



**Brighton & Hove
City Council**

BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 19 JULY 2018

COUNCIL CHAMBER - HOVE TOWN HALL

AGENDA



**Brighton & Hove
City Council**

Council Meeting

Title:	Council
Date:	19 July 2018
Time:	4.30pm
Venue	Council Chamber - Hove 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 Reverend Helen Rose
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

11 DECLARATIONS OF INTERESTS

- (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 Monitoring Officer or Democratic Services Officer preferably before the meeting.

12 MINUTES

13 - 66

To approve as a correct record the minutes of:

- (a) the last Council meeting held on the 19th April, 2018 (copy attached), and
- (b) the Annual Council meeting held on the 17th May, 2018 (copy attached).

Contact Officer: Mark Wall

Tel: 01273 291006

13 MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

14 TO RECEIVE PETITIONS AND E-PETITIONS.

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

Contact Officer: Mark Wall

Tel: 01273 291006

15 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on the 13th July 2018 will be circulated separately as part of an addendum at the meeting.

Contact Officer: Mark Wall

Tel: 01273 291006

COUNCIL

16 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of 12noon on the 13th July 2018 will be circulated separately as part of an addendum at the meeting.

Contact Officer: Mark Wall, Greg Weaver

Tel: 01273 291006,
Tel: 01273 291214

17 PETITIONS FOR COUNCIL DEBATE

67 - 76

Petitions to be debated at Council. Reports of the Executive Lead Officer for Strategy, Governance & Law (copies attached).

- (i) **Improve Brighton & Hove's Recycling Scheme.** Lead petitioner Tea Menghetti.
- (ii) **Regency Square & i360.** Lead petitioner Neil Rosborough.
- (iii) **Implement a Policy for the Distribution of Free Sanitary Products to Schools to Counter Period Poverty.** Lead petitioner Samantha Whittaker.

Contact Officer: Mark Wall

Tel: 01273 291006

18 CALL OVER FOR REPORTS OF COMMITTEES.

- (a) Call over (items 21 & 22) 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.

19 WRITTEN QUESTIONS FROM COUNCILLORS.

77 - 80

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

20 ORAL QUESTIONS FROM COUNCILLORS

81 - 82

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

COUNCIL

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.

REPORTS FOR DECISION

21 REVIEW OF THE CONSTITUTION

83 - 118

Extract from the proceedings of the Policy, Resources & Growth Committee meeting held on the 12th July, 2018 (to be circulated); together with the report of the Executive Lead Officer for Strategy, Governance & Law (copy attached).

Contact Officer: Elizabeth Culbert

Tel: 01273 291515

Wards Affected All Wards

REPORTS REFERRED FOR INFORMATION

22 INDEPENDENT REVIEW OF EXISTING PARTNERING CONTRACT FOR HOUSING REPAIRS, MAINTENANCE, PLANNED AND MAJOR WORKS

119 - 166

Extract from the proceedings of the Housing & New Homes Committee meeting held on the 13th June, 2018; together with a report of the Executive Director for Neighbourhoods, Communities & Housing (copies attached).

Contact Officer: Caroline De Marco

Tel: 01273 291063

Wards Affected All Wards

NOTICES OF MOTION

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

167 - 180

- (1) **Post Adoption Support and Interagency Adoption Fees.** Joint motion on behalf of the Conservative, Labour & Co-operative & Green Groups. Proposed by Councillor Wealls (copy attached).
- (2) **Unpaid Trial Shifts.** Proposed by Councillor Platts on behalf of the Labour & Co-operative Group (copy attached).
- (3) **Charter Against Modern Slavery.** Proposed by Councillor Cattell on behalf of the Labour & Co-operative Group (copy attached).
- (4) **City Clean.** Proposed by Councillor Wares on behalf of the Conservative Group (copy attached).

COUNCIL

- (5) **Preston Park Station.** Proposed by Councillor G. Theobald on behalf of the Conservative Group (copy attached).
- (6) **Truly Affordable Housing at the Brighton General Site.** Proposed by Councillor Drutt on behalf of the Green Group (copy attached).
- (7) **Sussex IFCA: Inshore Trawling and Fishing.** Proposed by Councillor Sykes on behalf of the Green Group (copy attached).

24 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).

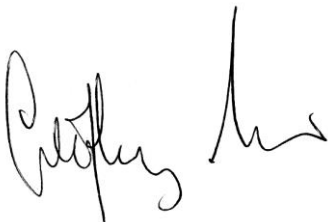
Note:

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

Date of Publication - Wednesday, 11 July 2018



Chief Executive
Hove Town Hall
Norton Road
Hove
BN3 3BQ

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

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Mayor will confirm if all or part of the meeting is being filmed.

COUNCIL

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. 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

The public gallery to the council chamber – which is on the second floor – is limited in size but does have 3 spaces designated for wheelchair users. There is a lift to the second floor and an automatic door and ramped access to the public gallery. There is a wheelchair accessible WC close by. The seated spaces available in the gallery can be used by disabled people who are not wheelchair users, but able to use bench style seating.

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

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- 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.

**BRIGHTON & HOVE CITY COUNCIL
PROCEDURAL RULES AIDE MEMOIRE**

Point of Order	A Member claiming to speak on a point of order or in personal explanation shall be entitled to be heard forthwith. The point of order shall relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and the way in which the Member raising it considers that it has been broken.	P.R. 15.10
	The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.	P.R. 15.11
Extensions of Speaking Times	Any extension of time for speeches consented to by the Council shall be limited to 5 minutes. Where necessary the Mayor will call for a show of hands to ensure there is a majority in favour of the extension.	P.R. 16.4
End of meeting Closure Motion	Without prejudice to 17.2 below, when a period of four hours excluding adjournments has elapsed since the commencement of a meeting of the Council, the Mayor shall move, without comment, that the meeting ends and that business be concluded in accordance with Procedure Rule 17.5. Should the closure motion be carried, the Mayor will put any unfinished business to the vote without discussion. Any Member moving a report or a Notice of Motion may withdraw the report or Notice of Motion.	P.R. 17.1
	If the motion under 17.1 or 17.2 is passed then immediately after the vote (in the case of a motion under 17.1) or when the time specified in the motion arrives (in the case of a motion under 17.2): <ul style="list-style-type: none"> (a) no further points of order shall be raised except by the Mayor; (b) the Mayor shall then interrupt the discussion of the question then before the meeting; (c) unless the mover of the motion then under discussion seeks leave to withdraw that motion, the Mayor shall allow him/her to reply to the debate for not more than three minutes; (d) unless the motion then under discussion is withdrawn, the Mayor shall put, without further discussion, all the questions necessary to dispose of that motion; (e) the Mayor shall put, without discussion, all the questions necessary to complete consideration of any reports which remain on the agenda for the meeting, unless the relevant Cabinet Member or Committee Chair (or a person on his/her behalf) indicates a wish to the contrary; (f) the Mayor shall call each Member who has given notice of a motion to be moved at the meeting to move (unless previously withdrawn) without comment, shall permit any motions so moved to be seconded without comment, and shall forthwith put any motions to the vote; (g) finally, the Mayor shall close the meeting. 	P.R. 17.5
	At a time when a period of not less than four hours excluding adjournments has elapsed since the commencement of the meeting of the Council a Member of the Council may move, without comment, that the meeting shall end at a time to be specified in the motion.	P.R. 17.2
	Subject to the Mayor's discretion to refuse a Member's closure motion under PR17.2 (Mayor may refuse to accept the motion if a similar motion has been rejected earlier in the same meeting), any Member has the right to move a closure motion under Council Procedure Rule 17.2	P.R. 17.3
Quorum	¼ of whole number of Councillors (14).	P.R. 6.1

COUNCIL

Interpretation of Procedural Rules	The ruling of the Mayor or person presiding at the meeting as to the construction or application of any of these Procedure Rules shall not be challenged at any meeting.	P.R. 1.4
Cameras / Recording	Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or the power to deal with other misbehaviour or interference with proceedings at a meetings, any person shall be permitted to film, video or photograph the proceedings at Council meetings except for that part of the meeting where the public are excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 (as amended).	P.R. 29.1
Councillor Written Questions	Written questions can be submitted in accordance with the set deadlines and will be taken as read along with the answer given in the addendum papers which are circulated at the meeting.	P.R. 9.3 P.R. 9.5
Councillor Oral Questions	A period of not more than 30 minutes shall be allowed for oral questions from Members. Oral questions are limited to general policy matters and only the Member asking the question may ask one supplementary question. Members will be restricted to one oral question per meeting.	P.R. 9.7 P.R 9.14
Timing of speeches	Councillor moving proceedings or Motion 5 minutes. A Member moving an amendment is not moving a motion and therefore has 3 minutes as do all other speakers.	P.R. 16.4
Right to Reply	3 minutes to mover of proceedings or Motion at the end of the debate prior to the vote. The mover of an amendment shall have no right of reply to the debate on the amendment.	P.R. 16.6
Amendment of proceedings or Motions	More than one amendment may be moved and discussed at any one time and will be dealt with at the discretion of the Mayor or Chair. If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.	P.R. 15.5
Notices of Motion	Councillor moving Notice of Motion has right to reply at close of debate. If amendment moved, mover of original Motion also has right to reply at close of debate on amendment. Councillor moving an amendment has no right of reply.	P.R. 16.6
Seconding Motions or Amendments	When seconding a motion or amendment, a Member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.	P.R. 15.3
Recorded vote	Support of not less than 1/5 of whole number of Councillors needed (11). Voting may be by roll call or by an electronic method.	P.R. 27.3
Rescinding decision within 6 months	Not permitted unless recommended by a Committee or Sub-Committee or Notice given by ¼ of whole number of Council Members, i.e. a quorum (14).	P.R. 13.7
Question be now put	Straight majority vote.	P.R. 13.1 (f)

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 19 APRIL 2018****COUNCIL CHAMBER - BRIGHTON TOWN HALL****MINUTES**

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

PART ONE**81 DECLARATIONS OF INTEREST**

- 81.1 Councillor Nemeth declared a personal but not prejudicial interest in Item 94(4) Notice of Motion on Hove Library Planning Application, as his daughter attended the nursery that was associated with the planning application.
- 81.2 Councillor Platts declared personal and non-prejudicial interest in Item 94(3), Notice of Motion on Women Against State Pension Injustice (WASPI) Campaign as she ran a publicity company that had been involved with the campaign organisers;
- 81.3 Councillor Bell also declared a non-prejudicial interest in Item 94(3) as his partner was a co-signee to an amendment to the Bill concerning WASPI;
- 81.4 Councillors Janio and Druitt declared a personal and non-prejudicial interest in Item 96(6), Notice of Motion regarding Commercial Recycling for Small Businesses on the basis that Councillor Janio's partner was a small trader and Councillor Druitt ran a small business in the city;
- 81.5 No other declarations of interests in matters appearing on the agenda were made.

82 MINUTES

- 82.1 The minutes of (a) the Special meeting held on the 1st February, 2018, (b) the last Ordinary meeting held on the 1st February, 2018, and (c) the Budget meeting held on the

22nd February, 2018 were approved and signed by the Mayor as a correct record of the proceedings.

83 MAYOR'S COMMUNICATIONS.

- 83.1 The Mayor stated that she wished to give her congratulations to the winning team of council staff, which recently represented Brighton & Hove in the Local Authority Challenge. The team spent the day as the management team of a fictional local authority, encountering many of the tasks that a real corporate team would deal with. They had to work as a team, with neighbouring councils and with partner organisations to deliver a new strategy for the council. The Mayor then invited the staff who made up the team come up to accept their awards along with Councillor Morgan.
- 83.2 The Mayor stated that she would like to encourage all councillors to take part in the forthcoming 'Blue and White Day' on the 27th April to show support for Albion in the Community. People were encouraged to post photos or videos of themselves in blue and white on social media. Lots of businesses and schools from around the city would be taking part and posting images of themselves and it would be fantastic to have some of the councillors involved.

84 TO RECEIVE PETITIONS AND E-PETITIONS.

- 84.1 The Mayor invited the submission of petitions from councillors and members of the public. He 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.
- 84.2 Councillor Wealls presented a petition signed by 209 residents concerning Hove Library.
- 84.3 The Mayor noted that a further petition concerning parking in Vale Park had been notified but the petitioner was not present.

85 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 85.1 The Mayor reported that 7 written questions had been received from members of the public and invited Mr. Hawtree to come forward and address the council.
- 85.2 Mr. Hawtree thanked the Mayor and asked the following question; "Would Councillor Daniel please tell us why the cross-Party working group for Hove's Carnegie Library was not told that proposals for basement use would entail further loss of public space on the ground floor?"
- 85.3 Councillor Daniel replied; "The overall changes to Hove Library were on the agenda of the Members Cross Party Working Group for some time, including the one held in October 2017. There was a general discussion on this issue but, it is true that the detailed plans were not presented at this meeting as they were not ready at that point. There was however a general agreement from that Working Party that works should be progressed as quickly as possible in order not to lose the local nursery provision, who wanted to move in as soon as possible.

The alteration to create staff space became evident as plans developed, subsequently the detailed plans, which have now received planning consent, went out for a 28 day public consultation. Normally its 21 but because it crossed the Christmas break officers added time to that consultation period and then those plans were taken to the next Hove Library Members Working Group on 12th March. Obviously papers were circulated to those Members a week before as I understand it and Members discussed these proposals and asked questions. I would also point out that we all receive these applications in our emails as a matter of course; however I do agree that it would have been ideal to flag this application to the Working Group in case they missed it in their general email inbox. The discussions at the last working party meeting did cover that the fact that there were some comments on the plans during that public consultation and particularly what was discussed was the loss of shelving space on the ground floor and this has been confirmed that there will be no loss of shelving space, it will be re-provided making use of walls that are not currently being used for shelving so I would like to reassure you on that point. As the applicant of course, if at this point in March the Working Group Members had raised concerns about this work on the ground floor we would be able to report it as it is our project and check in on those concerns. Just because a planning consent is given that actually does not mean we have to use it immediately. At this point though it seemed that Members were happy with the progress and the explanation around the shelving space and obviously now I understand that things appear to have changed and I will be meeting with the Working Group next week to re-visit this conversation and to evaluate the implications for the budget and plans of any delays that are caused. I hope that this is helpful.

- 85.4 Mr. Hawtree asked the following supplementary question; “As we have seen from the petition and the Notice of Motion months later they feel as though they have been traduced and as such will Councillor Daniel now assure us that steps towards disciplinary measures will be brought to bear upon the Head of Libraries who put in this application whose previous post here was Head of Security at the Pavilion.
- 85.5 Councillor Daniel replied; “I believe it is inappropriate for me to reply that as I would legally not be allowed to answer.”
- 85.6 The Mayor thanked Mr. Hawtree for attending the meeting and his questions and invited Ms. Paynter to come forward and address the council
- 85.7 Ms. Paynter thanked the Mayor and asked the following question; “Can you explain, please, the motive and reasoning behind the Planning Department's unusual decision not to provide any neighbour consultee lettering whatsoever for either BH2017/03940 or BH2018/00469 - the 2 currently controversial planning applications intended to alter Hove's Grade 2 Listed Carnegie Library both physically and functionally?”
- 85.8 Councillor Cattell replied, “I would like to start by correcting your contention that the instances you cite are unusual. It is in fact a long established practice in Brighton & Hove Planning that adjoining neighbours are not consulted on listed building applications. This is not to say that those applications are not properly or publically advertised. They are correctly advertised in accordance with planning and listed building legislation. This involves site notices displayed on and near the site in some cases there will be more than one notice depending on the complexity and where the site is. There is also a press notice which goes in the local press which in our case is

the Brighton & Hove Independent. If you look at the planning register on the council's website you can look at any application with listed building consent and just click on the consultations tab you will see that there are no neighbour consultations. I actually looked back at about three years' worth the other day just to make sure. If however the works proposed on a listed building application involve an operation that also requires planning permission that is when the neighbour consultations are sent out.

Turning to the more recent application for this listed building consent, this is the (BH2018/00469) this has been submitted by Hove Village Day Nursery Limited. They are the prospective occupants of the basement, this proposal does actually require a planning application and now one has been submitted, the reference is (BH2018/01123) and it has been registered. The neighbour letters will be going out tomorrow. I checked with the case officer earlier today and I can confirm that neighbouring properties which will be potentially affected by the proposed works have been included. Once the application is showing as 'under consideration' on the planning website you will be able to see for yourself. Again if you just click on the button that says consultations and you can see who has been consulted. Finally you mention that proposed works under consideration will alter the function of the library. However, in planning terms the uses of the library and the uses of the nursery both fall under class D1 of the Planning Use Classes Order, therefore an application for change of use is not required in this case."

- 85.9 Ms. Paynter asked the following supplementary question; "Can you say please why the practice of providing neighbour consultation and consultee letters for listed applications was abolished and perhaps you could say when."
- 85.10 Councillor Cattell replied; "2004 is a long time ago I don't know when the procedure changed, but I can assure you that it is the case now, that we don't send out letters for any works for listed building consent. Look at the planning application for Kings House, there will be no neighbour letters. I honestly don't know why there wasn't a planning application to go with the one you quoted from 2004 but, I am sure, this will be resolved once the Head of Planning has recalled the file from Newhaven, where we keep the paper records. There was a time when we didn't actually put all the paperwork on the website, that only started fairly recently. In fact it has only been under this administration that all paperwork to do with all planning applications and other applications has actually gone on the site so I can answer some of the question but not all of it. I will defer to the Head of Planning when she comes back to you to make those explanations."
- 85.11 The Mayor thanked Ms. Paynter for attending the meeting and her questions, and invited Ms. Wilcock to come forward and address the council.
- 85.12 Ms. Wilcock thanked the Mayor and asked the following question; "What factors does the Council take into account when determining a planning application submission date for its own land or property?"
- 85.13 Councillor Cattell replied, "When considering when to submit a planning application for its own land or property the Council will consider the programme or timetable relating to the specific project for which planning permission is required. Projects would normally have a business case or project plan with the timing of submission of the planning application forming one of the milestones of the project plan."

In determining a planning application date? I'll be honest I don't know because there are a lot of factors that will be determining that, and sometimes if there is a project, then they will work back from the dates of which they expect the project to happen, everybody does that. I was a planning consultant and that is exactly what I used to advise my clients, you work back from a certain date. So I always make sure to add a little bit on, because you can never tell when a planning application will possibly end up at a planning committee. You can't say for sure whether an application will go to committee or whether it won't, there are so many different factors to determine. All major applications, that is applications with ten or more housing units or I think it is 10,000sq m of floor space (it is a long time since I have been in practise) that go to committee and most minor ones, they will come to committee if they hit certain criteria which is laid out in our Scheme of Delegation. When it comes to a business case the council will build in a bit of float to see when it is best to submit that application."

- 85.14 Ms. Wilcock asked the following supplementary question, "There is always a fear that potentially controversial planning applications will be tactically timed for important holiday periods, for example, the December through to the New Year. Thus, to reduce the likely involvement by the public. So, to what extent is this council committed to ensuring maximum democratic involvement when it comes to valued public buildings such as Hove's Carnegie Library?"
- 85.15 Councillor Cattell replied, "I think there is always this thrown at planning departments, that it was deliberately submitted in December, in August, just before Easter. There is never a right time to submit a planning application for somebody. As Councillor Daniel said in her responses earlier, every Member in this Chamber receives in their inboxes every week a weekly list of planning applications, so they can go through them and look at the application to see if anything actually affects their ward and then they can call them in within the 21 days but, in this particular incident, it was 28 days. The fact that we did get some responses in before the 28 days was up actually shows that it did work, and there was a site notice outside. I don't accept the implication that this was done to 'pull the wool over people's eyes' and I think when it is ready the application goes in, so I can assure you that we don't sit and plan and plot to make sure that people don't get there say."
- 85.16 The Mayor thanked Ms. Wilcock for attending the meeting and asking her questions and invited Mr. Edwards to come forward and address the council.
- 85.17 Mr. Edwards thanked the Mayor and asked the following question, "In 2015, the Surrenden and Fiveways Area was consulted on a controlled parking zone. With a 47% turnout, the area voted yes. Subsequently, two controlled zones have been designated over parts of the consulted area, at Fiveways and Balfour (where 55% voted against a scheme in the first consultation). On 20 March, ETS Chair told us we are 'at the back of the queue' for a new consultation because we voted against a scheme in 2015. But we didn't (50% of roads voted yes). Why can't the democratic rights of Surrenden Area residents be recognised with a parking consultation now?"
- 85.18 Councillor Mitchell replied, "Thank you for your Written Question regarding the previous consultation in the Surrenden area which took place in July and August 2015. 1,627 responses were received to this original consultation, giving a response rate of just over

47% from these responses 53% voted in support of an extension to the existing Residents Parking Scheme and 47% were against.

When the results were further analysed clear that a majority of residents in the Fiveways area were in favour of a scheme, with nearly 76% of respondents in favour and within the rest of the consulted area there was a distinct difference with only approximately 43% of respondents in favour of an extension to the Residents Parking Scheme and 57% against. Therefore, the October 2015 ETS Committee took these results into account and agreed to take forward a new resident parking scheme in the Fiveways area where there was obvious and very clear support.

The Balfour Road area campaigned for a further consultation with and it was agreed at the January 2017 Committee to take forward the Balfour Road Area Scheme following a consultation with a clear majority of 66% voted for inclusion in a parking scheme which began operation in October 2017. At the March 2018 meeting of the Environment, Transport & sustainability Committee I did not say “you were at the back of the queue”, what I did say was “that work on a resident’s parking scheme for the Surrenden area would begin this year with a report coming to the Committee proposing the area to be consulted.”

85.19 Mr. Edwards asked the following supplementary question, “It is clear from the work that we have done in the area that there is now a substantial majority support from the residents of the 26 streets and we have financially modelled the proposal and, we believe, that it would generate more than £300,000 of additional annual revenue and be delivered without affecting any of the existing programmes. So why won’t the council act to solve real road safety and parking problems in the Surrenden area now?”

85.20 Councillor Mitchell replied, “Within the parking scheme priority consultation timetable agreed by committee last October there were several areas who now have an assurance, having seen that agreement, that they are going to be consulted on having a parking scheme at the time set out in that consultation programme. In addition there are two areas that are going to have their existing parking schemes reviewed and that was part of an agreement given by the Committee when those areas were implemented last year. Several of the areas on the parking scheme timetable have never been consulted and they have never had the benefit of a prior consultation. Therefore the parking scheme that was consulted as part of the parking scheme consultation timetable that was democratically agreed will be adhered to.”

85.21 The Mayor thanked Mr. Edwards for attending the meeting and his questions and invited Mr. Furness to come forward and address the council.

85.22 Mr. Furness thanked the Mayor and asked the following question, “It has recently come to my attention, Councillor Mitchell, that any number of trees in Benfield Valley South, directly behind houses in Hangleton Road, have been brutally mutilated with a BLUNT chainsaw and the wood apparently stolen for fuel by an adjoining resident.

As the upkeep of these trees is the sole responsibility of this Council, can you please indicate how you, as Chair of Environment, plan to rectify this outrage and when?”

