		X	
Barford		X		Meadows		X	
Barnett	Absent			Mears		X	
Barradell		X		Miller		X	
Bell		X		Mitchell		X	
Bennett		X		Moonan		X	
Bewick		X		Morgan		X	
Brown		X		Morris		X	
Cattell		X		Nemeth		X	
Chapman		X		A Norman		X	
Cobb		X		K Norman		X	
Daniel		X		O'Quinn		X	
Deane	√			Page	Absent		
Druitt	√			Peltzer Dunn	Absent		
Gibson	√			Penn		X	
Gilbey		X		Phillips	√		
Greenbaum	√			Robins		X	
Hamilton		X		Simson		X	
Hill		X		Sykes	√		
Horan		X		Taylor		X	
Hyde			Ab	C Theobald		X	
Inkpin-Leissner		X		G Theobald		X	
Janio		X		Wares		X	
Knight	√			Wealls		X	
Lewry		X		West	√		
Littman	√			Yates		X	
					For	Against	Abstain
				Total	10	40	1

69.47 The motion was **lost**.

69.48 The Mayor noted that the Labour & Co-operative Group's amendment had been accepted and therefore put the following motion 69 (c) as amended to the vote:

“This Council notes with regret figures from the Twins & Multiple Births Association (Tamba) which state that multiple pregnancies make up 3% of all births but account for more than 7% of stillbirths and 14% of neonatal deaths.

This Council notes the £3.8bn of additional funding for the NHS allocated for 2016/17 announced by the Chancellor of the Exchequer and resolves to:

1. Call on NHS England to consider the allocation of funds for further assistance to parents who have experienced multiple births and investigate improvements in care to reduce the number of stillbirths and neonatal deaths.
2. Request the Chief Executive to write to Brighton and Hove CCG to ask to what degree the clinical guidance and quality standards published by the National Institute for Health and Care Excellence (NICE) have been implemented in Brighton and Hove.
3. Request the Health and Wellbeing Board ensure that a Joint Strategic Needs Assessment on Multiple Births is added to the work programme.”

69.49 The Mayor confirmed that the motion 69 (c) as amended had been **carried** unanimously as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen	√			Mac Cafferty	√		
Atkinson	√			Marsh	√		
Barford	√			Meadows	√		
Barnett	Absent			Mears	√		
Barradell	√			Miller	√		
Bell	√			Mitchell	√		
Bennett	√			Moonan	√		
Bewick	√			Morgan	√		
Brown	√			Morris	√		
Cattell	√			Nemeth	√		
Chapman	√			A Norman	√		
Cobb	√			K Norman	√		
Daniel	√			O’Quinn	√		
Deane	√			Page	Absent		
Druitt	√			Peltzer Dunn	Absent		
Gibson	√			Penn	√		
Gilbey	√			Phillips	√		

Greenbaum	√			Robins	√		
Hamilton	√			Simson	√		
Hill	√			Sykes	√		
Horan	√			Taylor	√		
Hyde	√			C Theobald	√		
Inkpin-Leissner	√			G Theobald	√		
Janio	√			Wares	√		
Knight	√			Wealls	√		
Lewry	√			West	√		
Littman	√			Yates	√		
					For	Against	Abstain
				Total	51	0	0

69.50 The motion was **carried**.

(d) PaybyPhone Parking Scheme

69.51 The Notice of Motion as listed in the agenda was proposed by Councillor Janio and seconded by Councillor Nemeth.

69.52 Councillor Janio stated that the intention of the motion was to bring fairness to the council' sparking scheme, which currently penalised those choosing to pay by phone by making an extra charge. He believed the council's parking charges brought in a significant amount of revenue and therefore the abolition of the additional charge could be accommodated and provide a fair scheme for all.

69.53 Councillor Nemeth stated that the proposal to drop the additional charge was fair and would not impact on the cost to administer the scheme. He noted that unless you chose to un-tick two boxes when you signed up to the scheme, you would pay an additional 40p rather than the standard extra 10p for each parking fee. He had received a number of complaints about the issue and hoped that the council would act appropriately.

69.54 Councillor Mitchell noted that in order to sign up to the scheme you could use an ordinary mobile phone or a land-line and that the additional 10p charge for paying by phone had been part of the budget setting proposals passed last February. She also noted that the council currently subsidised the scheme and that other authorities such as East Sussex had higher charges. The total income from the charge also contributed to the surplus that was used to meet the costs of providing bus passes for older people and bus routes. She was therefore concerned as to how these would be maintained. However, she believed that improvements could be made and was happy to work with officers to keep the scheme under review.

- 69.55 Councillor Robins stated that as a local trader he found the ability to pay by phone easy and accessible and flexible as he was able to pay for a set period and top up if necessary, which meant he didn't have to over pay or keep the right change available.
- 69.56 Councillor West noted that transactions by phone for parking were now at 40% and likely to increase which was a welcome factor. He also noted that there was one coin operated machine available for use in each area and payment could be made in a number of local shops. It was also safer to use the phone and safer as those having to empty the coin machines in terms of the number and how much money they had to carry. He could not understand the need for the motion and could not support it.
- 69.57 Councillor C. Theobald stated that it remained unfair for those using their phone to pay an extra 10p and noted that one coin operated machine was not sufficient as it could be too far away. She believed that local businesses had been affected by this fact and people had been unable to locate a machine. There was a need for a fairer system.
- 69.58 Councillor Janio stated that an alternative option to pay by phone was required and it needed to be fair in terms of the cost of using it.
- 69.59 The Mayor then put the following motion 69 (d) to the vote:

"This Council notes the recurrent criticism of the Council's PayByPhone Parking Scheme, most recently as "discrimination against older people and those without smart phones".

This Council notes the £8,439,569 income generated by on street parking charges in 2014/2015 and the £0.225m saving agreed at this year's Budget Council by reducing the need to maintain, replace and collect cash from coin operated Pay & Display machines.

This Council resolves to request that officers bring a report to the appropriate Committee which, if agreed, would seek to remove the mandatory 10 pence charge for 'pay by phone' parking where currently operational in Brighton and Hove, in light of the above savings generated by the replacement of coin operated machines and the related costs associated with their servicing and maintenance."

- 69.60 The Mayor confirmed that the motion 69 (d) had been **lost** by 17 votes to 31 with 1 abstention as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen		X		Mac Cafferty		X	
Atkinson		X		Marsh		X	
Barford		X		Meadows		X	
Barnett	Absent			Mears	√		
Barradell		X		Miller	√		
Bell	√			Mitchell		X	
Bennett	√			Moonan		X	

Bewick		X		Morgan		X	
Brown	√			Morris		X	
Cattell		X		Nemeth	√		
Chapman		X		A Norman	√		
Cobb	√			K Norman	√		
Daniel		X		O'Quinn		X	
Deane		X		Page	Absent		
Druitt		X		Peltzer Dunn	Absent		
Gibson		X		Penn		X	
Gilbey		X		Phillips		X	
Greenbaum		X		Robins		X	
Hamilton		X		Simson	√		
Hill		X		Sykes		X	
Horan		X		Taylor	√		
Hyde			Ab	C Theobald	√		
Inkpin-Leissner		X		G Theobald	√		
Janio	√			Wares	√		
Knight		X		Wealls	√		
Lewry	√			West		X	
Littman		X		Yates		X	
					For	Against	Abstain
				Total	17	31	1

69.61 The motion was **lost**.

(e) Boosting Alcohol Related Policing and Prevention

69.62 The Notice of Motion as listed in the agenda was proposed by Councillor Deane and seconded by Councillor Druitt.

69.63 Councillor Deane stated that the motion was not intended to circumvent the Late Night Levy consultation process that was going through the Licensing Committee. However, the concept was flawed as no allowance was made for those premises that could sell alcohol during the day and early evening which supplemented the pre-drinks culture amongst people that enjoyed the night-time entertainment experience. She was hoping that alternative approaches to supporting the police and those involved in dealing with late night revellers could be found and hoped that the motion would be supported.

- 69.64 Councillor Druitt stated that Councillor Page had been unable to attend the meeting and he was therefore seconding the motion on his behalf. He noted that should a Late Night Levy be introduced it was likely to affect small businesses and it was those businesses that the council needed to nurture and support.
- 69.65 Councillor Simson stated that she believed it was premature to bring such a motion forward. She agreed that funding to support those services involved in managing the late night economy were required, however at the last Licensing Committee it was decided not to consult on the Late Night Levy and to look at other options which would be brought back to the committee.
- 69.66 Councillor Wares suggested that it would be better to wait and withdraw the motion as it was premature and it would be better to wait until the matter was considered fully by the Licensing Committee.
- 69.67 Councillor O'Quinn stated that 1 in 3 adults had a drink at home and alcohol was a major factor in all violent crime, and had a cost of around £3b to the NHS. She also noted that the UK paid the highest tax on alcohol which brought a significant amount of revenue to the government. Brighton had a thriving night-time economy but she was not sure that the cost of excessive drinking should be spread across the city rather than the town centre. There was evidence that a substantial amount of alcohol was bought from supermarkets and off-licences for pre-drinks before people went out and this needed to be considered.
- 69.68 The Mayor congratulated Councillor O'Quinn on her maiden speech on behalf of the council.
- 69.69 Councillor Marsh stated that she had a great deal of sympathy with the motion and noted that no decision had been made as yet on the question of a Late Night Levy. She felt that it would help to see if the government decided to provide any funding towards the matter but in the meantime was happy to support the motion.
- 69.70 Councillor Deane welcomed the comments and noted that the motion did not preclude any consultation or decision on the Late Night Levy issue, but simply sought to give consideration to other options that might be available. As things stood currently there would be a 70:30 split of revenue between the Police and the Local Authority which has the responsibility for administering any Late Night Levy scheme.
- 69.71 The Mayor then put the following motion 69 (e) to the vote:

"This council notes the proposal before the Licensing Committee to consult on introducing a Late Night Levy for the city, and the practical difficulties and costs associated with the Levy and its collection at a local level.

Therefore, the Council requests that:

The Chief Executive write to the Home Office Minister of State (Minister for Policing, Crime and Criminal Justice and Victims) and the Local Government Association requesting that, in the spirit of devolution, a proportion of revenue raised from alcohol taxation should be granted directly to local Police and Crime Commissioners and

Directors of Public Health, to contribute towards the extra costs of policing and targeted support services in the night-time economy, and other preventive programmes for tackling alcohol-related harm.”

69.72 The Mayor confirmed that the motion 69 (e) had been **carried** by 32 votes to 0 with 17 abstentions as detailed below:

	For	Against	Abstain		For	Against	Abstain
Allen	√			Mac Cafferty	√		
Atkinson	√			Marsh	√		
Barford	√			Meadows	√		
Barnett	Absent			Mears			Ab
Barradell	√			Miller			Ab
Bell			Ab	Mitchell	√		
Bennett			Ab	Moonan	√		
Bewick	√			Morgan	√		
Brown			Ab	Morris	√		
Cattell	√			Nemeth			Ab
Chapman	√			A Norman			Ab
Cobb				K Norman			Ab
Daniel	√		Ab	O'Quinn	√		
Deane	√			Page	Absent		
Druitt	√			Peltzer Dunn	Absent		
Gibson	√			Penn	√		
Gilbey	√			Phillips	√		
Greenbaum	√			Robins	√		
Hamilton	√			Simson			Ab
Hill	√			Sykes	√		
Horan	√			Taylor			Ab
Hyde			Ab	C Theobald			Ab
Inkpin-Leissner	√			G Theobald			Ab
Janio			Ab	Wares			Ab
Knight	√			Wealls			Ab
Lewry			Ab	West	√		
Littman	√			Yates	√		
					For	Against	Abstain

					Total	32	0	17
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69.73 The motion was **carried**.

70 CLOSE OF MEETING

70.1 The Mayor wished everyone a happy Christmas and peaceful New Year and closed the meeting.

The meeting concluded at 10.25pm

Signed

Chair

Dated this

day of

2016

Subject:	Save the Brighton & Hove Animal Welfare Team		
Date of Meeting:	28 January 2016		
Report of:	The Monitoring Officer		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A combined e-petition and paper petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 3,028 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and in view of the budgetary implications is referred to the Policy & Resources Committee for consideration at its next meeting.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:**3.1 The Petition**

"Save the Brighton & Hove Animal Welfare Team."

Lead Petitioner – Rhian for Brighton Dogwatch

Supporting information:

"As we all know the Conservative government is imposing heavy cuts to local authorities. Brighton and Hove council needs to save millions and is planning on cutting many services. It is planned that as of the 1st of April 2016 one of those services will be the animal welfare team, who you might also think of as the dog warden. Thing is, they do a lot more than pick up and look after stray dogs.

We know that these cuts will affect a lot of vulnerable people in the city and not just our animals, but everybody has a right to voice their opinion on the things that are important to them, so we would invite you to respond to the council's public consultation on their 2016/2017 budget and if losing the animal welfare team is important to you then do say so and sign the petition. If we don't say it is

important to us they will not know. They are worried about damage to their reputation if the service is cut (we know because it says so in their budget proposal!) so tell them what you think. Every opinion is valid, one way or another. We may not be able to save the team, but we can certainly say what we think.

As part of our research, we have found out more about the team and what they do. A lot of people think they just pick up strays but it is a lot more than that. This is our understanding of the potential loss we will face if the service closes:

* STRAY DOGS. The council has a statutory obligation to pick up and look after stray dogs, on a 24/7 basis, and look after them for 7 days until they are claimed and if they are not they then become council 'property'. They have no obligation to look after them after this time but up until now they have looked after them until they can re-home them, find them a place in a rescue or, in the worst case scenario have them put to sleep because of aggression issues (which we have been told is very rare). The service would be outsourced to a private company. The Environmental Health Manager said he would like a similar service to be provided, but there is no guarantee. Kennel costs can be expensive and a profit-making company may favour keeping costs down. Dogs may be automatically put to sleep after 7 days. At this point we do not know what the policy would be and we would only know once the service had been outsourced. From our own conversations with the AW team we know that most abandoned dogs are bull breeds and these are more difficult to re-home or get a rescue place. What will happen to these poor dogs that people are wilfully abandoning across the city? At its worst, abandoned dogs numbered 200 per year in B&H alone but we are told that at the moment it is not quite so severe.

• DOG FOULING. There will be nobody to police dog fouling or issue fines yet the council receives approximately 400 complaints per year regarding this issue. Anyone who wants their dog to defecate on the street will no doubt simply be able to get away with it. "It simply will not get done" we have heard from someone in the council. You happy about that?

• ANIMAL WELFARE. The team has dealt with around 300 animal welfare cases in the last year. In some cases taking people to court. What will happen to the animals now the team no longer takes on these cases (which we are told they have now stopped already due to the impending cuts)? Do you think the RSPCA can cope?

• DOG ON DOG ATTACKS. Let's say many people had complained about their dog being attacked by a certain dog and the owner did nothing (which we hear about a lot). The AW team could build a case against this person and take them to court. With no AW team you would be left to do a private prosecution against that person. Would you have the evidence, the time, the money to do that? Irresponsible owners are going to get away with a lot and there will be little you can do about it.

We think the animal welfare team provides a vital service and we do not want to lose it."

3.2 The options open to the council are:

- To note the petition and take no action for reasons put forward in the debate;
or
- To refer the petition to the relevant Committee Meeting; or
- To refer the petition to the relevant Committee Meeting with recommendations.

4. PROCEDURE:

4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:

- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;
- (ii) The Mayor will then call on the relevant Committee Chair to respond to the petition and move a proposed response;
- (iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s) to the recommendation listed in paragraph 2.1 of the report;
- (iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;
- (v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Committee Chair to reply to the points raised;
- (vi) The Mayor will then formally put:
 - (a) Any amendments in the order in which they are moved, and
 - (b) The substantive recommendation(s) as amended (if amended).

Subject:	Solution Based Proposals to End Homelessness		
Date of Meeting:	28 January 2016		
Report of:	The Monitoring Officer		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A combined e-petition and paper petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 3,028 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and is referred to the Fairness Commission and the Housing & New Homes Committee for consideration at its next meeting.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:**3.1 The Petition**

"We the undersigned petition Brighton & Hove Council to support the following solution based proposals, to end homelessness.

1. Every homeless person is vulnerable and should therefore be considered in priority need, including those in temporary accommodation.
2. The Housing First model should be expanded to offer housing to all of the city's homeless people, offering adequate support to suit each individual's needs.
3. The Severe Weather Emergency Protocol (SWEP) should be activated immediately, in any weather which threatens rough sleepers' health, particularly the wet.
4. The council should activate the Extended Winter Provision of the Severe Weather Emergency Protocol immediately. The emergency shelters should be opened every night, over the winter and beyond.

5. Affordable social rents should be imposed on private landlords and property investors, prioritising the provision of permanent homes until everyone is securely housed.
6. Reform the LASPO act, to make squatting empty properties safe and equitable for property owners and otherwise homeless people.
7. Because of the so-called 'first mover loses' phenomenon, it will be necessary for local authorities around the country to work together, in order to implement these measures nationally."

Lead Petitioner – Ree, Love Activists, Brighton

Supporting information:

Why is this important?

The proposals were developed in consultation with the local community, prioritising feedback from rough sleepers at the group's weekly Love Kitchen. Love Activists hope to gather 1250 signatures to force the council to debate the proposals at a full council meeting.

Reasoning/Rationale:

1. In May, the Supreme Court ruled that when local authorities make vulnerability assessments, a 'homeless person' should be compared with an 'ordinary person who is at risk of becoming homeless'. There is no doubt that any homeless person is 'significantly more vulnerable' than an ordinary person, therefore everybody living on the street should be assessed as being in priority need.

The judgement also made it clear that while councils are often under huge financial strain, this must not be used as an excuse for avoiding their legal duties. To guarantee duty of care and legal obligations are met, all local authorities must provide permanent housing for anybody living on the streets.
2. Housing first pilot project had a 70% success rate in Brighton & Hove - helping 7 out of 10 people with high support needs into accommodation.
3. Extended winter provision: additional services provided over a period of time e.g. every night from November to March.

If the material resources exist to provide shelter from a severe weather emergency, economic arguments against keeping the shelters open are not as powerful as the humanitarian ones for opening them.

(Copy & pasted from 'Homeless Link')

Humanitarian Response: SWEP should be applied responsibly to prevent death at all times; 3 consecutive nights at zero or below is the minimum requirement. Local authorities should consider factors such as wet weather and wind chill, snow coverage and duration of extreme weather when looking at provision. Preventing deaths on the streets is the aim of the protocol, so if this demands more beds and a longer response the local authority should do everything it can to prevent harm to individuals.

Economics cannot change the weather any more than economics can determine people's relative vulnerability to each other.

4. It doesn't have to be severely wet to have a severe impact if you're sleeping on the streets. Severely windy, wet weather is an emergency, as is extremely hot, dry weather.

Homeless Link offers advice and guidance to BHT, St Mungo's and Brighton & Hove City Council. Currently their minimum definition of severe weather is when the temperature drops below zero for three consecutive nights.

(Copy & pasted from 'Homeless Link')

There is no strict definition of what counts as 'severe weather'. Local authorities should proactively identify any weather that could increase the risk of serious harm to people sleeping rough and put measures in place to minimise this. This includes extreme cold, wind and rain. It is important not to presume when, or in what form, severe weather will occur.

Sleeping rough is never comfortable, but the suffering is exacerbated by all elements. It doesn't have to be severely wet to have a severe impact if you're sleeping on the streets.

('Homeless Link')

<http://www.homeless.org.uk/sites/default/files/site-attachments/Winter%20provision%20guidance%202015-16.pdf>

5. If this doesn't happen there will be no truly affordable places to live and more people will inevitably become homeless.
6. This would make use of empty properties, keep people safe and avoid waste of tax payers money, private money and time spent on security, policing and court costs.

(Copy & pasted from 'Homeless Link')

In addition to the direct risk associated with severe weather, local authorities should work alongside other local statutory and voluntary services to identify and mitigate actions taken during severe weather that can increase risk for those sleeping rough. For example, people may choose to sleep in riskier places, such as in bins, where they can find cover. They may also enter buildings or property illegally, or increase their substance use as a coping mechanism.

7. No single authority can successfully move to implement all of these measures, because if they 'move first', their service capacity would risk being overwhelmed by people migrating to that local authority. Therefore, we must work towards implementing these measures nationally.

3.2 The options open to the council are:

- To note the petition and take no action for reasons put forward in the debate; or
- To refer the petition to the relevant Committee Meeting; or
- To refer the petition to the relevant Committee Meeting with recommendations.

4. PROCEDURE:

- 4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:
- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;
 - (ii) The Mayor will then call on the relevant Committee Chair to respond to the petition and move a proposed response;
 - (iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s) to the recommendation listed in paragraph 2.1 of the report;
 - (iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;
 - (v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Committee Chair to reply to the points raised;
 - (vi) The Mayor will then formally put:
 - (a) Any amendments in the order in which they are moved, and
 - (b) The substantive recommendation(s) as amended (if amended).

WRITTEN QUESTIONS FROM COUNCILLORS

The following questions have been received from Councillors and will be taken as read along with the written answer which will be included in an addendum that will be circulated at the meeting:

(a) Councillor Mac Cafferty

“Across the entire Council workforce, how many staff in which departments are currently engaged in a redundancy consultation process?”

Reply from Councillor Hamilton, Deputy Chair (Finance) of the Policy & Resources Committee.

(b) Councillor Sykes

“Can the leader of the Council provide a detailed breakdown (using equivalent budget lines used in the 2015/16 budget papers) of in-year cuts that have been made or are planned for 2015/16 that were not part of the 2015/16 budget agreed by Budget Council?”

Reply from Councillor Morgan, Leader of the Council.

ORAL QUESTIONS FROM COUNCILLORS

A period of not more than 30 minutes is set aside for oral questions from Members, at the expiry of which, the Mayor will call a halt and proceed to the next item of business of the agenda. Any Member whose question then remains outstanding will be contacted to determine whether they wish to have a written answer provided or for their question to be carried over to the next meeting.

The following Members have indicated that they wish to put questions to the Leader, Chairs of Committees or Members of the Council that have been appointed to an outside body. The Councillor asking the question may then ask one relevant supplementary question which shall be put and answered without discussion:

- (a) **Councillor Mac Cafferty**
Subject matter – Library Consultation

Reply from Councillor Morgan, Leader of the Council

- (b) **Councillor Bell**
Subject matter – Clarification of Members and Officers Roles

Reply from Councillor Morgan, Leader of the Council

- (c) **Councillor O’Quinn**
Subject matter – National Rail

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee

- (d) **Councillor Sykes**
Subject matter – Budget Consultation

Reply from Councillor Hamilton, Deputy Chair (Finance) of the Policy & Resources Committee

- (e) **Councillor Barnett**
Subject matter – Traveller Costs

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee

(f) Councillor Phillips
Subject matter – Youth Service

Reply from Councillor Bewick, Chair of the Children, Young People & Skills Committee

(g) Councillor Mears
Subject matter – Housing Repairs and Maintenance

Reply from Councillor Meadows, Chair of the Housing & New Homes Committee

(h) Councillor Page
Subject matter – Supported Bus Services

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee

(i) Councillor Wares
Subject matter – Withdean Park

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee

(j) Councillor Gibson
Subject matter – Housing Revenue Account

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee

(k) Councillor Druitt
Subject matter – Sustainable Procurement

Reply from Councillor Hamilton, Deputy Chair (Finance) of the Policy & Resources Committee

Subject:	Extract from the proceedings of the Children, Young People & Skills Committee meeting held on the 11th January 2016 – School Admission Arrangements 2017/18		
Date of Meeting:	28 January 2016		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Lisa Johnson	Tel: 01273 291228
	e-mail:	lisa.johnson@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE***Action Required of the Council:***

To receive the item referred from the Children, Young People & Skills Committee for approval:

Recommendations:

- (1) That the proposed school admission numbers set out in the consultation documents (as set out in appendix 2 to the report - with the exception of Brackenbury Primary School where the Published Admission Number be amended from 60 to 30), be adopted for the admissions year 2017/18;
- (2) That the admission priorities for Community Schools set out in the Consultation documents be adopted for all age groups;
- (3) That the co-ordinated schemes of admission be approved;
- (4) That the City boundary be retained as the relevant area for consultation for school admissions.

BRIGHTON & HOVE CITY COUNCIL

CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE

4.00pm 11 JANUARY 2016

FRIENDS MEETING HOUSE
SHIP STREET, BRIGHTON

MINUTES

Present:

Councillors: Bewick (Chair), Chapman (Deputy Chair), Brown (Opposition Spokesperson), Barradell, Daniel, Knight, O'Quinn, Taylor and Wealls

Voting Co-Optees: Ann Holt and Martin Jones

Non-Voting Co-Optees: Ben Glazebrook, Sue Sjuve, Youth Council Reps

PART ONE**59 SCHOOL ADMISSION ARRANGEMENTS 2017/18**

- 59.1 The Committee considered the report of the Executive Director of Children's Services regarding school admission arrangements for 2017/18. The report was introduced by the Head of School Organisation.
- 59.2 The Committee were advised that the Portslade Partnership of Schools had requested a reduction in school places, and the Governors at Brackenbury Primary School had requested that the Published Admission Number (PAN) for 2017/18 be reduced from 60 to 30. The Head of School Organisation said that the school had agreed that if, in the future, more school places were needed in that part of the city, they would work with the Council to review the PAN.
- 59.3 The Chair suggested that the first Recommendation be amended to read '*That the proposed school admission numbers set out in the consultation documents (as set out in appendix 2 to the report - with the exception of Brackenbury Primary School where the Published Admission Number be amended from 60 to 30), be adopted for the admissions year 2017/18*'. The amendment was seconded by Councillor Chapman. The amendment was agreed by the Committee.
- 59.4 **RESOLVED TO RECOMMEND:** The Committee agreed –

- (1) That the proposed school admission numbers set out in the consultation documents (as set out in appendix 2 to the report - with the exception of Brackenbury Primary School where the Published Admission Number be amended from 60 to 30), be adopted for the admissions year 2017/18.
- (2) That the admission priorities for Community Schools set out in the Consultation documents be adopted for all age groups.
- (3) That the co-ordinated schemes of admission be approved.
- (4) That the City boundary be retained as the relevant area for consultation for school admissions.

Subject:	School Admission Arrangements 2017/18		
Date of Meeting:	28 January 2016 11 January 2016 Children Young People and Skills Committee		
Report of:	Pinaki Ghoshal, Executive Director of Children's Services		
Contact Officer:	Name:	Richard Barker, Head of School Organisation	Tel: 290732
	Email:	Richard.barker@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE/ NOT FOR PUBLICATION [**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 When changes are proposed to admission arrangements, all admission authorities must consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.
- 1.2 The School Admissions Code states who must be consulted with and this includes parents of children between the ages of two and eighteen; other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions; all other admission authorities within the relevant area and any adjoining neighbouring local authorities where the admission authority is the local authority.
- 1.3 The consultation takes place approximately 18 months in advance of the school year in which pupils will be admitted under the proposed arrangements. The consultation papers for the 2017/18 admission year for the City of Brighton & Hove are attached as Appendix 1.
- 1.4 Although the city council made no alterations to its proposed admission arrangements for 2017/18 a full consultation exercise was undertaken to ensure that stakeholders had an opportunity to comment upon the current arrangements.
- 1.5 Local Authorities must also set out schemes for co-ordinated admissions, including key dates in the admission process, and also the arrangements for consultation with own admission authority schools in the city and with other local authorities. They also establish the area (the "relevant area") within which the admission consultation should take place.

- 1.6 The consultation process must have been concluded by 31 January 2016, with a minimum of 6 weeks consultation time. This requirement has been fulfilled. The City Council must have reached its decisions and confirmed its admission arrangements for 2017/18 by 28 February 2016 in order to conform to the requirements of the School Admissions Code.
- 1.7 At the time of drafting the report, the consultation process has not been concluded and it must be assumed that further responses will be received. All recommendations should be read with this in mind.

2. RECOMMENDATIONS:

- 2.1 That the proposed school admission numbers set out in the consultation documents (Appendix 2) be adopted for the admissions year 2017/18.
- 2.2 That the admission priorities for Community Schools set out in the Consultation documents be adopted for all age groups.
- 2.3 That the co-ordinated schemes of admission be approved.
- 2.4 That the City boundary be retained as the relevant area for consultation for school admissions.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The admission numbers in the consultation reflect those previously agreed for 2016/17. This year there has been a representation from the Portslade Partnership of Schools requesting that Brackenbury Primary School reduces their Published Admission Number from 60 to 30, with the proviso that this could be increased in future if the demand for places in Portslade increases. The school have also made a representation seeking a reduction to a one form entry primary school. These are attached as Appendix 7.
- 3.2 The proposed admission arrangements and priorities for community primary and secondary schools are set out in detail in the attached Appendix 1, the consultation document sent to schools, neighbouring local authorities and the diocesan authorities. The Brighton Aldridge Community Academy and Portslade Aldridge Community Academy will retain the same admission priorities as Community Secondary Schools for the admissions year 2017/18, although they act as their own admission authorities. City Academy Whitehawk will likewise retain the same admission priorities as Community Primary Schools for the admissions year 2017/18.
- 3.3 In the course of the school and governor consultation process the council asked schools to use their newsletters and other forms of regular parental communications to inform parents of the parental consultation process via the Council website (and hard copy if required). A letter was also sent to local early years providers asking them to draw parents' attention to the consultation. The parental consultation was published on the website and was available via a link to the Council's consultation portal. This is attached as Appendix 3.

- 3.4 The co-ordinated schemes of admission for primary and secondary schools (Appendices 4 and 5) set out the admission arrangements and relevant dates for each part of the school admission exercise and the arrangements for coordination between admission authorities. The overall purpose of co-ordination is to ensure that each pupil receives one offer of a school place, so that different admission authorities are not holding open places for pupils that will not be taken up. It also ensures that the admission process takes place in a timely fashion. The in-year arrangements (Appendix 6) are not subject to set time scales, so the same document can be used from year to year, although annual consultation will still take place.
- 3.5 Periodically the Local Authority must determine what is known as the “relevant area for consultation”. This area will include the schools and other admission authorities (such as voluntary aided schools) that should be consulted on admission arrangements. A relevant area may be either the Local Authority area, less or more than that, or may include part of neighbouring Local Authority areas. The whole of the Local Authority must be included in one or more relevant areas. Some larger Local Authorities sub-divide into smaller areas for consultation purposes. In Brighton & Hove the relevant area has been set as the city boundary. Whilst there is some cross-border movement of pupils, in the region of 3%-5% of the cohort live outside Brighton & Hove, it has not been seen as significant enough to warrant a cross-border relevant area. The proposal in this year’s consultation is to retain a relevant area coterminous with the city boundary.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Local Authority proposed to keep admission arrangements the same as the previous year. Despite not requiring a consultation exercise to be undertaken the exercise took place to ensure stakeholders could comment on current arrangements.
- 4.2 The responses received indicated that specific schools and groups of schools had a wish to reduce their Published Admission Number (PAN) for 2017/18.
- 4.3 The Local Authority has a duty to ensure that there are sufficient school places available for all children who require one. At this time whilst the projected pupil numbers indicate that there are likely to be surplus places in primary schools in 2017/18 it could have been that no change to school PANs was proposed.
- 4.4 If no reduction was proposed schools which are undersubscribed could be faced with further uncertainty in their budget setting activities and this would have an impact on plans to deliver an effective education to their pupils.
- 4.5 Further options to reduce other school’s PANs could have been proposed however it is essential to consider the duty to ensure sufficient places and it was felt that further analysis of the data which projects pupil numbers into the future should be undertaken prior to any decision to alter any other PANs.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Council scrutinised the Voluntary Aided (VA) Schools and Free Schools’ proposed admission arrangements for 2017/18. VA schools are required to consult their religious authority (in this case the Diocesan Authority) before consulting others. The Council will review the final document published by the Governing Bodies before deciding whether it should comment or act further.

- 5.2 Parental responses to the consultation will be set out in Appendix 7.
- 5.3 School responses to the consultation will be set out in Appendix 7.
- 5.4 No responses to the Councils proposed arrangements for Community Schools have yet been received from neighbouring local authorities or the Church of England or Roman Catholic Diocesan authorities.

6. CONCLUSION

- 6.1 The School Admissions Code requires admission authorities to determine admission arrangements for school and to have consulted upon these proposals in line with the stipulated requirements.
- 6.2 A consultation activity has been undertaken between 9 November and 24 December 2015 and the responses and proposals have been outlined in the report.
- 6.3 It is proposed that the recommendations relating to the school's admission numbers, admission priorities, co-ordinated scheme and relevant area are agreed.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 It is not possible to quantify in detail the financial implications of these recommendations. However, any changes to admission arrangements or patterns may impact on the numbers of pupils at individual schools and therefore individual school budget allocations which are largely driven by pupil numbers

Finance Officer Consulted: Andy Moore

Legal Implications:

- 7.2 Section 88C of the School Standards and Framework Act 1998 as amended by the Education and Skills Act 2008 requires admission authorities to determine before the beginning of the school year, the admission arrangements which are to apply for that year. The determination must be preceded by consultation with the Governing Bodies of Schools within the area of the Local Authority for which the Local Authority is the admission authority, with parents and with neighbouring admission authorities. Consultation must be completed by 31 January in the year preceding the admission round, and should be for a period of no less than 6 weeks. Admission Authorities must determine their admission arrangements following that consultation by 28 February.
- 7.3 Admission arrangements must conform to the Admissions Code which sets out acceptable and unacceptable admission arrangements and priorities. Any person or body who considers admission arrangements for either maintained

schools or an Academy to be unlawful or contrary to the provisions of the Admissions Code can make an objection to the Schools Adjudicator. .

Lawyer Consulted:

Serena Kynaston

Date: 09.12.15

Equalities Implications:

- 7.4 Planning and consultation for school admissions procedures and school places and the operation of the admission process are conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and own admission authority schools' governing bodies must be mindful of bad practice with regard to equalities issues as described in the School Admissions Code.

Sustainability Implications:

- 7.5 School admission arrangements are intended so far as it is possible to provide pupils with local places where they have asked for them. The planning of school places for the city takes into account the changing population pattern and resultant demand for places. The current pattern of parental preference is reflected in different schools operating both over and under capacity. In planning for school places the council will have regard to sustainability priorities and seek to provide local places and places which are accessible by safe walking and where possible cycling routes and public transport wherever this is possible.

SUPPORTING DOCUMENTATION

Appendices:

1. Admission consultation document for schools including proposed admission numbers.
2. Proposed Admission Numbers.
3. Parental consultation document.
4. Coordinated scheme of admissions – secondary.
5. Coordinated scheme of admissions – primary.
6. Coordinated scheme of admissions – in year
7. Summary of school and parental responses to the consultation

Documents in Members' Rooms

1. Consultation responses from schools and parents.

Background Documents

1. Consultation documents from schools and parents.

Crime & Disorder Implications:

- 1.1 Balanced school communities with firm parental support contribute to orderly and harmonious communities.

Risk and Opportunity Management Implications:

- 1.2 Any change to school attendance patterns and pupil numbers will impact directly on resource allocation both revenue and capital, and on the Council's ability to meet parental expectations on school places. Pupil data and broader population data is used to identify the numbers of school places required and where they should be located. This feeds into the capital programme so that resources are allocated where they will have the most beneficial effect.

Public Health Implications:

- 1.3 None known.

Corporate / Citywide Implications:

- 1.4 The allocation of school places affects all families in all parts of the city and can influence where people choose to live. Failure to obtain the desired choice of school can create a strong sense of grievance. The process of expressing a preference and if disappointed, entering an appeal can create intense anxiety for many families in the city. Admission arrangements together with school place planning are framed in such a way as to be mindful of supporting the needs of communities.

Admission Arrangements for Brighton & Hove Schools 2017/18

Governing Bodies of all maintained schools and Academies in the City are invited to give their views on the proposals for admission arrangements to Community Schools. The responses to this consultation will be presented to the Children and Young People Committee at a meeting on 11 January 2016. The admission arrangements will be ratified by a meeting of the full Council. The consultation will also invite comment from parents in the City who have a child or children between the ages of 2 and 18 years of age. Parents will be directed to the consultation materials through a press release and may access the consultation through the Council website, or by accessing a hard copy. Schools are also asked to draw parents' attention to the consultation by inserting the following paragraph into their newsletters:

We would like to inform parents that Brighton & Hove City Council is currently consulting on admission arrangements for the 2017/18 admission year. The consultation proposals may be found on the Council's website www.brighton-hove.gov.uk/schooladmissions. Alternatively a hard copy can be obtained from the School Admissions team by telephoning (01273) 293653 or e-mailing schooladmissions@brighton-hove.gov.uk. All parents are invited to comment upon the proposed admission arrangements.

At the same time the admission arrangements for BACA, PACA and Voluntary Aided and Free Schools must also be consulted upon (unless the arrangements are unchanged from last year and the governing body has chosen not to consult). As in the past the Council will provide access for other schools to view own admission authority schools' policies via the schools' section of the Wave, and will make them available for public comment on the Council website or by providing hard copy. Please read the section below about own admission authority school consultation.

In line with current guidance and regulations from the Department for Education, the consultation process must conclude by 31st January 2016, and must run for a period of at least 6 weeks. This also means that Voluntary Aided Schools, Free Schools and Academies must provide their draft admission priorities for consultation before 11th December 2015 (unless they are not consulting, in which case they will need to specify this). All VA schools, Free schools and Academies will need to consult the current [School Admissions Code](#) and [Appeals Code](#) which came into force in December 2014 to ensure that their draft admissions priorities comply with their requirements.

Admission authorities that have not changed their admission priorities only need to consult every seven years. However all admission authorities must determine their arrangements by 28th February 2016 even if they have not changed and there is no consultation.

Own admission authority schools must then publish their arrangements on the school's website and send a copy to the Local Authority by 15 March each year.

Admission Arrangements for Community Secondary Schools, BACA and PACA

This part of consultation is about the process for the secondary schools admissions system which remains a catchment area system with random allocation being used as the tie breaker in each admission priority in the event of oversubscription.

No changes are proposed to the over subscription priorities for community secondary schools, BACA and PACA which are applied in the context of an equal preference system as required by the Admissions Code. They are currently:

1. Children in the care of a local authority (looked after children), and children who were previously in the care of a local authority but have ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Compelling medical or other exceptional reasons for attending the school.
3. The sibling link (providing the family home is within the catchment area for the school).
4. Those pupils living in the designated catchment area for the school.
5. Other children.

The areas of the City which switched from the Hove Park/Blatchington Mill catchment to the Portslade or Dorothy Stringer/Varndean catchment areas for 2013-14 will have the sibling link allowed for both areas until 2017-18 admissions.

The Aldridge Community Academies currently share these admission priorities and are also asked to comment upon them.

Admissions Arrangements for Community Infant, Junior and Primary Schools and City Academy Whitehawk

No changes are proposed for the admission arrangements to community infant, junior and primary schools. The over subscription priorities are applied in the context of an equal preference system as required by the Admissions Code. The over subscription priorities are:

1. Children in the care of a local authority (looked after children) and children who were previously in the care of a local authority but have ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Compelling medical or other exceptional reasons for attending the school.
3. The sibling link
4. For junior schools only: children attending a linked infant school
5. Other children.

Within all these priorities, the tie break is home to school distance (measured by the shortest available route).

More detail about the current primary and secondary admission arrangements can be found in the two school admission booklets. Schools have copies of the booklets which can also be viewed on the Brighton & Hove City Council web site.

Relevant Area for Consultation

The relevant area for school admissions in the city is currently defined as the area within the city boundary. This is the area which the LA uses when consulting on admissions arrangements, and can include other admission authorities and voluntary aided schools outside the city. The area can be larger than LA boundary, or smaller through the operation of a number of different relevant areas within the LA. The use of a relevant area was a requirement of the School Standards and Framework Act 1998, and this requirement remains in force. It is currently defined as the area within the Brighton & Hove city boundaries, so all voluntary aided schools within the city are required to consult all schools within the city boundary about their proposed admission arrangements. No change is proposed to the relevant area for 2017/18.

Academies, Free and Voluntary Aided Schools Consultation

Academies, Free and Voluntary Aided schools are required to consult with all other city schools, with the LA and with parents in the City who have children between the ages of 2 and 16 about their proposed admission arrangements for 2017/18 *unless the arrangements*

are unchanged from last year and have been consulted upon within the last seven years. We will continue to publish proposed arrangements on the schools' section of the Wave, but in order to allow the parental consultation we will also publish on the Council's website. Schools not wishing to use this method of consultation, but still needing to consult, must conduct their own consultation process. In any event they must consult the LA and other City schools before finalising their admission arrangements. Consultation, if taking place, must be completed by 31st January 2016, and the Governors must have settled the final version of their admission arrangements by 28th February 2016.

If schools whose admission arrangements have changed do not consult then their admission arrangements will be open to challenge by parents and by appeal panels. I cannot emphasise strongly enough that failure to consult will lead to very difficult consequences for the schools concerned. Church of England and Roman Catholic VA schools are reminded that in law they must consult their diocesan authority with their proposed admission priorities before consulting anyone else.

In order to comply with the DfE regulations VA schools, Free Schools and Academies which are changing their admission arrangements must consult for a period of 6 weeks before 31st January 2016. This means that those schools wishing to use the LA website and schools section of the Wave to meet their consultation requirements must provide an electronic copy (Word or pdf format please) by 11th December 2015 at the latest. Diocesan Authorities have already been in contact with schools about the consultation requirements. Schools which are not consulting should notify the School Admissions team by the end of the autumn term.

This process is the same as last year. The Code has made consultation less frequent if no changes are made as above. However if there have been any changes, or you have not consulted in the last seven years, consultation must be conducted.