- 85.23 Councillor Mitchell replied, "There have been a number of instances of cutting Council trees in Benfield Velley south but, by and large, these are residents cutting back small amounts of boundary vegetation. When an officer visited the site last week it was apparent that in one place recent cutting had taken place well beyond the boundary of the houses backing onto the site. This particular case will be discussed with the Council's Legal Team to decide if it is in the public interest to pursue legal action for criminal damage and theft. In the meantime a letter drop has been actioned to all the properties backing onto the site warning them of the likely consequences of cutting the Council's trees down, this letter will also cover the issue of dumping waste on the Council's land which is also a problem that was noted during the site visit."
- 85.24 Mr. Furness asked the following supplementary question, "You say that a letter drop has been done, I know this to be so, on the other hand you say it is going to be investigated whether or not it is in the Council's interest to pursue a prosecution. We are thanks, to the Green administration, supposed to be a bias free council what have you got to say about that?"
- 85.25 Councillor Mitchell replied, "In cases like this we take advice from our Legal team and we will act upon that advice."
- 85.26 The Mayor thanked Mr. Furness for attending the meeting and his questions and invited Mr. Lowe to come forward and address the council.
- 85.27 Mr. Lowe thanked the Mayor and asked the following question, "How much funding has been set a-side to repair the footbridge at Hove station?"
- 85.28 Councillor Mitchell replied, "I can inform you that the Council has set aside £500k for repairs for Hove footbridge. This will cover detailed survey work and priority repairs. The Council will also be discussing further works with Network Rail and access from the track. Plus an analysis of the historic structural elements of the bridge."
- 85.29 Mr. Lowe asked the following supplementary question, "Will that money also include looking at possible layouts for the footbridge so it is accessible even though it is really old."
- 85.30 Councillor Mitchell replied, "First and foremost we have to get the survey done and then that will inform what further work is needed and whether further funding is needed but I do hope that given that the bridge is a historic structure I do hope that access will be good."
- 85.31 The Mayor thanked Mr. Lowe for attending the meeting and asking his questions and invited Mr. Strong to come forward and address the council.
- 85.32 Mr. Strong thanked the Mayor and asked the following question, "There is overwhelming evidence that cycling has huge physical and mental health benefits, as well as for air quality.

The city has had an excellent record of delivering cycling, with increased usage across the community (which has recently stalled). However, there remains no overall direction for development of cycling (or walking) as recommended by Government guidance.

In July 2017 full Council unanimously agreed a motion to develop “*a specific and ambitious cycling strategy*”. Despite further support at ETS and Council there has been no progress.

When work will start on a Cycling Strategy and Local Cycling & Walking Infrastructure Plan?”

85.33 Councillor Mitchell replied, “I think you will know from discussions at the Transport Partnership of which you are a regular attendee the primary work in this area during 2018/19 is going to be to scope and develop a Local Cycling & Walking Infrastructure Plan in line with the Government advice that you have referred to. This decision has been made by taking into account existing commitments and resources within the City Transport Division, and the need for the availability of an officer and the budget required to do this work.

The Infrastructure Plan will then help inform the development of a cycling strategy, as well as helping to seek the necessary funding which will be required to continue delivering improvements in all forms of sustainable, clean and healthy transport options across the city.

Although specific Government grants for cycling seem to be less available than they have been in past years, I am not aware that the delivery, or use, of cycling in the city has recently stalled and would be very surprised at that, given that our cycle counters show an almost 5% increase in trips since 2016, and we know that the unprecedented usage figures that have accompanied the Bike Share scheme since its launch last year, and the excellent work that has been done so far as part of the council’s Access Fund project. As an access Fund Board member you will be aware of this.”

85.34 Mr. Strong asked the following supplementary question, “Making it safer for and more convenient to cycle in Brighton isn’t just for cyclists as Chris Boardman and Andy Burnham’s cycling commission said it is about benefiting everybody walking and cycling and indeed motorists, so when will you agree to redress the historic balance over many years that the support, not just by this Council, but everyone for motorized transport has had on those with the quietest voices in transport particularly, disabled people, children, older people and indeed many women and there isn’t a moment too soon to start trying to redress this balance, so would you agree that expediting this and getting on with it very quickly is important.”

85.35 Councillor Mitchell replied, “I believe I have demonstrated that we are ‘getting on with it’ as you put it, this requires funding and resources and those are being actively sought.”

85.36 The Mayor thanked Mr. Strong for attending the meeting and asking his questions and noted that concluded the item.

86 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

86.1 The Mayor reported that two deputations had been received from members of the public and invited Mr. Rolfe as the spokesperson for the first deputation to come forward and address the council.

- 86.2 Mr. Rolfe thanked the Mayor and stated that he was attending on behalf of the Kingscliffe Society and members of St James' Street LAT and sought the council's agreement to recognise the impact of the proposed PVP street party and to move it to Madeira Drive. He stated that the nature of the party had changed in recent years and meant that if you were a resident it was better to move out of the city for the weekend rather than endure the noise and impact on their lives. He referred to the decision of the previous Economic Development & Culture Committee in November 2014 which had agreed to look at the use of Madeira Drive for this party and again urged for this to be considered.
- 86.3 Councillor Robins thanked Mr. Rolfe for presenting the deputation and stated that the arrangements for the Pride event this year were well advanced and no proposal had been made to move the party and there would be other factors affecting the use of Madeira Drive.
- 86.4 The Mayor thanked Mr. Rolfe for attending the meeting and speaking on behalf of the deputation. She explained that the points had been noted and the deputation would be referred to the Tourism, Development & Culture Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.
- 86.5 The Mayor then invited Mr. Stack as the spokesperson for the second deputation to come forward and address the council.
- 86.6 Mr. Stack thanked the Mayor and stated that he had presented a petition to the council three years ago concerning the need for more music venues within the city. He stated the deputation before the council today was intended as a thank you for taking his previous deputation seriously and acting on it and to outline the outcome of that with the publication of the Live Music Venue Partnership report. He also wanted revisit his concerns about the Visit Brighton website; which he felt still not fully reflect what was on offer in the city rather than outside attractions.
- 86.7 Councillor Robins thanked Mr. Stack for presenting the deputation and noted that he had previously presented a petition on the issue of music venues to the council a few years ago which had led to a policy panel review and report to committee. He was very happy to take on board the points raised by Mr Stack in his deputation and hoped that he would continue to work with the council to improve matters.
- 86.8 The Mayor thanked Mr. Stack for attending the meeting and speaking on behalf of the deputation. She explained that the points had been noted and the deputation would be referred to the Tourism, Development & Culture Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of an y action to be taken or proposed in relation to the matter set out in the deputation.

87 PETITIONS FOR COUNCIL DEBATE

- 87.1 The Mayor stated that where a petition secured 1,250 or more signatures it could be debated at the council meeting. She had been made aware of two such petitions

however, since the publication of the agenda the second petition relating to school places had been withdrawn. She also noted that there was an amendment to the covering report's recommendation for Item 87(i), Single-Use Plastics from the Green Group.

- 87.1 The Mayor then invited Mr. Radcliff and Ms. Haley-Mirnar to come forward and present the petition.
- 87.2 Ms. Mirnar stated that the use of single-use plastics had become a huge environmental issue with only around 20% being recycled and a large amount now entering the food chain. As a sea swimmer she and her friends were experiencing more and more plastics on the beach and in the sea after large events had taken place in the city. Whilst the clear-up rate after events was generally good, it created waste which was not being dealt with effectively.
- 87.3 Mr. Radcliff stated that the city council was a progressive organisation and had recently announced an attempt to reduce the use of plastic bottles in the marathon; however more was needed to be done and one option was to have a licensing policy to prevent use of single-use plastic at events. He noted that by 2050 current projections showed the weight of plastic in the oceans would be more than the actual fish that lived in them.
- 87.4 Councillor Robins thanked the petitioners for presenting the petition and noted that since the Notice of Motion was passed in November, officers had been looking at the options for addressing the use of single-use plastics, including where they could be removed or alternatives provided. An update report was taken to the Policy, Resources & Growth Committee (PR&G), in March and it was intended to encourage event organisers to get involved and to work with organisations to improve the situation and a further report was expected for the PR&G Committee in July.
- 87.5 Councillor Druitt moved the amendment on behalf of the Green Group which called for a report to the Tourism, Development & Culture Committee on the issue of introducing a condition to prevent event organisers and vendors from using single-use plastics as part of the permission to hold the event in question. He noted that city already had a biosphere and suggested that it should lead by example to protect this and its environment. He hoped that the Administration would take this forward.
- 87.6 Councillor Mac Cafferty formerly seconded the amendment.
- 87.7 Councillor Bell welcomed the petition and the amendment and stated that you only needed to look around the city to see the problem that existed. The matter needed to be taken seriously and noted that the Government had announced the intention to ban the use of plastic straws and stated that the council needed to follow the example and take action.
- 87.8 Councillor Robins noted the comments and stated that he was happy to accept the amendment as it outlined the actions that the council was already aiming to achieve. He also noted that San Francisco was seen as leading the way on this matter, and yet having banned single-use plastics it had led to water being supplied in tetra packs which were in effect no better than plastic bottles. It showed that more was needed to be done and he hoped that a report could be brought to a future meeting.

87.9 The Mayor thanked Mr. Radcliff and Ms. Haley-Mirnar for attending the meeting and presenting the petition, and noted that the Green Group's amendment had been accepted. She therefore put the recommendations as amended to vote which were carried unanimously.

87.10 RESOLVED:

- (1) That the petition be noted and considered by the Tourism, Development & Culture Committee; and
- (2) That a report be brought to the Tourism, Development & Culture Committee exploring the proposals set out in the petition including:
 - the possibility of requiring event organisers and vendors to avoid Single Use Plastic as a condition of their event permission.

88 CALL OVER FOR REPORTS OF COMMITTEES.

(a) Callover

88.1 The Head of Democratic Services confirmed that none of the items, 91-93 had been reserved for discussion.

(b) Receipt and/or Approval of Reports

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

Item 91 – Pay Policy Statement 2018/19

Item 92 – Treasury Management Strategy Statement 2018/19 (Incorporating Annual Investment Strategy)

Item 93 – Violence, Vulnerability and Exploitation.

(c) Oral Questions from Members

88.3 The Mayor noted that there were no oral questions in relation to the items that had not been called.

89 WRITTEN QUESTIONS FROM COUNCILLORS.

89.1 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:

(1) Councillor West

89.1 Unsightly rubbish is piling up beside the city's arterial roads. Whilst not only threatening

the nearby flora and fauna, this detritus also risks blowing into the national park and going into the drainage system. Given that some of the litter is large sheets of polythene that may get blown across the carriageway it also poses a worrying threat to road users.

In January 2017 Greens pushed the Council to write directly to the Secretary of State for Environment urging them to increase the additional funding required for Highways England to adequately conduct litter picking and detritus removal across all areas of our natural environment. This included our key arterial roads. The Government response ignored this request and unfortunately focused solely on fixed penalty fines for littering. It also did not address the discrepancy between the role of Highways England and of the local Council to maintain this land.

I am disappointed to learn recently that Highways England refused to give permission for the road closures. Greens are increasingly concerned that there appears to be little management of the relationship between the Labour Council and Highways England in order to deal with roadside litter. This urgently needs to be addressed. It would also be positive if signage was introduced, as it is in neighbouring West Sussex.

Can the Chair of Environment say what action is being taken to urgently address these issues?

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

- 89.2 Street cleansing is the responsibility of the Brighton and Hove City Council and this includes the verges of all our high speed dual carriageways. The A27 and A23 are cleaned twice yearly alongside the maintenance works that involve lane closures.

Although, it is the responsibility of Brighton and Hove City Council to organize the work, prior to that it has to be authorised and carried out in accordance with instruction from Highway England and its contractor.

We were proposing to schedule a clean-up in March /April of this year, however due to the prolonged resurfacing works on the A27, our permission was denied and we are currently awaiting for a new time slot to be agreed. We have been informed by the HE contractor that access will be provided in the forthcoming months, but to date this has not been confirmed.

Together with Lewes District Council Brighton and Hove City Council is organizing training relating to cleansing of the high speed roads whilst they are closed for maintenance. This will mean that for the future we will have staff who are trained so that they can undertake cleaning tasks at times when HE close either the A27 and A23. This will prevent us from needing to apply for separate permissions.

In the meantime our crews have undertaken litter picks of most of the slip roads leading to A27 as well as areas by lay buys. Once we will receive permission from HE we will publicise the dates on the web site and our social media. Cllr West's own robust remarks in relation to Highways England are recorded in the minutes of the March meeting of the Environment, Transport & Sustainability Committee.

(2) Councillor Lewry

89.3 New Homes - Please can the Administration advise how many new homes have been started and completed since 2015 that were not already in the pipeline from the previous Administration? Can they also advise how much has been spent in providing these homes and what the rents are for each of them? Can the Administration also advise how many are in construction now and will actually be completed by May 2019 and the associated costs with the proposed rents for each of them?

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

89.4

Scheme	Actual spend £'000	Number of Units	Tenure Mix	Housing / Housing New Homes Committee approval date	Completion Date	Rents per week (excl Service charges)	HB Eligible Service Charges per week	Total charge to Tenant per week
Brooke Mead	12,041	45	1 Bed	17-Jun-2015*	15-Dec-17	£121.80	£31.10	£152.90
Kite Place	14,338	10	1 Bed	17-Jun-15	11-Apr-18	£144.50	£7.30	£151.80
		33	2 Bed			£183.60	£7.30	£190.90
		14	3 Bed			£221.00	£7.30	£228.30
Hobby Place	6,983	7	1 Bed	02-Mar-16	May-18	£146.90	£6.12	£153.02
		16	2 Bed			£186.36	£6.12	£192.48
		6	3 Bed			£224.16	£6.12	£230.28
Lynchet Close & Salehurst Close	2,116	6	2 Bed	28-Jun-17	25-May-18	£154.15	£1.48	£155.63
			4 Bed			£205.54	£1.48	£207.02

35,477 137**Schemes under construction to be completed by May 2019**

Kensington Street **	3,681	11	1 Bed	14-Jan-15	01-May-19			£153.02
		1	2 Bed					£192.48

** scheme approved prior to May 2015

* Original approval for scheme to be explored was in 2013

(3) Councillor Wares

- 89.5 Cityclean - Please can the Administration provide performance details for its initiatives to provide both commercial waste and green waste collections and compare those performances against the business plans used to establish these initiatives?

Can the Administration also provide details on progress for supplying the new recycling wheelie bins?

How many remain to be delivered and how many bins that have been delivered still have to be swapped for smaller and to a lesser extent, larger bins.

Can the Administration confirm when the roll-out programme will be complete taking account of residents actually having the right size bins they need?

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

- 89.6 As part of the City Environmental Management Modernisation Programme, working is being undertaken to review the commercial operations of Cityclean. This review includes an analysis of both the commercial waste and garden waste services to ensure they are supported by appropriate business plans and financial forecasts.

Following the end of the financial outturn we will be conducting a review of the income generated as well as the overall performance of each service and incorporating this into an update report being taken to Policy Resources & Growth Committee in July 2018.

It was always anticipated that the roll-out of the recycling wheelie bins was not a 'one size fits all' solution and as the programme reached the city centre areas, a mixed approach would be needed and so area audits are being undertaken. The most recent area audits carried out were for the Moulsecoomb and Bevendean, Hollingdean & Stanmer and Hanover and Elm Grove areas to ascertain whether streets are suitable for the new bins or are to stay with black boxes.

The audits identified 6,000 households as being appropriate to receive recycling wheelie bins. These residents have been written to week commencing 3rd April explaining the changes.

The number of bins remaining to be delivered will depend on the outcome of the audits being carried out. From the first phase of the roll-out there are 124 swaps to be completed during w/c 16th April. In the second phase, following the audits, residents will be able to request a swap taking into consideration constraints such as pavements widths.

The programme of audits and delivery of bins for suitable, central areas of the city will continue. This will include responding to feed-back from ward councillors, crews and residents in relation to both phases of the roll-out.

(4) Councillor Taylor

- 89.7 Hospital for Hove - Can the Administration outline the steps they intend to take via the Health and Wellbeing Board to provide a 'Hospital for Hove', that will include a Multidisciplinary Community Diagnostic Centre, a GP Hub and small A&E Unit, given that the demand for a school in Toads Hole Valley no longer exists?

Reply from Councillor Yates – Chair of the Health & Wellbeing Board

- 89.8 Brighton and Hove Clinical Commissioning Group is responsible for the commissioning of local hospital and urgent care facilities and GP Practices, the latter in conjunction with NHS England under co-commissioning arrangements. As part of this role the CCG considers the local requirements for these facilities. The CCG is represented on the Health and Wellbeing Board and engages Board members in the development of NHS plans in relation to these service Areas. As councillors will be aware we are actively working to more closely integrate with the local health economy and will explore appropriate opportunities to maximise and enhance primary and community service provision where there is a demonstrable need across the city, including Hove.

(5) Councillor Simson

- 89.9 Mesh verges - Residents across the city are fed up with vehicles parking on grass verges because of the damage caused, the unsightly impression it gives and the cost to the public purse for repairs. However, residents would not be so concerned especially in neighbourhoods like Woodingdean and Hangleton & Knoll, where it is impossible for houses to have off road parking, if no damage was being caused.

So will the council look at a long-term solution and cost the provision of grasscrete or cheaper rubber grass-road blocks as a spend to save measure? This could be done on a rolling basis and would allow grass to grow through and be mowed in the usual way without having the ongoing annual damage caused by parked vehicles that is expensive to repair and causes so many complaints.

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

- 89.10 Thank you for your question regarding the use of Grasscrete on verges which are being damaged by parked vehicles. We are very much aware that certain areas of the city suffer ongoing vehicle damage to verges, which has been particularly bad this year due to the sustained wet weather.

Using Grasscrete is a costly solution and requires a lot of work to excavate a stable foundation on which it would sit. However, we do have a policy which allows the installation of posts to prohibit parking on grass verges in areas which are most affected.

In order to manage the limited resources available, posts are installed on a priority basis. But ultimately we do hope drivers park their vehicles in an appropriate place and do not choose to park in locations that causes damage to the highway. Officers would

be happy to be contacted with the details of any particular locations which are causing most concern.

The City Council has for many years been lobbying central government for powers to ban pavement and verge parking in the city, in the same way it has been banned in London since 1974. The Department for Transport confirmed in April that the Minister has asked for evidence to be gathered over the summer about the effectiveness or not of the current regulatory framework in tackling this issue. We hope to work with the Department for Transport to find a regulatory solution that works to protect and save the city's pavements and verges from problem parking.

(6) Councillor Gibson

- 89.11 How much under the HRA borrowing cap was BHCC on 1st April 2015 and the 1st of April 2018?

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

- 89.12 As at 1/4/15, the HRA had total borrowing of £115.8m and was therefore £41.0m under the borrowing cap of £156.8m. As at 1st April 2018, the HRA had borrowed £126.3m (this is based on draft outturn figures for 2017/18 and so subject to change) and was therefore £30.5m under the borrowing cap of £156.8m. However, other commitments in the HRA capital programme for 2018/19 – 2020/21 show that the HRA will be very close to the cap in 2022/23 with headroom (available borrowing) of only £2.134m. (This forecast has yet to be updated for the 2017/8 outturn).

(7) Councillor Gibson

- 89.13 What was the net borrowing taken up between 1st April 2015 and 1st April 2018 when expressed as a percentage of the maximum borrowing available to the HRA on the 1st of April 2015?

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

- 89.14 The net borrowing undertaken between 1st April 2015 and 2018 is £10.5m. As at 1st April 2015, the HRA had £41m of borrowing headroom. Therefore, the net borrowing of £10.5m represents 25.6% of the borrowing available. However, a large proportion of this borrowing headroom is already committed for the HRA three year capital programme, including spend on the New Homes for Neighbourhoods programme, buy backs, hidden homes works and works to council dwellings. Current planned capital spend in the HRA mean a further net borrowing of £28.4m in the next 5 years to 2022/23 where the forecast level of borrowing headroom is £2.134m.

(8) Councillor Gibson

- 89.15 Financial modelling of new council homes - Having provided the figures for the estimated surplus/deficit over the 60 year financial modelling period for:

- Aldwick Mews
- Brook Mead

- Darwell Court
- Flint Close
- Hobby Place
 - Kite Place
 - Pierre Close
 - Preston Rd
- Robert Lodge (N)
- Robert Lodge (S)
- Lynchet Close
- Kensington St

And used assumptions to calculate these answers for each scheme (above).

For each scheme model, please can you indicate what the assumptions used were in the calculations on each of the above schemes for the following elements of the model:

- 1) Initial Management costs per property (+ inflation assumption for future years)
- 2) Initial Major repair costs per property (with inflation assumption for future years)
- 3) Initial rent and assumptions about future rent increases over the 60 year model
- 4) Initial Maintenance costs per property (+ inflation assumption for future years)
- 5) Service charge costs and inflationary assumptions on these costs over the period of the model

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

89.16 See the updated table below which has added rows for the management, maintenance and service charge information (in grey). As for inflation, the model strips out inflation as it is all discounted to a net present value – the value as at today. This effectively means that we are assuming inflation will be the same for costs and income. The rationale for this is that inflationary changes to rents are affected by Government policy and are not easily predictable in the longer term and similarly, build cost inflation and maintenance cost inflation over the years, is very difficult to predict. Therefore the model assumes they will inflate by the same amount over the 60 years.

Comparison of scheme viability using 40 year modelling and current 60 year cash flow modelling

Response to Cllr Gibson question for Council on
19th April 2018

The rows coloured grey below are new rows added to answer the latest questions on service charges, management and maintenance costs.

	Preston Road	Aldwick Mews	Flint Close	Pierre Close	Robert Lodge (N)	Robert Lodge (S)
Total Budget approved (£'000)	445	1,220	1,041	1,002	911	1,461
Number of units	2	5	4	4	6	9
Build cost per unit (£'000)	223	244	260	251	152	162

Management costs	1,072	1,078	1,078	1,078	1,078	1,078
maintenance costs	912	914	914	914	914	914
Major repairs costs	700	700	700	700	700	700
Tenure mix	2 x 3 Bed Bungalows	1 x 2 Bed, 4 x 3 Bed	4 x 3 Bed house	4 x 3 Bed house	4 x 1 Bed Flats, 2 x 2 Bed Flats	9 x 1 Bed Flats
Rent p/w (excluding s/c)						
1 Bed					151.50	151.50
2 Bed		184.00			191.00	
3 Bed	228.00	224.00	211.50	224.00		
4 Bed						
Service charge per week	0	0	0	0	0	0
Subsidy / (Surplus) reported previously (£'000)	38	128	174	83	107	329
Subsidy / (Surplus) using new modelling (£'000)	54	64	114	39	(12)	162
Payback period (years)	60+	60+	60+	60+	54.1	60+
Discount Rate (Equivalent to interest Rate at point of approval)	4.20%	5.00%	5.00%	5.00%	5.00%	5.00%
Financial Services 13/04/18						

Comparison of scheme viability using 40 year modelling and current 60 year cash flow modelling

Response to Cllr Gibson question for Council on 19th April 2018

The rows coloured grey below are new rows added to answer the latest questions on service charges, management and maintenance costs.

	Darwell Court	Kensington Street	Kite Place	Brooke Mead	Hobby Place	Lynchet Close
Total Budget approved (£'000)	1,119	1,832	14,100	12,000	7,077	2,532
Number of units	5	12	58	45	29	8
Build cost per unit (£'000)	224	153	243	267	244	317

Management costs	1,000	1,078	1,071	1,070	303	290
maintenance costs	912	914	911	891	921	887
Major repairs costs	773	773	770	773	697	648
Tenure mix	2 x 1 Bed Flat, 2 x 2 Bed Flat, 1 x 3 Bed Flat	9 x 1 Bed Flat, 2 x 2 Bed flat 1 x 2 Bed House	15 x 1 bed, 31 x 2 bed and 12 x 3 bed	45 x 1 Bed Flats	7 x 1 bed, 16 x 2 bed and 6 x 3 bed	2 x 2 Bed Flats, 6 x 4 Bed Houses
Rent p/w (excluding s/c)						
1 Bed	151.50	143.00	146.00	140.55	146.00	
2 Bed	191.00	186.30	185.46		185.46	175.87
3 Bed	228.00		223.26		223.26	
4 Bed						234.84
Service charge per week	0	0	7.02	12.47	7.02	1.04
Subsidy / (Surplus) reported previously (£'000)	286	570	1,020	2,125	512	(203)
Subsidy / (Surplus) using new modelling (£'000)	66	332	1,768	2,888	379	(391)
Payback period (years)	60+	60+	60+	60+	60+	60+
Discount Rate (Equivalent to interest Rate at point of approval)	4.25%	4.25%	4.18%	4.07%	4.19%	2.85%

Financial
Services

13/04/18

(9) Councillor Gibson

89.17 Where schemes are part funded by borrowing, the modelling makes different assumptions for the rate of interest payable on the borrowing to reflect market expectations. For each the schemes actually undertaken, please can you indicate for that scheme what the assumed rate of borrowing was and what the actual rate was when the borrowing was undertaken?