Published Admission Numbers

The proposed admission numbers for each school are attached to this bulletin. Schools are asked to comment on whether they agree with the number shown. These numbers are based on the net capacity range of each school, or in some cases a higher figure. As previously, this list includes the expected admission numbers for voluntary aided schools, academies and free schools which act as their own admission authorities and set their own admission number. I should be grateful for a response from all schools as to whether they agree with the number shown on the attached list.

Co-ordinated Admission Schemes for 2016/17

The coordinated schemes are attached for comment. There is no longer a legal requirement to co-ordinate in year admissions (as of 2013/14) however Brighton & Hove City Council has drafted a scheme for doing so as it makes the process less arduous for parents. All VA schools and academies are required to take part in the operation of coordinated schemes of admission for admission at normal point of entry.

The Admission Timetable for 2017/18

The dates for applications and allocations for admission for the 2017/18 school year will be:

Infant, Junior and Primary Schools:	Closing date	15 January 2017
	Decisions to parents/carers	17 April 2017
Secondary schools:	Closing date	31 October 2016
	Decisions to parents/carers	1 March 2017

These dates are set out in more detail in the co-ordinated schemes.

The Consultation Timetable

- 11 December 2016** Voluntary Aided Schools to have provided the LA with their proposed admission arrangements for 2017/18 for publication if they wish to make use of the LA school and public consultation process using the schools' section of the Wave and the Council website.
- 24 December 2015** Schools and others to have returned any response to the Community School admission arrangements for 2017/18.
- 11 January 2016** Children and Young People Committee to consider admission arrangements for Community schools, taking into account the consultation responses. The arrangements will then go to full Council to be ratified. The proposed admission arrangements for Voluntary Aided schools, Free Schools and Academies may also be discussed at this meeting and may be commented upon. Schools and other admission authorities will be notified of the Council's conclusions within 2 weeks of the meeting.
- 28 February 2016** Deadline for Voluntary Aided Schools to have finalised their proposed admission arrangements.

Documents attached

1. Reply form
2. Proposed Admission Numbers
3. Coordinated scheme – secondary
4. Coordinated scheme – primary
5. Coordinated scheme- In-year

Consultation Responses

Governing Bodies are asked to respond to this bulletin as soon as possible, using the attached response form. The closing date for responses is **24 December 2015**. Please note that this consultation bulletin and its attachments are being sent to all schools. The neighbouring Local Authorities of East and West Sussex are also being consulted in accordance with the Admissions Code requirements, and views will also be sought from the Church of England and the Roman Catholic Diocesan authorities. VA colleagues are again reminded that they must have determined their proposed admission arrangements by **28 February 2016** and sent them to the admissions team by **15 March 2016** for inclusion on the Council website consultation.

<p>Contact Name: Saul Johnson Telephone: (01273) 293653 Email: schooladmissions@brighton-hove.gov.uk Address: King's House, Grand Avenue, Hove</p>	
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Reply Form – Please return this form to School Admissions, 3rd Floor, King’s House, Grand Avenue, Hove, by 24 December 2015.

School Admissions Consultation - Admissions for the 2017/18 academic year

Name of School:

**Name of Respondent:
(Please print)**

Signature:

School Admission Arrangements and Over Subscription Priorities – Community Secondary Schools, Brighton Aldridge Community Academy and Portslade Aldridge Community Academy

Please set out below any comments or changes you would propose to the published arrangements.

School Admission Arrangements and Over Subscription Priorities – Community Infant, Junior and Primary Schools & City Academy Whitehawk

Please set out any comments or changes you would propose to the published arrangements.

Published Admission Number

This school agrees/disagrees* with the proposed admission number.

Comments on admission number.

Own Admission Authority Schools' Admission Priorities (for completion by Own Admissions Authority schools only)

I confirm that this school will formally consult with maintained schools in the LA area (the Relevant Area), with the LA, parents and carers and with other consultation partners as required in law about the school's proposed admission arrangements for 2017/18 and will/has provide(d) draft admission arrangements for publication on the schools' section of the Wave. (Please tick the box.)

I confirm that this school is not proposing to consult as the admission arrangements are unchanged from last year and the school has consulted within the last two years.

Coordinated Schemes of Admission

Please set out any comments or changes you would propose to the coordinated schemes. Please notice the proposal to restrict waiting lists/reallocation pools at secondary level.

Appendix 2

Primary Admissions Numbers 2017/18	
Name of School	Planned Admission No. 2017-18
Aldrington CE Primary	60
Balfour Primary	120
Benfield Primary	60
Bevendean Primary	60
Bilingual Primary	90
Brackenbury Primary	60
Carden Primary	60
Carlton Hill Primary	30
City Academy Whitehawk	60
Coldean Primary	60
Coombe Road Primary	60
Cottesmore St Marys RC	60
Davigdor Infant	120
Downs Infant	120
Downs Junior	128
Elm Grove Primary	60
Fairlight Primary	60
Goldstone Primary	90
Hangleton Primary	90
Hertford Infant	60
Hertford Junior	60
Hove Junior School (Holland Road)	128
Hove Junior School (Portland Road)	128
Middle Street Primary	30
Mile Oak Primary	90
Moulsecoomb Primary	90
Our Lady of Lourdes	30
Patcham Infant	90
Patcham Junior	96
Peter Gladwin Primary	30
Queens Park Primary	60
Rudyard Kipling Primary	60
Saltdean Primary	90
Somerhill Junior	128
St Andrews CE Primary	90
St Bartholomew CE Primary	30
St Bernadettes RC Primary	30
St John The Baptist RC Primary	30
St Josephs RC Primary	30
St Lukes Primary	90
St Margarets CE Primary	30
St Marks CE Primary	30
St Martins CE Primary	30
St Mary Magdalen RC Primary	30
St Marys RC Primary	30
St Nicolas CE Primary	60

Appendix 2

St Pauls CE Primary	30
St Peters Community Primary	30
Stanford Infant	90
Stanford Junior	96
West Blatchington Primary	60
West Hove Infant (Portland Road)	120
West Hove Infant (Connaught Road)	120
Westdene Primary	90
Woodingdean Primary	60
Secondary Admisssion Numbers 2017-18	
Name of school	Planned admission no. 2017-18
BACA	180
Blatchington Mill	300
Cardinal Newman	360
Dorothy Stringer	330
Hove Park	300
King's	100
Longhill	270
Patcham High	215
PACA	180
Varndean	270

Appendix 3

SCHOOL ADMISSIONS CONSULTATION WITH PARENTS AND CARERS

Admission Arrangements for Brighton & Hove Schools 2017/18

Admission Arrangements for Secondary Schools

No changes are proposed for the admission arrangements for community Secondary schools.

The Council uses a catchment area system with random allocation being used as the tie breaker in each admission priority in the event of oversubscription. These arrangements are also used by Brighton Aldridge Community Academy (BACA) and Portslade Aldridge Community Academy (PACA). Cardinal Newman Catholic School and King's School have their own admission priorities which they are consulting on separately (please visit www.brighton-hove.gov.uk/schooladmissions for details).

The over subscription priorities are applied in the context of an equal preference system as required by the School Admissions Code. They are:

1. Children in the care of a local authority (looked after children), and children who were looked after but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Compelling medical or other exceptional reasons for attending the school.
3. A sibling link applied for those living within the designated catchment area only.
4. Those pupils living in the designated catchment area for the school(s).
5. Other children.

Within all these priorities, the tie break is random allocation.

The current catchment areas are set out in the [attached map](#). It also includes information about which post codes are in each of the catchment areas.

The areas of the City which switched from the Hove Park/Blatchington Mill catchment to the Portslade or Dorothy Stringer/Varndean catchment areas for 2013-14 will have the sibling link allowed for both areas until 2017-18 admissions.

For the purposes of this priority a sibling is defined as a child living within the same household as another.

Random allocation

Random allocation is only used as a tie break within each of the over subscription priorities. So far, in the initial allocation process, it has only been used at priority 4 (children living in catchment area) when one of the schools in a dual catchment has had more applications than places left, or at priority 5 (children living outside the catchment area) when there are places left over in a catchment which can be offered to pupils living outside. Random allocation is not used as a priority in itself, only in conjunction with the published over subscription priorities 1 - 5.

For a full description of how the over subscription priorities operate, please use this link to the Admissions Booklet for 2016/17.

The council welcomes your comments on any aspects of the secondary school admission arrangements, suggestions as to how they might be improved and your views on how they have operated to date.

Admissions Arrangements for Community Infant, Junior and Primary Schools

No changes are proposed for the admission arrangements to Community Infant, Junior and Primary schools. The over subscription priorities are applied in the context of an equal preference system as required by the Admissions Code. They are:

1. Children in the care of a local authority (looked after children), and children who were looked after but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Compelling medical or other exceptional reasons for attending the school.
3. The sibling link.
4. For junior schools only: children attending a linked infant school
5. Home to school distance (measured by the shortest available route).

Within all these priorities, the tie break is home to school distance (measured by the shortest available route).

More detail about the primary admission arrangements can be found in the [school admissions booklet](#). Schools have copies of the booklet which can also be viewed on the Brighton & Hove City Council web site. Your views about the primary school admission arrangements are invited.

Relevant Area for Consultation

The statement of a 'relevant area' for school admissions is a requirement of the School Standards and Framework Act 1998. The relevant area is the area which the Local Authority (LA) uses when consulting on admissions arrangements, and may include other admission authorities and voluntary aided schools outside the city. The area may be larger than the LA boundary, or smaller through the operation of a number of different relevant areas within the LA.

For Brighton & Hove, the 'relevant area' is currently defined as the area within the Brighton & Hove city boundaries, so all voluntary aided schools, free schools and Academies within the city are required to consult all schools within the city boundary about their proposed admission arrangements. No change is proposed to the relevant area for 2017/18.

Own Admission Authority Schools Consultation

Schools whose governors are responsible for their own admission arrangements (Free Schools, Academies and Voluntary Aided Schools) are required to consult with all other city schools, with the LA and with parents in the city who have children

between the ages of 2 and 18 about their proposed admission arrangements for 2017/18 *unless the arrangements are unchanged from last year*. These proposed arrangements will be on the Council's website or available from the schools. Consultation, if taking place, must be completed by 31 January 2016 and the Governors must have settled the final version of their admission arrangements by 28 February 2016. Parents may wish to send their comments on own admission authority schools' proposed admission arrangements direct to the school or can send them to the Council which will pass them on to the individual school governing bodies. Those governing bodies are responsible for deciding admission arrangements for their own school.

Published Admission Numbers

The proposed admission numbers for each school are attached to this document. You are invited to comment on whether you agree with the number shown. These numbers are based on the net capacity range of each school, or in some cases a higher figure. The net capacity is a nationally required means of measuring how many pupils a school can take. As previously, this list includes the expected admission numbers for own admission authority schools who set their own admission number.

Co-ordinated Admission Schemes for 2017/18

The coordinated schemes are attached for comment. They set out the arrangements, including dates, for the coordination of secondary and primary admissions and in-year applications. The purpose of this coordination is to ensure that all parents and carers receive one offer of a school place for their child within published timescales. The scheme applies to all maintained (ie state) schools in Brighton & Hove, including Academies, Free Schools and Voluntary Aided schools.

The Admission Timetable for 2017/18

The dates for applications and allocations for admission for the 2017/18 school year will be:

Infant, Junior and Primary Schools:	Closing date	15 January 2017
	Decisions to parents/carers	16 April 2017
Secondary schools:	Closing date	31 October 2016
	Decisions to parents/carers	1 March 2017

These dates are set out in more detail in the co-ordinated schemes.

Final admission arrangements and right of objection

Once the Council, Academies and Voluntary Aided schools have determined their admission arrangements following this consultation, the Council will publish a document on its website by 15 March 2016 confirming those arrangements. Once the arrangements have been published, parents and carers will have a right of formal objection to the Schools Adjudicator. Details of that objection process will be given in the document on the council's website.

BRIGHTON & HOVE CITY COUNCIL

Scheme for co-ordinated admissions to secondary schools – Admissions Year 2017/18 (Admissions to year 7 in September 2017)

Introduction

The main purpose of the co-ordinated scheme is to ensure that every parent of a child living in Brighton & Hove who has completed a school preference form receives one offer of a secondary school place at the conclusion of the normal admission round for pupils transferring from primary to secondary school. The scheme is designed to foster clear communications on school admissions between the City Council, community schools, Academies (for the purposes of this document Free Schools are included as Academies), Cardinal Newman School, which as a voluntary aided secondary school acts as its own admission authority, and neighbouring Local Authorities (LAs) and admission authorities. It fulfils the requirements of the School Admissions (Admission Arrangements and Co ordination of Admission Arrangements (England)) Regulations 2012 and more detailed arrangements set out in the School Admissions Code 2014.

The scheme does not affect the rights of the different admission authorities mentioned to set their own admission priorities, and consider applications on the basis of those priorities. It is intended to set out a process and time scale for the exchange of pupil information between the parties to the scheme, resulting in the offer of a single school place. This should represent a preference listed by the parent/carer that it is possible to meet following the application of the admission priorities by this LA or by other admission authorities. Where it is not possible to allocate a place at any of the preferred schools for a child living in Brighton & Hove, a place will be offered at the nearest school to their home address within the city boundaries with a place available. This will not preclude parents from seeking an alternative place elsewhere if they are unhappy with the offer, nor will it prevent them from lodging an appeal with the admission authority for their preferred school.

All residents of Brighton & Hove should apply using the City Council's common application form (online or paper) even if they are seeking a place at a maintained school in the area of another Council.

The time scales set out in the scheme work towards the prescribed date (1st March or the first working day following 1st March where it falls at a weekend) on which secondary school place decisions must be notified to parents/carers. It will also be broadly in line with the time scales used by neighbouring LAs.

Key dates

- Online application facility available 1 September 2016
- Distribution of admission leaflets by 12 September 2016
- Distribution of admission booklets on demand
- Closing date for applications 31 October 2016
- Preference data exchanged with Cardinal

- | | |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Newman School, King's School and neighbouring LAs | 16-20 November 2016 |
| • Cardinal Newman & King's School provide LA with provisional ranking order of applicants. | 18 December 2016 |
| • Neighbouring LAs asked for provisional list of offers to B&H residents, B&H provides Provisional list to those LAs. | 18 December 2016 |
| • Consider qualifying late applications. | 22 January 2017 |
| • Finalise allocations and exchange offer details with Cardinal Newman, King's school and neighbouring LAs | Between 25 January- 5 Feb 2017 |
| • Notification e-mails sent to parents, decisions posted to applicants using paper forms | 1 March 2017 |
| • Deadline date for acceptance of places and appeals to be heard in the main round. | 15 April 2017 |

Process and detailed time scale

1. The school admissions leaflet published by the City Council will be distributed to parents at the beginning of September 2016. This LA will have identified those pupils entering Year 6 in city maintained schools (the transfer cohort) from primary school records. Neighbouring LAs will be asked to provide records of Brighton & Hove children attending schools in their areas so that admission leaflets can be sent to their parents/carers. Brighton & Hove will in return provide information to other LAs about their residents attending Brighton & Hove schools.
2. Parents/carers will be invited to list 3 preferences for a school place ranked in order of priority. These may be at a City Community School, an Academy, a Free School or a voluntary aided secondary school (Cardinal Newman), or any maintained school outside the City of Brighton & Hove. Those resident in the City must use the Brighton & Hove school admission preference form to indicate their preferred schools, either the paper or online form. No other form of application will be valid. The LA allocates places on the basis of equal preference, and each preference listed will be prioritised in accordance with the published admission priorities for community and own admission authority secondary schools in the City. If it is possible to offer more than one place on the basis of those priorities, the one ranked higher on the preference form will be offered.
3. Parents and carers are strongly advised to apply online through the facility available on the Brighton & Hove City Council website. This will provide them with a response which confirms their preference listing and acts as proof of application. Alternatively the paper form should be completed and returned to the child's primary or junior school in the City, or to the Admissions Team at King's House **by Saturday 31 October 2016**. Applicants for Cardinal Newman and/or King's School will need to return their supporting information directly to the school as well as submitting an online application or paper form to the Council. If supporting information is returned to the Local Authority, the documents will be shared with the school. This closing date has been set in order to conform with the law

and to the admission timetables of neighbouring LAs and assist coordination of applications. As it will fall during half term schools will need to advise parents applying on paper and/or completing a paper SIF of arrangements for returning forms during half term (King's House will be open during half term between 9am and 5pm Monday-Friday).

4. Where as part of its admission priorities a voluntary aided school, free school or academy within the City or beyond requires additional supporting information, such as a Governors' form, or proof of denominational commitment, that form or proof should be completed and returned by the same closing date. This is to ensure that target dates for the exchange of pupil information between authorities and the notification date for parents/carers can be met. Provided the LA common application form has been completed and returned, that additional information may be given direct to the school, or handed in with the preference form. Parents/carers will be advised through the admissions booklet of Brighton & Hove or neighbouring LAs, or through school published parent information, of any such additional information requirements for own admission authority schools.
5. If using an application form rather than online application parents and carers whose children attend maintained primary schools in the City are strongly advised to return the form via the school. Parents who prefer to post the form should understand that proof of posting is not proof of receipt, and they will not have confirmation of receipt in the same way as those applying online or returning the form to their child's school. All maintained junior and primary schools in the city will return secondary preference forms they receive to the LA in batches as they are received, with the final batch as soon as possible after the closing date. Schools should maintain a list to record the date on which each form was received, the school preferences, and if required will provide proof of receipt to the parent/carer. This ensures that on time applications and late applications are clearly recorded as such. It also provides assurance for parents should the school or the LA subsequently mislay the form.

No later than 20 November 2016.

- ∇ LA will identify the number of preferences (first, second or subsequent) received for each school.
- ∇ Cardinal Newman School and King's School will be provided with details of any parental preference (via form or online applications) where it gives the school as a preference (first, second or subsequent) received by the LA. It will apply its oversubscription criteria to prioritise all preferences. Where pupils have a Statement of Special Educational Needs and must be offered a place as first priority this will be indicated. (Statemented pupils must be given priority for school of preference in accordance with the SEN and Admissions Codes of Practice.)
- ∇ West and East Sussex and other LA's as necessary will be forwarded the details of preferences (forms and Online applications) expressed for their schools by Brighton & Hove parents/carers (first, second and

subsequent). Where the pupil has a Statement of Special Educational Needs this will be indicated.

- ∇ West and East Sussex will be asked to provide a list of pupils living in those areas who have expressed a preference for a Brighton & Hove school (first, second or subsequent), indicating those who have a Statement of Special Educational Needs.

No later than 18 December 2016

- ∇ Cardinal Newman School and King's School will provide the LA with a list showing children in priority order for places at the school. The list will show which admission criterion was applied to each child and the point at which the final place would be offered. The school will advise the LA of such additional information as is necessary to inform parents of the reason for its decision when allocation letters and emails are sent on 1 March 2016.
- ∇ Brighton & Hove will apply its admission priorities to all preferences received for community schools, and where the children are resident in other LAs, will inform that LA.

Between 25 January and 5 February 2017

- ∇ Brighton & Hove will establish whether more than one offer could be made on the basis of the application of its own admission priorities and those of voluntary aided schools, free schools/Academies and other LAs. It will determine in each case which is the highest parental ranking.
- ∇ Final lists of school allocations will be prepared.
- ∇ Emails and letters to parents/carers will be prepared.
- ∇ Consideration will be given to late applications received before the allocation date, as set out in Appendix A below.
- ∇ Neighbouring LAs will be sent final details of children living in their area offered a place at a Brighton & Hove school, and for whom they will need to send allocation letters.

1 March 2017

Online applicants will receive their decisions by e-mail. Letters will be sent to parents/carers who have not applied online or who have specifically requested this. The LA email or letter to parents will contain the following:

- ∇ If they have not been allocated a school of preference, the reason why not.
- ∇ How places at all Brighton & Hove schools were allocated.
- ∇ Where it is an own admission authority school, the fact that the offer is made on behalf of the governing body of the school.
- ∇ Where it is a school maintained by another LA, the fact that the offer is made on behalf of that LA.
- ∇ The right of appeal to an independent panel, and how to arrange an appeal for a community school, a voluntary aided school, and in the case of schools in other LA's, who to contact.

15 April 2017

Parents and carers should accept offers of places by this date in order to allow schools and the LA ample planning time for the new intake. This does not affect their right to appeal if the place they are accepting is not their highest preference. Parents should also have exercised their right to appeal by this date if they want to be assured of having their appeal heard in the main round of appeals.

Proof of address

The LA may require parents/carers to provide proof of address if they apply for a place at a community school. Own admission authority schools may also request proof of address from their applicants.

Appendix A – Changes of address and late applications

New arrivals in the city

Parents/carers moving into the City in the course of the admission process who are making an application on the basis of their new address must provide evidence of either a tenancy agreement of six months or more or an exchange of contracts if they are purchasing a property. Applicants should return their preference form by the closing date if possible, especially if their move took place before the closing date, forwarding proof of the move at the earliest opportunity. If they provide the form and the evidence of the move by 22 January 2017 their application will be included in the main admissions round.

Late applications received before the allocation date.

- I. With the exception of families moving into the area and cases as described at V below, forms received after the closing date will not be considered by the LA until school allocations have been made for those received by the closing date. Any received for Cardinal Newman School and/or King's School will be forwarded to the school, which will decide whether or not to include the application in the main admission round.
- II. Any preference forms for community schools received in respect of children in public care will be included in the main admission round as valid first preferences at any time up to the allocation date on **5 February 2017**. Where such applications are received after that date, the LA will, if attendance at that school is seen as a necessity for the welfare of the child, seek to offer places at the school of first preference, if necessary negotiating with that school to admit beyond the published admission number in order to do so. If, however, it is acceptable to offer a place at a lower ranked school without going over numbers, the LA will discuss that possibility with the social worker for the child. Applications for Cardinal Newman School, King's School or schools in other LA areas for children in public care will be considered in line with the admission arrangements for those schools and the requirements of the Admissions Code.

- III. Applications received after the closing date but before the allocation date on 5 February 2017 will be sent a letter allocating a school place on 1 March 2017 or as soon as possible after that date if the volume of late applications is high. Applications received after the allocation date will be sent an allocation letter as soon as possible after 1 March 2017.
- IV. Parents/carers living in the City who change a preference as a result of a change of address within the city, and who return the new form and evidence of the address change will have that change considered in the main round of allocations if it is received by **22 January 2017**. They will have to provide evidence of the address change. Those preference forms received after that date will be considered as late applications.
- V. Other late applications where there is good reason for the delay will be considered in the main round of allocations if received by **22 January 2017** where independent evidence is given by a third party (usually a professional source such a doctor or social worker) to support the reason for the delay.

Late applications received after the allocation date

- I. Where an application is received after the allocation date, from a parent/carer living in the City, they must use the Brighton & Hove online application service or paper preference form. If the preference(s) is for a community school, the LA will allocate a place if the school remains under subscribed. If the school(s) is fully subscribed, a place will be allocated at the nearest school to the home address that has a vacancy. Brighton & Hove will seek to make a decision as soon as possible after receiving the application. Where a preference is given for a free school, an Academy, Cardinal Newman School or a school in a neighbouring LA, the form will be passed to that admission authority for a decision. They will be asked to reach a decision within fourteen days of receiving the form. Brighton & Hove will endeavour to send a decision to the parent /carer as soon as possible once it has either reached a decision, or been informed of a decision by the other admission authority.
- II. If a change of preference or preference order is received following the decision letter on 1 March 2017 and the home address has not changed (and there has been no other relevant change of circumstances), that changed preference will not be considered until after 30 June 2017. This allows reasonable time for the consideration of late first applications and the operation of the reallocation pool where places have been offered and refused.
- III. All applications received after the beginning of the autumn term will be regarded as outside the admission round. Nonetheless, Brighton & Hove will act as the point of contact for all preferences for parents/carers living in the City, and will liaise with Cardinal Newman School, King's School, BACA, PACA and other LAs over applications for admission to schools other than Brighton & Hove Community Schools. The Brighton & Hove online or paper form should be used in all cases by City residents and returned to the Brighton & Hove Admissions Team. The same arrangements will apply to applications

for admission to schools for year groups other than the normal admission group in Year 7. Where the LA, Cardinal Newman School, King's School, BACA, PACA or another admission authority is not able to offer a place in accordance with a parental preference, the LA will offer a place at the nearest school to the home address of the applicant with a vacancy in the appropriate year group. This may be an Academy or a VA school. Admissions to Years 12 and 13 in those schools that make such provision will be regarded as transfer admissions rather than admission at a normal point of entry. (The majority of such pupils will have attended the school from Year 7, or transferred to the school in Key Stage 3 or 4.) Should any other schools adopt Academy status, this paragraph will also apply to them.

Re-allocation Pool

- I. Brighton & Hove will operate a re-allocation pool system for its community schools, BACA and PACA. (Cardinal Newman School and King's School will operate their own waiting list/reallocation arrangements.) The ranking within this system will be based on the Brighton & Hove admission criteria. All children will be automatically placed in the re-allocation pool for the community school for which they have expressed the highest preference. Parents/carers will be asked to indicate if they also wish to be placed in the re-allocation pool for a different preferred school when the allocation emails and letters are sent on 1 March 2017. Places will be offered to children from the pool as soon as a place becomes available at an over subscribed school and the admission priorities have been applied. This LA will notify other LAs as appropriate if it offers a place from the pool at a Brighton & Hove school to a pupil living outside the City. The pool will operate until the end of the Autumn Term.
- II. Other admission authorities will operate a re-allocation or waiting list system. If they are able to place a child resident in Brighton & Hove in one of their schools they are asked to notify this LA at the earliest opportunity.

School Admission Appeals

- I. Parents/carers wishing to appeal against the LA's or a voluntary aided school's decision not to offer a place at a preferred school should do so in writing or using the online appeal facility by 15 April 2017 if they want to be assured of having their appeal heard in the main appeal round.
- II. The LA will not arrange an appeal, or ask an own admission authority school to arrange an appeal for a school that was not included on the original application. It will only arrange an appeal for a school that was listed as a preference, as it will not have given a decision to the parent/carer for schools not included on the form. If a parent/carer wishes to receive a decision for a school not included in their original preference, and thus acquire a right of appeal, they must complete a further preference form. However, unless there is a change of address or other change of circumstances leading to the change of preference this new form will not be considered until after 30 June 2017.

- III. Parents/carers will receive 10 school days notice of the date of the appeal hearing, and will receive copies of any documentation relating to the appeal 7 days in advance of the hearing.
- IV. Whilst the City Council, other LAs and the Governing Bodies of Academies and voluntary aided schools will make every effort to hear appeals within 40 school days of the deadline for submitting appeals, as suggested in the Appeals Code, they cannot guarantee this time scale. The volume of appeals to be heard and the availability of the appeal panel members, who are volunteers, will have a direct affect on the timing of the appeal hearings.
- V. Appeals for late applications and school transfers outside the normal admission round will be arranged as soon as practicable after the decision to refuse a preference has been conveyed to the parent/carer or if appropriate to the student, and in any case within 30 school days of the appeal being lodged.
- VI. Appeals will be heard for refusals to places in Years 12 and 13 on the basis that they are school transfers.

BRIGHTON & HOVE CITY COUNCIL

Scheme for co-ordinated admissions to infant, primary and junior schools – Admissions Year 2017/18 (Admissions to Reception or year 3 of Junior School in September 2017)

Introduction

The main purpose of the co-ordinated scheme is to ensure that every parent of a child living in Brighton & Hove who has completed a school preference form receives one offer of an infant, primary or junior school place. This will be on a set date following the conclusion of the normal admission round for pupils seeking admission to school. The scheme is designed to foster clear communications on school admissions between the City Council, community schools, and voluntary aided schools which act as their own admission authority.

The scheme does not affect the rights of voluntary aided schools and Academies to set their own admission priorities, and consider applications on the basis of those priorities. It is intended to set out a process and time scale for the exchange of pupil information between the parties to the scheme, resulting in the offer of a single school place. This should represent a preference listed by the parent /carer following the application of the admission priorities by the Local Authority (LA) or by own admission authority schools. Where it is not possible to allocate a place at any of the preferred schools for a child living in Brighton & Hove, a place will be offered at the nearest school to their home address within the city boundaries with a place available. This will not preclude parents from seeking an alternative place elsewhere if they are unhappy with the offer, nor will it prevent them from lodging an appeal with the admission authority for their preferred school.

All residents of Brighton & Hove should apply using the City Council's common application form (online or paper) even if they are seeking a place at a maintained school in the area of another Council.

The time scales set out in the scheme will be broadly in line with the time scales used by neighbouring LAs. **Please be aware that VA schools' and Academies' governing bodies will need to meet between 20 February 2017 and 10 March 2017 when the ranking order needs to be returned to the Local Authority.**

Key dates

- Online application facility available 1 September 2016
- Distribution of admission booklets on request
- Closing date for applications 15 January 2017
- Preference data exchanged with Voluntary aided schools and other LAs. 12 February 2017
- Voluntary Aided schools provide Council with provisional ranking order of all applicants. 10 March 2017
- Data exchanged with VA schools and

- neighbouring authorities 10 March 2017
- Consider qualifying late applications. 10 March 2017
- Finalise allocations and provide schools with offer details. 24 March 2017
- Decisions emailed to parents/carers, Letters posted to parents who applied on paper. 17 April 2017
- Deadline for acceptance of places and appeals to be heard in the main round. 19 May 2017

Process and detailed time scale – infant, junior and primary schools

1. The school admissions booklet published by the City Council will be distributed on request to parents/carers applying for infant or primary school places. A publicity campaign will be launched in September 2016 encouraging parents to apply online. This will include a leaflet sent via the post, schools, other council services, early years settings, the press and other media to parents of those pupils seeking places in school. Schools will be asked to act as a collection point for information about pupils seeking school places.
2. Parents/carers will be invited to list 3 preferences for a school place ranked in order of priority. These may be for Community Schools or voluntary aided schools within the city. The Brighton & Hove school admission preference form must be used to indicate their preferred schools, either paper or online version. No other form will be valid. They should list the schools in order of priority (e.g. 1, 2, 3). The LA allocates places on the basis of equal preferences, and each preference listed will be prioritised on the basis of the published admission priorities for community and voluntary aided schools. If it is possible to offer more than one place on the basis of those priorities, the one ranked higher on the preference form will be offered.
3. Parents and carers are strongly advised to apply online through the facility available on the Brighton & Hove City Council website. This will provide them with a response which confirms their preference listing and acts as proof of application. Alternatively the paper form should be completed and returned to their local infant/primary school or to the Admissions Team at King's House, Grand Avenue, Hove **by 15 January 2017**.
4. Where as part of its admission priorities a voluntary aided school requires additional supporting information, such as a Governors' form, or proof of denominational commitment, that form or proof should be completed and returned by the same closing date. This is to ensure that target dates for the exchange of pupil information and the notification date for parents/carers can be met. Provided the LA preference form has been completed and returned, that additional information may be given direct to the school, or handed in with the preference form. Parents/carers will be advised through the admissions booklet for Brighton & Hove, and through school published information, of any such additional information requirements for voluntary aided schools. Parents/carers with queries

about voluntary aided school admission requirements should contact the school for further information.

5. If using an application form rather than online application parents and carers are strongly advised to send their form via a preferred school. Parents who post the form should understand that proof of posting is not proof of receipt, and they will not have confirmation in the same way as those applying online or returning the form to a school. All maintained infant and primary schools in the city will return preference forms to the LA in batches as they are received, with the final batch as soon as possible after the closing date. Schools should maintain a list to record the date on which each form was received, and if required will provide proof of receipt to the parent/carer. This ensures that on time applications and late applications are clearly recorded as such. It also provides assurance for parents should the school or the LA subsequently mislay the form.
6. **No later than 12 February 2017**
 - ∇ LA will identify the numbers of preferences (first, second and third) received for each school.
 - ∇ Voluntary aided schools, free schools and academies will be provided with details of parental preferences where their school is given as a preference (via form or online). They will apply oversubscription criteria to prioritise all preferences. Where pupils have a Statement of Special Educational Needs (naming the school) and must be offered a place as first priority this will be indicated. (Statemented pupils must be given priority for school of preference in accordance with the SEN and Admissions Code. This applies to all maintained schools, including Voluntary Aided.)
 - ∇ West and East Sussex and other LA's as necessary will be forwarded the details of preferences (forms and Online applications) expressed for their schools by Brighton & Hove parents/carers (first, second and third). Where the pupil has a Statement of Special Educational Needs this will be indicated.
 - ∇ West and East Sussex will be asked to provide a list of pupils living in those areas who have expressed a preference for a Brighton & Hove school (first, second or third), indicating those who have a Statement of Special Educational Needs.
7. **No later than 10 March 2017**
 - ∇ Voluntary aided schools, free schools and academies will provide the LA with a list showing children in priority order for places at the school. The list will show which oversubscription criterion was applied to each child, and relevant information to apply any necessary tie-break. The school will advise the LA of such additional information as is necessary to inform parents of the reason for its decision when allocation letters are sent on 17 April 2017.
 - ∇ Other LAs will provide Brighton & Hove LA with a list of which Brighton & Hove pupils could be offered places in their schools. They will advise

Brighton & Hove of the reason where a preference cannot be met for inclusion in the allocation letters on 17 April 2017.

- ∇ Brighton & Hove will apply its admission priorities to all preferences received for community schools, and where the children are resident in other LAs, will inform that LA.
- ∇ The LA will apply its own admission priorities for all community school preferences.

8. No later than 24 March 2017

- ∇ Brighton & Hove will establish whether more than one offer could be made on the basis of the application of its own admission priorities and those of voluntary aided schools, free schools, academies and other LAs. It will determine in each case which is the highest parental ranking.
- ∇ Final lists of school allocations will be prepared.
- ∇ Emails to parents/carers will be prepared.
- ∇ Consideration will be given to qualifying late applications received before 10 March 2017.
- ∇ Discussions will take place with other admission authorities as necessary to resolve any remaining unallocated applications.
- ∇ Neighbouring LAs will be sent final details of children living in their area offered a place at a Brighton & Hove school, and for whom they will need to send allocation letters.

9. 17 April 2017

Online applicants will receive their decisions by e-mail. Letters will be sent to parents/carers who did not apply on line. The LA email or letter to parents will contain the following:

- ∇ If they have not been allocated a school of preference, the reason why not.
- ∇ How places at the preferred schools were allocated.
- ∇ The right of appeal to an independent panel, and how to arrange an appeal for a community school or a voluntary aided school.

10. 19 May 2017

Parents and carers should accept offers of places by this date in order to allow schools and the LA ample planning time for the new intake. This does not affect their right to appeal if the place they are accepting is not their highest preference. Parents should have also exercised their right to appeal by this date if they want to be assured of having their appeal heard in the main round of appeals.

11. Proof of address

The LA may require parents/carers to provide proof of address if they are applying for a community school place.

Appendix A – Changes of address and late applications

New arrivals in the city

Parents/carers moving into the City in the course of the admission process who are making an application on the basis of their new address must provide evidence of either a tenancy agreement of six months or more or an exchange of contracts if they are purchasing a property. Applicants should return their preference forms by the closing date if possible, especially if their move took place before the closing date, forwarding proof of the move at the earliest opportunity. If they provide the form and the evidence of the move by 10 March 2017 their application will be included in the main admission round.

Late applications received before the allocation date

- I. With the exception of families moving into the area and cases as described at V below, forms received after the closing date will not be considered by the LA until allocations have been made for those received before the closing date. Any received for an own admission authority school will be forwarded to the school. The school will decide whether or not there is a good reason to include these late applications in the main admission round, but will only consider them if they are received before **10 March 2017**.
- II. Any preference forms received for community schools in respect of children in public care will be included in the main admission round as valid preference at any time up to **24 March 2017**. Where such applications are received after that date, the LA will, if attendance at that school is seen as a necessity for the welfare of the child, seek to offer places at the school ranked highest on the preference form. If, however, it is acceptable to offer a place at a lower ranked school without going over numbers, the LA will discuss that possibility with the social worker for the child. Applications to voluntary aided schools, free schools and academies received on behalf of children in public care will be considered in line with the published admission policy for each school and the requirements of the School Admission Code.
- III. Applications received after the closing date will be sent a letter allocating a school place as soon as possible after the main notification date of **17 April 2017**.
- IV. Parents/carers living in the City who change any preference as a result of a change of address, and who return the new form by **10 March 2017** will have that change considered in the main round of allocations. They will have to provide evidence of their new address and will not have their changed application accepted without that evidence.
- V. Other late applications where there is a good reason for this will be considered in the main round of allocations if received by **10 March 2017** where independent evidence is given by a third party (usually a professional source such as a doctor or social worker) to support the reason for the delay.

Applications received after the allocation date

1. Where an application is received after the allocation date, from a parent/carer living in the City, they must use a Brighton & Hove preference form. If the preference(s) is for a community school, the LA will allocate a place if the school remains under subscribed. If the school(s) is fully subscribed, a place will be allocated at the nearest school to the home address that has a vacancy. Brighton & Hove will seek to make a decision as soon as possible after receiving the form. Where a preference is given for an own admission authority school or a school in a neighbouring LA, the form will be passed to that admission authority for a decision. They will be asked to reach a decision within fourteen days of receiving the form. Brighton & Hove will endeavour to send a decision to the parent /carer either as soon as possible once it has reached a decision, or has been informed of a decision by the other admission authority.

11. If a change of preference or preference order is received following the decision letter on **17 April 2017** and the home address has not changed, that changed preference will not be considered until after **30 June 2017**. This allows reasonable time for the consideration of late first applications and the operation of the waiting list where places have been offered and refused.

111. All applications received after the beginning of the autumn term 2016 will be regarded as outside the admission round. Nonetheless, the LA will act as the point of contact for all preferences from parents/carers living in the City. The LA will liaise with own admission authority schools over applications for admission to those schools, and will inform parents of their admission decisions, if necessary allocating an alternative school place. The LA online or paper preference form should be used in all cases. The same arrangements will apply to applications for admission to schools for year groups other than the normal Reception year. (See also School Transfers below.) This ensures that the LA has a full record of pupil admissions, and supports both the schools and the LA in their responsibilities for pupil tracking and safety.

Waiting List

- I. Brighton & Hove will operate a waiting list system for its community schools. (Own admission authority schools make their own waiting list arrangements). The waiting list ranking will be based on the LA admission criteria. Rankings within each priority will be determined by home to school distance. All children will be automatically placed on the waiting list for the community school for which they have expressed a first preference, although parents will be given the option of also asking to go on the waiting list for a different preferred school place when places are allocated on **17 April 2017**. Places will be offered to children from the waiting list as soon as a place becomes available at

- an over subscribed school and the admission criteria have been applied. The waiting list will operate until the end of the Autumn Term.
- II. Parents/carers wishing to keep their child's name on the list for longer than the end of the Autumn Term must inform the LA. They must renew the waiting list place each term thereafter. Applicants outside of the main admission exercise will be placed on waiting lists for one term, and must ask for the child's name to remain on the waiting list each term thereafter.

School Admission Appeals

- I. Parents/carers wishing to appeal against the LA's decision not to offer a place at a preferred school should do so by **19 May 2017** if they want to be assured of having their appeal heard in the main appeal round.
- II. The LA will not arrange an appeal or ask a voluntary aided school to arrange an appeal for a school that was not included on the original application. It will only arrange an appeal for a school which was listed as a preference, as it will not have given a decision to the parent/carer for schools not included on the form. If a parent/carer wishes to receive a decision for a school not included in their original application, and thus acquire a right of appeal, they must complete a further application. However, unless there is a good reason for a change of preference this new form will not be considered until after **30 June 2017**.
- III. Parents/carers will receive 10 school days notice of the date of the appeal hearing, and will receive copies of any documentation relating to the appeal 7 days in advance of the hearing.
- IV. Appeals for on-time applications must be heard within 40 school days of the closing date for appeals to be lodged. The volume of appeals to be heard and the availability of the appeal panel members, who are volunteers, will have a direct effect on the timing of the appeal hearings.
- V. Appeals for late applications and school transfers outside the normal admission round will be arranged as soon as practicable after the decision to refuse a preference has been conveyed to the pupil and the parent/carer, and in any case within 30 school days.

BRIGHTON & HOVE CITY COUNCIL

Scheme for co-ordinated admissions In Year allocations – Admissions Year 2017/18

Introduction

The requirement for In-Year co-ordination was abolished by the School Admissions Code 2012, however there is still a requirement for the LA to retain a monitoring role in in-year allocation of school places. In view of this it is proposed to retain in-year co-ordination between maintained schools in Brighton & Hove. The co-ordination referred to in this document will be offered to schools free of charge. However, it may be possible for own admission authority schools to purchase additional services should they wish to do so.

This scheme for in-year admissions will come into force from 1 September 2017.

Procedure

1. Parents may name up to three preferences on the Brighton & Hove application form and all preferences expressed by parents will be treated equally. This means that each preference will be measured against the published oversubscription criteria only, without reference to the order stated by the parent. Only one school place will be offered, and this will be the highest possible preference expressed by the parent that can be agreed.
2. Where it is not possible to offer any of the named preferences, the applicant will be advised to remain at their current school if possible, or an alternative school place within Brighton & Hove will be offered. This will normally be the nearest school appropriate to the child's age and educational needs with a place available.
3. In order for parents to make a valid application for a maintained school place in Brighton & Hove, parents must complete a common application form provided by Brighton & Hove City Council. The Brighton & Hove application form will be available in paper form or can be accessed directly online or as a download from the Brighton & Hove City Council website.
4. Schools where the governing body is the admission authority may require additional information in order to apply their oversubscription criteria and in the case of voluntary aided church schools will provide a supplementary information form to the parent. Where the parent fails to complete the supplementary form, the governing body will rank the application according to the information given on the application form only. Where the parent completes the supplementary form but fails to complete the application form, this will not constitute a valid application.
5. Completed supplementary information forms will be returned to the individual schools, and not the School Admissions Team.

Preferences for own admission authority schools.