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

89.18 The table above in relation to question 8 includes the assumed rates of borrowing that were included in the modelling of each scheme. At the time of viability modelling the interest rate assumptions used are based on prevailing market conditions and our external Treasury Management advisors best estimate of interest rates for the timing

and type of borrowing required. This may be based on a forecast of the interest rate in a year's time, say, when the likely need to borrow may arise. Over the last few years there has been an expectation in the money markets that interest rates would rise and initially they were expected to rise sharply. However, rates have stayed low and are only just beginning to increase.

Actual borrowing does not take place on a scheme by scheme basis but is reviewed periodically to ensure the total capital programme is fully funded making use of any capital receipts, reserves and revenue contributions first. So, for example, if there were unexpected underspends in the revenue budget, it may reduce the level of borrowing required as more of the programme could be funded by revenue contributions. Therefore it is difficult to give the exact rate for each scheme as the borrowing is undertaken in relation to the whole programme. However, the table below shows when borrowing was undertaken during the lifetime of these schemes and the actual rates of interest.

A table showing all of the borrowing taken on since 2015 is as follows:

Loan Number	Loan Value	Interest Rate	Start date	Maturity Date	
505117	5,000,000	2.47	20/06/2016	31/03/2064	
505274	3,000,000	2.09	09/08/2016	31/03/2065	
505280	2,000,000	2.09	10/08/2016	31/03/2063	
507150	4,000,000	2.99	27/03/2018	27/03/2067	
Internal from GF	3,292,500	0.83	31/03/2017	31/03/2018	repaid
Internal from GF	2,932,500	1.47	31/03/2018	31/03/2019	

(10) Councillor Gibson

89.19 Given the rise in rough sleeping in the city of 128% since the rough sleeping strategy was launched in 2015 compared with a 33% increase in the rest of the country, do you believe there are any changes that can be made to improve our performance compared to the national average? And what might these changes be?

Reply from Councillor Moonan – Lead Member for Rough Sleeping

89.20 The Rough Sleeping Strategy was launched in summer 2016. Since the launch, the Rough Sleeping Estimate figures have risen by 24% (2016; 144 - 2017; 178). The year before the strategy was launched there was a much larger increase, which was one of the reasons why the Labour administration prioritised rough sleeping and together with key partners, developed the city wide strategy.

Over 50% of rough sleepers in Brighton and Hove come here from other areas, which has contributed to such a high increase. In fact, if the percentage increase was calculated for local people alone, the 2017 increase would be below the national average. This demonstrates that the strategy is starting to have an impact on rough sleepers numbers from Brighton and Hove.

The city continues to work on reducing the actual numbers and the need for people to rough sleep on our streets. Housing has expanded its homeless prevention work and the council is exploring new ways to accommodate rough sleepers and move them off the streets quickly. This includes expanding 'housing led' services for people with complex needs; launching the city's first Social Investment Bond to support rough sleepers to access a range of services; targeted reconnection work to support people to move to areas they have connections and applying for grant funding to boost our resources as opportunities arise. Whilst we continually strive to improve upon our existing performance, this must be placed in the context of the national picture of increased homelessness and locally the challenges of a supply of affordable accommodation.

The city wide Rough Sleeping Strategy is implemented through a Partnership Board, which includes all the relevant statutory and non-statutory agencies and organisations. At this Board new ideas and development are continually explored to ensure the city is at the forefront of best practice with regard to rough sleeping.

(11) Councillor Nemeth

89.21 Beach huts - Why was no urgent public statement made by the City Council following break-ins to 34 beach huts at the end of March, and prior to 33 break-ins the following week, in order to alert owners to security and safety concerns?

Reply from Councillor Robins – Chair of the Tourism, Development & Culture Committee

89.22 The owners of the beach huts that were affected in both instances were contacted directly and the Police notified due to the criminal damage that occurred. The Police have been requested to consider additional patrols and the issue will be raised at the Police Tactical Tasking Group to see if any support can be provided by partners. The first incident was dealt directly with the affected beach hut owners and the Police rather than promote this act of vandalism.

(12) Councillor Mac Cafferty

89.23 Pool Valley - Anyone arriving in the city via National Express coaches does not have a warm welcome. Pool Valley has sadly become run down and is unwelcoming. A decade after the plans to upgrade the National Express bus depot for the city were put on ice, what work will the administration commit to improve Pool Valley with National Express and other partners?

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

89.24 I fully recognise the significant role that Pool Valley plays as an interchange in the city's transport system for residents and visitors alike in terms of being a well-used arrival and departure point for coach journeys. However, I am aware of its current condition and that previous administrations have sought to maintain and enhance it.

Works at Pool Valley Coach Station were one of the headline schemes included in the council's second 5-year Local Transport Plan [known as LTP2], which was published in 2006.

The aims of the Pool Valley Coach Station Enhancement Scheme were focused on personal safety, road safety and the urban realm to improve the character of the area for the passengers using it. The overall plan was based around enabling National Express, the coach operator, to construct a new, purpose-built ticket office.

The urban realm works were planned to include improved paving and entry and exit treatments, and new street furniture such as benches, bollards, cycle racks and bins, as well as lighting.

Most of the urban realm works were completed in 2009, but the construction of the National Express ticket office was delayed.

The council did eventually receive and consider a planning application for National Express's single-storey building to provide ticket purchase facilities, sheltered waiting area and customer toilets. Planning permission was granted in June 2012, but it is understood that these facilities were not built owing to other financial priorities at that time for the company, and there has been no recent indication that that situation has changed.

Since then, senior council officers have written to National Express about this matter in order to seek to work with them to progress it, and therefore help address some of the problems that you and other people have raised with us in recent years. Regrettably, those approaches have not resulted in any change in National Express's position.

Therefore, the council did install a passenger shelter in 2014 in order to provide some cover and comfort for coach passengers in the short term, and it has also continued to try to secure funding through the planning process for improvements at the coach station, when possible.

Issues with the coach station were identified in the council's current and fourth Local Transport Plan [LTP4], which was approved in March 2015, and refers to the development of a coach strategy which will include the Pool Valley Coach Station.

The council subsequently agreed a number of further priorities in 2015, which included the development of a Transport Interchange Strategy, including provision for coaches and their drivers and passengers.

Until very recently, it has not been possible to identify and allocate sufficient officer time to start that, and some other workstreams, owing to staff vacancies and reduced budgets. However, I am pleased to say that with some new appointments to key posts in the City Transport Division it will now be possible to make progress against that commitment.

Once that Interchange Strategy is developed, with the input and assistance of various partners and stakeholders such as National Express, its content and conclusions will no doubt be considered by the ET&S Committee in due course.

I certainly expect the strategy to provide a clearer indication of the future options for the city's coach station and its passengers, especially as that investment could also help to support the council's wider vision and strategy for the seafront.

As the current access to Pool Valley, and the main arrival and departure routes for coaches are linked with the Valley Gardens Phase 3 area, I also expect that scheme to take into account the current location of the coach station, and possibly provide an opportunity to improve it.

(13) Councillor Mac Cafferty

89.25 Bins on Wilbury Road - Currently there are 3 communal waste and recycling bins and 8 commercial bins, in a 10 metre stretch of pavement and road at the foot of Wilbury Road. This is too often smelly and messy. The bins are poorly sited and a crowded pavement mean neighbours, businesses and pedestrians are suffering. Every day residents and visitors have to negotiate their way around the bins, any overspill and a BT phone box. As several businesses use their premises nearby for client meetings, the smell and mess are embarrassing. Although we flagged this concern to Cityclean for an investigation, 2 years after being first flagged the issue is still as persistent.

Can Councillor Mitchell please have the situation investigated and acted upon? Ideally this would involve combined action to locate some of the bins elsewhere and/ or collection frequency raised.

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

89.26 The Cityclean enforcement and operational teams always aim to respond promptly to complaints to commercial bins that have been placed on the public highway, such as those referred to in Willbury Road.

The city council does have the power to remove bins but we aim to provide business with options for appropriate alternative sites to place their bins.

Given the repeat nature of this complaint, Officers will be arranging to meet with the individual businesses concerned to explore alternative locations for their waste bins.

(14) Councillor Mac Cafferty

89.27 York Road collisions data - Further to residents' concerns about safety, please can road collisions data for the junction of York Road, York Avenue and Lansdowne Road be tabulated for the last 3 years, detailing date, severity (fatal, serious or slight severity) and vehicle type?

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

89.28 The most recently published three-year records for the junction of Lansdowne Road with York Road and York Avenue, those being January 2015 to December 2017, show that there have been five (5) road traffic injury accidents. The details of these are as follows:

- 24th April 2015, a slight injury occurred resulting from a collision between a taxi/private hire car and a pedal cyclist;
- 29th July 2017, a slight injury occurred resulting from a collision between a car and a taxi/private hire car;
- 18th September 2017, a slight injury occurred resulting from a collision between a taxi/private hire car and a car;
- 2nd October 2017, a serious injury occurred resulting from a collision between a taxi/private hire car and a powered two-wheeled vehicle (a moped or motorcycle); and
- 7th December 2017, a slight injury occurred resulting from a collision between a car and a pedal cycle.

(15) Councillor Mac Cafferty

89.29 Dangerous driving around Norfolk Square - The hit and run collision on 28th March at the junction of Borough Street and Western Road and the car crashing at the junction of Norfolk Square and Western Road on 9th February are the latest expression of dangerous driving in this area. This is often experienced in the one way streets being used as rat runs with vehicles often travelling at dangerous speeds. Please can road collisions data for Borough Street, Temple Street, Norfolk Road and Norfolk Square be tabulated for the last 3 years, detailing date, severity (fatal, serious or slight severity) and vehicle type?

And, what work, if any, has been undertaken with the Police and Crime Commissioner and Sussex Police to ensure safety for all road users in this area is prioritised?

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

89.30 The most recently published three-year records for Norfolk Square, those being January 2015 to December 2017, show that there have been six (6) road traffic injury accidents. The details of these are as follows: -

18th June 2015, a slight injury occurred resulting from a collision between a taxi/private hire car and a pedal cycle;

11th September 2015, a slight injury occurred resulting from a collision between a car and a pedestrian;

10th April 2016, a fatal injury occurred resulting from a confrontation between two adult males resulting on one male landing under a heavy goods vehicle;

23rd April 2016, a serious injury occurred resulting from a collision between a car and a pedestrian;

25th November 2016, a slight injury occurred resulting from a collision between a car and police car on an emergency call; and

20th November 2017, a slight injury occurred resulting from a collision between a pedal cycle and a car door opening into the cyclist's way.

Officers advise me that the level of such accidents is decreasing within Brighton and Hove and is decreasing faster than both the National average and in areas with other transport characteristics, which is to be welcomed. This has been partly achieved by focussing the Council's resources on those locations with the worst problems via the Council's High Risk programme which tackles those streets, roads and junctions with the highest risks and this focus will continue.

(16) Councillor Mac Cafferty

89.31 Floral Clock - Brunswick in Bloom will be soon with us once again (early July), can the Floral Clock mechanism be repaired in time for this?

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

89.32 Officers have commissioned a survey of the floral clock. Once this survey is received officers will tender for the repairs if there is sufficient funding to do so.

90 ORAL QUESTIONS FROM COUNCILLORS

90.1 The Mayor noted that 15 oral questions had been received and that 30 minutes was set aside for the duration of the item. She then invited Councillor Janio to put his question to Councillor Mitchell.

(1) Councillor Janio

90.1 Councillor Janio asked the following question, "Can Councillor Mitchell confirm that the Transport solution for Valley Gardens will prevent private vehicles 'Rat Running' on the Western half of the scheme by the use of a 'Bus-Gate'?"

90.2 Councillor Mitchell replied, "I can confirm to you that the introduction of Bus-Gates and their associated traffic regulation orders in conjunction with advance signing and lining have been designed to prevent private vehicles attempting illegal 'rat running'. These measures will also be enforceable by CCTV."

90.3 Councillor Janio asked the following supplementary question, "Can Councillor Mitchell explain how any private vehicle travelling north on the Old Steine will be prevented from entering the bus-gate, as the original designs did not include the means to do this?"

90.4 Councillor Mitchell replied, "The original designs have been altered taking account of further comments received and the designs will now incorporate this facility."

(2) Councillor Mac Cafferty

- 90.5 Councillor Mac Cafferty asked the following question, “Given your pro record of failing to oppose the budget cuts inherent to sustainable transformation plans and other attempts to privatise the NHS how can the residents of this city trust that you will oppose privatisation of the NHS in practice?”
- 90.6 Councillor Yates replied, “I will keep pushing for health & social care integration because it is the right thing to do for residents of this city. The right thing to do for people on other benches is to ensure that there is adequate funding so that we can deliver the best possible levels of public health, and the best possible lives and outcomes for the residents of this city.”
- 90.7 Councillor Mac Cafferty asked the following supplementary question, “In January this year in the new model of Care Reports to the Clinical Commissioning Group Board reported that there were plans to establish ‘Accountable Care Systems’ are you telling us that as Chair of the Health & Wellbeing Board you don’t know that these discussions are happening?”
- 90.8 We have seen the future of the NHS already in places like Nottingham chunks are being broken off and sold to private providers. This Labour Council will be equally implicated in the silent dismantling of the NHS if you do not speak out, you described yourself just now as an optimist, I put it to you that you are either naive or ill equipped, or indeed both to oppose the dismantling of our precious NHS given your woeful track record opposing it so far.”
- 90.9 Councillor Yates replied, “The most important thing is to have a deeper understanding about accountable care organisations systems and multi-provider community partnerships, they have the potential to be incredibly positive ways of getting people to work together.

We believe that the public sector is best when there is greater co-operation. trying to find the best way possible because, until we have the next General Election, I cannot guarantee a decent level of funding for public services in this city other than straight out of the pockets of local residents. The difficult decisions we are having to take over Council Tax and additional funding and we have made sure this goes into Adult Social Care services.”

(3) Councillor Barnett

- 90.10 Councillor Janio asked the following question on behalf of Councillor Barnett, “Many residents in my ward have expressed concern about the number of dogs and the packs that dog walkers are taking out in parks and green spaces. They are concerned for the welfare of dogs, children and elderly people when these dogs get boisterous or out of control, they often see dog walkers leave dog mess, usually because they cannot keep an eye on all the dogs under their control and they leave the parks without clearing up. The problem is particularly bad in Goldstone Park but I know that across the city

residents are concerned. Please can you tell us what you are doing to tackle this growing menace?"

- 90.11 Councillor Mitchell replied, "A very pertinent point has been raised here. It is my understanding that there are nearly 200 dog walking companies now in the city and it is a largely unregulated industry. Dog control orders do make it an offence not to clean up after dogs and our Animal Welfare Team introduced a voluntary code for commercial dog walking companies to sign up to. We were the first local authority team to do this. The Scheme requires the companies to comply with Health & Safety Law, Best Industry Practice and the Animal Welfare Act. It also requires the companies to be fully insured. City Clean have placed warning posters in areas that have been heavily soiled, reminding dog walkers of their duty to clean up. Ideally what we want is for local authorities to be able to license these companies, but the Government's position is that only the Royal Parks should be able to do this."
- 90.12 Councillor Janio asked the following supplementary question, "Can you give assurances that enforcement officers will actually use the powers that they have and, will you send through the figures of the numbers in the last couple of years where action has actually been taken?"
- 90.13 Councillor Mitchell replied, "I will get that information for you Councillor Janio."

(4) Councillor Page

- 90.14 Councillor Page asked the following question, "I am particularly concerned about the dangerously low number of family doctors or GPs we have in the city. This first came to public attention a year ago when our health colleagues CCG themselves said, that there is about 1 full time equivalent family doctor to nearly 2400 people, which is almost twice as many patients per doctor as the rest of Sussex has and it is well above the national average. So, as the Chair of the strategic Health & Wellbeing Board (HWB) which brings together the CCG and Council representatives, can you tell us, in the last year what actions have been taken about this problem. Health Watch have raised it again recently?"
- 90.15 Councillor Yates replied, "This is something that the Health & Wellbeing Board have referred to the Health, Overview & Scrutiny Committee (HOSC) back in the Autumn of 2015, as a result of the issues that we had initially when we first started seeing emerging issues around practises closing, and it is of great concern to the Health & Wellbeing Board and there have been a number of items and reports to the H&WB, information sent round to H&WB Members about what is going on, but this is an issue that we specifically referred to HOSC because we wanted some detailed work undertaken and we wanted a detailed review to make sure that CCG was aware and acting on this issue.

Part of this problem is a National problem, we have some local issues that are associated with this, the cost of housing, issues around the city, the number of our GPs that are getting close to, or choosing to retire from their practises at the moment and the difficulty recruiting. This is a national issue that a 20% reduction was applied to doctor's training places back in 2010/2011. The fundamental outcomes have been that we have seen less and less people moving into the medical profession and unfortunately as a

result of the pressures that are appearing in Primary Care these careers seem to become a lower and lower area of choice. However the final sign off the CCG have found an additional £100k that they are going to make available for practises to help with recruitment and retention. They are also now developing a more detailed base line assessment of each individual practises to help develop a link between work force capacity, skill mix and workload.”

90.16 Councillor Page asked the following supplementary question, “I asked what actions he had taken, the problem is still there and he doesn’t appear to be able to take action that really makes any difference to the health of residents of this city?”

90.17 Councillor Yates replied, “I think it is very important to recognise that all members of the H&WBB play their part through integrating and working collaboratively, establishing commissioning arrangements, supporting CCG’s decision to apply for and, subsequently, receive co-commissioning responsibilities with NHS England of primary care commissioning, and discussing how the budgets work together. If Cllr Page wants to send a written question I can provide a detailed comprehensive list of what has been going on.”

(5) Councillor Bell

90.18 Councillor Bell asked the following question, “We receive different money revenue streams from the Government and we receive for Public Health in the total of its administration £103,325,000 additional money, I am wondering why we don’t know about this and where it is being spent?”

90.19 Councillor Hamilton replied, “It may be necessary for me to send a written answer as this is much more in Councillor Yate’s domain than mine. Since the year 2010 there has been a drastic reduction in lots of other expenditure. If we look at the situation with Adult & Social Care this is clearly a related issue, how much extra money have the Government given for that, a little bit. Lots of the grants we get come from other people, local enterprise partnership, Heritage Lottery Fund for example. If we take Capital grants specifically to this Council, in the last year of the Labour Government 2010/11 we got £54 million direct capital grants. In the current year we got £12.65m, although you have given us indication of where you are saying there has been a lot of extra money put, we all know that, if you take the capital and revenue together the reduction of funding to this authority is absolutely massive. We are £80 million a year worse off in revenue support work than we were in 2010 and that is not making allowance for inflation.

I will go to the appropriate officer and get a detailed response and send Councillor Bell the figures.”

90.20 Councillor Bell asked the following supplementary question, “The difference between the general revenue overall is only about £50 million. The interesting point is, the difference between the revenue and the capital, if you take the capital money received by this council since 2010 £238,352,000 and in 2015 is £125,717,000 so in total since 2010 this council has received £341,678,000 and since 2015 £229,042,000. I would like a response on how this has been divvied up?”

90.21 Councillor Hamilton replied, "The last year of the Labour Government 2010 it was £54million if you brought that figure forward over eight years, with inflation as well, I am sure you would have got a figure far in excess of the figure we have been given by Councillor Bell. I work by figures that are given to me by the officers so if you are saying this is wrong then you can obviously peruse that separately. But the revenue grant received by this Council in 2010/11 was £189,638,000. In 2017/18 it was £105,871,000 so that feels to me that reduction of £84 million revenue grant since that time which is exactly the figure that I gave."

(6) Councillor Phillips

90.22 Councillor Phillips asked the following question, "What, if anything, has Councillor Yates done about the relentless 20% cuts plus more in-year to Public Health, for example to HIV prevention and Family Health Partnership for young teenage mothers, which will lead to more infections and serious conditions?"

90.23 Councillor Yates replied, "Public Health Funding is not additional money it is a pot of money given to us as a ring fenced fund, in order for us to undertake the public health duties that we took over in 2014/15 or 2013/14 when the Public Health Department was transferred across and its responsibilities from Primary Health Care Trust and came to us as a Local Authority. The 20% in year cut so, £25million to delivery valuable services, delivering over £11 of value for every £1 invested in public health in preventing people becoming ill and having negative health impacts and there was a decision to pull some of that money back after we had planned on how we were going to deliver positive health outcomes for individuals in the city. So there are challenges in public health funding as well as the £84million of cuts that we have had to make from the revenue support grants. Those cuts are falling on public health as well as other areas. I am proud of the work that our professional staff in public health have done working in collaboration very closely with the providers of sexual health, drug and alcohol support services., the providers of a range of public health services across the city to identify ways to still try to deliver the outcomes of those services despite the cuts. We are having to manage services and deliver positive outcomes to people despite the range of cuts that have been undertaken. In terms of sexual health services we have the 20th highest rates of new sexually transmitted infections in England, but in some sexually transmitted infections we are seeing positive results including a screening programme that is running which can help prevent long term reproductive health issues for individuals in the city is delivering positive results.

But regionally and nationally sexual health services are going to be re-commissioned soon and there is going to be a funding reduction applied to that recommissioning."

90.24 Councillor Phillips asked the following supplementary question, "It would be beneficial if Councillors could focus on the question itself. As a result of cuts, there is a one half day clinic per week which will be closed and there may also be a reduction to the opening hours of other clinics yet to be identified. Has Cllr Yates ever highlighted the damage being done or just simply managed the decline of services?"

90.25 Councillor Yates replied, "When we had the Chief Executive of Public Health England come down in January we highlighted the negative effect that cuts in public sector funding and especially in the public health grant was having in our ability to deliver the

best possible outcomes for individuals in the city and that is absolutely what we need to do. We need to make sure that we deliver the best outcomes and I will focus on outcomes again. If we look at the rate of genital herpes reduced by 12.3%, the rate of genital warts by 0.4% rates of gonorrhoea have fallen since 2014 with a reduction in a single year of 27% and we are managing to see a reduction and a control of the re-infection rates. As one of the issues we have with individuals who suffer with gonorrhoea is that there is quite often re-infection and we have to deal with that. The biggest challenge we all need to focus on is how do we get our sexual health services as a partnership to work better together and we already in discussions working alongside the current providers of those services because the most important thing that we have done is to give them fair warning and forewarning of what the decisions are that we are likely to have to take in the future. That is what the four year budget programme did when it highlighted when re-commissions were coming up how the cuts were going to fall and it was re-forecast as a result of the Tory additional in year cuts again it gave even further detail of how that was going to happen and some of the benefits of doing that is that we have been able to say it made sense this year when we extended the contract for the integrated sexual health service, it was a 3 year contract with the option to extend for 2 years and we extended it for 2 years to give those services fair warning that some of the changes that they are going to have to make can actually be delivered and that a range of those organisations are going to be working together and some of the things that they are planning on doing in order to meet that challenge and still deliver the positive outcomes are around re-pricing the sexual health tariffs to actually demonstrate and take the approach that is in line with the approaches that London and other authorities have had to take. Introduction of self-sampling so that people can actually sample in a cheaper and more efficient way and to deliver some back office efficiencies. Not a cut to front line service but a cut to inefficiency that is driven through the delivery model that was introduced 3 years ago and allowing them to take a decision that Brighton & Sussex University Hospitals Trust and Sussex Community Foundation Trust have agreed to dissolve the partnership that existed and to transfer through TUPE and using the TUPE regulations the Sussex Community Foundation Trust staff to transfer over to B&SUH's Trust."