1. Where the parent names an own admission authority school in Brighton & Hove (ie a Voluntary Aided school, a free school or an Academy), the child's details, (i.e. name, address, date of birth and any supporting documents) will be sent to the governing body. They will rank the preferences according to their published admission criteria and confirm with the City Council, no later than **five school days** after receipt of the form, whether it would be possible to offer a place. Should any other schools become Academies before or during the 2017/18 academic year, this paragraph will also apply to them.

2 Any applications submitted by parents/carers to schools in error must be forwarded to the City Council admissions team.

3 Brighton & Hove admissions authority acting for BACA and PACA will rank admissions priorities as these Academies are at the present time retaining the same arrangements as other Brighton & Hove Community Schools.

Notifying parents of the outcome of their applications.

1. The City Council will notify parents of the outcome of their applications. This is regardless of whether the City Council is the admission authority. This will be done by email or letter as appropriate, and will advise parents to contact the allocated school to arrange a mutually convenient start date.

2. Parents are expected to confirm acceptance of the offer of a school within fourteen days after the date of the offer.

Postdated Applications and changes of address

1. Parents who apply for a school place for a date which is more than half a school term in the future will be sent a holding letter explaining that their application will not be processed until the half term before the date the place is required. Their application will be considered along with any others which are outstanding at that point.

2. Parents who are moving into, or within, Brighton & Hove, may apply at any time during the moving process. However, their application will not be processed until the City Council has received proof of the new address (e.g. evidence of exchange of contracts or a copy of a signed tenancy agreement). This allows the Council to apply the appropriate priority for admission based on the new address.

Appeals

1. Parents will be informed of their statutory right of appeal when they receive the outcome of their applications. Parents can appeal for any preference expressed but not allocated, even if it was a lower preference than the one offered.

2. Parents will be allowed 20 school days from the date of the notification letter to submit a written appeal. Appeal forms will be available from individual admission authorities. Parents are entitled to appeal at any point during the remainder to the academic year of their application.

3. Appeal forms for Brighton & Hove community primary and secondary schools will not automatically be sent with the notification letter, but will be available on request. They can also be downloaded from the Brighton & Hove website. Appeal details for voluntary aided schools and Academies will be available from the individual governing bodies.

Waiting lists

1. Waiting lists for all Brighton & Hove community **primary** schools will be held by the City Council, but schools where the governing body is the admission authority will maintain their own waiting lists and advise on the ranking of these lists in accordance with their published oversubscription criteria.

2. All community **primary** school waiting lists or re-allocation pools will be cleared at the end of each term, and any parents wanting their child to remain on waiting lists for schools will need to contact the admission authority to request this.

3. There is no requirement to maintain waiting lists after the end of the Autumn term of the year of entry (ie Reception, year 3 or year 7). This being so, Brighton & Hove City Council proposes to close re-allocation pools for **secondary** schools at the end of the autumn term of year 7. Other admission authorities may continue to maintain waiting lists.

Appendix 6

Summary of Responses to Public Consultation:

A total of one partnership of primary schools and no members of the public responded to the consultation.

No comment was made about the proposed admission arrangements other than a request to reduce the Published Admission Number of one school due to the surplus of school places in the area.

A review of the projected pupil numbers in 2017 through to 2019 predicts a surplus of places in the Portslade area. However in the neighbouring planning area there is a shortfall of places and it is expected that a proportion of those pupils will be offered places at schools in the Portslade area. Over the planning period, the anticipated surplus of places falls in the region of surplus places expected to allow for parental preference and unanticipated arrivals. Therefore no reduction in the Published Admission Number is proposed.



Portslade Partnership of Schools
c/o Benfield Primary School
255 Old Shoreham Road
Portslade
BN41 1XS

Richard Barker
Schools Admissions Team
Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2SU

10th December 2015

Dear Richard,

Response to Consultation on School Admission Arrangements for 2017-18

The Portslade Partnership have met and considered your proposals for the admission arrangements for Brighton & Hove Schools for 2017-18 and our comments are as follows:

A number of Schools in Portslade are suffering financially due to insufficient numbers, we understand there will be a surplus of places in Portslade Schools of 32.5% in September 2017. This has also had a major affect on staffing stability.

In view of this we suggest that Brackenbury Primary School is reduced to one form of entry from September 2017 with the proviso that this could be increased in future with a bulge class if the demand for places in Portslade increases.

We also request that adequate contingency funds are provided to support schools with falling rolls.

The Portslade Partnership look forward to hearing the results of this consultation.

Yours faithfully,

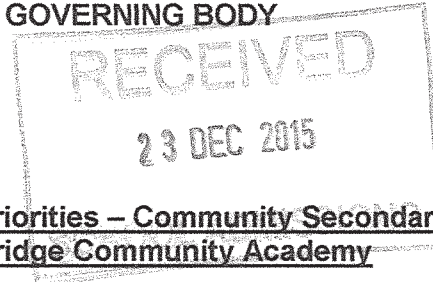
Helen Horsley
Joint Chair of the Portslade Partnership of Schools

Reply Form – Please return this form to School Admissions, 3rd Floor, King’s House, Grand Avenue, Hove, by 24 December 2015.

School Admissions Consultation - Admissions for the 2017/18 academic year

Name of School: BRACKENBURY PRIMARY SCHOOL

Name of Respondent: BRACKENBURY PRIMARY SCHOOL GOVERNING BODY
(Please print)



Signature:

School Admission Arrangements and Over Subscription Priorities – Community Secondary Schools, Brighton Aldridge Community Academy and Portslade Aldridge Community Academy

Please set out below any comments or changes you would propose to the published arrangements.

Published Admission Number

This school disagrees* with the proposed admission number.

The Governors and staff would like Brackenbury Primary to become a 1 form entry Primary School for a number of reasons:

1. **Budget Implications:** *A number of Schools in Portslade are suffering financially due to insufficient pupil numbers, including ourselves*

2. **Quality of provision:** *Brackenbury Primary School is a school that is high on the Local Authority radar to raise standards and improve. Issues around admission numbers have become a real burden and taken up a disproportionate amount of time – distracting school leaders from focussing on the real priority of school improvement. Operating 2 small classes in Year Reception and Year 2 has a big impact on the school budget. It also means that resources that could have been targeted into raising standards and improving the school are being used in another manner.*

3. **Stability for a vulnerable school:** *There will be a surplus of places in Portslade Schools of 32.5% for September 2017. This has also had a major effect on our staffing stability. Brackenbury Primary school has now under gone 4 restructures and has had to employ inexperienced staff in order to keep within budgetary restraints*

Own Admission Authority Schools’ Admission Priorities (for completion by Own Admissions Authority schools only)

I confirm that this school will formally consult with maintained schools in the LA area (the Relevant Area), with the LA, parents and carers and with other consultation partners as required in law about the school’s proposed admission arrangements for 2017/18 and will/has provide(d) draft admission arrangements for publication on the schools’ section of the Wave. (Please tick the box.)

I confirm that this school is not proposing to consult as the admission arrangements are unchanged from last year and the school has consulted within the last two years.

Coordinated Schemes of Admission

Please set out any comments or changes you would propose to the coordinated schemes. Please notice the proposal to restrict waiting lists/reallocation pools at secondary level.

Subject:	Orbis Public Law- Proposals for the Establishment of a Shared Legal Service		
Date of Meeting:	28 January 2016 21 January 2016 – Policy & Resources Committee		
Report of:	Head of Law and Monitoring Officer		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 29-1500
	Email:	Abraham.ghebre-ghiorghis@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 The purpose of the report is to set out proposals for the development of a shared legal service between Brighton & Hove City Council, East Sussex County Council, Surrey County Council and West Sussex County Council called “Orbis Public Law” and to seek authority for the implementation of the proposals, including the establishment of a company, subject to proper due diligence.

2. RECOMMENDATIONS:

- 2.1. The Policy & Resources Committee agrees:

- (i) To the creation of a new Legal Services partnership arrangement between Brighton & Hove City Council, East Sussex County Council, Surrey County Council and West Sussex County Council to be known as Orbis Public Law with effect from 1 April 2016, subject to due diligence.
- (ii) That a Business Case be developed for an Alternative Business Structure, in the form of a Limited Company approved by the Solicitor Regulation Authority, and to delegate authority to the Chief Executive, after consultation with the Monitoring Officer, the Section 151 Officer and the Head of HR, to establish such an ABS if he considers it appropriate.
- (iii) To delegate authority to the Chief Executive to take any action necessary or incidental to the implementation of the above including (but not limited to) agreeing and entering into the Articles of Association, shareholder agreement and an Inter Authority Agreement between the partner authorities

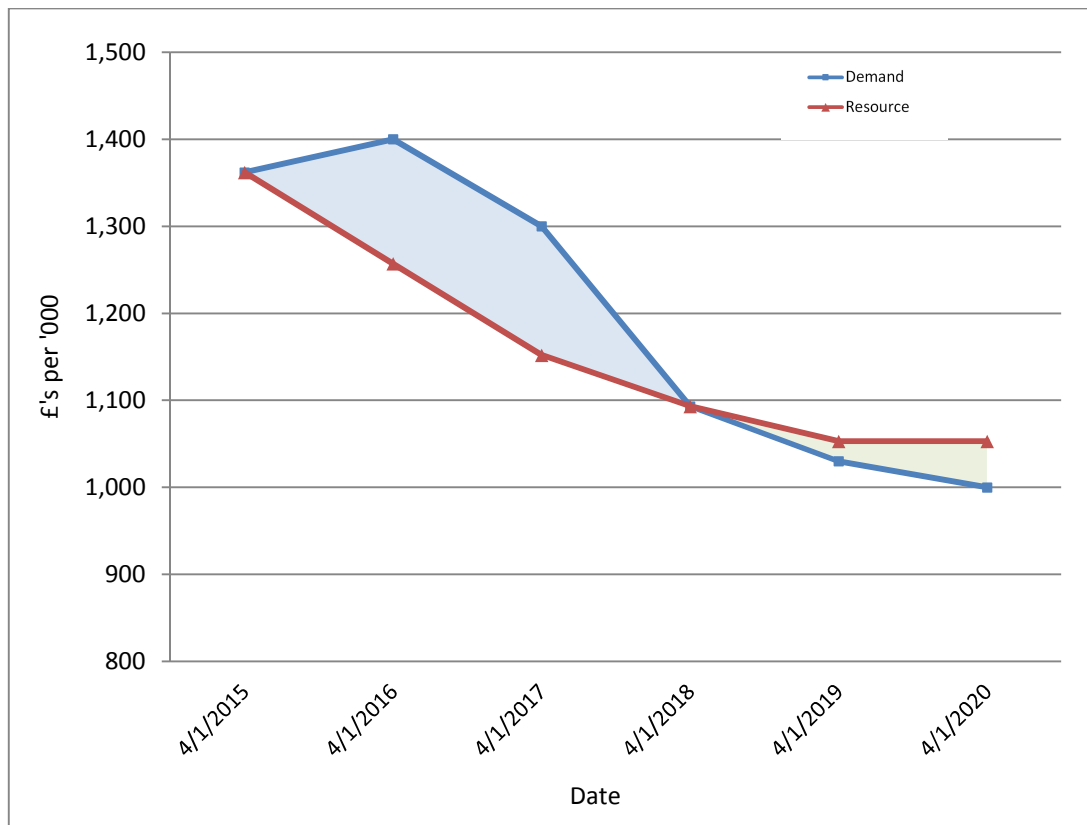
- 2.2. The Policy & Resources Committee recommends to Council:

- (i) The establishment of a Joint Committee as the governing body for Orbis Public Law to oversee the discharge of the Council’s Legal Services function;

- (ii) To agree the attached Terms of Reference (appendix 2) for the Joint Committee and to appoint Councillor Les Hamilton, Deputy Chair of P&R and Lead Member for Finance & Resources, to be a Member of the Joint Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1. **The Current Service:** Brighton & Hove has a medium sized Legal Practice with around 30 FTE fee earners and 15 paralegal and business support staff. In VFM terms, it is a high performing low cost service. The total annual net budget for the service is £1.362 million. The CIPFA Benchmarking data for the previous 5 years indicates that the cost of the service has been at least below both the London and Unitary authority averages for that period. It also has consistently high customer satisfaction rates (98% good or excellent); has received commendations from Lexcel (Law Society Quality Assurance) for the last 3 years and was the first local authority practice to be accredited by Lexcel. It was one of the few local authority practices that was authorised by the Law Society to provide CPD accredited training in house. The service scores well against the Council's corporate KPIs in terms of low sickness levels and diversity (with high levels of staff from BME background, staff with disabilities and highest percentage of women in senior-above M8-positions in the Council.) It has won a number of national awards, including the recent ones for Governance Team of the Year and People Related Services Team of the year for 2015 from the Association of Local Government Lawyers.
- 3.2. The Service provides Legal and Monitoring Officer services to the Fire Authority and also does work for the CCG, local schools and Sussex Local Authorities under the Sussex inter-local authority agreement.
- 3.3. Although it is a high performing service, it is operating at near capacity level with limited resilience. The challenge in terms of capacity will be further accentuated over the coming years as the service has to deliver significant savings at the same time as when the demand for the service is likely to increase. This will, in particular, be the case during the first couple of years (2016-2018) when the Council implements a reduction in services, undergoes transformation and the likelihood of legal challenge is higher. There will be an increased need, at least in the short term, for safe but robust legal advice given that many of the decisions and choices we have to make will, of necessity, be pushing against the limits of what the law allows.
- 3.4. The following graph illustrates the projected gap between available resources and the likely demand for the service between 1st April 2016 and 1st April 2020. This suggests that capacity and resilience will continue to be a challenge until most of the changes (delivery models, service redesign, changes to levels of services etc.) have bedded down and the council services are in a more settled position, likely to be after 2018.



3.5 **Options appraisal:** Given the above, an options appraisal was undertaken which looked, in particular, at the option of remaining as an in-house service, outsourcing, shared services (Orbis) and shared services (Greater Brighton). Although an option appraisal based on a 15% saving over 4 years supported the in-house option, when the savings were increased to 30% (as with the overall corporate position) this option seemed to lack resilience.

3.6 The Council had previously explored the option of outsourcing the function as part of a joint venture with Worthing and other local authorities. This was not successful and there was no readily available alternative option that would guarantee a comprehensive, one-stop (not fragmented) service at competitive price.

3.7 The option of a shared service based on the Greater Brighton area was considered, but this would have required a great deal of co-ordination and leadership which was not achievable within the timescales and, in any event, this option is not incompatible with the Orbis initiative, as the GBEB option could be pursued from within Orbis Public Law.

4. The Orbis Public Law Option

4.1. Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC), Surrey County Council (SCC) and West Sussex County Council (WSCC) have been working together to develop a single legal service to provide legal services to each of the four constituent authorities and the wider public sector.

4.2. The close partnership between ESCC and SCC over the last three years, initially through South East Business Services and then Orbis, has led to a strengthening

of the working relationship between the two Council's legal teams. Building on complementary similarities, the teams now regularly share knowledge and expertise. This informal arrangement has developed into the concept of a single Legal Service operating under the umbrella of the Orbis partnership.

- 4.3. Over recent months, the concept of Orbis Public Law has evolved with two new partner authorities. Relationships between BHCC, ESCC and West Sussex legal teams have always been good and the Orbis Public Law initiative builds on this by taking it to a higher level and bringing in additional authorities. The combined service with the four authorities creates a strong geographical block within which Orbis Public Law can operate and reach out to other clients.
- 4.4. The combined gross revenue budget for the four authorities is £10.6 m with an additional spend of £2m on advocacy and specialist advice. Around £1.5m of external income is generated each year. The combined workforce will be an estimated 232 staff including 130 solicitors.

5. The advantages of Orbis Public Law

- 5.1. All four authorities face similar issues: increasing financial challenges and fewer resources mean it is harder to recruit and retain lawyers and specialist staff. Individually, authorities have limited resilience and resort to buying in expensive specialist advice and support. Historically, legal teams have always carried out some external work, such as s106 agreements and work for other public bodies. This brings in extra revenue and helps to keep the cost of the service down for Councils. However, opportunities are hard to maximise when resources are stretched. Joining Orbis Public Law (OPL) provides the following opportunities:

Savings: Joining OPL will enable the service to benefit from savings generated from rationalising structures and avoiding duplication where possible

Greater resilience: At the moment, the service is working at full capacity and unable to cope with surges in volume of work. OPL will give us greater capacity and resilience.

Economies of scale: The greater numbers involved will provide economies of scale and savings as we would be able to make savings on supplies and services and better able to ensure continuity of service.

Career opportunities: (and possible greater security) for staff. Being part of a bigger practice opens up career opportunities for staff as there will be opportunities for specialism, working for different organisations and senior roles.

Recruitment and retention: at the moment, the uncertainty and limited career opportunities makes local authority legal practice less attractive at the same time as private practice is starting to recruit in higher numbers. This has made it difficult to recruit suitably qualified staff, especially in the areas of procurement, property and commercial law. Being part of a bigger practice with career prospects, opportunities for specialism and greater security will make it easier to recruit and retain staff.

Trading and income generation: Joining OPL will generate greater opportunities to trade using OPL brand, capacity, expertise and geographical coverage. This will be enhanced if Orbis Public Law becomes a trading company. Working together and increasing the overall size of the single service brings many advantages.

Developing areas of excellence and expertise: with the numbers involved there is greater opportunity to develop expertise and centres of excellence which will enable the provision of more specialist services, greater income generation and career opportunities.

5.2. Potential Challenges

- 5.2.1. There will be some loss of direct control and potential accessibility of the service depending on the arrangements for locating services and receiving instructions. These will be addressed as part of the due diligence process about levels of service and practical arrangements afterwards.
- 5.2.2 The different authorities have differing levels of expected savings from Legal Services for the 2016/17 year and following years. The targets are presented on differing basis which makes direct comparison difficult. The arrangements will need to include mechanisms to enable the Council to deliver its savings. The proposal in the business case supplemented by the inter-authority agreement will address these issues.
- 5.2.3 Any changes of this scale require careful handling and effective engagement with staff. A staff engagement group with representatives from all the teams in Legal Services meets regularly and there is a staff briefing session taking place fortnightly which continues to be used for sharing information, answering questions and receiving comments/suggestions.

5.3 Vision and Aims of OPL

- 5.3.1. The Vision for Orbis Public law is for “a single, resilient, sustainable, cost effective legal service with a public service ethos with an ability and ambition to grow.”
- 5.3.2 The aims of Orbis Public Law are to:
 - deliver a 10% saving over three years for each of the four constituent authorities;
 - create a resilient, flexible single Legal Service with a critical mass of expertise; and
 - provide a quality, cost effective service for our customers.
- 5.3.3. The 10% indicative savings target is calculated on a different basis from the one used by the Council for financial and service planning purposes and is not significantly different from the 30% target for Legal Services used by B&HCC with the likely figures being £213K and £269K respectively.

6. Business Case proposal

- 6.1 Against the above background, BHCC, ESCC, SCC and WSCC propose to create a shared service partnership to deliver legal services to all four authorities and sell legal services to other public sector bodies. The proposal is made following an options appraisal and a jointly prepared business case (attached as appendix 1).
- 6.2 The preferred option is to create Orbis Public Law as a single service partnership under the management of a Joint Committee. This is a relatively straightforward and familiar model to adopt. Members would still have control over arrangements and staff would remain employed by their existing Council. A Joint Committee would mirror arrangements for the wider Orbis though some changes would be necessary to accommodate four partners rather than the three in the main Orbis (West Sussex are part of Orbis Public Law but not the wider Orbis.)
- 6.3 ***Need for establishing a company:*** A key part of the proposal is the ability to trade and generate external income. Since the introduction of the Legal Services Act 2007, it has been possible for law firms to be owned by non-lawyers and non-legal businesses; these are known as 'Alternative Business Structures' or 'ABS'. An ABS is a limited company subject to normal company regulations with an additional requirement that they are licensed and regulated by the Solicitors' Regulation Authority to conduct legal business. It is proposed to set up an ABS to work alongside Orbis Public Law through which legal services could be provided for public bodies beyond the core service provided to the Councils. Expected changes to the Solicitors' Regulatory Authority Rules mean that such services could only be provided through an ABS, not by the authorities themselves. Without such a vehicle the ability to generate external income will be severely restricted. It is intended to use the regulated company only for work that the authorities are not permitted to undertake themselves. There are likely to be set up and running costs associated with the company
- 6.4 It is a fundamental premise that the high standard of service currently provided to our own Councils will be maintained. We will be well placed to work with other public and third sector partners to give them greater resilience, provide them with additional expertise and reduce their cost of legal services while generating income for the shared service and reducing the net cost to the constituent Councils. The business case attached to this report provides further details.
- 6.5 By working together, the four Councils will be able to realise savings in excess of those achievable in isolation, whilst still delivering a good service to our authorities. The single Legal Service aims to achieve a saving of 10% of net operating costs of each of the constituent Councils by 2019/20. The budget figures for the different authorities are not necessarily calculated on the same basis and the "operating costs" approach is not the same as the one used for projected savings in the B&HCC budget planning. The detailed figures will be examined as part of the due diligence exercise and the financial arrangements agreed before entering into the partnership.
- 6.6 Savings will be delivered through economies of scale, sharing of resources (such as a Law library), reducing external spend on advocacy and specialist advice as well as streamlining management arrangements. Set up costs will be met from existing budgets.