(7) Councillor Wares

- 90.26 Councillor Wares asked the following question, "With recent committees and reports on PSPOs why did the Labour Administration keep quiet on the existence of the County Borough of Brighton 1954 and Borough of Hove 1990 Byelaws and the benefits they would bring?"
- 90.27 Councillor Daniel replied, "The report was about PSPOs not byelaws."
- 90.28 Councillor Wares asked the following supplementary question, "If you are aware of these byelaws, and knowing they are more powerful in protecting every open space and park in the city, by virtue of offences such as antisocial behaviour, camping and unauthorised encampments being a criminal offence, why is the Labour administration not using them? Especially where such places are not protected by PSPOs and Section 61a Powers are not available?"

90.29 Councillor Daniel replied, "We have 3 options open to us:

- PSPOs which are limited to certain pieces of land.
- Section 61 and 62 are the Criminal Justice and Public Order Act 1994, and
- A set of laws which are Byelaws.

The more modern laws have been worked through in partnership and, also take account of other laws that came in subsequent to byelaws. You can implement byelaws but you still have the same resource implications, and issues that you have implementing any of the other powers that we have. We need to identify an offender, get witness statements, and need the police to assist and be available if there is a confrontation. In relation to unlawful encampments, the need to ensure all appropriate checks are undertaken, which means welfare checks, which incorporates the Human Rights Legislation and our requirements as a local authority. We had a very good opportunity just some weeks ago where this could have been raised in committee, could have been raised in chairs and been incorporated in that report. I always welcome opposition contributing to the Agenda."

(8) Councillor Littman

90.30 Councillor Littman asked the following question, "Are you at all concerned that cuts in funding to City Clean have been allowed to the point where they can no longer keep the city clean?"

90.31 Councillor Mitchell replied, "I deeply abhor all of the cuts that have been made to all council's by this Tory Government, not least to basic services that everybody relies on and, where we have a situation where adverse weather can prevent such challenges to a service. However last year we did put in additional resources, which mean that we now have additional loaders and drivers and more recently we have put in a team of staff to support the City Clean modernisation programme. The objectives of the modernisation programme are to implement processes to allow our customers to contact the service in a better way, more quickly and effectively. To establish clear lines of accountability supported by effective performance management to create a culture that will benefit customers and officers and support new ways of working. To provide assurance that the service is meeting its health and safety requirements and identify opportunities to deliver savings in a way that will generate income 'Spend to Save' opportunities. The current project, being undertaken by this small team, to give an idea of the work that is currently going on:

- A roll out of communal bins
- The roll out of wheelie bins and there is more detail of that in your addendum papers in response to Cllr Wares questions,
- A round restructure
- Our garden waste scheme is proving more and more popular and this will necessitate some changes to that
- Commercial Services work is underway to review the commercial operations within City Clean
- Public Conveniences – a report is coming to the Policy, Resources & Growth Committee in July seeking authorisation for the use of capital funding already agreed toward public toilet refurbishments

- Dedicated support is also being provided in relation to procurement and HR

It is anticipated that this programme will work through for the forthcoming year and this will support and modernise the service.”

90.32 Councillor Littman asked the following supplementary question, “As Councillors, we all owe a massive debt of gratitude to the staff of City Clean for their tireless and diligent work. We find ourselves in a situation where our email inboxes are full of complaints about uncollected refuse and recycling, our streets are full of overflowing rubbish bags put next to communal bins which haven’t been emptied. One local vicar in my ward is quoted in the Brighton & Hove Independent as saying most Sundays for me begin in the early morning clearing up the rubbish that has overflowed onto the pavement over the w-e so that people can simply be able to walk along the pavement. Can I ask how Councillor Mitchell can claim that she is getting the basics right?”

90.33 Councillor Mitchell replied, “I think my previous response actually demonstrated that we are concentrating on the basics and combined with good enforcement we know that this service will improve.”

(9) Councillor C. Theobald

90.34 Councillor C. Theobald asked the following question, “The worst part of the A27 for litter seems to be from Hollingbury to Hove, especially on the south side. The Government last April announced that it would change the law so one no longer has to prove the individual responsibility but it can be the vehicle owner and also to increase fines for littering. Is there a way of preventing the litter being discarded on the highway by the use of cameras for example? I feel there must be a way of doing something about this rubbish and I believe a lot of it possibly comes from the back of lorries, especially the large pieces of plastic we keep seeing. What is needed is prevention. Please can the Council look into this?”

90.35 Councillor Mitchell replied, “The Government’s Litter Strategy did allow for Councils to fine people and indeed passengers in cars as well as drivers where it was proved necessary in court that litter had been thrown from a vehicle on to the verges alongside major roads. Unfortunately what the Government didn’t do was to provide the necessary funding to allow for this evidence to be gathered in terms of the cameras that would be needed. What we are looking at is some signage that could be placed alongside these roads to remind people it is an offence to litter. The written response to Cllr West’s question highlights that we are still waiting to hear on Highways England to give us permission to clear these verges on both the A27 and the A23.”

90.36 Councillor C. Theobald asked the following supplementary question, “I wonder if anyone has actually been fined by Brighton & Hove City Council? I look forward to an improvement as it must cost a lot of money each time it is cleared up. A few cameras and fining people could help the situation.”

90.37 Councillor Mitchell replied, “I thank Councillor Theobald for her comments and I look forward the situation being in a better way, but we would need the resources to do it.”

(10) Councillor Gibson

- 90.38 Councillor Gibson asked the following question, “Will Cllr Meadows commit to ensuring and if necessary bringing forward expenditure so that the legacy of her four years won’t be that we didn’t use the resources that the Government had made available to us in order to tackle what is a very serious housing crisis in the City?”
- 90.39 Councillor Meadows replied, “You are quite right the officers are predicting that it is going to take us five years to reach the HRA borrowing cap however, if there were Green and Conservative Group support at Housing Committee when we have new developments coming through I am certain we could spend the money a lot faster, but we need your support to do that.”
- 90.40 Councillor Gibson asked the following supplementary question, “Will Councillor Meadows quote now publicly that we will use the available resources we have in the next year?”
- 90.41 Councillor Meadows replied, “We spent £12m on Brookmead, £14m on Kite Place, almost £7m on Hobby Place, if we have only spent £3.5m per year over the last 3 years my calculation is that is only £10.5m as you can tell from my previous response we have spent far more than that. I will state again that I am very keen to build more social housing in the city, we are all aware of the housing situation in our city but I need your support to do that.”

(11) Councillor G. Theobald

- 90.42 Councillor G. Theobald asked the following question, “When visitors arrive at Brighton Station and the walk down Queens Road to the seafront they will be greeted with graffiti everywhere and street furniture covered in stickers. However, since I raised the dreadful state of the city centre with the Chief Executive on 22 February and, by tabling this question, I am pleased to say that some of the long standing graffiti has very recently gone, although there is still a considerable amount in our streets all around us.

Councils place great stock on being responsible for place setting with parks. If you agree with me that a clean and tidy city encourages visitors to come here businesses can prosper and residents be satisfied, can you kindly advise me what steps you and your colleagues in administration are taking to take the lead in cleaning up our city?”

- 90.43 Councillor Mitchell replied, “I agree with you that graffiti is a scourge that blights towns and cities. This council works very closely with the police but, getting the required evidence to fine or prosecute is always difficult. The council removes all graffiti from public property, works with utility companies in relation to cleaning street furniture. Supports local community clean up campaigns, runs graffiti removal days with local businesses. I have instructed officers to prepare a city wide graffiti strategy but strategies are only as good as the finance that supports them, and in this case, the relevant powers will lay with planning enforcement, but for those of you who attended workshops is extremely under pressure. The draft Strategy will come to ET&S Committee in due course. We have also been running and are still running high profile anti-litter campaigns including on the beach. We have also been running ‘Tidy Up Team’ campaigns in our local parks and I hope that you might be able to join in one of those in

your ward. In relation to Place Setting, we have put funding in the budget to enhance the visitor welcome and sense of identity for the city, plans are under way for public art and the public realm linked to events. This activity is to be carried out in conjunction with local organisations and communities. On a wider note, of course we are working with our partners on the Economic Strategy and the Visitor Strategy, all aimed at boosting this city and promoting its unique identity.”

90.44 Councillor G. Theobald asked the following supplementary question, “Why can’t the Komedia say to promoters if your event is fly-posted around the city we will no longer have you appearing at the Komedia?”

90.45 Councillor Mitchell replied, “It is a good suggestion and I think all promoters need to adopt that type of strategy. Our officers do work with organisations such as Komedia to remind them about this and their responsibilities. We will continue to do that maybe we will be able to learn through the production of the strategy from other towns and cities that might be more successful at this than we are.”

(12) Councillor Mears

90.46 Councillor Mears asked the following question, “Can the Chair of Housing reassure Council that all front doors in blocks are compliant with Fire Safety Regulations including fire risk assessments?”

90.47 Councillor Meadows replied, “I believe you are referring to Masterdor. We have been in contact with both the manufacturer and the Ministry of Housing, Communities and Local Government for further information and we are tracking developments of the testing commissioned by government that are being undertaken. As soon as results are known we will review these and if necessary plan and take appropriate action related to the councils stock and consider what information needs to be shared with other landlords / duty holders in the city.

As you know though we are moving forward very clearly with our sprinkler system ahead of any other developments that the government may be bringing forward and we have done a lot of work on our own stock.”

90.48 Councillor Mears asked the following supplementary question, “Can the Chair of Housing confirm that the fire risk programme is up to date for tenants and leaseholders as per the council’s policy. Yearly in high rise in an exact 12 month cycle and three yearly are for others, as stated on page 5 of the Fire Safety Policy?”

90.49 Councillor Meadows replied, “Following the Grenfell Tower tragedy all of our blocks in the city were re-inspected with East Sussex Fire and Rescue Service (ESFRS) to ensure that no high rise council blocks contain the aluminium composite material (ACM) of the type found at Grenfell and as an enhancement to our existing annual fire risk assessments, all Council high rise blocks received an additional precautionary joint fire safety check by council surveyors and ESFRS. Information on cladding, insulation, and fire safety checks that has been published online and in order to provide extra re-assurance to yourself and to tenants and leaseholders we also commissioned an independent survey to double check (seven) blocks with a rain screen cladding, confirming that the materials used were not an ACM material type panel. The Council

have always reassured their tenants and tenants tell us that they feel exceedingly reassured by the fire safety assessments being carried out on their blocks and we are continuing to work in partnership with ESFRS in collating responses to government guidance, requests for information and keeping post Grenfell inductions under review.”

(13) Councillor Nemeth

90.50 Councillor Nemeth asked the following question, “Given that the administrations proposed rise in annual charges for beach hut owners has now been cancelled entirely due to notice letters not being sent on time will the accompanying sales tax of 10% now be cancelled for the same reason and through the fact that it has been ruled unlawful through the beach hut contract not actually containing provision for a sales tax?”

90.51 Councillor Robins replied, “A review is being undertaken on the procedure of implementing the revised transfer fees and the report will be brought to the Tourism, Development & Culture Committee for Members to consider the issue.”

90.52 Councillor Nemeth asked the following supplementary question, “Bearing in mind the stress and anxiety that has been caused by this whole exercise, made worse by a staggering 67 beach huts being broken into in the past two weeks, might now be a good time for the administration to reassure beach hut owners that a more co-operative approach will emerge going forward.”

90.53 Councillor Robins replied, “We will be writing to beach hut owners and I am sure you would want me to inform you before we inform them.”

(14) Councillor Miller

90.54 Councillor Miller asked the following question, “Would Councillor Robins confirm that Brighton & Hove have indeed invited Channel 4 to relocate 300 of their 900 staff to a base in Brighton along with 12 other cities nationwide and the resulting growth in high paid jobs and retention of business rates in the office they will occupy for our city, its residents and the city council?”

90.55 Councillor Robins replied, “Channel 4 is expected to invite pitches from cities across the UK to host its second headquarters next week. It will be keeping one in the capital and has agreed to move hundreds of staff out of London to create enhanced regional presence in three new ‘creative hubs’ in the nations and the regions with the locations for the new hubs being confirmed by September. The plan includes a commitment to spend half of Channel 4’s £700m annual programme budget on shows made by TV production companies based outside London by 2023. It is estimated that its plans to create 3000 new jobs in the creative industries outside London. A dozen cities and regions across the UK have been lobbying to provide new homes for Channel 4, including Manchester, Liverpool, Sheffield, Leeds, Norwich, Nottingham and Glasgow. Several of these have strong arguments and have already benefited from the BBC’s move to decentralise. Publicly owned, but largely funded by advertising revenues, Channel 4 has not been keen to move out of the capital, which is the home of the majority of the advertising companies. Its advertising operation will remain in London and the move will focus on production. It will be looking for a regional base which can

provide access to a skilled workforce, with good national connections and the potential for a significant infrastructure and production facilities. Brighton & Hove does not have a well-established television and film centre and its proximity to the capital and the cost and availability of premises in the city suggest it would be unlikely to bid successfully against the cities who have already declared their interest. However, Brighton does of course have a well-developed creative sector, it continues to be a popular filming location, and the local digital and media sector is well-placed to build on developing interest in convergent media, so there could be opportunities locally to take advantage of the current national debate concerning the need to increase regional production regardless of the outcome of the relocation process. Officers will keep a watching eye on developments.”

90.56 Councillor Miller asked the following supplementary question, “I think that is a no, but in national press reports it has been suggested that Brighton & Hove has declared an interest in doing so. It is unfortunately to hear Cllr Robins down play the capacity of our city to provide these much necessary jobs in what is a booming creative economy in our city. In all the press reports, as you say, Brighton seems unlikely at the moment because of such atone to get such a relocation compared with other cities. Therefore what more will his administration and officers do to support Channel 4s relocation to our city for example identifying and appropriate office or spaces that they can film and will Cllr Robins ensure all necessary officer resource is allocated to the bid released a couple of days ago, not next week, to ensure Brighton & Hove becomes a front runner for Channel 4’s relocation.”

90.57 Councillor Robins replied, “Councillor Miller seems to be far more advanced in this than I am don’t think I played down Brighton, I said that it’s close proximity to London, and cost of relocating here may be a hazard and that is being realistic. I did also say that officers will be keeping a watchful eye on this and if it becomes feasible that we can come forward with it then we certainly will.”

(15) Councillor Peltzer Dunn

90.58 Councillor Peltzer Dunn asked the following question, “When was the B2066 in Hove last fully re-dressed?”

90.59 Councillor Mitchell replied, “The B2066 runs from Boundary/Station Road in Portslade to A259 at Roedean. I have made a guess that Cllr Peltzer Dunn is most interested in the New Church Road section. Some stretches of the road have been re-surfaced at different times, others have mastic asphalt coatings. The Tesco section and the Lansdowne Place to Montpelier Road sections were resurfaced a few years ago, the Palmeira Square area was completely re-built. Within this years’ maintenance budget there will be further works carried out of sections of the road following surveys by the Council’s highways and engineers. I will ask officers to contact you with dates as to when this work will be undertaken.”

90.60 Councillor Peltzer Dunn asked the following supplementary question, “I asked “when was the B2066 in Hove last ‘fully’ redressed”. I accept her assurance that they will be inspected and priorities obviously have to be met but at the moment Church Road Hove has areas where it is in a dangerous state and it endangers pedestrians, cyclists and motorists. I therefore ask her to for assurance that she will instruct officers to take appropriate action?”

90.61 Councillor Mitchell replied, “Of course I will.”

91 PAY POLICY STATEMENT 2018/19

91.1 **RESOLVED:** That the Pay Policy Statement 2018/19 as set out in appendix 1 to the report be adopted.

92 TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19 (INCORPORATING ANNUAL INVESTMENT STRATEGY)

92.1 **RESOLVED:**

- (1) That the TMSS and Treasury Management Practices, which remain as approved by Policy, Resources & Growth Committee on the 23rd March, 2017 be approved;
- (2) That the Annual Investment Strategy 2018/19 as set out in appendix 2 to the report be approved; and
- (3) That the Borrowing Strategy as set out in appendix 3 to the report be approved.

93 VIOLENCE, VULNERABILITY AND EXPLOITATION

93.1 **RESOLVED:** That the Council's Community Safety Strategy be updated to incorporate the Violence, Vulnerability and Exploitation Strategy as detailed in appendix 1 to the report.

94 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION:**(1) These Walls Must Fall**

94.1 The joint Notice of Motion as listed in the agenda was proposed by Councillor Councillors Daniel on behalf of the Labour & Co-operative, Conservative and Green Groups and seconded by Councillors Wealls and Littman.

94.2 The Mayor then put the following motion to the vote:

This council resolves to support the These Walls Must Fall declaration, noting:

- That the practice of indefinite detention for immigration purposes is an unacceptable breach of basic human rights. It is an affront to some of our most important shared values, robbing people of the right to liberty, justice and dignity.
- That the harm and injustice of the detention system, its direct impact on individuals and on our society, cannot be addressed by improvements to conditions or minor reforms to the way the system is operated.
- That indefinite detention is a serious civil rights issue that must not be ignored. We have a responsibility to act, and we will work to expose this injustice and bring an end to the practice of indefinite detention.

This council also requests the Chief Executive writes to the Home Secretary asking that the Government examines immigration systems outside of the United Kingdom where indefinite detention is prohibited, in order to develop robust alternatives.

94.3 The Mayor confirmed that the motion had been carried unanimously.

(2) Unite Construction Charter

94.4 The Notice of Motion as listed in the agenda was proposed by Councillor Platts who stated that she believed everyone went into politics to make a positive difference for people they represent. She was grateful to the Unite Union which was seeking to protect the construction industry and she hoped that Members would support the notice of motion calling for a report to the Policy, Resources & Growth Committee. She noted that a number of local authorities had signed up to the Charter and stated that health & safety in the workplace should be an open process and shouldn't rely on whistle blowers to raise awareness. The Charter gave an opportunity to protect construction workers in the city and should be fully supported.

94.5 The Mayor congratulated Councillor Platts on behalf of the Council on her maiden speech.

94.6 Councillor Cattell seconded the motion.

94.7 Councillor Mears moved an amendment on behalf of the Conservative Group which was seconded by Councillor Bell.

94.8 The Mayor noted that the Conservative Group's amendment had not been accepted by Councillor Platts and put it to the vote which was lost by 16 votes to 33.

94.9 The Mayor then put the following motion as listed in the agenda to the vote:

This council resolves to support the Unite the Union Construction Charter and request that a report come to the Policy, Resources & Growth Committee regarding signing up to the Charter, recognising that:

- As a Local Authority we are responsible for the procurement of construction projects.
- It is therefore appropriate that as a responsible client we sign up to this Charter, and commit to working with the appropriate trade unions, in order to achieve the highest standards in respect of; direct employment status, Health & Safety, standard of work, apprenticeship training and the implementation of appropriate nationally agreed terms and conditions of employment.
- As more local authorities support the Charter this may lead to policy change at a national level leading to improved minimum standards in local authority procurement of construction projects.

94.10 The Mayor confirmed that the motion had been carried by 33 votes to 16.

(3) Women Against State Pension Injustice (WASP) Campaign.

94.11 The joint Notice of Motion as listed in the agenda was proposed by Councillor Meadows on behalf of the Labour & Co-operative, Conservative and Green Groups and seconded by Councillors Bell and Littman.

94.12 The Mayor then put the following motion to the vote:

The Council resolves to ask the Chief Executive to write to the Secretary of State for Work and Pensions and the Minister for Women and Equalities, calling upon the Government to:

- Make fair transitional state pension arrangements for all women born on or after 6th April 1950, who have unfairly borne the burden of the increase to the State Pension Age (SPA), with lack of appropriate notification, so not enabling them to make alternative arrangements.
- Recognise that women born in the 1950s affected by these pension changes are likely to suffer particular financial hardship, due to the obstacles to them re-entering the workplace, including age discrimination, and due to the fact that many will also have taken on caring responsibilities for relatives and grandchildren.

94.13 The Mayor confirmed that the motion had been carried unanimously.

(4) Hove Library Planning Application.

94.14 The Notice of Motion as listed in the agenda was proposed by Councillor Nemeth on behalf of the Conservative Group and seconded by Councillor Wealls.

94.15 Councillor Daniel moved an amendment on behalf of the Labour & Co-operative Group which was seconded by Councillor Cattell.

94.16 The Mayor noted that the Labour & Co-operative Group's amendment had not been accepted by Councillor Nemeth and put it to the vote which was lost by 20 votes to 27.

94.17 The Mayor then called on the Monitoring Officer to clarify the position prior to putting the substantive motion to the vote.

94.18 The Monitoring Officer confirmed that should the motion be carried it would result in officers being asked to consult with the cross-party working group which would be fully informed of the situation prior to a decision being taken on the matter by officers.

94.19 The Mayor then put the following motion to the vote:

This Council resolves to:

1. Immediately call a halt to the proposed works to Hove Library following criticism from residents, campaigners, conservation societies and the Conservation Advisory Group (CAG) about the way in which the planning process was handled, until the

go-ahead is given by the Cross-Party Hove Library Working Group (which was not consulted on the proposal); and

2. Requests the Chair of the Tourism, Development & Culture Committee to call for an officer report on the way in which application BH2017/03940 for works to the Library was advertised during the Christmas period and granted planning permission without either resident, councillor or CAG scrutiny, that includes specific proposals on both consultation period and councillor intervention to ensure that such an event does not happen again.

94.20 The Mayor confirmed that the motion had been carried by 27 votes to 0, with 20 abstentions.

(5) Women in Government and Politics.

94.21 The Notice of Motion as listed in the agenda was proposed by Councillor Greenbaum on behalf of the Green Group and seconded by Councillor Mac Cafferty.

94.22 The Mayor then put the following motion to the vote:

This Council resolves to:

- 1) Request the Chair of the Policy, Resources & Growth Committee to call for a report detailing the options for how Brighton & Hove City Council can implement the relevant recommendations for Local Authorities (where not already in place) listed in the Fawcett Society/LGiU report: *'Does Local Government Work for Women?'* (1)
- 2) Request the Chief Executive write to the Secretary of State for Communities and Local Government, supporting the introduction of a statutory maternity, paternity, adoption and parental leave policy for Councillors;
- 3) Request the Chair of the Policy, Resources & Growth Committee, to call for a report detailing options for how the council can implement its own formal maternity, paternity, adoption and parental leave policy for Councillors;
- 4) Request the Chief Executive writes to the Secretary of State for Communities and Local Government calling for guidance to be issued to local remuneration panels to promote the Fawcett model for a comprehensive dependent carers' allowance scheme, so that all childcare and adult dependent care costs are covered,
- 5) Request that as part of its next review of the Members Allowances Scheme, the Independent Remuneration Panel consider options to update the Scheme, changing the hourly child and dependent care allowance to the Brighton Living Wage (£8.75); and longer term, to seek to more accurately reflect the true cost of Ofsted registered childcare and adult care (2)
- 6) Request that Audit & Standards Committee consider adding Sexual Harassment and Sex Discrimination policies to the Code of Conduct.

94.23 The Mayor confirmed that the motion had been carried by 31 votes to 16.

(6) Commercial Recycling for Small Businesses.

94.24 The Notice of Motion as listed in the agenda was proposed by Councillor Janio on behalf of the Conservative Group and seconded by Councillor Wares.

94.25 The Mayor then put the following motion to the vote:

This Council notes that It is often not commercially viable for many small businesses and sole traders to use commercial waste recycling services.

This council resolves to:

Request the Chair of Environment, Transport & Sustainability to call for a report to be provided to the next Environment, Transport & Sustainability Committee on a process of how Cityclean could provide an affordable and suitable commercial recycling service for small businesses and sole traders who operate from home or produce very small quantities of recyclable waste.