- 6.7 The partners have agreed key principles in relation to financial arrangements. Broadly, decisions required in relation to investment, cost apportionment and savings, will be based on the principles established by the wider Orbis partnership and will be set out in the Inter Authority Agreement which will underpin the arrangement between the Councils.

7. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 7.1 As set out in paragraphs 3.5 to 3.7, the option of staying as a stand-alone service, outsourcing or other shared service options were considered but the OPL presents the best opportunity in terms of resilience, delivering savings and staff career opportunities.

- 7.1 The stand alone service option presents challenge in terms of resilience and sustainability if it is to deliver the projected savings.

- 7.1 The outsourcing option was considered both as part of a joint initiative with other authorities to create a local authority controlled company and also in terms of transferring to an existing provider. None of these presented a viable option realisable within reasonable timescales without fragmenting the service.

- 7.2 Shared services with other district councils or a Greater Brighton based option was considered. The Greater Brighton option could still be pursued from within Orbis Public Law. The other options would not generate sufficient economies of scale to make them viable.

8 COMMUNITY ENGAGEMENT & CONSULTATION

- 8.1 Staff and the unions have been briefed on the proposals. The staff Engagement Group, which has representatives from across all the teams in Legal Services, continues to meet in addition to staff briefing sessions. All comments or suggestions received have been taken into account.

9. CONCLUSION

- 9.1 Although not without challenges and much of the detail still has to be worked out, Orbis Public Law provides the best option and is therefore recommended. The setting up of the company is intended to enable the authorities to do work for other public bodies and generate income to supplement their resources or to deliver savings. This is something the Council would have to do even if we were not joining OPL. It is clear that there are advantages in the OPL initiative providing there is clarity on some of the issues listed above or can be progressed following approval by P&R. OPL has the potential to minimise the adverse impact of a significant reduction in funding. It is therefore recommended that P&R supports the proposals.

10. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 10.1 In general terms there are likely to be financial benefits for each authority involved in a shared legal service, due mainly to economies of scale, reduced external legal costs, joint procurements and increased income generation. As part of the due diligence process, work will now be undertaken with colleagues in the other partner authorities to fully understand and address financial issues, in particular, to ensure a consistent approach to budget and savings information. Determining the budgets to be pooled and held outside of the partnership by sovereign authorities, if any, will be important as well as understanding mechanisms for managing shared costs or appointments and/or distributing income generated by the partnership.

Finance Officer Consulted: Peter Francis

Date: 05/01/16

Legal Implications:

- 10.2 The proposals in the report are within the legal powers of the Council and the setting up of the company will help the Council comply with Law Society Requirements enabling legal services (whether within Orbis or not) to continue to provide legal advice and representation to other public bodies.
- 10.3 The details of the financial and practical arrangements will be addressed as part of the due diligence exercise before entering into an inter-authority agreement.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 04/01/2016

Equalities Implications:

- 10.4 There are no equalities implications arising from the report, but staff will continue to be employed by Brighton & Hove CC and the Council's policies, including those that relate to equalities will continue to apply.

Sustainability Implications:

- 10.5 There are no sustainability implications arising from the report

Any Other Significant Implications:

- 10.6 None

SUPPORTING DOCUMENTATION

Appendices:

1. Orbis business case
2. Orbis Public Law Joint Committee terms of reference

Documents in Members' Rooms

None

Background Documents

None



Business case for the formation of a single Legal Service for Brighton & Hove City Council, East Sussex County Council, Surrey County Council and West Sussex County Council

1. Executive summary

1.1 Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC), Surrey County Council (SCC), and West Sussex County Council (WSCC) are working together to establish a single Legal Service to provide legal services to the four constituent authorities and the wider public sector. The proposed single Legal Service builds on the good work of the Orbis business partnership between ESCC and SCC, which was formalised in April 2015. Plans have also been shaped by preliminary work between ESCC and SCC Legal Service teams to share knowledge and expertise.

1.2 It is proposed to establish a separate Legal Service under the Orbis umbrella which will be known and branded as 'Orbis Public Law' with a Vision to be:

A single, resilient, sustainable cost effective legal service with a public service ethos with an ability and ambition to grow

1.3 The objectives of the proposed single service will be to:

- enhance the quality of service to our current customers;
- increase resilience and flexibility;
- reduce the overall cost of the service through economies of scale;
- create a sustainable model with the ability to grow and develop;
- increase efficiency and reduce duplication;
- establish areas of excellence;
- increase staff development opportunities;
- recruit and retain staff more easily; and
- provide opportunities to generate more external income.

1.4 The single Legal Service will be created by combining the resources of all four Legal Service teams. This would give a set-up operational budget of £10.7m¹ and a total workforce of 232 staff including 130 solicitors. A practice on this scale would become a public service market leader and create a critical mass of expertise. Importantly, the single practice would be underpinned by a public service ethos with the ability to provide efficiencies to the constituent Councils and the wider public sector, thereby playing its part to help protect front line services.

1.5 This report considers the advantages and disadvantages of four different operating models and concludes that a Joint Committee for the single shared legal service is the preferred option. This will ensure all partners have equal control and participation. It also mirrors the wider Orbis proposals which some Members and officers are familiar with.

1.6 Alongside this, we propose developing and processing an application for Orbis Public Law Ltd as an Alternative Business Structure (ABS). The ABS would be a separate legal entity regulated by the Solicitors' Regulation Authority (SRA) which would provide a vehicle to trade more widely than existing regulatory powers allow and generate income to enable the single service to reduce reliance on budgets from the constituent Councils, ultimately reducing the cost of legal services they require.

1.7 This paper sets out the business case for a single Legal Service and includes:

- the reasons for proposing a single service;
- background information;
- the benefits for each partner authority;
- options for operating models;
- governance arrangements;
- design principles; and
- programme management.

1.8 This business case needs to be considered and approved by the Cabinets or relevant committees of each of the four constituent Councils. If approval is given to the broad principles, it is recommended that:

- a Joint Committee is set up for Orbis Public Law; and
- a) a business case is developed for Orbis Public Law Ltd as an ABS to work alongside the Joint Committee model.

¹ Excluding spend on external advocacy and specialist advice

2. Why are we doing this?

2.1 There is a compelling need for Councils to explore more radical options for delivering services. Options may include greater partnership working (with both the private and public sector), shared services and alternative business structures. Each of the four Council's legal teams face similar issues. Increasing financial challenges and fewer resources means that it is harder to provide a quality, and often specialised, legal service that Councils rely upon. Individually, each Council struggles to recruit and retain legal staff. This is a particular issue in key specialist areas, such as commercial areas of property and contracts.

2.2 There has been an increase in demand for legal support to enable our Councils to be more creative in facilitating procurement and contractual arrangements on the terms that are the most advantageous to each Council. This requires specialist knowledge and experience which is not always readily available in house, and has to be procured externally. This has cost implications for each Council and is frequently a budget pressure.

2.3 Legal Services have considerable experience of always generating income, however income strategies have not always been well developed. Income arises from a range of sources including s106 agreements, legal fees, third party charges for agreements, ad hoc advice arrangements to other public sector organisations and more formal arrangements. With greater pressures on budgets authorities legal services are looking at ways of maximising income to ease budget pressures. However, for a sole Council to generate income, on a material scale, without detriment to its in-house provision, would require significant investment in new capacity to be able to sell in the market.

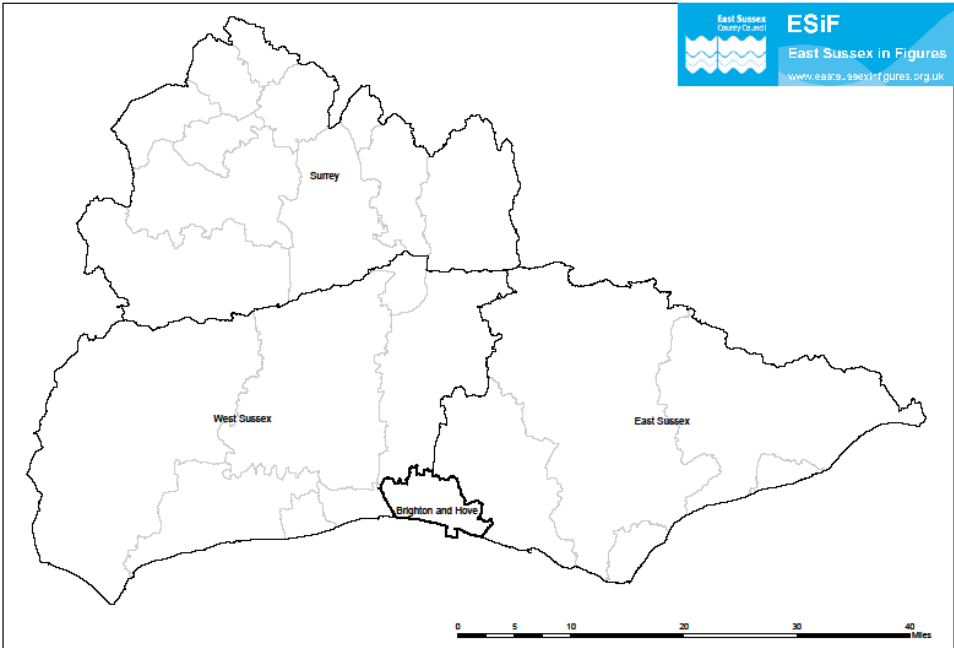
3. Background information

3.1 BHCC, ESCC, SCC and WSCC are all forward thinking and innovative Councils with a clear ambition to improve efficiency and deliver good quality, affordable services for all our residents. Each authority has a strong track record of delivering through partnership with others. The Orbis partnership between ESCC and SCC has already established an effective working relationship across transactional and professional business services. Orbis was formalised April 2015 and incorporates Human Resources and organisational development, Property Services, Technology and Information, Procurement, Finance and business operations. The partnership is governed by a Joint Committee. In December 2015, BHCC decided to become the third Orbis partner for all these services, subject to due diligence.

3.2 The Orbis partnership, and its expansion to include BHCC, provides a strong framework from which Orbis Public Law can benefit. There has always been a good relationship between the four legal teams. Closer working between ESCC and SCC over the last three years has led to a strengthening of the link between the two legal teams. Relationships have always been good with the BHCC legal team and its inclusion in the wider Orbis makes it a natural partner for Orbis Public law.

3.3 The addition of WSCC, as a fourth partner, is a further reasoned progression. ESCC, SCC and WSCC are three major partners in ‘the Three Southern Counties’ (3SC) devolution bid which was submitted to the Local Government Secretary in September 2015. The bid includes a strong commitment to build and develop opportunities for service transformation and this proposal contributes to the delivery of that ambition. This clear commitment to work together supports the inclusion of WSCC into a wider shared legal service model. Bringing WSCC in Orbis Public Law also makes sense geographically providing a significant area within South East England in which Orbis Public Law can serve the public through its Councils and potentially reach out for additional work (Figure 1). The range of public service partners that already work with the four local authorities will provide a core group of potential beneficiaries of a dedicated public sector legal service.

Figure 1 Extent of Orbis Public Law



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3.4 Legal Services currently form part of each organisation’s corporate governance structure. They have a key role in terms of service delivery: keeping vulnerable people safe, providing support to ensure the delivery of efficient and effective front line services and ensuring robust and appropriate corporate governance at a time of change and great challenge. The teams also deliver services to other public service organisations, including schools, the police and fire and rescue services.

3.5 Legal services manage a significant operational budget on behalf of each Council with a total operational budget of £10.7m per annum (excluding spend on external advocacy and specialist advice). As with all service areas within the four Councils, each Legal Services team has been challenged to reduce the costs of delivery; savings have already been taken by each Council from their 2015/16 budgets. The net budget to deliver core services has yet to be confirmed through a due diligence process; more work will be required in this area and to identify what the core service will look like.

Table 1 Legal Services indicative budgets 2016/17

For consistency, each authority's spend on advocacy and specialist advice has been excluded. The net revenue budget is net of external income only.

	Gross Revenue budget £	Net revenue budget £
BHCC	2,480,000	2,127,000
ESCC	1,983,000	1,602,000
SCC	3,558,000	3,231,000
WSCC	2,647,000	2,276,000
Total	10,668,000	9,236,000

Notes:

BHCC data is 2015/16 forecast outturn.

SCC – excludes Information Governance team

WSCC data based on 2016/17 staffing and 2015/16 June forecast report for non-staffing. The budget does not include year end adjustments such as for law library, case management systems etc. Staffing costs may be understated because some support is provided from a central Capital contract and the income figure of £370k may include income which does not relate to Legal Services.

3.6 In addition, the four authorities spend around £2m per annum on external legal advice. Legal Services hold the budget for this specialist support at the of the Councils.

3.7 Each Legal Services team has a broadly comparable structure of different practice areas including social care, litigation, property, employment, highways and planning. The teams are led by a Head of Service, Director or Chief Officer who fulfils the authority's Monitoring Officer role. The range of work carried out by each Legal Service team is similar although BHCC is also responsible for the full range of District and Borough functions. A full list is shown at Appendix 1.

3.8 In April 2016 the combined service will employ an estimated 232 staff at a total budgeted cost for 2016/17 of £9.9m (Table 2).

Table 2 Estimated staff numbers 1 April 2016 (fte) and 2016/17 full year cost

	Solicitors fte	Paralegals fte	Support staff fte	Total staff fte	Total estimated staff cost 2016/17 £
BHCC	30.9	8.9	5.0	44.8	2,178,000
ESCC	17.2	16.8	12.0	46.0	1,773,000
SCC	44.8	12.0	15.4	72.2	3,371,000
WSCC	37.6	24.6	8.0	69.2	2,561,000
Total	130.5	62.3	40.4	232.2	9,883,000

Notes:

Excludes Head of Service/Directors/Chief Officer

Paralegals: Legal Officers and Assistants: Support Staff: Practice Manager, admin assts and secretarial support
ESCC - budget includes £170k for agency staff
WSCC – additional support staff are supplied through the Council’s Capita contract (these are not included in the Table)

3.9 The four Legal Services teams currently generate around £1.5m in external income by providing services to other public sector organisations. The main areas are:

- Schools and academies²
- S106 agreement work
- Other local authorities and public bodies
- Trusts and minor authorities
- Grant lease and license fees
- Recovery of court costs
- Commercial projects

4. Benefits of a Single Service

4.1 Each of the four Councils recognises that a single service solution would provide an opportunity to address the main challenges they face. Establishing a single service across three County Councils and one unitary authority provides an opportunity to create a legal service collaboration on a significant scale with an ability to influence the public sector legal services market. Importantly the service will have a public sector ethos with the ability to provide efficiencies to the constituent councils and the wider public sector, thereby playing its part to help protect front line services.

4.2 The benefits of the proposed single service will be to:

a) Increase resilience and flexibility

A larger pool of staff will provide capacity to meet workflow demands across the four authorities. The shared service will benefit from a greater combined knowledge and an increased pool of specialists and will be better placed to respond to peaks and troughs in workload. Resources would be deployed in the optimal way, reducing the need to buy in more expensive external options whilst not compromising the quality and level of service currently enjoyed by the respective authorities.

b) Reduce the overall cost of legal support

The single service would aim to achieve a 10% reduction in costs over three years from 2016/17. This would be achieved by:

i. generating more external income

² Not all external

Increased capacity and expertise would provide opportunities to market and sell services to other public bodies. This would generate additional income and reduce the net cost of the single service.

ii. reducing external spend on advocacy and specialist advice

The development of practice areas, greater capacity and increased flexibility, will reduce dependency on external providers. A number of the partners have the same court catchment areas; increased cooperation will enable more in house coverage and a consequential reduction in spend on external counsel.

iii. Streamlining management and right-sizing the team

The larger single service will provide opportunities to restructure management roles and responsibilities, reduce staff through natural wastage and recruit new legal staff at a level appropriate to the skills required.

iv. Increasing efficiency and reducing duplication.

Costs will be further reduced through economies of scale. For example:

- the service will only require one law library and one case management system.
- training costs per head could be reduced through greater volume.
- the service would benefit from increased purchasing power.
- time would be saved by providing single advice on issues common to all the Councils.

c) Establish areas of excellence

Consistent demand across the Councils in specialist areas of practice, where demand from individual councils previously has been sporadic, will justify investment in training lawyers in those practice areas. This will:

- i. create centres of excellence;
- ii. broaden capacity;
- iii. reduce the need for external spend;
- iv. enhance the ability to provide a service to other public sector organisations; and
- v. provide opportunities for staff development.

d) Increase staff development opportunities

A bigger service will enable staff to gain expertise in a greater range of practice areas and with a larger range of customers. This will enable staff to develop and progress, ensuring better retention of ambitious and able people.

e) Recruit and retain staff more easily

A larger and more diverse client base, and the ability to undertake a greater range of work for a leading market player, will be attractive to candidates. The scale of the service mean there will be more opportunities for staff to develop and progress in their careers. Jointly, ESCC and SCC have already recruited four new trainees.

f) Create a sustainable model with the ability to grow and develop

Greater resilience, the creation of centres of excellence, the ability to invest and market presence will enable the provision of a comprehensive service to a range of public service organisations. Over time, the single service has potential to be a public service market leader.

5. Vision and ambition

5.1 Our vision is for:

A single, resilient, sustainable cost effective legal service with a public service ethos with an ability and ambition to grow

5.2 Our ambition is to:

- deliver a 10% saving over three years for each of the four constituent authorities;
- create a resilient, flexible single Legal Services with a critical mass of expertise; and
- provide a quality, cost effective service for our customers.

5.3 It is a fundamental premise that we will maintain the high standard of service that is currently provided to our own Councils. A shared service, on the scale proposed, will be well placed to provide a comprehensive, specialist and cost effective service to other public and third sector partners. This will give them greater resilience, provide them with additional expertise and reduce their cost of legal services while generating income for the shared service and reducing the net cost to the constituent Councils.

5.4 Our vision and ambition for the Service is underpinned by eight design principles:

- deliver against savings targets for constituent authorities
- integrate the service – one legal practice, multiple locations
- focus on enabling and adding value to the customer
- share knowledge and reduce duplication
- future proof the Partnership
- maximise organisational self-sufficiency and resilience
- develop and operate with a commercial mind-set
- exploit technology to improve performance and manage caseloads

6. The future for Legal Services

6.1 In order to create the way forward described in this plan, we have considered a range of potential options. These are described below.

a) Maintain current arrangement

This would mean retaining the current approach to the delivery of legal services in each of the four Councils. Some co-operation and sharing is already happening between ESCC and SCC and this would continue and grow across all partners. However, there are risks to resilience in each of the services and additional pressures already mean that locums or agency staff are being used, or work is being put out to external providers with consequent cost implications.

Each Legal Service has delivered its own savings and efficiency improvements over a period of years and it is increasingly difficult to find additional savings without potentially weakening the service. The ability to make efficiencies through economies of scale are limited. Services do not have spare capacity. To enable them to generate income, and with increasing pressure on budgets it is unlikely that the status quo can be maintained. Based on what has been achieved to date between ESCC and SCC, this option would not fully exploit the greater potential that four Councils have working together.

b) Outsource the service

Each Council could outsource its legal support to a commercial provider or (more likely) to a number of providers, possibly through a managed service contract. This would mean that Councils only pay for the service they need and there would be no built in staff costs. Additional benefits, and a better overall price, may be possible if all four Councils outsourced their legal services.

However, there is not a developed market of providers for the full range of services local authorities require and it is likely that multiple contracts would be needed. An EU procurement process would be required to demonstrate value for money and a reduced cost. Procurement would involve a substantial piece of work over a period of months, delaying any potential benefits and would be likely to involve a TUPE transfer of staff to a new provider(s). It is unlikely that external providers would agree a fixed price or fees because Legal Services are primarily demand led and both volumes and complexity are notoriously difficult to predict. Hourly rates are the preferred charging model for most legal service providers

Councils would need to retain a Monitoring Officer who would be the first call for advice and support, and the influence and support that in-house legal team provides to each authority should not under-estimated. This often extends well beyond purely legal advice, for example in terms of policy and softer decision making.

Previous tendering exercises across all participating Councils that have consistently demonstrated that the cost of external providers is greater than in-house provision. Outsourcing the service would not generate income which would help reduce costs further.

7. Options for a shared legal service

7.1 Local Authorities working together is a well established approach and will enable us to achieve efficiency gains whilst continuing to provide the high level of service that we currently deliver to our Councils and other partners. A shared service will achieve the Vision and objectives that have been set out earlier, and will result in an overall reduction in the cost of the service. This is the preferred model.

7.2 A number of structures could be used to deliver a shared legal service. Local authorities are able to discharge their functions through a committee, a sub-committee, an officer or by any other local authority (Part VI, Local Government Act 1972). A shared legal service could therefore be managed in the following ways:

Option 1 – Joint Committee model

7.3 Ss101 and 102 LGA 1972 set out the power for local authorities to delegate a function to a joint committee. S102 LGA 1972 allows two or more local authorities to appoint a joint committee:

- To discharge any function of the appointing authorities (s102(1)); and
- To advise on the discharge of any function of the appointing authorities (s102(4)).

7.4 The appointing authorities are free to determine the number of members of a joint committee, their term of office and the area within which the committee are to exercise their authority. The authorities can also include persons who are not members of the appointing authorities as co-opted members of the joint committee. The authorities can agree how the expenses of the joint committee will be accounted for.

Advantages of a Joint Committee model

- Joint Committees permit the authorities to retain member-level control over the arrangements, which may be attractive politically.
- Joint Committees are scheduled employers to the Local Government Pension Scheme, enabling staff to be ring fenced for pension purposes. This allows the partners to determine the actual cost of the arrangements and their respective contributions more accurately.
- The committee model of governance is familiar for local authorities.
- It is a relatively straightforward model to establish and non-threatening to staff as it does not involve a transfer of employment.

Disadvantages of Joint Committee model

- This model is potentially less scalable than other models as the constitution of the Joint Committee would potentially need to be reviewed with each new Partner.
- A Joint Committee has no corporate status and cannot hold property or enter into contracts. Any contracts will have to be entered into by one or more of the Partner authorities directly. The Joint Committee would need to make provision for sharing the benefit and burden of such contracts.
- As the Joint Committee cannot employ staff directly it can mean cultural change is slower to achieve.

Staffing issues in a Joint Committee model

7.5 Staff remain employed by their current employer in this model. New employees are employed by one of the Councils. Under s113 LGA 1972 the partner authorities can agree to make their staff available to the other authorities. Consultation with staff would be required prior to entering a s113 agreement. The due diligence exercise will determine the process for deciding which Council becomes the employer for new posts and posts shared with the partners.

7.6 In order to achieve integration, and to ensure that the benefits of being a shared service are realised, secondments could be considered, for example at manager level or for specific teams, to develop an integrated team and/or centres of excellence.

7.7 In this model there is no new employer or corporate structure to define the new service. This means the launch as a new service would require other strategies to achieve a cultural change and to practically run the services as a genuinely single shared service.

Current Solicitors' Regulation Authority (SRA) issues with a Joint Committee Model

7.8 Under a Joint Committee model, the authorities would be able to provide legal services to each other and to other public bodies. In respect of work undertaken for each other, procurement rules would not apply. 'Public bodies' are defined in the Local Authority Goods and Services Act 1970 and include many of the organisations the Councils would be interested in providing services to, such as Clinical Commissioning Groups (CCGs) and academies. Trading with these bodies under the Act can generate a profit.

7.9 Solicitors' Regulation Authority (SRA) Practice Rule 4.15 currently supports local authorities providing advice to such public bodies – it sets out that *'If you are employed in local government, you may act (a) for another organisation...to whom the employer is statutorily empowered to provide legal services.'* This is subject to a number of conditions set out at Rule 4.15 (b)-(g)). For example, in relation to charities, a requirement that the objects of the charity relate wholly or partly to the employers area.

7.10 However, in relation to other types of external work, the Legal Services Act 2007 and the SRA Practice Framework Rules prohibit in-house local authority solicitors from providing 'reserved legal activities' (broadly advocacy, litigation and conveyancing) to 'the public or a section of the public'. To the extent that the shared legal service wishes to provide 'reserved

legal activities' to 'the public or a section of the public', (there is currently a lack of clarity about what constitutes 'public') it must be authorised and regulated as a solicitors' practice. This can be achieved by providing the service through an Alternative Business Structure (see Option 4). Alternatively, a waiver could be sought to act for bodies that are currently excluded. This has been an uncertain and lengthy process to date. This would particularly effect our legal services' ability to provide legal support to Council services should they be outsourced.

7.11 The situation looks set to become yet more complex and more restrictive for in-house local authority legal teams. Recent changes may have the effect of limiting the work that can be undertaken by local authority legal teams for other public bodies to 'unreserved' legal work, which would exclude us from providing core services such as litigation, conveyancing and court advocacy.

Option 2 - Lead Authority Model

7.12 S101 (1) LGA 1972 allows a local authority to delegate the delivery of a function to another local authority. This would therefore enable the authorities to appoint a 'lead' to take responsibility for delivering the function on behalf of the other authorities. Each authority then commissions the service from the lead authority. An inter authority agreement/delegation agreement is required to govern the shared service.

Advantages of a Lead Authority Model

- This model provides clarity of direction for the new legal practice. One authority is responsible for the structure and establishment of the new service. The service is delivered and managed within the decision making framework of the lead authority. A clear, visible, change with clear leadership.

Disadvantages of a Lead Authority Model

- Procurement rules will apply if the model creates a commercial arrangement between the lead authority and the Councils to which it provides legal services.
- This model could be viewed as one authority taking control, or as a loss of control by other authorities which both staff and Members may be uncomfortable with.
- In this arrangement the balance of risk between the lead authority and its partner Councils would need to be evenly distributed and would require managing through a robust agreement, which itself would increase the risk of the arrangement being perceived as a commercial one.

Staffing issues in a Lead Authority Model

7.13 Staff would either TUPE to the lead authority or could be seconded. A formal consultation process would be required. Staff from the lead authority would then be made available to the other authorities under Section 113 LGA 1972, enabling all partner authorities to delegate decisions to them as if they were their own staff.

Current and future SRA issues with the Lead authority Model

7.14 The same SRA restrictions apply to this shared services model as to the Joint Committee Model.

Option 3 - Putting officers at the disposal of another authority

7.15 S113 of the Local Government Act 1972 enables the placing of staff of local authorities at the disposal of other local authorities. In order to utilise this option, an authority needs to enter into an agreement with another authority for the purpose of placing one or more of their staff at the disposal of the other for the purpose of carrying out their functions on such terms as the authorities may agree.

Advantages of a s113 only arrangement

- Such an arrangement would be simple and quick to implement.
- There would be minimum upheaval for staff.
- There would not be a need to delegate functions, which may be attractive to Members and reduces the risk carried by any one authority.

Disadvantages of a s113 only arrangement

- A risk arising from using this legal power is that it might damage the commitment on all sides to the shared service and restrict the opportunity for change and development that will be needed going forward. It would be challenging to achieve more than a very informal collaboration with this approach - for example passing work to each other when over-stretched, sharing training and office space.
- The SRA limitations would be the same as for the Joint Committee and Lead Authority Models – ie not able to pursue external work for the public or a section of the public and, possibly if the SRA rules change, not able to work for other public bodies.

Option 4 - Alternative Business Structures

7.16 Since the introduction of the Legal Services Act 2007 it has been possible for law firms to be owned by non-lawyers and non-legal businesses. These are known as 'Alternative Business Structures' or 'ABS' and must be licensed by the SRA.

7.17 An ABS is a limited company subject to normal company regulations. There is an additional requirement that they are regulated by the SRA to conduct legal business. The licensing procedure is designed to ensure that the owners of the ABS are fit and proper persons to own a legal business and that the procedures in place to fund the company mirror those of a

conventional legal practice, with the object of protecting clients and money. A local authority shared service ABS could be jointly owned by each of the constituent Councils but would need to comply with propriety controls set out by the SRA. The practice would have to be managed by fit and proper persons as defined and approved by the SRA.

7.18 One important feature of an ABS is the requirement to put in place full regulatory requirements which do not currently apply to in-house legal services. These regulatory requirements are likely to incur extra costs through the additional resourcing for compliance requirements and include:-

- Anti-money laundering rules and procedures;
- Holding client money - full compliance with the Solicitors' Accounts Rules including separate banking arrangements;
- Stricter conflict requirements;
- Broader insurance and indemnity;
- Requirement to appoint Compliance Officer for Legal Practice (COLP) and Compliance Officer for Finance and Administration (COFA); and
- Strict reporting and accountability arrangements to the regulator.

7.19 Prior to setting up an ABS the Councils would need to approve a business case and meet SRA requirements.

Staffing implications of an ABS model

7.20 An ABS can directly employ staff and, depending on how legal work is performed, may also include staff transferring under TUPE from the Councils. Another option is for some staff to transfer to the ABS whilst others remain employed by the Councils, but provide services to the ABS for which the ABS is charged. It is not proposed that the ABS will directly employ any staff but that the Councils make available professional and support staff to enable the ABS to perform the legal work it has been given.

Advantages of an ABS

- Although it is a form of outsourcing, the Councils would retain some control over the ABS.
- An ABS can provide a full range of legal services to an unlimited range of people and organisations – ie avoiding both the current and potential future SRA complications of the other shared service models. This may mean increased revenue income.
- An ABS would create a brand/identity in the market. This could attract business and make the ABS an attractive proposition for staff, assisting with recruitment and retention issues.
- A company structure limits risk away from the Council.

Disadvantages of an ABS

- The regulation requirements and need for marketing would result in additional costs, increasing process and reducing the viability of the service.
- There are increased set up costs and time required would be longer than other models, creating the potential for loss of momentum.
- A robust business case would need to demonstrate that the start-up, setup and running costs would be outweighed by increased income from a wider market.
- If the main rationale is to target public service third party work, the ABS would need to tender for that work and may need to tender for parent authority work where Teckal³ exemption does not apply. For this reason one option is to form an ABS only for the work undertaken on behalf of third parties, rather than for the Councils' work – retaining the rest in-house. This is the model that Essex CC has recently adopted.
- There is a tax/VAT liability which would not be incurred with other models. An ABS would pay corporation tax and be required to recover VAT in the way that other commercial organisations do.
- Time, financial investment and resources would be required for the set up with no guarantee that the SRA will grant a licence.

8. Preferred option

8.1 After considering advantages and disadvantages, the preferred option is:

- b) a Joint Committee model for the shared legal service; and
- c) development of the business case for Orbis Public Law Ltd as an ABS to work alongside the Joint Committee model.

8.2 The ABS will enable the shared service to work for anyone and appears to fit with the current thinking of the SRA.

9. Delivery principles

9.1 The development of Orbis Public Law will mean an ambitious programme of change to bring together four legal services in one single integrated service with a common culture, based on public service values underpinned by efficient, agile and modern business practices and

³ 'Teckal exemption' An exemption whereby an authority does not need to run a procurement procedure to give a contract to a legally separate but substantively 'in-house' provider.

thinking. Achieving this will not be without its challenges. This section sets out some key principles about how the single service will develop over time.

a) Leadership

Strong and clear leadership is key to the successful delivery of the single service. Given the involvement of four partners, a common sense of direction and purpose is vital. This can best be achieved through clearly defined project objectives and clarity of roles and responsibilities.

b) Culture

Each Council recognises the need for a change of culture in the way that services are delivered, how we work together and how we respond to the demands of our customers. Ongoing engagement with staff and customers will be required across the practice to develop a shared culture. We need to recognise the different systems and practices in place, learn from what works well and manage our clients' expectations.

c) An organic process

Bringing together four different practices into one will not be achieved overnight. We need to recognise that this is a journey which will involve good liaison and communication both with staff and customers. Different aspects of the service are likely to develop through incremental steps and at a different pace. This model is well illustrated in a 5Cs model. As an example, ESCC and SCC practice areas are already working at the cooperation stage, largely achieved through goodwill and the understanding that develops from getting to know each other.



d) Valuing our staff

A change programme on this scale can be unsettling and challenging for staff. We will keep staff informed through regular communication, value their input and support them through the process. A number of externally led Change Management sessions have already been held which many officers have attended. They have been well received, providing staff with an opportunity to think differently and meet colleagues from other partner authorities.

e) Monitoring Officers

Each of the four partner authorities currently has a lawyer as Monitoring Officer at Head of Service, Director or Chief Officer level. It is appropriate that these officers and the statutory Monitoring Officer role remain outside the partnership and play a key role in directing, commissioning and overseeing work from the single service.

f) Structure of the single service

A revised management and practice structure will be necessary to achieve efficiencies and economies of scale. Various models will be considered. It is proposed that a new management team will be appointed to oversee a service-wide restructuring; this will take place within the first year. It is likely that there will be salary pressures on key senior roles which may be operating across a larger single practice.

g) Practice leadership

The single service will demand a high standard of leadership. The senior management team will need to share the Vision and possess the right range of managerial, commercial, innovation, change management and people skills necessary to deliver the new service.

h) Conflicts of interest

Arrangements will need to be made to ensure that any conflict of interest between the partner authorities is identified and addressed appropriately. The nomination of a locality manager at each site may be appropriate to facilitate this. This may not be a dedicated post but a role attached to a manager.

i) Client demand management

There will need to be a cultural shift in how our customers (primarily Council services) target and access legal advice. This may require standardising instruction pro-formas and enabling our customers to undertake more work themselves and be less reliant on legal support.

j) Workflow

A workflow portal or system will be necessary to ensure that all requests for work from our customers are prioritised, allocated to the most appropriate officer and dealt with efficiently and in a timely manner.

k) Case Management platform

In order for workflow to be efficient, seamless and co-ordinated, it is vital that one case management system is in place and used in the same way by staff working at all locations. Norwel is being used by SCC, has just been introduced at ESCC and is to be procured by BHCC. This will be the default case management system.

l) Simplify, standardise, harmonise

In order to maximise efficiencies and work well as a new team, it is important to learn from each other, make best use of what works well to create a simple, standardised operating environment.

10. Financial benefits and implementation costs

10.1 Orbis Public Law will deliver benefits to the constituent Councils by combining resources to deliver economies of scale and build resilience. Spending on external resources can be reduced and additional capacity created, by removing duplication, streamlining management structures, making new appointments at an appropriate level for the work and from improving processes. The new single service will make financial savings whilst at the same time:

- investing in modern systems and working practices;
- building on our developing relationships and creating greater strength through partnering ; and
- retaining and developing our talented people.

10.2 The single service will be the mechanism to deliver and potentially exceed the existing target savings included within the Medium Term Financial Plan Savings of all four Councils. We estimate that the savings achievable from the proposed single service (through reducing costs and generating income) will be 10% of the combined net operational budget of the service. This means savings of around £920,000 per annum by year four (2019/20).

10.3 Achieving savings will require investment. Common technology and processes, such as Norwel (already in place at ESCC and SCC), will be needed to ensure seamless delivery of service. Some additional resource will be required to manage delivery of the programme, support organisational change and develop new ways of working; this will be met from existing budgets. Subject to the establishment of an ABS trading arm, investment will also be required to develop a service offering, market the service and spend time on networking.

11. Financial arrangements

11.1 The financial arrangements of the single service, such as decisions required in relation to the sharing of investment, cost apportionment and savings, will be based on the proportionate size of each founding partner. The 'operational budget' of the single service will be the combined gross revenue budget for the in-house legal service of each of the four constituent authorities at 1 April 2016.

11.2 The amount that each authority contributes at 1 April 2016 must be sufficient that, at the start of the single service, each constituent authority could reasonably deliver a Legal Service at the standard previously supplied to their Council. This means that any savings each authority can reasonably make prior to 1 April 2016, can be taken by that authority alone. Thereafter, any savings become savings of the single service and will be managed accordingly.

11.3 The activities of the single service will be responsive to each Council's strategies and priorities, and to structural changes, including those driven by legislative change. Therefore, the financial arrangements will recognise that the sharing of costs will be subject to similar

considerations. The single service will prepare and update the Operational Budget requirement on an annual basis, and seek approval from each council as part of the medium term planning process of each Council. The proportionate contribution from each partner may change over time in accordance with changes in priorities or in light of structural changes within each Council

11.4 The methodology used to determine the appropriate apportionment of costs between the four partners will be developed using the same principles as those used in the Orbis partnership. All parties recognise that this methodology will need to be fair and transparent, take into account changes in demand and will be underpinned by a proportionate level of management information to support the mechanism.

11.5 From 1 April 2016, the cost of investment and implementation will be shared in accordance with the cost-sharing methodology. We recognise that there may be exceptions to this principle, particularly if one party has already invested in technology which has delivered benefits and therefore savings have been recognised already in appropriate budgets.

11.6 The broad principles underpinning the financial arrangement have been agreed by the four partners; a proportionate balance between risk and reward and a transparent approach to the sharing of costs and investment required. The broad principles will be further developed in a more detailed business plan report which will also include practical arrangements and implications of the partnership, including the frequency of financial monitoring reporting to each Council and treatment of in-year variances.

12. Programme management

12.1 Over the coming months more work needs to be done to deliver our Vision. This work is being led by an Orbis Public Law Programme Board comprising the four Legal Services Head of Service/Directors/Chief officer with representatives from each authority. The Programme Board meets once a month and is responsible for:

- delivering the Vision and objectives of the shared service;
- ensuring that the programme is adequately resourced and managed; and
- that regular reports are made to each Council's Chief Executive.

12.2 A Programme Manager will report progress to the Board and highlight any concerns in terms of progress or resources against the timeline.

12.3 Six work streams have been set up to drive the necessary change.

Work stream	Focus on:
Governance and organisational structure	Developing a single service operating model Working with the Solicitors Regulatory Authority (SRA) framework Operational and management structure Constitution, terms of reference of the operating model Procurement issues - standardising Standing Orders HR/Employment issues
Staff	Communications Change Management Staff consultation Staff welfare
Work flow and customer perspective. Practice Management	Developing standardised working practices Communication and liaison with customers Aligning office manuals and practice procedures Case Management system (Norwel)
IT	System infrastructure and long term alignment of all systems
Finance	Budget alignment Principles of cost sharing and savings
Alternative Business Structure	Assessing the market for potential customers Preparation of ABS business case

13. Equality implications

13.1 At this point there are no identified equality implications in terms of establishing a single Legal Service. There may, however, be equality implications around whatever model is adopted for the service. We recognise that there may need to be a Pay and Workforce Strategy to underpin a proposed operating model. Equality and Diversity principles will be fed into the design of Orbis Public Law.

14. Risk Assessment

14.1 The Councils anticipate that the arrangements will remain in place on an indefinite basis. There is a risk therefore that there may be significant changes to each Council which impacts upon the services that are required to be delivered by a single service. Governance arrangements will need to recognise that this may be the case.

14.2 Establishing the partnership and implementing the organisational, process and technology changes required to deliver the Vision and achieve target savings may impact on the provision of services to each Council – both in terms of supporting ‘Business as Usual’ activities and providing strategic advisory support for wider transformational change within each Council.

The partnership will work with each Council to develop a high-level timetable of change to minimise any adverse impact.

14.3 It is important for all the partners to be on the same IT operating platform. There is a risk to the operational management of the shared service if this does not happen on a timely basis. In particular, SCC currently uses Lotus Notes for email and other functions but needs to be on a Microsoft product so that the case management system (which relies on email) can be used in the same way by all partners. We are working closely with the Orbis IT team to ensure this is prioritised.

14.4 Creating a partnership by simultaneously bringing together four Legal Services of this size is unprecedented. Working together on the scale proposed in the single service could mean there are conflicts of interest, or the practice could become unwieldy to manage. There need to be clarity about the finite size of the shared service and how practical it is to bring in additional partners, particularly in the short-term.

14.5 There is a risk that the partnership does not deliver the full extent of the savings set out in this business case. The four partner Councils recognise that the first year of operation will be a 'start-up' phase and that careful consideration will need to be given to growth.

14.6 The organisational, process and technology changes required, together with concerns about job security as changes to management are made, may have an adverse impact on staff morale and increase turnover. The single service partners will ensure that communication, consultation and engagement remain a priority for the programme. Staff will be involved in developing the organisational design which will help to emphasise that the single service will lead to enhanced opportunities for staff and a strengthening of internal skills.