94.26 The Mayor confirmed that the motion had been carried by 27 votes to 19.

95 CLOSE OF MEETING

95.1 The Mayor thanked everyone for attending and closed the meeting.

The meeting concluded at 9.25pm

Signed

Chair

Dated this

day of

2018

BRIGHTON & HOVE CITY COUNCIL**ANNUAL COUNCIL****4.30pm 17 MAY 2018****COUNCIL CHAMBER - BRIGHTON TOWN HALL****MINUTES**

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

PART ONE**1 DECLARATIONS OF INTEREST**

1.1 There were no declarations of interests in matters appearing on the agenda.

2 MAYORAL REPORT 2017/18

2.1 The Mayor introduced the mayoral report for 2017/18 and noted that it had been an engaging year in terms of engagements and events as well as working with her charities. She then moved that the report be noted.

2.2 **RESOLVED:** That the Mayoral report for 2017/18 be noted.

3 MAYOR'S THANKS & PRESENTATIONS

3.1 The Mayor welcomed everyone to the meeting and stated that at the start of her Mayoral term she began by saying how big a *mo-moment* this was for a small person. If nothing else she had learned this year how much a small person could pack into twelve months. It's been astonishing.

3.2 The meetings of full council had been one of her favourite activities of the past year; and she thanked all councillors for responding so kindly to her chairing of the meetings. She was also grateful to the support from officers, for making it a relatively fuss free experience. Whilst she was aware that many mayors it was their least favourite role, but she had enjoyed it immensely.

- 3.3 The Mayor stated that she had also greatly enjoyed the social opportunities provided by the office of the mayoralty. As a councillor of some long-standing she thought she knew the city well, but she had been amazed to discover dozens of organisations, groups and bodies that she had previously been unaware of. There were even parts of the city she had never visited before and that was quite an eye opener for someone who considered themselves knowledgeable about Brighton & Hove.
- 3.4 During some of these events her former theatrical life came in useful. Engagements were like performances except the script was always changing and wardrobe instructions were not always clear. If she had one word of advice for any future Mayors, it was an ability to extemporise! Everywhere there had been welcoming faces, friends old and new and hundreds and hundreds of volunteers. Her predecessors had commented on the value of volunteering and she would happily join their chorus. The city owed a massive debt of thanks to its volunteers. It simply would not function without them and in these days where every penny counted their selflessness, generosity and humanity has a quantifiable value.
- 3.5 The Mayor stated that here mayoralty also coincided with a couple of personal landmarks; she turned 70 and had decided not to seek re-election. These moments made the year additionally meaningful and underlined the emotional impact built into representing one's home. She could not have carried out that role without support and thanked the following individuals for their help.
- Councillor Lynda Hyde for her advice on being a petite, female Mayor, and for being full of insight and advice, including three invaluable tips; black tights, a fiver and a no handbag!
 - Robert Brown MBE for being her consort;
 - Father Robert Brown for being her Chaplain and Rob Coupland for being his deputy; and
 - Robbie Robertson, the Mayor's Chauffeur for his support and guidance.
- 3.6 The Mayor also thanked the Civic Office, Rosemary, Jackie, Anne Meadows, Peter Chivers, James Ledward, and Karl Jones for their personal and professional support. Without them her year would have been so different, and she particularly liked to thank them for supporting her 'famous five' charities; Albion in the Community, The Martlets, RISE, The Clock Tower and Sussex Heart Charity.
- 3.7 It had been an amazing year, full of incident and excitement. The Mayoral role at Citizenship Ceremonies in particular came as a wonderful surprise. She had no idea we hosted so many and that they would be so touching. It was also a tribute to the inclusiveness of our city that so many find a welcome and safe harbour. We should be very proud of our appeal.
- 3.8 The Mayor stated that she would like to close by offering the new Mayor, Councillor Simson her very best wishes; and to thank all Members for gifting her the opportunity. It had been truly memorable and she hoped she had repaid their kindness with her efforts.

4 ELECTION OF THE MAYOR OF BRIGHTON AND HOVE FOR THE MUNICIPAL YEAR 2018/19

- 4.1 The Mayor invited nominations for the position of Mayor of Brighton & Hove for the municipal year 2018/19.
- 4.2 Councillor Dee Simson was proposed by Councillor Bell and seconded by Councillor Janio.
- 4.3 Councillors Yates and Mac Cafferty supported the nomination of Councillor Simson as Mayor for 2018/19 on behalf of the Labour & Co-operative and Green Groups respectively.
- 4.4 The Mayor declared that, there being no other nominations, Councillor Dee Simson be duly elected Mayor of Brighton & Hove for the forthcoming municipal year.
- 4.5 The motion was **agreed**.
- 4.6 The Mayor then adjourned the meeting at 4.55pm in order for Councillor Simson as the incoming Mayor to be robed and to take the Chair for the meeting.
- 4.7 Councillor Simson reconvened the meeting at 5.10pm and then made and signed her Declaration of Acceptance of Office.

Councillor Simson in the Chair

- 4.8 Deputy Lieutenant, High Sheriff, Councillors, ladies and gentlemen, special guests. Who would have thought that I'd be sitting here one day with my name on a board in the Council Chamber amongst all these important and well known people whose names you can see and who've made Brighton and Hove the fabulous city it is today. Thank you so much to the Council for appointing me and special thanks to Cllrs. Bell, Janio, Yates and Mac Cafferty for your kind words today.
- 4.9 I've been told to be brief so I'm not going to say too much, just explain what I'm hoping to do during my year as Mayor but before I do I want to say some special thankyou's.
- 4.10 Firstly to my family - I'm very happy that my husband Paul has agreed to be my Consort during my Mayoral year so I'd like to thank him and ask him to come forward to be presented with the badge of office. Thanks also to my three beautiful daughters, Sam, Charley and Bobby. Thank you all so much for supporting me over the past 20 years when I've often been out from morning to night. And thank you for my 5 adorable grandchildren Olivia, Brandon, Rafe, Minnie and Rex who are here today. If ever anyone asks them where Nanny is, the response will always be - 'in a meeting! Thank you also to my other family members and friends who've come along today to support me. Welcome to this wonderful building.
- 4.11 There's one other person I'd like to say a special thank you to who can't actually be here today and that's ex councillor Pamela Stiles. It was Pamela who 20 years ago talked me into becoming a councillor. It was something I'd never considered and didn't feel I

had the capability of, but she insisted and insisted and I'm so glad that she did so thank you Pamela.

- 4.12 I'm very pleased to say that Reverend Helen Rose from my own Parish in Woodingdean has agreed to be my Chaplain for the mayoral year. Thank you Helen and I hope you will find it to be an engaging experience.
- 4.13 I've given a lot of thought about what I want to do in my Mayoral year and a lot of thought as to what charities I want as my Mayoral Charities. I love Brighton and Hove & Portslade where one of my daughters actually lives. I've lived here all my life and I want to do everything I can to promote the city during my year. It's such a fun place to be and I want everybody else to enjoy the time they spend here.
- 4.14 Whether it's living, working or just visiting. I want visitors to come and see what a great place it is and all the exciting things on offer, so they come back over and over again and tell their friends to visit as well. I want to support business and the economic development of the city by welcoming conferences and delegations and showing them what an amazing place it is to do business with.
- 4.15 Brighton & Hove has a long and well established history of being a city that is open to visitors and investors alike. As a city we are looking to build on that to develop new ties overseas and attract investment into the city while helping our businesses that are here to export to new markets. I'll therefore be working during my time as Mayor to promote the city where I can; building on the fact the role of Mayor is internationally recognisable. In doing this I hope to contribute to the work the council is doing to strengthen the economy of the city and attract new investment, such as looking to set up a Trade and Inward Investment Team.
- 4.16 When I was thinking about all this my thoughts kept coming back to the seafront. We have an amazing resource in the seafront. If you go anywhere in the world and mention you're from Brighton, they immediately say "oh yes by the sea". I'm hoping to use this to my charities advantage by having several of my fundraising events there. We've got so many places that can offer good facilities from the casino in the marina, Volks railway, and the Palace Pier. There's all the hotels and businesses along on the seafront, the i360, the Bandstand and along to the King Alfred and Hove Lagoon. I'm sure there are plenty of things that we can do along that stretch to raise lots of money - so if anyone here has any contacts please let me know.
- 4.17 Moving onto my Charities:
- Firstly I wanted to a charity that touches almost everyone in the city at one time or another through family members, friends or neighbours, so decided on the Martlets. The Martlets is an amazing charity that needs to raise substantial amounts every year and I'll be really happy to support them.
 - My second theme was children. As I said, I've got five grandchildren at the moment and a 6th on the way, so I wanted to support a children's charity. I decided on Rockinghorse which is actually a small charity that has to work hard to raise funds for all sorts of equipment and other things needed at the Royal Alex hospital.

- As you all know, we have a big problem in the city with homelessness so I really felt it was right to choose a homeless charity. The charity I decided on is doing an amazing amount of "thinking outside of the box" providing mobile washing facilities and other innovative services to our street sleepers. That is Off the Fence.
 - My final charity is one that is very close to my daughter Sam's heart. She does a lot of work with adults with learning disabilities and I wanted to support her in that area of work so I've chosen Grace Eyre Foundation.
- 4.18 I've done things a bit differently this year in that instead of thinking about pound notes, I've asked them all for a wish list so we know exactly what we're working towards. I think that'll help us when we're asking people to attend events, buy raffle tickets and when we're doing bucket collections. Instead of just asking people to throw money in the bucket for charity we can explain exactly what we are raising money to buy. This may be a ventilator for the Royal Alex or 100 sleeping bags for the homeless. At the end of my year I'm hoping to share with you a long list of what we've managed to buy.
- 4.19 We've already had a couple of get-togethers of the charities and want to try some different things this year. We're in the process of organising the Mayor's Variety Show thanks to Jo Jamieson and my daughter Sam. The venue's booked for Saturday 6th October so please put this date in your diary. There are going to be two great performances with a matinee and evening show. We're also hoping to organise a grand ball and a Caribbean evening amongst many other things. I hope many of you will be able to come along to support them.
- 4.20 As well as these four charities I'm hoping to support many other charities, clubs & associations in the City by being invited to attend events that raise their profile and increase their fundraising.
- 4.21 When you got your invitations to my reception today I'm sure many of you were wondering why we weren't going to the Pavilion, which is traditional, but as I've already said I wanted to start my year by having fun, while promoting the seafront. So I thought it would be really good to have a change and go down to the beach and so that's where we're going. Down to Carousels and with fish, chips and donuts instead of canape. I really do hope you enjoy it. It's going to be a lovely evening. We can stay as long as we want and you can ride the Carousel as many times as you want.
- 4.22 In closing, I want to extend my personal congratulations to Councillor Alex Phillips, assuming we all agree shortly, whom I know will make an excellent Deputy Mayor and look forward to working with her. I also want to offer my thanks to Cllr Mo Marsh who has selflessly allowed me to attend many events during her Mayoral year so I have some idea about what lies ahead.
- 4.23 I'm really looking forward to starting my mayoral engagements and in the first two weeks will be attending amongst others:
- a steel erection ceremony at West Blatchington Primary and Nursery School
 - The 80 years' celebration of Preston Circus Fire Station, and
 - The launch of Brighton & Hove new Community Kitchen at Community Base.

- 4.24 These wonderful and varied events reflect the diversity of our inclusive and welcoming city and I hope will be the perfect start to my special year ahead.
- 4.25 Thank you all once again. Please do enjoy the rest of the day with family, friends and colleagues. It's going to be a nice evening and where better to spend it than on Brighton Beach.

5 VOTE OF THANKS TO THE RETIRING MAYOR

- 5.1 The Mayor invited Councillor Meadows to move a vote of thanks for the previous Mayor, Councillor Marsh.
- 5.2 Councillor Meadows moved a vote of thanks to Councillor Marsh as the retiring Mayor for her services during her term of office.
- 5.3 Councillor Yates seconded the motion and this was supported by Councillors Janio and Mac Cafferty.
- 5.4 The Mayor put the motion to the vote.
- 5.5 The motion was **carried**.
- 5.6 The Mayor presented Councillor Marsh with a commemorative badge in recognition of her year of office.

6 APPOINTMENT OF THE DEPUTY MAYOR FOR BRIGHTON AND HOVE FOR THE MUNICIPAL YEAR 2018/19

- 6.1 The Mayor moved that the Council appoint Councillor Alex Phillips as Deputy Mayor for the forthcoming municipal year.
- 6.2 The Motion was seconded by Councillor Mac Cafferty.
- 6.3 Councillors Yates and Janio supported the nomination of Councillor Simson as Deputy Mayor.
- 6.4 The Mayor declared that, there being no other nominations, Councillor Alex Phillips be duly elected as Deputy Mayor of Brighton & Hove for the forthcoming municipal year 2018/19.
- 6.5 The motion was **agreed**.
- 6.6 Councillor Alex Phillips made and signed her Declaration of Acceptance of Office as Deputy Mayor and was presented with her badge of office by the Mayor.

7 APPOINTMENT OF THE LEADER OF THE COUNCIL FOR 2018/19

- 7.1 The Mayor invited Councillor Mitchell to propose the appointment of the Leader of the Council.

- 7.2 Councillor Mitchell proposed that Councillor Yates should be appointed as the Leader of the Council for the municipal year 2018/19.
- 7.3 Councillor Hamilton formally seconded the proposal.
- 7.4 The Mayor noted that there were no other nominations and put the motion to the vote which was agreed.
- 7.5 **RESOLVED:** That Councillor Yates be appointed as the Leader of the Council for 2018/19.

8 APPOINTMENTS FOR 2018/19

- 8.1 The Mayor moved that for the municipal year 2018/2019 the following appointments be agreed:
- (i) Deputy Leader of the Council, Councillor Gill Mitchell; and
 - (ii) Leader of the Official Opposition, Councillor Tony Janio.
- 8.2 The Mayor also moved that for the municipal year 2018/2019 the following appointments to the positions as agreed by the various Groups represented on the Council be noted:
- (i) Leader of the Labour & Co-operative Group - Councillor Daniel Yates;
 - (ii) Deputy Leaders of the Labour & Co-operative Group - Councillors Les Hamilton (Finance) and Gill Mitchell;
 - (iii) Leader of the Conservative Group - Councillor Tony Janio;
 - (iv) Deputy Leaders of the Conservative Group – Councillors Steve Bell and Lee Wares;
 - (v) Convenor of the Green Group – Councillor Phelim Mac Cafferty;
 - (vi) Deputy Convenors of the Green Group – Councillors Louisa Greenbaum, Leo Littman and Amanda Knight.

- 8.3 The motion was **carried**.

9 REVIEW OF POLITICAL BALANCE 2018/19

- 9.1 The Mayor moved the recommendations as listed in the report.
- 9.2 **RESOLVED:**
- (1) That the appointment of the committees with the sizes and allocation of seats

between political groups as detailed in the report and in appendix 1 to the report be approved;

- (2) That the allocation of seats as detailed in the report and appendix 2 to the report be approved;
- (3) That having received nominations for the municipal year 2018/2019 to the following Committees from the 3 political groups as detailed in appendix 2 to the report, these Committees and Sub-Committees be constituted and appointed to hold office until the next Annual Meeting of the Council and the number of Members and allocation of seats to the Party Groups (apart from co-opted Members) as detailed in appendix 1 to the report and as specified below be agreed:

Policy, Resources & Growth Committee – Councillors Yates (Chair), Hamilton (Deputy Chair), Bell, Daniel, Janio (OS), Mac Cafferty, Mitchell, Peltzer Dunn, Sykes and Wealls.

Children, Young People & Skills Committee – Councillors Chapman (Chair), Penn (Deputy Chair), Allen, Brown (OS), Hamilton, Knight, O’Quinn, Phillips, Taylor and Wealls.

Environment, Transport & Sustainability Committee – Councillors Mitchell (Chair), Horan (Deputy Chair), Atkinson, Brown, Littman, Miller, Peltzer Dunn, Robins, Wares (OS) and West.

Housing & New Homes Committee – Councillors Meadows (Chair), Hill (Deputy Chair), Atkinson, Barnett, Bell, Druitt, Gibson, Lewry, Mears (OS) and Moonan.

Neighbourhoods, Inclusion, Communities & Equalities Committee – Councillors Daniel (Chair), Marsh (Deputy Chair), Cattell, Morgan, Nemeth (OS), A. Norman, K. Norman, Peltzer Dunn, Phillips and West.

Tourism, Development & Culture Committee – Councillors Robins (Chair), Platts (Deputy Chair), Allen, Cattell, Druitt, Mac Cafferty, Mears, Morris, Nemeth and A. Norman (OS).

Audit & Standards Committee – Councillors Miller (Chair), Cobb, Gilbey, Greenbaum, Lewry, Morris, Robins and Sykes.

Health Overview & Scrutiny Committee – Councillors K. Norman (Chair), Allen, Barnett, Bennett, Bewick, Deane, Greenbaum, Marsh, Morris and C. Theobald.

Licensing & Licensing (2003) Committee – Councillors O’Quinn (Chair), Morris (Deputy Chair), Bennett, Cattell, Cobb, Deane, Gilbey, Horan, Hyde (OS), Knight, Lewry, Marsh, Page, C. Theobald and Wares.

Planning Committee – Councillors Cattell (Chair), Gilbey (Deputy Chair), Bennett, Hyde, Inkpin-Leissner, Littman, Mac Cafferty, Miller, Morgan, Morris, O’Quinn and C. Theobald (OS).

Licensing 2003 Sub-Committee (3 from the parent committee with designated reps) – Councillors O’Quinn (Chair), Deane and Hyde (OS).

Personnel Appeals Sub-Committee – (3 from a pool of Members with designated reps) Councillors Allen, Wares and Littman.

Health & Wellbeing Board – Councillors Barford (Chair), Moonan, Page, Taylor (OS) and Wealls.

Corporate Parenting Board - Councillors Chapman (Chair), Bell, Bennett, Hill and Knight.

Procurement Board – Councillors Meadows (Chair), Miller, Platts, Sykes and Wealls (OS).

Strategic Delivery Board – Councillors Yates (Chair), Gibson, Janio (OS), Mitchell and G. Theobald.

Greater Brighton Economic Board – Councillors Yates and Janio.

Great Brighton Economic Board Call-in Panel – Councillor Mac Cafferty.

Orbis Joint Committee – Councillor Hamilton.

Orbis Law Joint Committee – Councillor Hamilton

Royal Pavilion Shadow Trust Board – Councillors Robins, Mac Cafferty and A. Norman.

- (4) That in having regard to (3) above, those Members listed as Chair, Deputy Chair and Opposition Spokesperson (OS) of the respective Committees, Sub-Committees and Forums as detailed in appendix 2 to the report be agreed;
- (5) That in having regard to (2) above, an Urgency Sub-Committee for each Committee be approved in accordance with Procedure Rule 22 (such committee being politically balanced but not included in the total number of seats for the purpose of allocating seats);
- (6) That in having regard to (2) above, it be agreed that for the purpose of enabling meetings of the Personnel Appeals Panel (sub-committee) to be convened without disproportionate difficulty, the make-up of such panels need not be politically balanced although every effort would be taken to achieve it and that it also be agreed that:
 - (a) Although the Panel has the Members referred to in Appendix 2 as its standing Members, where any of the 3 Members is not available, any Member of the Council who has received appropriate training shall be eligible to sit on the Panel;

- (b) The Head of Democratic Services be authorised to set up the Panel, as and when needed with the permanent Members or, where any of them is not available, by including any other eligible Member of the Council, having regard to the need, where possible, to secure cross party representation;
- (c) The above arrangements and those set out in paragraph 2.5 of the report are intended to operate as “alternative arrangements” for the pursuant to section 17 of the Local Government (Committees and Political Groups) Regulations 1990.
- (7) That the appointment of the various Lead Members’ roles and the designated Members listed against those roles as detailed in Appendix 3 to the report and specified below be agreed; and

	Lead Member	
1	Adult Social Care	Councillor Barford
2	Community Safety	Councillor Marsh
3	Economic Development and Social Value	Councillor Platts
4	Health & Wellbeing	Councillor Barford
5	Mental Health	Councillor Penn
6	Planning Policy	Councillor Cattell
7	Private Rented Sector	Councillor Hill
8	Rough Sleeping	Councillor Moonan
9	Sustainability	Councillor Horan
10	Tourism	Councillor Robins

- (8) That the appointment of representatives to various bodies listed in Appendix 4 of the report be agreed;

	Name of Organisation	Term of Office	Appointments 2018/19
1	Interreg	Annual	Cllr Yates
2	Members Advisory Group on Grants (MAG)	Annual	Cllrs Hamilton, Janio Littman
3	Brighton & Hove Legacy fund	Annual	Cllrs Littman, Marsh, Taylor
4	The Brighton Fund	Annual	Cllrs Simson (Mayor), Cattell, Deane, Marsh, A. Norman
5	Arts & Creative Industries Commission	Annual	Cllrs Mac Cafferty, Morris, Peltzer Dunn
6	Brighton & Hove Connected	Annual	Cllrs Janio, Mac Cafferty, Yates
7	Brighton & Hove Music Trust	Annual	Allen, Mac Cafferty and A. Norman.
8	Brighton Dome & Festival Ltd	3-years	Morris, C. Theobald
9	East Sussex Pension Board	Annual	Allen
10	Local Government Association	Annual	Mac Cafferty, Mitchell, Morgan and G. Theobald.

10 CLOSE OF MEETING

- 10.1 The Mayor thanked everyone for attending the meeting and invited them to join her in the reception area on the ground floor of the Town Hall, in order to process over to the Carousel on the esplanade.

The meeting concluded at 5.30pm.

Signed

Chair

Dated this

day of

2018

Subject:	Improve Brighton & Hove's Recycling Scheme - Petition for Debate		
Date of Meeting:	19 July 2018		
Report of:	Executive Lead Officer for Strategy, Governance & Law		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

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

- 1.1 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 The e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,685 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and referred to the Environment, Transport & Sustainability Committee for consideration at its meeting on the 9th October 2018.

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

We demand for the Brighton and Hove council to implement weekly kerbside recycling collection and start recycling a wider variety of plastic and food waste.

We require immediate action from Brighton and Hove Council to improve public recycling services. Currently, the local council does not recycle any food packaging plastics or other plastic waste aside from plastic bottles, and even this is on a fortnightly basis. This is unacceptable: comparable local council areas recycle a far wider range of plastics with similar council budgets.

Lead Petitioner – Tea Meneghetti

Additional Information:

A better recycling system is easily attainable. Veolia, the waste management company used by the local council, can recycle a wider range of plastic and food waste, and does so for other councils in the UK. This council needs to develop a comprehensive recycling strategy so that Brighton can become a truly green city moving forward. With your signature we can force meaningful government action. Our environment and seas are in a perilous state and urgent human action is required to prevent further permanent damage.

Read on below to see our broader recommendations for how the local council can develop an improved recycling strategy.

- Plastic

Our world's addiction to plastic can be seen everywhere. It's in our waterways, in our seas and undoubtedly in our diets. While news stories of plastic islands and documentaries such as Blue Planet II show us the immeasurable damage this material does to ecological systems worldwide, it is also ever-present in our streets, parks and beaches here in Brighton. Given this city's pride in its sustainable ethos, embodied by its zero waste plastic businesses, environmental community action groups and beach clean-up events, Brighton should be leading the change among UK cities aiming to reduce, reuse and recycle ubiquitous plastics.

Unfortunately, plastic recycling operations by the local council are far from ideal. At present, the only plastics recycled by the council are PET (recycling triangle 1) and HDPE (recycling triangle 2) plastic bottles, mainly found in soft drinks and milk containers. The vast majority of household waste is not recycled; plastic pots, tubs and trays, which make up 33% of UK kerbside recycling and rigid plastic packaging, which make up 50% of UK recycling through any method, are not collected. Even food and drink cartons are only collected through centres that are inaccessible for many Brighton residents. Veolia, which has a 30-year "integrated waste management contract" with the local council, takes the residual waste to a locally controversial, waste-fuelled electricity generation plant in Newhaven. This plant incinerates our recycling to supply power for up to 25,000 homes, but at the cost of releasing 8 forms of harmful greenhouse gases into the atmosphere. Although current emissions are within safe limits, there is inevitably some leakage of waste locally, and Friends of the Earth have described incineration of recyclables as a short-term strategy, which ignores the fact that new plastics require more oil and create more emissions.