Appendix 1 Orbis Public Law – Common work areas

Work Area	ESCC	SCC	BHCC	WSCC
<u>Litigation</u>				
Civil Claims against the Council and others (excluding Highways Claims)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Civil Claims (Highways)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Debt Collection	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Prosecutions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Miscellaneous Civil Litigation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judicial Review Claims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Employment</u>				
Employment Advice and Tribunals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Employment Advice to Members Appeals Panels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
TUPE and Pensions transfers for outsourced services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Education</u>				
SEND Tribunals and pre-tribunal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Miscellaneous Education Advice e.g. Exclusions, Transport, Admissions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Academy Conversions (Commercial Transfer Agreements)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Information</u>				
Information Governance Advice and representation at Information Tribunals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
LGO Advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Freedom of Information and Data Protection Advice and FOI decision reviews	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Planning</u>				
Planning Agreements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Miscellaneous County Planning Advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Determination of Village Green Claims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Registration of Common Land	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Enforcement Notices	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Listed Buildings & Conservation Area Advice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Assets of Community Value Advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Advice on Building Control	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attendance at Planning Committee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Highways and Environment</u>				
Highway Agreements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Highways Advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Flood and Drainage Advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rights of Way and Village Green Advice (but not determination of claims)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
General Environmental Advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic Orders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Property</u>				
Commercial Leases / Licences	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other leases including agricultural	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Freehold acquisitions and disposals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Compulsory Purchase	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Registration of Property Charges for Adult Social Care	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Property Transfer for Pension Fund	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Contracts and Procurement</u>				
Contracts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Procurement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Advise Member Advisory Procurement Board	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Advise to LEP as Accountable body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Children</u>				
Care Proceedings including pre-proceedings and advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
EPOs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Adoption Advice and Opposing Applications for Leave	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Miscellaneous advice e.g. care leavers, no recourse to public funds, disclosure and LA involvement in private law cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Adults</u>				
Adult Protection Advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court of Protection Proceedings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mental Health Advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ordinary Residence Claims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Major Commercial Projects</u>				
Development Agreements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Academy Conversions (Development Agreements, Design & Build Contracts, Land Assembly Issues)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Site Assemblies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Licencing</u>				
Licencing Advice /Appeals/Enforcement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(To include: Alcohol, gambling, Taxis, Sex Establishments)				
Highway Licencing Advice /Appeals/Enforcement (To include: A Boards, Tables & Chairs, hoardings, Skips, Scaffolding)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other				
Local Government Law e.g. Powers, Committees etc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Local Government Advice to include: Advice on Elections and support to the Returning Officer Constitution and Support to the Constitution Working Group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Standards-To include conduct of Investigations & Advice to Member Panels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Governance Advice (e.g. Whistle Blowing/Conflict of Interests)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HMO Advice /Appeals/Enforcement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Health Advice /Appeals/Enforcement (To include: Noise, Nuisance, smoking)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leasehold Enforcement (Managed Properties)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Advice on Pension Schemes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Management of Council's insurance and insurance broker services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Orbis Public Law Joint Committee Terms of Reference

Membership:

1. The Committee shall comprise of Members appointed by the constituent authorities, currently Brighton & Hove City Council, East Sussex County Council, Surrey County Council and West Sussex County Council (“the Councils”). Each authority shall appoint one Member to the Committee in accordance with its constitution.
2. Each Council’s Leader (or in the case of Brighton & Hove City Council, the Council) may appoint one substitute Member to attend meetings of the Joint Committee, should an appointed member of the Committee be unavailable or unable to attend a meeting of the Joint Committee. A substitute Member attending in the absence of an appointed member will have full voting rights.

Terms of Reference:

The Orbis Public Law Joint Committee will:

1. Oversee the delivery of the services delivered jointly through the Orbis Public Law partnership of the Councils (‘OPL’).
2. Recommend proposals to meet the annual budget for OPL, set by each of the Councils.
3. Approve the OPL Business Plan and performance measures.
4. Monitor the OPL Business Plan and performance of OPL.
5. Make recommendations to the constituent authorities regarding revisions to the Terms of Reference of the Orbis Public Law Joint Committee.

Meetings of the Committee:

The Orbis Public Law Joint Committee will meet on four occasions a year, unless a different number of meetings is determined by the Committee

Council

28 January 2016

Agenda Item 81

Brighton & Hove City Council

Subject:	Extract from the proceedings of the Housing & New Homes Committee meeting held on the 13th January 2016 – Overpayments on the Housing Repairs and Improvements Contract		
Date of Meeting:	28 January 2016		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Caroline DeMarco	Tel: 01273 291063
	e-mail:	caroline.demarco@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE***Action Required of the Council:***

To receive the item referred from the Housing & New Homes Committee for information:

Recommendation:

That Council note the report referred for information from the Committee.

BRIGHTON & HOVE CITY COUNCIL
HOUSING & NEW HOMES COMMITTEE

4.00pm 13 JANUARY 2016

FRIENDS MEETING HOUSE
SHIP STREET, BRIGHTON

MINUTES

Present: Councillors Meadows (Chair), Hill (Deputy Chair), Mears (Opposition Spokesperson), Gibson (Group Spokesperson), Atkinson, Deane, Miller, Penn, Simson and Wealls.

PART ONE

61 OVERPAYMENTS ON THE HOUSING REPAIRS AND IMPROVEMENT CONTRACT

- 61.1 The Committee considered a report of the Acting Director of Finance & Resources which was referred for information from the Audit & Standards Committee. The report was also referred for information to the Members Procurement Advisory Board on 18 January 2016. The report summarised the results of an internal audit review of overpayments identified by the council in respect of contracted housing repairs. It summarised the audit findings; the actions taken by the council to recover amounts owing and to prevent any further overpayments; and actions being taken by the contractor (Mears Ltd) who were working with the council to prevent further occurrences. David Miles (Mears CEO) and Lucas Critchley (Mears MD) attended the Committee to answer questions. The report was presented by the Head of Internal Audit.
- 61.2 The Head of Internal Audit informed members that the report referred to work carried out by a sub-contractor working on housing responsive repairs. Mears Ltd were responsible for overseeing the work. Following an audit of housing repairs in 2013/14, the Housing Contract Compliance Team enhanced its assurance processes by increasing the number of physical post-inspections and the way they were selected and carried out (with effect from February 2015). In May 2015 these inspections identified a potential over-charging issue by a responsive repairs sub-contractor. After initial investigation, the Housing Contract Compliance Team contacted Internal Audit with their concerns. Internal Audit, working jointly with quantity surveyors from the council's Housing Team, inspected 46 repairs completed by a single sub-contractor to identify the extent of any potential overcharging and to identify shortfalls in internal controls. Further inspections were made by Mears Ltd and council surveyors. Internal Audit estimate the potential overcharging was in the region of £300,000.

- 61.3 Internal Audit made a number of high priority recommendations as set out in paragraph 4.3 of the report. The sub-contractor had been dismissed from the contract and the council and Mears Ltd were working together to estimate and refund to the council the amounts overcharged for the work carried out by the subcontractor. The money had not yet been repaid.
- 61.4 Councillor Mears stated that when the Mears Ltd contract was let some years ago all checks and balances were in place. However, the GMB union had expressed concerns a while ago and had been reassured by the former Chief Executive that there were no problems with the contract. Tenants had also raised issues for some considerable time. Councillor Mears stated that there was a need for everything to be transparent and clear and stressed that gossip reflected badly on the council. It was important to consider that tenants were paying for the overpayments. Councillor Mears noted that the contractors had not been named and was concerned that £300,000 was not an amount which would trigger a police investigation. Councillor Mears considered that there had been no assurances about effective arrangements for sub-contractors and she was not reassured by the report. Councillor Mears stated that she would like to see an external audit of housing management so tenants could be confident that their money was being used correctly.
- 61.5 The Head of Internal Audit explained that although there had been strong evidence to show consistent overcharging had taken place, there had not been enough evidence to ensure that the police could secure a prosecution in court. Meanwhile, officers had taken legal advice not to name the contractor in order to protect the funds which belonged to residents. Naming the contractor could prejudice the outcome.
- 61.6 Councillor Atkinson stressed that the matter had been discovered by diligent council officers and he understood that Mears Ltd had been pro-active in checking other sub-contractors. Councillor Atkinson was uncomfortable with even 20% of work being sub-contracted. He supported the recommendations in the report and stressed that this situation should never be allowed to happen again.
- 61.7 The Internal Head of Audit noted members' comments and stated that he was keen to have a high standard of governance. When that did not happen it needed to be addressed.
- 61.8 David Miles, CEO Mears Ltd stated that all responsive repairs sub-contractors working on housing repairs would be audited for works over the 17 month period to which the internal audit mainly applied. The issue arose around application of 5 schedule of rates codes by the repairs sub-contractor in question. Around 20% of the annual Mears contract was responsive repairs of which only a proportion is carried out by sub-contractors. Each job was worth about £2000. The 5 schedule of rates codes charged for materials bought by the sub-contractor and not for what was fitted, as stated in the contract.
- 61.9 Councillor Wealls asked if Mears Ltd were paying the council compensation for the overpayments. This matter had taken up a great deal of officers' time. The Head of Property & Investment/Head of Housing Strategy explained that Mears Ltd was paying the council for an additional quantity surveying resource.

- 61.10 The Acting Executive Director, Environment, Development & Housing informed members that full costs would be recovered. This was confirmed by David Miles, Mears Ltd/CEO.
- 61.11 Councillor Miller expressed concern that the contractor had not been named. He felt that the case should be referred to the Crown Prosecution Service. Councillor Miller requested a workshop to look at the Mears contract. The Acting Executive Director, Environment, Development & Housing replied that he was happy to arrange a workshop for Housing & New Homes Committee members to look at this important issue.
- 61.12 Councillor Miller asked how officers knew whether the overpayments were not happening before the 17 month period examined. The Head of Internal Audit replied that officers needed to investigate the earlier period and that this was set out in the report. Meanwhile, the evidence the police required to take on the case was higher. There was a gap between the conclusion that overcharging was taking place and evidence to secure prosecution.
- 61.13 David Miles confirmed that although Mears were allowed to sub-contract works, the sub-contractors could not sub-contract work.
Lucas Critchley (Mears MD) informed the Committee that Mears had carried out additional post inspection work and had appointed a Quality Assurance Manager. The Mears Ltd business model was focused on direct delivery and moving forwards Mears aimed to deliver more of the repairs service in-house.
- 61.14 Councillor Gibson welcomed the suggestion to have a workshop for councillors. He stressed that it was vital that the matter was dealt with openly. He agreed with Councillor Mears' suggestion that the matter should be looked at by external audit. Councillor Gibson welcomed the fact that the overpayments would be reimbursed but stressed that the council had lost the interest they would have made on the money. He was concerned at a system whereby Mears checked their own sub-contractors. He felt this should be reviewed.
- 61.15 Councillor Mears asked if leaseholders had been overcharged. The Head of Property & Investment/Head of Housing Strategy explained that a very small element of the overpayment related to leaseholders and repairs to communal areas and that there would be a reimbursement to leaseholders for any overcharge.
- 61.16 The Chair stated that she was concerned to hear about the overpayments which had been happening throughout successive administrations. It was necessary to learn lessons and put in place new controls on the contract. She would ask for a report back to the Committee every six months to reassure members that robust processes were working. The Procurement Advisory Board would look at this matter in more detail. In the meanwhile, the Chair appreciated the work carried out to quickly deal with the issue.
- 61.17 **RESOLVED:-**
- (1) That the report and the committee's comments be noted.

- (2) That it is agreed that a report be presented to the Committee on a biannual basis, demonstrating that the council and Mears Ltd have robust processes are in place to avoid any further overpayments.

62 ITEMS REFERRED FOR FULL COUNCIL

- 62.1 **RESOLVED:** That the following item be referred to the next Council meeting on 28 January 2016.

Item 61 – Overpayments on the Housing Repairs and Improvement Contract (referred by Councillor Mears).

Subject: Overpayments on the Housing Repairs and Improvement Contract
Date of Meeting: 13 January 2016
Report of: Acting Executive Director Finance & Resources
Contact Officer: Name: **Graham Liddell** Tel: **29-1323**
E-mail: graham.liddell@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE***Action Required of the Housing Committee:***

To receive the item referred from the Audit & Standards Committee for information:

Recommendation:

That the report be noted.

Subject:	Overpayments on the housing repairs and improvement contract		
Date of Meeting:	12 January 2016		
Report of:	Acting Director of Finance & Resources		
Contact Officer:	Name:	Graham Liddell	Tel: 29-1323
	Email:	Graham.Liddell@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 This report summarises the results of an internal audit review of overpayments identified by the council in respect of contracted housing repairs. It summarises:
- the audit findings;
 - the actions taken by the council to recover amounts owing and to prevent any further overpayments;
 - actions being taken by the contractor (Mears Ltd) who are working with the council to prevent further occurrences.

2. RECOMMENDATIONS:

That the Audit & Standards Committee:

- 2.1 Note that the council's housing revenue account was over-charged by an amount estimated by audit at more than £300,000 over a 17 month period for work carried out by a sub-contractor working on the housing repairs and improvements contract.
- 2.2 Note that the council expects to recover the overpayments from the main contractor, Mears Ltd.
- 2.3 Note that the council is working positively with Mears Ltd to identify any other overpayments that may have been made and to prevent any overpayments in the future.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Mears Ltd provides a comprehensive responsive repairs, planned maintenance and major works service for council homes across the city under a 10-year contract. Around 20% of the annual contract is responsive repairs of which just under 30% (by number of jobs) is carried out by sub-contractors. In terms of value, the contract is expected to cost £27m in 2015/16. Approximately 4% of the annual cost relates to sub-contracted responsive repairs. Sub-contractors are also used extensively for planned and major works but these are subject to different payment, audit and sign off regimes.

- 3.2 Mears Ltd has contractual responsibility for undertaking post inspections of 10% of all completed works and the council's housing contract compliance team also carry out checks. Following an audit of housing repairs in 2013/14, the Housing Contract Compliance Team enhanced its assurance processes by increasing the number of physical post-inspections (with effect from February 2015). In May 2015 these inspections identified a potential over-charging issue by a sub-contractor. After initial investigation, the Housing Contract Compliance Team contacted Internal Audit with their concerns.
- 3.3 Internal audit, working jointly with quantity surveyors from the council's Housing team, inspected 46 repairs completed by a single sub-contractor to identify the extent of any potential overcharging and to identify shortfalls in internal controls.
- 3.4 Further inspections were then carried out by Mears Ltd and council surveyors.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The audit concluded that mechanisms put in place by Mears Ltd to identify overcharging were not operating as intended. There was significant evidence that a particular subcontractor had routinely overcharged Mears Ltd and that these costs had been passed onto the council. The audit concluded that the housing revenue account had been overcharged and estimated that the overcharge was in excess of £300,000 for the 17 month period examined.
- 4.2 The contractual mechanism allows for review of valuations after submission. This takes place on a monthly basis as a matter of course. In this case, however, the overcharging was not identified at the time and so would need to be addressed by correcting historical valuations.
- 4.3 The audit made a series of high priority recommendations to:
- stop the sub-contractor from working on council contracts;
 - identify and recover all overpayments made by the council to Mears Ltd;
 - improve controls by Mears Ltd over the work carried out by sub-contractors;
 - strengthen the scrutiny of the work carried out under the contract by the council.
- 4.4 Officers have agreed to implement all audit recommendations by the end of December 2015. They have also met with senior managers at Mears Ltd who have responded positively.
- The sub-contractor has been dismissed from the contract.
 - The council and Mears are working together to:
 - estimate and refund to the council the amounts overcharged for work carried out by the subcontractor for the 17 month period examined and since the subcontractor was first engaged in 2011/12;

- review amounts charged by other sub-contractors to assess whether there are any other potential instances of over charging;
- improve the arrangements put in place by Mears to prevent further instances of overcharging. This includes:
 - § reducing the amount of sub-contracted work with more direct delivery through a Minor Works Team;
 - § implementing cultural change, ensuring the lessons learned from this case are disseminated into practice;
 - § a new management and staffing structure (including the appointment of a new quality assurance manager);
 - § redesigning post-inspection processes;
 - § introducing a new protocol for the information, records and photographs to be made available for the council to inspect.
- revisit the contract to consider providing funds to enable the council to increase the extent of its quality assurance processes.
- Mears Ltd has provided regular updates on the progress it has made to gain assurance that these issues are isolated to a single contractor and that processes and procedures have been strengthened to prevent any reoccurrence.

4.5 The housing repair and improvements partnership with Mears Ltd is a critical part of the housing service provided to council tenants. Internal audit will continue to work with housing officers to:

- monitor implementation of audit recommendations arising from this report;
- review other aspects of the contract, with a particular focus on assurance processes, and make recommendations for improvement where appropriate.

4.6 We will carry out a follow up audit in 2016/17.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 None.

6. CONCLUSION

6.1 The council's Housing Revenue Account was over-charged for work carried out by a sub-contractor by an amount estimated at more than £300,000 over a 17 month period. The council expects to recover these overpayments from its main contractor, Mears Ltd, and is working positively with Mears Ltd to:

- identify any other potential overpayments that may have been made;
- prevent any overpayments in the future.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The housing repairs and improvement contract was procured to deliver significant efficiency savings and at the time of procurement it was evidenced that the new contract would provide:
- the greatest level of discounts to the schedule of rates used for responsive repair works compared to other tenders;
 - cost efficiencies in the agreed schedule of rates for capital works. In addition capital works and any other works outside of the agreed schedule of rates are competitively tendered with a minimum of three suppliers.
- 7.2 The estimated overpayments of over £300,000 relate to expenditure within the Housing Revenue Account (HRA). These overpayments will be recovered from the main contractor and are ring-fenced for reinvestment within the HRA. Any further overpayments that may be uncovered through the investigation are also expected to be recovered.
- 7.3 A small element of this overpayment estimated at between £3,000 to £5,000 over the 17 month period related to leaseholders. This will have been included in leaseholder service charges and therefore a reimbursement for any overcharge will be included in next year's service charge statement.

Finance Officer Consulted: James Hengeveld

Date: 18/12/15

Legal Implications:

- 7.4 The measures outlined in the Audit report and agreed by officers will ensure that all monies due to the Council are recovered and that the Council is protected from similar overcharging in the future.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 15/12/15

Equalities Implications:

- 7.5 None

Sustainability Implications:

- 7.6 None

Any Other Significant Implications:

- 7.7 None.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms:

None

Background Documents:

None

**NOTICE OF MOTION
LABOUR AND CO-OPERATIVE GROUP**

FAIR TRADE

“This Council:

Welcomes the City’s renewal in December 2015 of its Fairtrade City status - first awarded in 2004.

Congratulates the work of the Fairtrade Steering Group over the past years in promoting fair trade to businesses, buyers and consumers and building a partnership which includes Brighton University (the flagship employer), local fair trade retailers and business owners, the Brighton and Hove Food Partnership, faith groups, schools, Councillor representatives on the steering group and Council staff.

Endorses the help being given to the Steering Group by the Economic Development team to promote fair trade to local businesses.

This Council resolves:

To support Fairtrade Fortnight 29th February to 13th March and encourage its suppliers, partners and staff to celebrate the event, which is themed “Sit down for breakfast, stand up for farmers”.

To request that Officers draw attention to the educational benefits of fair trade and raise awareness of Fairtrade Fortnight by highlighting it in the Schools Bulletin and suggesting ways in which schools might participate.

To request the Policy & Resources Committee to maintain the Council’s commitment to fair trade as part of the Minimum Buying Standards for food and catering contracts, and to look for opportunities to increase its commitment to buying fair trade as much as current budget constraints allow.

Proposed by: Councillor Hill

Seconded by: Councillor Horan

Supported by: Councillors Allen, Atkinson, Barford, Barradell, Bewick, Cattell, Chapman, Daniel, Gilbey, Hamilton, Inkpin-Leissner, Marsh, Meadows, Mitchell, Moonan, Morgan, Morris, O’Quinn, Penn, Robins, Yates.

Supporting information:

Brighton and Hove’s commitment to fair trade fits with the city’s high levels of interest in ethical business. Fair trade is a sustainable way of trading internationally by giving producers the financial security they need to plan their lives, educate their children and invest properly in their businesses. This in turn gives them resilience and stability, improving global security and in the long term reducing the need for migration.

**NOTICE OF MOTION
GREEN GROUP****IMMIGRATION BILL**

This council:

- Notes the Immigration Bill before Parliament, and notes that this bill:
 - lacks a credible evidence base with measures in the Immigration Act 2014, which will be extended, yet to be fully evaluated.
 - threatens the rights and welfare of immigrants and British Citizens, increasing discrimination, racism and undermining community cohesion.
 - could cost Local Authorities £32 million over 10 years in supporting families, and substantial unspecified sums in undertaking statutory assessments, and could lead to breaches of the 1989 Children Act.
- Requests the Chief Executive write to the Home Secretary urging a deferral or a redrafting of the Bill in order to:
 - Ensure that the costs to Local Authorities are fully covered and the legal risks to Local Authorities are entirely removed
 - Remove the provisions in the Bill that prevent local authorities providing support to specific groups of young people
 - Ensure that those whose leave is curtailed or revoked will have an effective right of appeal or administrative review
 - Remove the provisions that prevent destitute refused asylum seeking families from accessing support
 - Remove the right to rent policy
 - Allow asylum seekers to work if an initial decision has not been taken on their application within six months
 - End the policy of indefinite detention for immigrants and asylum seekers

Proposed by: Cllr. Littman

Seconded by: Cllr. Phillips

Supported by: Cllrs. Deane, Druitt, Gibson, Greenbaum, Knight, Mac Cafferty, Page, Sykes and West.

Supporting information:

The Joint Council for the Welfare of Immigrants' evaluation of the Right to Rent scheme found that legitimate UK residents would face discrimination, with over 25% of landlords less likely to rent to someone with a foreign name or accent.

The Equalities and Human Rights Commission has expressed concerns that denying support to failed asylum seekers is likely to lead to destitution and may cause inhuman and degrading treatment, in breach of Article 3 of the ECHR.

The Immigration Law Practitioners' Association has expressed concerns that the bill runs counter to local authorities' established duties under the Children Act 1989.

**NOTICE OF MOTION
GREEN GROUP****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.

Proposed by: Councillor Sykes Seconded by: Councillor Mac Cafferty

Supported by: Councillors Deane, Druitt, Gibson, Greenbaum, Knight,
Littman, Page, Phillips and West.