Clearly, if Brighton wants to be a green leader for the UK, this is not good enough. This piecemeal recycling effort has culminated in Brighton and Hove local council consistently ranking among the worst council areas for household waste management. At only 27% last year, the city languishes far behind the national average of 42.6% for recycling rates and is less than half of the most efficient councils of South Oxfordshire (66.6%), East Riding of Yorkshire (66.1%) and Surrey (62.1%).

The city must act immediately to change this. A crucial first step in addressing recycling rates is expanding current kerbside recycling to include plastic pots, tubs and trays and plastic packaging. 76% of councils do this already, and this would ensure that the local council meets plastic pressure group WRAP's minimum requirements on council recycling. In selected London areas, Veolia recycles a wider range of plastics and it is opening a new plant in Southwark to deal with an expanded range of recyclables soon.

However, if Veolia is unwilling or unable to start taking Brighton's plastic, we must find a contractor who is, such as Biffa Polymers which opened the UK's first rigid plastic processing plant in 2012; the city cannot afford to wait until 2033 to deal with this issue. Our current arrangement with Veolia allows for contractual changes and the local council could follow the example of Sheffield, who broke ties with Veolia to cut costs and recycle more efficiently.

- Composting

As we moved to Brighton, we immediately started researching what recycling scheme was in place. We were appalled to find that information wasn't readily available and kerbside recycling options were limited. To our surprise, food waste collection isn't a service provided by the council. We expected to at least have a fully subsidised alternative in order to compost at home, but had to buy a bin ourselves to install in our garden. As a result, we became aware of community composting stations, but we found it to be an ineffective way to compost, as well as failing to widely promote food waste recycling. We're aware that Veolia does provide food composting services (for businesses, in Brighton and Hove, and for households, in other parts of England such as West Berkshire) and we believe kerbside collection would be the only successful way to involve the population into making food composting the norm, and not a virtuous act.

Should this not be possible, we admit that a somewhat acceptable compromise would be to truly implement the pre-existing community recycling stations. It's unlikely that many individuals will bring their food waste almost half a mile from their home on a weekly basis.

It is also unfair to expect over three thousand citizens (needed to properly serve most households) to volunteer to take charge of this chore to help their community, when it should be a basic service provided by any city in a wealthy country such as the UK.

Should this compromise be reached (as a lesser alternative to kerbside recycling), we insist that Compost Monitors be rewarded for their time, and the population be supported in this as much as possible - providing free kitchen caddies would be the bare minimum.

- Awareness

There is currently a serious lack of information and guidance on food waste composting schemes, recycling strategies as well as small scale community movements. We call for better direction and promotion from the council.

Buses, local news and social media would be a good basis for improving awareness. Informative and promotional communication (similarly to London's campaign for the protection of the marine life in the Thames) is essential. Many councils deliver recycling calendars to households - to report collection dates, as well as encouraging recycling in all homes and inform about correct recycling behaviour.

Citizens would then have better knowledge of the different options available for composting and recycling. For instance, not everyone knows that the majority of tea bags are only 70 to 80% biodegradable due to plastic used to seal them, and are therefore not perfectly suitable for composting.

It should be the council's responsibility to emphasise this type of information so we can take action accordingly.

Many have the will to make small changes for a more sustainable living, but few know about the specificities and concrete actions that can be carried out. Brightonians have the motivation and drive to conduct efficient and green composting and recycling. The role of the council must not be undermined and should lead citizens' actions.

- Budget

We're aware that one main reason at the root of this poor recycling scheme is a serious lack in council budget, which suffered a 57% cut in the past 8 years. However, we do believe recycling would ultimately be the most cost-effective solution for our city!

Cardiff (along with most of Wales, striving to become a No Waste Nation by 2050) is setting outstanding standards for recycling, and is comparable to our city in size. Their overall net expenditure for household waste (which happens on a weekly basis and includes food composting) in 2013 was £23,468,644, equating to £157 per household per annum, which is £2m lower than Brighton and Hove council's household waste budget.

Furthermore, Wrap (the Local Authority Waste Portal) shows that weekly kerbside recycling and food composting, while reducing residual waste to fortnightly collections, would reduce the expenditure by over £20 per household annually. This would represent a significant saving for the council and would surely set an example for East Sussex and hopefully the rest of the country.

In conclusion, we require for Brighton and Hove council to improve the current recycling strategy and prove itself to be a truly progressive city.

The best way for this to take place is to truly encourage the population to favour recycling over general waste. Because of this, we believe it would be appropriate to start an operation to explain how recycling works, and promote it throughout our city across all levels of the populations (from schools to community centres). We believe it's time for our city to catch up with the rest of Europe, and pave the way for England to become a high recycling nation.

We demand for the Brighton and Hove council to: 1. work with Veolia or even local cooperatives to implement weekly recycling (even by introducing fortnightly general waste collection), 2. recycle a wider variety of plastic and food waste, encouraging Brightonians to set the standard nationwide.

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 open the matter up for debate by councillors for period of 15 minutes and will first call on the relevant Committee Chair to respond

to the petition and move a proposed response. The Mayor will then call on those councillors who have indicated a desire to speak in the matter, before calling on the relevant Committee Chair to respond to the debate;

- (iii) An amendment to the recommendation in paragraph 2.1 of the report or to add additional recommendations should be submitted by 10.00am on the day of the meeting; otherwise it will be subject to the Chair's discretion as to being appropriate. Any such amendment will need to be formally moved and seconded at the meeting;
- (iv) After the 15 minutes set aside for the debate, the Mayor will then formally put:
 - (v) (a) Any amendments in the order in which they are moved, and
 - (b) The substantive recommendation(s) as amended (if amended).

Subject:	Regency Square & i360 - Petition for Debate		
Date of Meeting:	19 July 2018		
Report of:	Executive Lead Officer for Strategy, Governance & Law		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

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

- 1.1 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 The e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,446 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and referred to the Environment, Transport & Sustainability Committee for consideration at its meeting on the 9th October 2018.

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

The opening of the BAi360 is bringing thousands of visitors to our area and we, the undersigned ask the Council to improve the front of the Square by addressing the following problems.

1. Illegal motorcycle parking on the crazy paving/pebbled hard standing section of the front lawn.
(Note - it is only a handful of motorcycles who park here regularly but their high visibility on the front of our square encourages many motorcycles passing by to turn right into Regency Square and on busy weekends we can have up to 40 motor cycles illegally parked. A small M/C bay (perhaps for 5) either side of the square should satisfy the regular offenders.)
2. Perhaps consideration could be given to allowing resident parking permit holders (Z) access to the car park which would enable the car parking bays

on either side of the square to be greatly reduced and so reduce the congestion of those queuing to get into the car park.

3. The front lawn pebbles are hazardous for elderly pedestrians and entirely unsuitable for wheelchairs and pushchairs. (a cement screed or decking over these pebbles would remove the problem.)
4. The lighting for this area is inadequate for what will be a very busy vantage point for visitors.
5. The stone steps around the memorial statue and the statue itself are in need of cleaning and the railings around the whole area are also in need of repair and decoration.

Lead petitioner: Neil Rosborough

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 open the matter up for debate by councillors for period of 15 minutes and will first call on the relevant Committee Chair to respond to the petition and move a proposed response. The Mayor will then call on those councillors who have indicated a desire to speak in the matter, before calling on the relevant Committee Chair to respond to the debate;
 - (iii) An amendment to the recommendation in paragraph 2.1 of the report or to add additional recommendations should be submitted by 10.00am on the day of the meeting; otherwise it will be subject to the Chair's discretion as to being appropriate. Any such amendment will need to be formally moved and seconded at the meeting;
 - (iv) After the 15 minutes set aside for the debate, 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:	Implement a Policy for the Distribution of Free Sanitary Products to Schools to Counter Period Poverty - Petition for Debate		
Date of Meeting:	19 July 2018		
Report of:	Executive Lead Officer for Strategy, Governance & Law		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

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

- 1.1 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 The e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,520 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and referred to the Neighbourhoods, Inclusion, Communities & Equalities Committee for consideration at its meeting on the 8th October 2018.

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

We the undersigned petition Brighton & Hove Council to implement a policy for the distribution of free sanitary products to schools to counter period poverty. We see this as an integral part of the Council's Health and Wellbeing strategy.

Lead petitioner: Samantha Whittaker

Additional Information:

Girls and young woman are feeling stigmatised, experiencing bullying and often missing school due to not being able to afford sanitary products. Research undertaken by Plan UK in 2017 found that:

- 1 in 7 girls (15%) have struggled to afford menstruation products.

- More than 1 in 10 (12%) have had to use items other than menstruation products to stem their menstrual flow (i.e. they have had to improvise menstruation towels/tampons).
- Almost half (48%) are embarrassed by their periods.
- Only 22% feel comfortable to talk to a teacher about their periods.
- More than a quarter (26%) said they did not know what to do when they started their period.
- 1 in 7 girls (14%) said they did not know what was happening when they started their period.

Brighton and Hove Council's Health and Wellbeing Strategy is to make Brighton and Hove a healthier, more equal city, with a thriving population by 2020 including the goal to improve the emotional health and mental health and wellbeing of children and young people.

We believe that the provision of sanitary products for all girls and young women at school will remove the stigma and bullying experienced by these young women and help support their educational engagement and attainment in school.

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 open the matter up for debate by councillors for period of 15 minutes and will first call on the relevant Committee Chair to respond to the petition and move a proposed response. The Mayor will then call on those councillors who have indicated a desire to speak in the matter, before calling on the relevant Committee Chair to respond to the debate;
- (iii) An amendment to the recommendation in paragraph 2.1 of the report or to add additional recommendations should be submitted by 10.00am on the day of the meeting; otherwise it will be subject to the Chair's discretion as to being appropriate. Any such amendment will need to be formally moved and seconded at the meeting;
- (iv) After the 15 minutes set aside for the debate, the Mayor will then formally put:
- (v) (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:

(1) Councillor Gibson - Home Conversions:

Please can you provide:

- a) The total number of home conversions over the last 3 years
- b) The number expected to be completed by May 2019
- c) The Number of housing units that will be achieved by the conversion of 43 Manor Hill

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

(2) Councillor Gibson - Net costs of spot purchase and short term emergency accommodation:

Please can you provide a table setting out for the each years 2013/14 to 2017/8 net costs reported to housing and New Homes committee on 13th of June, a breakdown of each net cost of by each provider (i.e. Helgor, Baron, Colgate and Gray, spot purchase + any others used over these years) along with the number of places for households/individual placements offered by each provider?

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

(3) Councillor Gibson

For each of the years 2013/4, 2014/15, 2015/16, 2016/17 and 2017/18 please can you provide a breakdown of the net costs/surplus (i.e. net HB income) along with the average number of placement properties provide by each category over each of the years for:

- a) Properties private sector leased for temporary accommodation (on leases of 10 years or less)
- b) Properties leased to Brighton and Hove Seaside Homes as temporary accommodation
- c) Bed and Breakfast

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

(4) Councillor Wares

On 11th October 2016, ETS Committee approved item 30, Pedestrian Crossing Assessment Priority List. Table 1 identified 10 top locations (an 11th location was added) and in particular crossing 9, Mackie Avenue. The proposed actions stated “implement”, the funding source was identified as from the 2016/17 Local Transport Plan (LTP) and the project was noted as requiring no additional funding.

On 29th June 2018, 18 months after the crossing list was approved, the Chair of ETS Committee advised that only 4 of the 11 crossings had been completed and “work is ongoing to..... identify additional sources of funding”.

Please could the Chair of ETS confirm the following:-

1. What has happened to the funds allocated in the 2016/17 LTP budget not spent on crossing 3 and 4 on Table 1 and Marine Drive on Table 1A. Crossing 5 was to be funded from s106 monies.
2. Which position is correct, the financial data confirming the available LTP funds for crossing 9 not requiring additional funds upon which the Committee decision to accept the recommendations was made or the Chair of ETS’ advice that additional funding to undertake crossing 9 had yet to be found.
3. The timetable to implement crossing 9, Mackie Avenue.

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

(5) Councillor Deane

Current work by Exeter University shows that effective action being taken against predatory species such as the Asian hornet, which presents a significant threat to our bee population, relies heavily on them being spotted and reported by members of the public. In view of Brighton & Hove’s position on the south coast and proximity to Europe where they have become a major problem, what measures are being taken by BHCC along with partner agencies to enable residents to identify such species and to know where to report them..

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

(6) Councillor Mac Cafferty - Council Tax Protocol

In areas where UC has been rolled out, demand for food banks has increased by 52%; while of the 498 Households on Universal Credit in the city 68% are in rent arrears.

Universal Credit (UC) is now live in Brighton and Hove. A person on UC can also claim Council tax reduction separately, and CTR entitlement is based on their UC award. However the nature of some of the language used in council tax

collection letters can leave some of our residents afraid of engagement with the Council.

Council tax arrears is now the most common debt issue Citizens Advice help people with. Citizens Advice is calling on councils to commit to fair and effective debt collection around Council Tax and has set up a council tax protocol with the Local Government Association.

The protocol is already signed by 56 councils around the country and asks that Councils implement a range of proposals, including that they:

- do not use enforcement agents where a resident receives council tax support;
- publish their policy on residents in vulnerable circumstances;

Would the Administration please consider signing up to the protocol also?

<https://www.citizensadvice.org.uk/Global/CitizensAdvice/campaigns/Council%20Tax/Citizens%20Advice%20Council%20Tax%20Protocol%202017.pdf>

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

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:

- (1) **Councillor Janio**
Subject matter: City Governance

Reply from Councillor Yates – Leader of the Council

- (2) **Councillor Mac Cafferty**
Subject matter: Bins

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

- (3) **Councillor Wealls**
Subject matter: PSPOs

Reply from Councillor Daniel – Chair of the Neighbourhoods, Inclusion, Communities & Equalities Committee

- (4) **Councillor Phillips**
Subject matter: Walk-in Centre

Reply from Councillor Yates – Leader of the Council

- (5) **Councillor Hyde**
Subject matter: Women's Suffrage

Reply from Councillor Daniel – Chair of the Neighbourhoods, Inclusion, Communities & Equalities Committee

- (6) **Councillor Gibson**
Subject matter: Best Use of Public Money for Housing

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

- (7) Councillor Mears**
Subject matter: Local Business

Reply from Councillor Yates – Leader of the Council

- (8) Councillor Littman**
Subject matter: 3GS

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

- (9) Councillor Barnett**
Subject matter: Trespass at St Helen's Green

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

- (10) Councillor Page**
Subject matter: Recycling Collection Standards

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

- (11) Councillor Nemeth**
Subject matter: Crime on Hove Seafront

Reply from Councillor Robins – Chair of the Tourism, Development & Culture Committee

- (12) Councillor West**
Subject matter: George Street Hove

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

- (13) Councillor Druitt**
Subject matter: Broadband

Reply from Councillor Yates – Leader of the Council

Subject:	Review of the Constitution
Date of Meeting:	19 July 2018 12 July 2018 – Policy, Resources & Growth Committee
Contact Officer:	Abraham Ghebre-Ghiorghis Tel: 01273 291500 abraham.ghebre-ghiorghis@brighton-hove.gov.uk
Ward(s) affected:	All

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

- 1.1 This report proposes changes to the Council's Constitution for approval by Policy, Resources & Growth Committee and (where relevant) Council. The proposals set out in the report have been reviewed by the Constitutional Working Group as indicated below.

2. RECOMMENDATIONS:**Policy, Resources & Growth Committee**

- 2.1 That the Policy, Resources & Growth Committee approves the recommendations set out at paragraph 4.1 and appendix 1 (updates and revisions to the Scheme of Delegations – general) and paragraphs 4.2 to 4.8 and appendix 2 (updates and revisions to the Scheme of Delegations – Field Officers).
- 2.2 That the Policy, Resources & Growth Committee recommends to full Council the proposed changes to the Council's Constitution set out at paragraphs 4.9 and 4.10 and appendix 3 (Council Procedure Rules) and paragraphs 4.11 to 4.12 and appendix 4 (Code of Conduct for Employees), as well as those in paras 4.13 to 4.15 and appendix 5 (Terms of Reference of the Conservation Advisory Group).

Full Council

- 2.3 That the proposed changes to the Council's Constitution, recommended in paragraph 2. 2 above, be approved and adopted.

Both Policy, Resources and Growth Committee and Full Council

- 2.3 That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the changes agreed by the Policy, Resources and Growth Committee and by full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.
- 2.4 That the changes proposed in paragraph 2.1 Appendix 1 come into force immediately following their approval by Policy Resources and Growth

Committee, while those proposed in paragraphs 4.2 to 4.8 and Appendix 2 come into force once Field Officers have been formally appointed and have completed their induction and relevant training.

- 2.5 That the changes proposed in para 2.2 come into force immediately following their adoption at full Council.

3. CONTEXT

- 3.1 The Council is required to keep its Constitution under review with a view to achieving efficiency, economy and effectiveness. The cross-party Constitutional Review Working Group (CRWG) was set up to assist with this by considering proposals and advising the Council on proposed changes to the constitution. The proposals in this Report were reviewed by the CRWG.

4. PROPOSALS

Revisions to the Scheme of Delegations to Officers - General

- 4.1 A number of relatively minor amendments to the above Scheme are proposed in order to ensure clarity in the Council's existing arrangements and/or to update them across a range of different functions. The changes are summarised below and set out in detail at [Appendix 1](#):
- A- An additional 'saving' provision is proposed in the Introduction to the Scheme with the aim of affording the Council additional protection from potential challenge to the exercise of its powers
 - B- The urgency powers in case of an emergency are updated with reference to resilience and are also framed in a way which makes explicit their application in situations where an emergency has not been declared but officers in gold command need to take necessary steps pursuant to the Council's arrangements. In addition it is proposed that the power of Chief Officers to exercise functions outside their respective service areas in an emergency is made explicit.
 - C- The wording of the delegations to the Executive Director – Economy, Environment and Culture in respect of planning-related enforcement is clarified
 - D- The proposed changes to the powers exercisable in relation to Gypsies, Roma and Travellers, as well as Van Dwellers, seek to refine the existing delegations. They do this by describing the Council's powers and responsibilities in a way which emphasises their application in relation to encampments and sites (both authorised and unauthorised), this as opposed to the groups potentially thereby affected.
 - E- It is proposed that the delegation in relation to licensing enforcement be made more explicit
 - F- It is proposed that delegations in relation to Sunday trading be updated.

Direct Delegations to Field Officers

- 4.2 Proposals to delegate powers directly to the new cross-cutting 'Field Officers' were previously considered by Policy Resources & Growth Committee in February 2017. That Committee gave approval in principle to the proposal to

amend the Constitution to permit relevant direct delegations to be included in the Scheme of Delegations to Officers.

- 4.3 The Field Officer proposals have since been considered by the Council's Neighbourhoods, Inclusion Communities and Equalities Committee, which on 22nd January 2018 approved a revised business case, with the expectation that revised draft delegations would be brought to PRG Committee for its approval.
- 4.4 At the last CRWG in March 2018, it was noted that the PRG Committee would need to approve the revised draft delegations in order for the Field Officers to be able to exercise the Council's powers in relation to relevant enforcement tasks. The CRWG had previously (in November 2017) considered a sample draft delegation, which had been drafted in accordance with an approach endorsed by Counsel as a means of enabling the cross-cutting Field Officers to exercise powers otherwise cascaded within particular area service areas.
- 4.5 Detailed direct delegations to Field Officers have now been drafted and are attached to this Report as Appendix 2. It should be noted that these direct delegations do not represent an increase to the powers exercisable currently by officers. The direct delegations seek only to extend to the Field Officers the powers already being exercised by specialist officers in relevant service areas.
- 4.6 To ensure that the Scheme is clear that the same powers are to be exercised concurrently by Field Officers as by specialist officers, the powers potentially available to Field Officers are described in terms which mirror the powers delegated currently in the Scheme of Delegations to Officers. That Scheme makes specific delegations to Chief Officers in relation to the services for which they are responsible. It does this in terms which although seemingly wide-ranging are in reality limited once they are cascaded down to enforcement officers, this because of the terms of the specific authorisation and direction which they are required to act within.
- 4.7 The proposed arrangements meet the overarching objective of ensuring that Field Officers are able to support the Council's specialist officers by carrying out a proportion of the more routine enforcement related tasks which specialist officers currently do in relevant functions. It must be emphasised that it is not envisaged that Field Officers will act to the fullest extent possible under these draft delegations. Field Officers will only be authorised by those officers supervising and managing them to exercise a limited range of the delegated powers potentially available to them under the Scheme. Moreover they will do this only once they have been signed off as having satisfactorily completed a prescribed programme of training designed with the objective of equipping them to perform their key role effectively.
- 4.8 In any event, the direct delegations explicitly provide that Field Officers must act under the overarching direction and guidance of officer(s) within the relevant service area at all times: a provision which aims to ensure consistency in enforcement practice across the organisation.

Council Procedure Rules

- 4.9 The proposed amendments to the CPRs indicated in Appendix 3 include new deadlines for the submission of Public Questions and Deputations. By amending the deadline to 12 noon on the second working day after the publication of the agenda (instead of 12 noon on the fifth working day before the meeting), additional time will be allowed to permit democratic engagement while also permitting sufficient time for necessary advice to be sought where needed in advance of the meeting.
- 4.10 A further amendment is proposed in relation to Oral Questions to require Members to provide sufficient detail regarding the subject matter in the description to permit a meaningful response to be provided. This proposal was discussed by the Constitutional Working Group alongside the other proposed amends to the Council Procedure Rules outlined here. However cross party consensus was not achieved regarding this particular proposal.

Code of Conduct for Employees

- 4.11 The Council's Code of Conduct for Employees has not as yet been amended to remove the requirement to declare membership of any organisation not open to the public or that has secrecy about rules, membership or conduct. This requirement is no longer imposed by the Council on its elected members. This is as a result of European case law which held that a "blanket" requirement that employees notify membership of a secret association was a breach of article 11 of the ECHR (the freedom of assembly and association).
- 4.12 To ensure that the Code for Employees is compliant, and to bring it into line with arrangements in relation to councillors, it is proposed that the amendment indicated in Appendix 4 be made.

Conservation Advisory Group – Terms of Reference

- 4.13 The Council's Conversation Advisory Group ('CAG') is one of the Council's advisory bodies, which was set up to provide input into relevant planning-related matters, this in the way outlined in its detailed terms of reference.
- 4.14 There has been a discussion about the future of the Conservation Advisory Group and its membership with the newly-elected joint Chairs of CAG. This conversation triggered a review which included the following objectives, as well as that of ensuring that the ToR better reflected changes within the Planning service and the fact that reduced resources are available from the council to support CAG:
- To streamline and clarify the objectives and role of CAG
 - To reflect CAG's primary role in supporting the Planning service
 - To ensure that the membership of CAG is:
 - a. manageable in size
 - b. well balanced
 - c. primarily locally based
 - d. democratically accountable and open

- 4.15 The draft amended terms of reference appended here as Appendix 5 were drafted by officers in partnership with CAG and approved in principle at a CAG meeting. They were subsequently subject to minor amendments by Planning WG, with cross party support, when it met on 31st May. A further minor amendment to one sentence were then proposed by CAG and reviewed by the Chair of Planning to provide reassurance that the proposed wording did not conflict with the views expressed at the Working Group.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Committee or Council could decide not to implement the changes set out in the report.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 The Cross Party Constitutional Working Group have been consulted where indicated and Leaders Group considered the proposals set out in the report.

6. CONCLUSION

- 6.1 The proposals reflect the Council's ongoing efforts to review and streamline its processes in an ongoing way so as to achieve both financial savings and increased efficiency. It is therefore recommended that they are pursued.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

There are no direct financial implications arising from this report.

Finance Officer Consulted: James Hengeveld

Date: 03/07/2018

Legal Implications:

- 7.1 Policy Resources and Growth Committee, and where specified in this Report full Council, have the authority to make the changes to the Council's Constitution as set out in the report. The intention is for the proposals to be implemented with immediate effect unless otherwise indicated.

Lawyer Consulted:

Victoria Simpson

Date: 16.05.18

Equalities Implications:

- 7.2 None

Sustainability Implications:

- 7.3 None

Any Other Significant Implications:

7.4 None identified

SUPPORTING DOCUMENTATION

Appendices:

1. Part 6 - the Scheme of Delegations to Officers – General (tracked changes) (extracts)
2. Draft direct delegations to Field Officers, to be inserted into Part 6 - the Scheme of Delegations to Officers (tracked changes)
3. Part 3.2 – Council Procedure Rules (tracked changes) (extracts)
4. Part 8.8 - Code of Conduct for Employees (tracked changes) (extracts)
5. Part 4 – Scheme of Delegation to Committees and Sub Committees – Terms of Reference of the Conservation Advisory Group (tracked changes)

Appendix 1 – PART 6 – SCHEME OF DELEGATIONS TO OFFICERS - GENERAL

A:

Part 6.1 – Introduction

18. In this Scheme a reference to any Act of Parliament shall be deemed to include a reference to any Act by which it is applied, extended, amended, consolidated or replaced. It shall also be deemed to refer to any statutory instruments, regulations, orders, byelaws or the like made or having effect as if made under such Act. Furthermore, all powers available to the Council described by reference to functions or areas shall include all powers vested in the Council by Acts of Parliament, statutory instruments, regulations, orders and/or byelaws from time to time in force as well as by primary legislation.

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B:

Part 6.2 – General Delegations

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7. Urgency Powers

- (1) In cases where an emergency has been declared, or when an officer acting as gold command considers it necessary to take appropriate steps under the Council's emergency planning, resilience or business continuity procedures:-
- (a) After consultation with the Leader of the Council or a Deputy Leader, to exercise any of the functions, whether within the service area of the chief officer or otherwise, in cases of urgency where it is not practicable to obtain prior approval of the relevant Committee or Sub-Committee. See also notes (i) to (iv) below.
- (b) To approve expenditure of up to £1,000,000, the action taken to be reported for information to the Leader of the Council and Group Leaders as soon as practicable. See also notes (i) to (iv) below.

NOTES

- (i) Contact the Emergency Planning & Resilience Duty Officer on 07540 675 169 in connection with the exercise of the above delegated powers.
- (ii) The Leader of the Council or in his / her absence a Deputy Leader shall be informed as soon as is practicable if it appears likely that any such emergency will be declared.
- (iii) If it is not possible or practicable for an officer who would normally exercise the above delegated powers to do so, the powers may be

- exercised by the officer who is designated to be in charge under the Council's emergency planning or business continuity procedures or any officer appointed by him / her to act on his / her behalf.
- (iv) If it is not possible or practicable for the officer to consult the Leader or a Deputy Leader before exercising the above delegated powers, the officer may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep Members informed of the action taken.

(2) In any other cases of urgency:-

- (a) After consultation with the Chair (or in his / her absence, a Deputy Chair) of the relevant Committee or Sub-Committee, to exercise any of the functions within the service area of the officer in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee or Sub-Committee.
- (b) The action taken shall be reported, as appropriate, to the Committee or Sub-Committee.

C:

**IV DELEGATIONS TO THE EXECUTIVE DIRECTOR ECONOMY,
ENVIRONMENT AND CULTURE**

[..]

SCHEDULE 4

Functions delegated to the Executive Director Economy, Environment and Culture in relation to Planning:

[..]

Part II

- (1) To determine applications for certificates of lawfulness of existing or proposed uses or development under Sections 191 and 192 of the Town and Country Planning Act 1990.
- (2) To make Tree Preservation Orders and Provisional Tree Preservation Orders and, unless valid objections are received, to confirm such orders in accordance with statutory requirements.
- (3) To determine applications for works to, and the felling of, trees included in Tree Preservation Orders and in Conservation Areas.

(4) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-

- (a) to take enforcement action in all or any planning-related functions of the Council, including but not limited to the service of including the service of formal Notices and consents in relation to (including all preparatory work thereto and the service of planning contraventions, as well as enforcement action in relation to tree preservation order, conservation and listed building issues, notices) and to authorise the institution of legal proceedings where necessary;
- (b) to authorise the removal of enforcement notices from the Local Land Charges Register where appropriate.

[..]

D:

VII DELEGATIONS TO EXECUTIVE DIRECTOR NEIGHBOURHOODS, COMMUNITIES AND HOUSING

1. Authorised and unauthorised sites and encampments

To exercise the Council's functions in relation to the management of authorised and unauthorised sites and encampments, this to include all activities necessary or incidental to the Council's performance of its responsibilities in relation to the following:

- a) Gypsies, Roma and Travellers
- b) Van dwellers

~~1. Gypsies, Roma and Travellers~~

~~To exercise the Council's functions regarding all issues relating to Gypsies, Roma and Travellers including management of authorised sites.~~

[..]

E:

4 (12) b. Power to issue Notices relating to or affecting residential housing

- ~~(a) (a) To issue and sign all or any statutory notices relating to or affecting the Council's landlord function~~
- ~~(b) To issue and sign all or any statutory notices relating to or affecting non-Council residential properties, including but not limited to private sector residential properties, Notices of Seeking Possession and Notices to Quit in relation to any secure or non-secure housing tenancies.~~

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~~(b) To issue and sign statutory notices that relate to private sector residential properties and otherwise to exercise the Council's functions in relation to the functions listed here, this including (but not limited to) the functions exercisable by the Council pursuant to the following legislation:-~~

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~~Anti Social Behaviour Crime and Policing Act 2014 Parts 1, 4, 5 and 6~~

~~Housing Act 1985 Parts VI, VIII, IX, X, XI, XVI;~~

~~*Housing Act 1996 Part II;*~~

~~Housing Grants, Construction and Regeneration Act 1996 Parts 1 and V;~~

~~Local Government (Miscellaneous Provisions) Act 1976 ss. 16 and 33;~~

~~Local Government (Miscellaneous Provisions) Act 1982 s.29;~~

~~Public Health Act 1936 ss.45,48,49,83,84 and 275;~~

~~Public Health Act 1961 ss. 17 and 22;~~

~~Building Act 1984 ss. 59, 64,66,67,70,72,76,84 and 97;~~

~~Environmental Protection Act 1990 Parts III and IX;~~

~~Prevention of Damage by Pests Act 1949 s.4;~~

~~Health and Safety at Work, etc. Act 1974 s.4;~~

~~Housing Act 2004 Parts 1, 2, 3, 4, Part 6 section 216 only, Part 7.~~

8. Licensing and Registration

- (1) To exercise the functions of the Council in relation to licensing and registration, including but not limited to functions under the Licensing Act 2003 and the Gambling Act 2005 to the extent that such functions may be delegated to an officer under those Acts.
- (2) To exercise the power to grant licences, permits, consents or registrations, ~~as the case may be,~~ in relation to the Council's licensing and registration functions and to take such enforcement action as is considered necessary to enforce the functions including but not limited to those delegations listed in **Schedule 2** to this Scheme of Delegations

F:

PART 6.5 SCHEDULES

SCHEDULE 1

List of functions delegated to the Executive Director Neighbourhoods, Communities and Housing in respect of Environmental Health matters:

1. Statutory and Public Nuisances.
2. Control of Noise.
3. Control of Air Pollution.
4. Contaminated Land.
5. Prevention of Damage by Pests.
6. The provision, management and control of Cemeteries, Mortuaries and Crematoria and the discharge of the Council's functions relating to burials and cremation generally.
7. Food, Drinking Water, Food Hygiene and associated matters.
8. Functions in connection with the Welfare and Control of Animals.
9. Control of Diseases and General Public Health matters.
10. Drains and private sewers and any other environmental health functions in relation to sewerage, water or seawater (by arrangement with the service operators if appropriate).
11. Health and Safety at Work.
12. Provisions relating to shops including restrictions on Sunday trading.

DRAFT

G: SIRO and Data Protection Officer provisions

At PART 6.1 INTRODUCTION suggest add to para 6.2 the definition of the DPO:

“Data Protection Officer” means the person designated as the Council’s Data Protection Officer pursuant to article 37 of the General Data Protection Regulation, who is required to perform the tasks listed in article 39 of that Regulation, including but not limited to the following:

- Informing the Council of its obligations pursuant to the Regulation
- Monitoring compliance and providing advice
- Liaising with the Information Commissioner when necessary on the Council’s behalf.’

.....

II DELEGATIONS TO EXECUTIVE DIRECTOR FINANCE & RESOURCES

1. General

To manage the following Council services:-

- (a) Strategic Finance
- (b) Financial Services
- (c) Audit and Business Risk
- (d) Procurement
- (e) Revenues and Benefits Services
- (f) ICT
- (g) Information Management and Information Governance
- (h) Human Resources and Organisational Development
- (i) Senior Information Risk Officer (SIRO)

2. Strategic Finance, Financial Services, and Audit and Business Risk

- (1) To be the officer responsible for the administration of the Council’s financial affairs for the purposes of Section 151 of the Local Government Act 1972; to be the responsible financial officer under the Accounts and Audit Regulations 2015 and, subject to any guidance or limitations imposed by the Policy, Resources & Growth Committee, to take such steps as are necessary for the proper administration of the financial affairs of the Council. The other finance functions listed below are not to prejudice the generality of this function.
- (2) To exercise the Council’s functions where required or empowered to do so under the Council’s Financial Regulations and enter into contracts in relation to the Council’s banking arrangements.
- (3) To make premature repayment of mortgages and bonds.

- (4) Subject to reporting on the actions taken on major awards to the next meeting of the Policy, Resources & Growth Committee, to implement decisions of National Negotiating Bodies affecting employees except insofar as such decisions give discretionary powers to employing authorities.
- (5) To make arrangements for the borrowing of such monies as the Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time and subject to the receipt of the necessary Government sanctions and consents.
- (6) To issue bonds in accordance with the provisions of the Local Government and Housing Act 1989 and to deal with allied detailed matters in accordance with the approved policies.
- (7) To issue bills in accordance with the provision of the Local Government and Housing Act 1989 and approved conditions.
- (8) To pay statutory benefits under the Local Government Superannuation Scheme.
- (9) Following consultation with the Chair of Policy, Resources & Growth Committee, to vary the interest rate chargeable for staff housing advances.
- (10) To take such steps as are necessary to give effect to any decision of the Council regarding its investments.
- (11) To approve increases in accountant and mechanical/technical adviser fees relating to services provided in connection with any track betting licence.
- (12) To pay Members' allowances in accordance with the scheme approved by the Council.
- (13) To exercise the Council's functions regarding arrangements for internal audit, including risk management.
- (14) To discharge the Council's functions regarding arrangements for insurance and deal with claims against the Council in accordance with the practice and procedure agreed from time to time with the Council's insurers.
- (15) To make amendments to the Financial Regulations and Standard Financial Procedures to reflect best value, new legislation, and any changes to the Council's Standing Orders and Scheme of Delegation.
- (16) To enter into agreements and authorise payments in respect of car loans, provided that these functions may also be exercised by the Assistant Director Finance.

- (17) To develop and review the Council's Anti-Fraud and Corruption Strategy and to monitor its implementation.
- (18) To take action for the provision of a treasury management service to supplement the skills of in-house staff.
- (19) Within the general framework set by the Council from time to time, to exercise the functions of the Council in relation to:-
- (i) Revenue and capital budgetary control and financial services to departments.
 - (ii) The co-ordination and facilitation of project programmes.
 - (iii) Supplying departments with service review and specific performance improvement support, including support for best value and value for money reviews.
- (20) To determine applications for assistance under the council's general indemnity for Members and officers appointed or nominated by the council to serve on outside bodies.
- (21) To be the 'Senior Responsible Officer' for the purposes of the Home Office Codes of Practice on the Regulation of Investigatory Powers Act 2000.

3. Procurement

To co-ordinate the Council's procurement strategy; to promote best value and good practice in the Council's procurement activity.

4. Revenues and Benefits Services

To exercise the following Council functions:-

(1) Local Taxation Services

To exercise the Council's functions regarding the Council Tax, Non-Domestic Rates, General Rates and the Community Charge as are more particularly set out in **Schedule 6** to this Scheme of Delegations.

(2) **Housing Benefit, Council Tax Reduction Schemes, and Local Welfare Provision**

Subject to any general guidance or limitation imposed by the relevant Committee or Sub-Committee, to exercise the Council's functions regarding:-

- (a) Housing Benefit under the Housing Benefit (General) Regulations 1987 and relevant legislation;
- (b) Council Tax Reduction Schemes; and
- (c) Local Welfare Provision, including any local scheme or arrangements intended to replace the assistance or funding previously provided by Community Care grants and/or Crisis Loans

In addition to the Assistant Director Finance, the Head of Revenues and Benefits and the Benefits Managers are authorised to exercise the above functions.

(3) **Travel Concessions**

To exercise the Council's functions regarding travel concessions.

(4) **Appointment of Authorised Officers**

In connection with any functions administered by the Assistant Director Finance to:-

- (a) act as and to appoint persons to act as authorised officers or inspectors (or in other similar capacity); and
- (b) enter or authorise persons to enter land or premises.

5. ICT

(1) **Information and Communication Technology**

To exercise the Council's functions in respect of:-

- (a) The implementation of the Council's ICT strategy aligned to corporate and city strategic objectives;
- (b) The provision of information technology and related digital services to Council departments;

(2) **Information Management**

To exercise the Council's functions in respect of:-

- (a) Freedom of Information, Environmental Information and Data Protection;
- (b) Modern records management;
- (c) Information governance, including by supporting the Council's designated Data Protection Officer (a statutory role required by the General Data Protection Regulation which is performed by an individual who is not an officer of the Council) to perform her tasks effectively -

6. Human Resources and Organisational Development

To exercise the Council's functions in relation to Human Resources and in particular:-

- (1) To develop a people strategy that supports the corporate strategy and priorities, and the visions and values of the Council.
- (3) To develop people policies, procedures and codes of practice that meet the Council's changing needs and are in accordance with the people strategy, including employee training and development, providing the desired behaviours, skills and competencies, employee culture and management ethics; and ensure that resources are focussed where they will provide best value.
- (3) To develop corporate policies relating to equality of opportunity for staff in their employment, training, development and promotion, and with regard to employee responsibilities for ensuring equality of access and fair treatment of customers.
- (4) To develop a corporate strategy and policies for the management of the Council's Health and Safety and well being responsibilities.
- (5) To provide a strategic focus for organisational development matters across the Council, maintaining an overview of current and future needs, and ensuring that strategic objectives and priorities are met.
- (6) To develop a corporate employee communication and consultative strategy. To design, maintain and review the council's formal consultative mechanisms. To promote consultative systems and approaches that develop sound partnership working with the recognised trade unions.

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- (7) To develop a “terms and conditions of employment” framework for all staff (excluding teaching staff) and to act as the Council’s “chief negotiator” in discussions with the Council’s trade unions, in respect of terms and conditions, pay and reward and people policies.
- (8) To ensure a Brighton & Hove City Council input into the national negotiating machinery.
- (9) In liaison with the relevant Executive Director, to determine:- entitlement to the occupational sick pay scheme, the application of the Council’s early retirement and redundancy provisions, relocation scheme, and the settlement of legal/employment tribunal claims; in accordance with the agreed policies of the Council.
- (10) To administer the appointment procedures and to direct the Assistant Director Human Resources to act as “Human Resources Manager” to the Council’s JNC staff, in accordance with Council policies.
- (11) To ensure that the implementation and effectiveness of all human resources policies and practices are monitored, reviewed and revised when necessary.
- (12) To provide the full range of human resources services to Council departments including advice and support regarding appointments, promotion and disciplining of staff.
- (13) To lead on a range of organisational improvement and development activities, analysing needs and devising appropriate solutions, including but not limited to value for money work, learning and development across the Council, and internal cultural change activity.
- (14) To make decisions in accordance with the Employment Policies, Practices and Procedures of the Council.

[..]

5. Senior Information Risk Officer

To be the Council’s Senior Information Risk Officer (SIRO).

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[..]

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VIII DELEGATIONS TO DATA PROTECTION OFFICER

To act as the Council's Data Protection Officer, appointed pursuant to article 37 of the General Data Protection Regulation, and in that capacity to perform the tasks listed in article 39 of that Regulation, including but not limited to the following:

- Informing the Council of its obligations pursuant to the Regulation
- Monitoring compliance and providing advice
- Liaising with the Information Commissioner on the Council's behalf when necessary.

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Appendix 2 – PART 6 - Direct Delegations to Field Officers

Note: text incorporates the amends proposed in Appx 1 to this Report

Delegations to Field Officers – to be inserted at the end of Part 6.3 Part B Specific Delegations:

SECTION VIII DELEGATIONS TO FIELD OFFICERS

The Council’s Field Officers are provided with the direct delegations listed in **Schedule 8** to this Scheme of Delegations to enable them to exercise the Council’s functions in accordance with and within the terms of the direction and guidance of the Executive Director who has been given delegated responsibility for the delivery of the function in relation to the relevant service area (or, where the Executive Director has authorised an officer of Head of Services level or above to exercise a power delegated to him/her, then in accordance with, and within the terms of, the direction and guidance of the officer so authorised).

These delegations permit the Field Officers to support the Council’s enforcement and inspection activities across a range of functions.

Note: where the functions delegated to Field Officers are also delegated to other officers by this Scheme of Delegations, all delegations are exercised concurrently.

.....

‘Schedule 8

Functions delegated to the Council’s Field Officers

The delegations listed below equip the Field Officers to exercise the Council’s enforcement-related activities across the specified functions. They permit the Field Officers to carry out all or any enforcement and inspection activities necessary for or connected with the Council’s performance of the functions listed in the table below, this including (but not limited to) the service of notices and the taking of action under relevant statutory powers, as well as any activities necessary for or incidental to the same.

PROVIDED ALWAYS that the Field Officers shall exercise their powers in accordance with, and within the terms of, the direction and guidance of either the Executive Director who has been given delegated responsibility for the delivery of the function in relation to the relevant service area or - where the Executive Director has authorised another officer of Head of Service level or above to exercise a power delegated to him/her - in accordance with, and within the terms of, the direction and guidance of the officer so authorised.

Note: the direct delegation specified here shall be exercisable only to the extent to which the Field Officer is permitted by the relevant Executive Director (or other officer authorised by him/her) and may be subject to specified limitations

Note 2: where a function delegated to the Field Officers is also delegated to a specified officer, the exercise of functions is concurrent.

<u>List of delegations given to the Field Officers</u>	<u>Reference to concurrent delegation made elsewhere in this Scheme of Delegations to the Executive Director responsible for the relevant service area</u>
<p>Seafront</p> <p>(1) To exercise the Council’s functions regarding the seafront: delegated powers which shall include (but not be limited to) the exercise of the full range of enforcement powers available to the Council in relation to parks and open</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to the seafront - Part 6.3 Part B IV para 6(1)</p>

<p>spaces, and shall include (but not be limited to) the powers exercisable by the Council pursuant to the Anti Social Behaviour, Crime and Policing Act 2014.</p>	
<p>Parks and Open Green Spaces</p> <p>(1) To manage and control the Council’s parks and open spaces. The delegated power referred to in this subsection shall include (but not be limited to) the exercise of the full range of enforcement powers available to the Council in relation to parks and open spaces, and shall include (but not be limited to) the powers exercisable by the Council pursuant to the Anti Social Behaviour, Crime and Policing Act 2014.</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to parks and green open spaces - Part 6.3 Part B IV para 7(1)</p>
<p>Highways</p> <p>10) To exercise the Council’s functions regarding highways by exercising the following delegation listed in Schedule 7 to this Scheme of Delegations:</p> <p>[..]</p> <p>(14) To exercise the functions of the Council in relation to (a) the interference with, or obstruction to, any highway, or (b) any nuisance on any highway or land adjoining a highway.</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to highways - Part 6.3 Part B IV para 10 Part 6.5 Schedule 7(14)</p>
<p>Parking Management</p> <p>[..]</p> <p>(3) To exercise the Council’s functions regarding Civil Parking Enforcement.</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to parking - Part 6.3 Part B IV para 12(3)</p>
<p>Town and Country Planning</p> <p>[..]</p> <p>(2) To exercise the Council’s functions in respect of certificates of lawful use, tree preservation orders, enforcement action etc as set out in the following parts of Schedule 4 to this Scheme of Delegation:</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to planning - Part 6.3 Part B IV para 15(2) Part 6.5 Schedule 4 Part II para</p>

<p>(3) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-</p> <p>(1) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-</p> <p>(a) to take enforcement action in all or any planning-related functions of the Council, including but not limited to the service of formal notices and consents in relation to planning contraventions, as well as enforcement action in relation to tree preservation order, conservation and listed building issues, and to authorise the institution of legal proceedings where necessary;</p>	<p>4(a)</p>
<p>Conservation and Design</p> <p>(1) To exercise the Council's functions with regard to Conservation matters under the Town and Country Planning Acts.</p> <p>[.]</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to conservation and design - Part 6.3 Part B IV para 17(1)</p>
<p>21. Assistant Director Property (non-HRA Council land)</p> <p>[NOTE: References in this paragraph to “land”, “property”, and/or “buildings” are <u>not</u> to be read as including Housing Revenue Account land].</p> <p>(1) To exercise the Corporate Landlord role for all council property with the exception of (i) Housing Revenue Account land and (ii) specific property related functions as delegated to nominated officers under Part B of this Scheme of Delegations</p> <p>[..]</p> <p>(12) In consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer), to assess and pursue issues involving enforcement action</p>	<p>Delegation to the Executive Director – Economy, Environment & Culture in relation to Council property - Part 6.3 Part B IV para 21 (1) & (12)</p>

<p>either by, or against, the council under the terms of a lease, other land agreement or disposal</p>	
<p>VII DELEGATIONS TO EXECUTIVE DIRECTOR NEIGHBOURHOODS, COMMUNITIES AND HOUSING</p> <p>1. Authorised and unauthorised sites and encampments</p> <p>To exercise the Council’s functions in relation to the management of authorised and unauthorised sites and encampments, this to include all activities necessary or incidental to the Council’s performance of its responsibilities in relation to the following:</p> <p>a) Gypsies, Roma and Travellers b) Van dwellers</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing- in relation to encampments and Gypsies, Roma and Travellers - Part 6.3 Part B VII para 1</p>
<p>4. Housing</p> <p>[..]</p> <p>(2) Housing Revenue Account (H.R.A.) Properties</p> <p>(a) To manage property within the Housing Revenue Account and associated property;</p> <p>(b) Without prejudice to (a) above, to exercise those of the housing functions listed in Schedule 5 to this Scheme of Delegation listed here:</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to Housing Revenue Account properties - Part 6.3 Part B VII para 4(2) (a) & (b) Part 6.5 Schedule 5 paras (5) and (9) only.</p>

<p>The power to:-</p> <p>(5) Arrange for the repair and maintenance of properties.</p> <p>(9) To exercise the Council's powers in relation to Community Protection Notices available pursuant to Part 4 Chapter 1 of the Anti Social Behaviour, Crime and Policing Act 2014 Crime and Disorder Act 1998, this to include all steps necessary to or incidental to the Community Protection Notice procedure as appear necessary in the interests of the Council's housing land and/or tenants and in accordance with the Council's community safety and youth crime strategies.</p>	
<p>Licensing and Registration of HMOs</p> <p>To exercise the Council's functions regarding the licensing of Houses in Multiple Occupation under the Housing Act 2004 and any other relevant legislation and the maintenance of all registers required in respect of licensing, Housing Notices and Orders and Interim and Final Management Orders and Empty Dwelling Management Orders.</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOS - Part 6.3 Part B VII para 4(11).</p>
<p>Power to issue notices relating to or affecting residential housing</p> <p>(a) To issue and sign all or any statutory notices relating to or affecting the Council's landlord function.</p> <p>(b) To issue and sign all or any statutory notices relating to or affecting non-Council residential properties, including but not limited to private sector residential properties</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOS - Part 6.3 Part B VII para 4(12) b.</p>
<p>Community Safety and Drug Action Team</p>	<p>Delegation to the Executive</p>

<p>(1) To exercise the functions of the Council in relation to Community Safety and in particular the power to:-</p> <p>[..]</p> <p>(b) To take any action or steps under the Crime and Disorder Act 1998, the Criminal Justice and Police Act 2001, the Anti-Social Behaviour Act 2003 and such other legislation as appears necessary in the interests of the Council and in accordance with the Council's community safety, youth crime and other safer streets strategies.</p>	<p>Director – Neighbourhoods, Communities and Housing in relation to community safety and drug action - Part 6.3 Part B VII para 6(1)b.</p>
<p>Environmental Health</p> <p>(1) To exercise those of the Council's functions in respect of environmental health listed in Schedule 1 to this Scheme of Delegations which are specified here, this subject to any limitations indicated :</p> <ul style="list-style-type: none"> • Statutory and Public Nuisances. • Control of Noise. • Control of Air Pollution. • Prevention of Damage by Pests. • Food, Drinking Water, Food Hygiene and associated matters. • Those functions in connection with the Welfare and Control of Animals which relate to the management and control of dogs. • General Public Health matters. • Drains and private sewers and any other environmental health functions in relation to sewerage, water or seawater (by arrangement with the service operators if appropriate). <p>(2) To exercise the power to issue and sign notices and orders in respect of</p>	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to environmental health - Part 6.3 Part B VII para 7(1) & (2) Part 6.5 Schedule 1.</p>

<p>environmental health matters and to take all other necessary steps to discharge the Council's enforcement powers in this area.</p>	
<p>Licensing and Registration (all functions not relating to HMOs)</p> <p>8. Licensing and Registration</p> <p>(1) To exercise the functions of the Council in relation to licensing and registration, including but not limited to functions under the Licensing Act 2003 and the Gambling Act 2005 to the extent that such functions may be delegated to an officer under those Acts.</p> <p>(2) To exercise the power to grant licences, permits, consents or registrations in relation to the Council's licensing and registration functions and to take such enforcement action as is considered necessary to enforce the functions listed in Schedule 2 to this Scheme of Delegations:</p> <p>...</p> <p>(1) Functions under the Licensing Act 2003 relating to :-</p> <ul style="list-style-type: none"> • Personal Licences; • Premises Licences; • Club Premises Certificates; • Temporary Event Notices. <p>[. .]</p> <p>(3) Functions exercised pursuant to relevant legislation in relation to the following:</p> <ul style="list-style-type: none"> • Hackney carriages and private hire vehicles and their drivers and operators, this <u>limited to</u> enforcement activity in relation to illegal ranking or being part of an illegal rank. • Street trading 	<p>Delegation to the Executive Director – Neighbourhoods, Communities and Housing in relation to the licensing and registration of HMOS - Part 6.3 Part B VII paras 8(1) & (2). Part 6.5 Schedule 2(1) and (3).</p>

Appendix 3 – PART 3.2: COUNCIL PROCEDURE RULES

Part 1 Introduction

Rule 1 General Provisions

1.1 Application

These procedure rules apply to meetings of the Council, Committees or Sub-Committees of the Council. Unless either expressly stated to the contrary, or the context suggests otherwise, then any references to 'the Council' will be taken as including references to a Committee or Sub Committee, while any references to 'the Mayor' shall be taken as including references to the Chair of a Committee or Sub Committee. Where there is any inconsistency between these rules and the Budget and Policy Framework Rules or Overview & Scrutiny Procedure Rules, the latter shall prevail. In the application of these rules to Committees & Sub-Committees, greater informality may be exercised at the discretion of the Chair.

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[..]

Oral Questions from Members

9.7 A period of not more than 30 minutes shall be allowed for oral questions from Members, at the expiry of which the meeting shall proceed to the next business.

9.8 If a Member of the Council wishes to ask an oral question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or, (d) a Member of the Council appointed by the Authority to any external body or joint authority, he/she shall give notice in writing to the Chief Executive of the subject matter of question (see Procedure Rule 1.6) by not later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.

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9.9 Oral questions shall relate to matters of general policy only and Members submitting questions will normally be expected to provide sufficient detail in the description of the question's subject matter to permit a meaningful response to be formulated. Questions of a technical or purely operational nature may be disallowed by the Mayor, or the Member to whom such a question is directed may decline to answer or state that a written answer will be provided.

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9.10 In deciding whether a question is technical or operational in nature, as opposed to a matter of general policy, the Mayor and Members shall have regard to any guidance issued by the Monitoring Officer.

[..]

Public Questions

Public Question Time

- 9.18 A period of not more than fifteen minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the authority at each ordinary meeting of the Council.

List of Questions

- 9.19 A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked.

Procedural Requirements

- 9.20 A public question shall be put at a Council meeting provided that:-

- (a) a copy of the question has been delivered to the office of the Chief Executive (see Procedure Rule 1.6) by not later than 12 noon on the ~~fifth working day prior to the day of the Council meeting at which it is to be asked~~ second working day after publication of the agenda of the meeting at which it is to be put;
- (b) the name and address of the questioner is indicated on the question;
- (c) the questioner is present at the time when the question is put;
- (d) the questioner is not presenting a petition or deputation on the same, or substantially the same, issue at the same meeting.

[..]

Rule 11: Deputations

- 11.1 A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public.

Procedural Requirements

- 11.2 A deputation shall be heard provided that by not later than 12 noon on the second working day after publication of the agenda of the ~~fifth working day prior to the day of the~~ relevant Council meeting:

- (a) notice has been given to the Chief Executive in accordance with Procedure Rule 1.6, which complies with paragraphs (b) to (d) below;
- (b) the subject matter and substance of the deputation is notified in writing in the form of a written summary. A deputation shall not exceed one side of A4 in length. Accompanying material may be supplied and should comprise no more than 2 sides of A4 paper;
- (c) the names, addresses and organisation (if any) of the persons forming the deputation, to be a minimum of five and no more than twelve, indicating which one person is to speak, are notified in writing (note - the addresses of those persons forming the deputation will not be published by the council, but details of the ward(s) in which they are located will be circulated to the Council meeting);

- (d) A person forming the deputation is not presenting a petition or question on the same, or substantially the same, issue at the same meeting.

[..]

Appendix 4 – PART 8.8 - Code of Conduct for Employees

~~5. Membership of non-open / closed organisations~~

~~5.1 You must declare in the registers of interests membership of any organisation not open to the public without formal membership and commitment of allegiance, and that has secrecy about rules or membership or conduct. This includes membership of organisations such as the freemasons. Declaration of such membership is required in order to avoid allegations of conflict between an officer's job and their personal interests and allegiances.~~

PART 4 SCHEME OF DELEGATION TO COMMITTEES AND SUB-COMMITTEES

Advisory Bodies

CONSERVATION ADVISORY GROUP

1. Purpose

1.1 The purpose of the Conservation Advisory Group (“the Group”) is generally to ~~act as a reference group to~~ advise the Council on the development and implementation of the Conservation Strategy, on major planning applications or Council proposals affecting Cconservation areas, Ilisted Bbuildings or other heritage assets and on the development of policies for the protection of the historic built environment.

2. Objectives and Terms of Reference

2.1 To promote the objectives of conservation and to facilitate communication between the public and the Council on matters of conservation, historic buildings and archaeology.

2.2 To encourage the conservation and improvement of conservation areas, buildings of architectural or historic interest, other areas of historical interest and areas of archaeological interest within the City of Brighton & Hove (the City).

~~2.3 To submit to the Council suggestions for action which will preserve or enhance the character or appearance of Conservation Areas within Brighton and Hove and to encourage societies and individuals voluntarily to enhance their local environment.~~

~~2.34 To act as a source of provide advice and comments on ~~major~~ planning applications affecting listed buildings, conservation areas, locally listed buildings and historic parks and gardens, or their settings, where visible from the public realm or accessible to the public and additionally to act as a source of advice and comments on other schemes promoted by the council that impact on conservation areas.. ~~other proposals, including traffic calming or pedestrianisation proposals, that could affect the character of conservation areas, buildings of architectural or historic interest or historic parks and gardens.~~~~

2.5 To assist in the development and formulation of policies to preserve and enhance ~~and protect~~ conservation areas and buildings of architectural or historic interest in the City Brighton & Hove.

2.6 To ~~report~~ encourage, through the appropriate mechanism, the notification of unauthorised works and non-compliance with any planning approval

~~affecting historic buildings or conservation areas, conditions of planning permissions that have not been complied with.~~

3. Reporting

3.1 The Group principally reports to the Planning Committee. However, the interests of the Group are relevant to a range of Council activities and other Committees may request advice and comments reports from the Group, when there is a need for input from a conservation perspective.

3.2 The minutes of the meeting record an agreed form of words that is reported as the comment of the Group. The Chair shall approve the recommendations on planning applications and send them to the council within 5 working days of the meeting. Full minutes shall be sent to the council at least 5 working days before the date of the next CAG meeting. So far as is practical the Chair approves the minutes within 5 working days of the meeting or the production of the minutes. 17/05/12

4. Membership

4.1 Considerations for appointment to the Group:

(a) The Group aims for a broad, locally based membership, to ensure that the Council is able to effectively disseminate and collect local conservation information;

(b) The Group's criteria in relation to local groups and societies, are for membership to be drawn from representative organisations only, which are open to all residents or traders in an area without any selection criteria. Each organisation should hold regular meetings and an annual meeting at which officers of the organisation are democratically elected.

(c) Member groups or societies should:-(i) submit an annual report and the minutes of their AGM; (ii) have as one of their stated or implied aims the conservation of the historic fabric or archaeological interest of their area; and (iii) as far as possible represent the whole (or a large proportion) of one of the designated conservation areas of the City, Brighton and Hove; and iv) submit the names of their representative or nominee and substitute annually to the Council or on changes intra term.

~~(c) Membership is open to English Heritage;~~

~~(d) Membership is open to representatives of Sussex Enterprise or other business or commercial organisations in Brighton and Hove (particularly those that have a significant presence in historic areas); Membership should predominantly represent local groups (being not less than 2/3rd of the total membership of the Group) although local nominees from national statutory consultees and Sussex county-based heritage and conservation societies may be invited to join.~~

~~(e) Membership is open to nominees from the national amenity societies (such as the National Trust, Victorian Society or Society for the Preservation of Ancient Buildings (SPAB)); As far as possible, the local society or group~~

should represent the whole (or a large proportion) of one or more of the designated conservation areas of the City. No conservation area should be represented by more than one member.

~~(f) Membership is open to nominees of the Royal Institute of British Architects (RIBA) the Royal Institute of Chartered Surveyors (RICS), the Institute of Historic Building Conservation (IHBC) the Royal Institute of Structural Engineers and the Royal Town Planning Institute (RTPI). Members of the Group should declare their membership of all committees of societies which are represented on CAG, a register of which is to be lodged with the Council.~~

~~(g) Members of the Group should ensure that the views expressed at Group meetings do not conflict with the views of the body they represent.~~

~~(h) Members must declare any interests which may prejudice their views in Group discussions.~~

4.2 Other constitutional matters

(a) The Group is entirely advisory and does not have executive powers;

~~(b) The secretariat of the Group willis provided its own secretariat by the Council;~~

(c) Agendas are produced by officers of the Council in consultation with the Chair;

~~(d) The Chair and any other officers of the Group areis elected from the membership annually; 17/05/12 each May and at other times if necessary;~~

~~(e) There is an Annual Meeting of the Group in May of each year at which the Chair and Vice Chair are elected Group members must abide by the Council code of Conduct for Advisory Bodies (2004 or as amended);;~~

(f) The Group may establish sub-groups as required;

(g) The Group shall advise the Council on nominations for new members of the Group;

(h) Any sub-groups, nominee (or substitute) representing the Group at Council meetings shall be elected by a vote at a full meeting of the Group and shall faithfully report the views of the Group as agreed and minuted;;

(i) The membership of the Group is subject to review by the Council's Policy, ~~and~~ Resources and Growth Committee.

5. Review

5.1 The terms of reference of the Group are subject to review by the Policy, ~~and~~ Resources and Growth Committee.

Council

19 July 2018

Agenda Item 21

Brighton & Hove City Council

Subject: **Independent Review of Existing Partnering Contract for Housing Repairs, Maintenance, Planned and Major Works**

Extract from the proceedings of the Housing & New Homes Committee meeting held on the 13th June, 2018

Date of Meeting: **19 July 2018**

Report of: **Executive Director, Neighbourhoods Economy, Environment & Culture**

Contact Officer: Name: **Caroline De Marco** Tel: **29-1063**

E-mail: Caroline.demarco@brighton-hove.gov.uk

Wards Affected: Patcham

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

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

Recommendation: That the extract from the Housing & New Homes Committee meeting and report be noted.

BRIGHTON & HOVE CITY COUNCIL**HOUSING & NEW HOMES COMMITTEE****13 JUNE 2018****COUNCIL CHAMBER, HOVE TOWN HALL**

Present: Councillor Meadows (Chair) Councillor Hill (Deputy Chair), Councillor Gibson (Group Spokesperson), Councillors Atkinson, Barnett, Bell, Druitt, Janio, Lewry, and Moonan.

DRAFT MINUTE**PART ONE**

- 11 INDEPENDENT REVIEW OF EXISTING PARTNERING CONTRACT FOR HOUSING REPAIRS, MAINTENANCE, PLANNED AND MAJOR WORKS**
- 11.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing which provided details of the independent review of the council's partnering contract with Mears Ltd. The council had commissioned the review of the partnership to identify further improvements that would benefit the partnership, residents and stakeholders. The review included consideration of the current working arrangements, reporting processes and interactions between Council and Mears staff and potential recommendations as to how the partnership could be improved and strengthened moving forward. The report was presented by the Executive Director, Neighbourhoods, Communities & Housing accompanied by the Head of Housing Strategy, Property and Investment and Lucas Critchley, Managing Director, Mears Group.
- 11.2 The Executive Director informed members that key findings were set out in paragraph 3.10 of the covering report (Section 2 of the 31ten report). The 31ten report which was commissioned a year ago had assisted the council and Mears to move forward and improve service delivery. The report had enabled officers and members to properly review the contract and showed that the majority of actions taken with Mears were successful. However there was still a need to work to improve certain areas.
- 11.3 Lucas Critchley, Mears stated that he was pleased to see some of the findings of the report and to have independent ratification of some of the successes of the contract. It was the hard work of Mears staff allied to the hard work of council officers that had achieved these successes. A great deal had been achieved over the last year with regard to collaborative working, relationships with council officers and Mears staff, and co-location. Efforts would be made to make more improvements over the last two years of the contract.

- 11.4 Councillor Atkinson found the report well written in plain English. He noted that there had been 100% decent homes achieved, tenant satisfaction had improved, time taken for repairs had reduced and the contract had performed financially in most areas; however, the key failings were very worrying. He particularly noted that the contract was not geared towards a capital improvement programme. Page 97 of the agenda (page 13 of the report) stated that relationship issues had existed through the life of the contract. Councillor Atkinson questioned why this had not been picked up on over the last 8 years. Page 99 stated that many of the issues identified were well established before the overcharging came to light. Page 100 talked about the greater level of contract management potentially replicating roles already undertaken by Mears. He stressed that regular and unannounced checking and scrutiny of repair maintenance and capital works were surely central to any contract of this nature. Page 102 mentioned numerous examples on both sides of people management and performance issues. However the recommendations were wide ranging and constructive and hopefully could be delivered over the next two years to the benefit of both sides of the partnership and for local tenants and leaseholders. It also gave a good foundation to look at the next contract.
- 11.5 Councillor Gibson stated that the report was very important and he welcomed that it had been made public. It was vital that it was studied carefully and lessons were learnt. He welcomed the action plan and that fact that it was already being implemented. The key sentence was “full potential was not realised” There was a need to consider why the full potential was not realised and to be concerned about some of the failures that had been outlined. Councillor Gibson made the point that partnering arrangements required respect and trust in addition to shared objectives. Paragraph 2.9 of the report referred to a breakdown of trust. Councillor Gibson was concerned that price per property was never developed. A key factor in trying to access value was tenant satisfaction. The report talked about excellent delivery of day to day repairs. Councillor Gibson urged caution over some of the figures quoted and felt that a better measure of satisfaction was the Star Survey which looked at the satisfaction with the last repair undertaken.
- 11.6 The Executive Director responded to the questions regarding the spirit of partnership and trust. She stressed that the report was written a year ago and it looked backward. The partnering contract was a new experience for the council. In the past the council did not have the officer skills or understanding or experience to deal with a partnering contract, which did have a level of trust attached to it. The council then took that partnering contract to mean that it stepped back and the contractor was left to implement it. The Executive Director stressed that now there were fortnightly repair’s meetings with regular contact at all levels. That trust had been built. It was something that should have happened a long time ago. She was confident going forward that that the council did know what was going on with the contract. The council now had more staff that did look at the way the contract was being operated and did take a role in checking the contract. The risk of publishing the report was that everyone would presume it was a picture of today. It was in fact a review of what has happened. Going forward the Executive Director was confident that there was a spirit of partnership and trust between the two organisations.
- 11.7 Councillor Bell stated that there were shortcomings on both sides of the partnership. His concern was that he could not see mention of a stock condition survey in relation to the existing contract. The Executive Director stressed that having a stock condition survey

carried out by Mears as part of this contract would have been criticised. However, the council did have a stock condition manager and a stock condition survey which it updated on a rolling programme. Whether the council should have a full stock condition survey carried out or whether it should have a rolling programme of 20% independent stock condition survey was something that could be discussed. However, a report would need to be submitted to the committee as the cost would be high.

- 11.8 Councillor Moonan welcomed the report which had a lot of positives and negatives. The contract had not been monitored as closely as it should have been over the last 8 years. She was heartened that the partnership working had improved. There was a need to take learning from this report into the re-procurement of the next contract.
- 11.9 Councillor Druitt referred to the action plan. He asked what if anything was the council adding to the action plan that was already in place, as a result of learnings from this report. Councillor Druitt referred to the introduction to the report. It seemed that the first mistake that the council made was thinking that this was going to both save money and improve things dramatically. He acknowledged that there had been very good improvements to decent homes standards but the two main objectives on paragraph 1.2 of the review were to exceed decent home standards and to save the council money. It was not often that a contract could both improve things and save money at the same time. Councillor Druitt considered that in trying to save money a few corners had been cut. The report referred to the misalignment of objectives. He stressed that there needed to be more alignment in designing a new contract. Paragraph 2.9 of the review on page 93 referred to the regular loss of key council staff. What could the council do when key staff left? Councillor Druitt felt that the contract scored its own homework and that work needed to be independently assessed. The report referred to shortcomings in long term projects. Councillor Druitt asked how the council could create a better contract that was more long term and dynamic.
- 11.10 The Executive Director stressed that the report did not say that anyone had cut corners. The report had talked about the contract having two main objectives to exceed decent homes standards and save money and both of those has been met. The Executive Director stated that to avoid issues such as of lack of trust and contractors marking their own homework, there needed to be an awareness of those issues to avoid the issues happening again in the new contract. She stressed the need to work with tenants and leaseholders and ask them what they wanted in the new arrangement. With regard to key staff leaving, there were now measures in place to ensure those members of staff met with key officers involved in the contract and passed on knowledge before they left. Everything was documented. The Executive Director did not think there was anything else to be added to the action plan. The action plan had given the council the evidence and the independent review to be able to take things forward.
- 11.11 Councillor Janio expressed concern about single monopoly provision. He stressed that the reason the council decided to award the contract with Mears had been related to the decent homes standard and the stock transfer. He urged the committee not to have a single contractor who provided everything. There needed to be a fully contested contract.
- 11.12 Lucas Critchley stated that at the start of the contract the objectives had been very clear and both sides were working very hard to achieve them. Because decent homes standards, cost savings, and service improvements were improved early on in the

contract it was fair to say there was a period of drift. However, those benefits and achievements did not stop at that point. Decent Homes standards were maintained. The cost savings be it from the initial reorganisations or through day to day efficiencies continued year on year through the life of the contract and they were significant. Mr Critchley agreed that shared objectives were key to a partnering relationship. Meanwhile, performance targets were revised yearly. There were many opportunities for the council's next contract to be more dynamic and look at things in different way.

11.13 **RESOLVED:-** That Housing & New Homes Committee:

- (1) Note the 31ten report on the council's partnering contract with Mears Limited attached in Appendix 1 to this report;
- (2) Note that the parties have made progress on the action plan recommended in the 31ten report, as outlined in the body of this report;
- (3) Agree that work on the action plan should continue in the interests of improving and strengthening the council's partnership with Mears Limited.

Subject:	Independent review of existing partnering contract for housing repairs, maintenance, planned and major works		
Date of Meeting:	13th June 2018		
Report of:	Executive Director for Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Glyn Huelin Martin Reid	Tel: 01273 293306 01273 293321
	Email:	Glyn.Huelin@brighton-hove.gov.uk Martin.Reid@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 Brighton & Hove City Council entered into a Partnering Contract with Mears Limited in April 2010 to provide Repairs, Refurbishment and Housing Improvement for the Council's Housing Revenue Account stock across the city. The objectives of the Partnering Contract included an emphasis on meeting the government's Decent Homes standard, improving service delivery and generating savings for the council.
- 1.2 Over the life of the Partnering Contract to date achievements have included: 100% of the council's homes reaching the government's Decent Homes Standard; tenant satisfaction with the responsive repairs service has continued to improve; significant investment has been made in our homes through programmes of planned and major works; and, savings continue to be delivered for the council.
- 1.3 This report provides committee with details of the independent review of the council's partnering contract with Mears Ltd.
- 1.4 In 2015 work undertaken by the council identified that a sub-contractor used by Mears had been overcharging for work undertaken. A series of actions were undertaken by both Mears and the council to resolve this issue. These actions were reported to Housing & New Homes Committee in September 2016
- 1.5 As part of this the council undertook to commission a review of the partnership to identify further improvements that would benefit the partnership, residents and stakeholders. The review included consideration of the current working arrangements, reporting processes and interactions between Council and Mears staff and potential recommendations as to how the partnership can be improved and strengthened moving forward.

2. RECOMMENDATIONS:

2.1 That Housing & New Homes Committee:

- (i) Note the 31ten report on the council's partnering contract with Mears Limited attached in Appendix 1 to this report;
- (ii) Note that the parties have made progress on the action plan recommended in the 31ten report, as outlined in the body of this report;
- (iii) Agree that work on the action plan should continue in the interests of improving and strengthening the council's partnership with Mears Limited.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Brighton & Hove City Council (Housing) operates a ten year partnering contract with Mears Limited under which the following services and works are provided for the council's housing stock:

- Responsive repairs and empty properties maintenance
- Planned maintenance and improvement programmes
- Major capital works projects

3.2 The contract commenced in April 2010 and expires in March 2020. The budget for the contract in 2018/19 is £29.7 million. This is split between revenue works (£7 million), planned programmes (£10.5 million) and major capital works projects (£12.2 million).

3.3 Since the commencement of the contract we have moved to a consistent position of 100% of council housing stock maintaining the Decent Homes Standard since the end of December 2013. The energy efficiency (SAP) rating of HRA dwellings is above target at 66.4. At Housing & New Homes Committee in March 2018 officers were able to report that tenant satisfaction with the responsive repairs service has continued to improve over the year. The 2016/17 result was 96.3% and the final figure for 2017/18 was 97.4%. The service will be looking to maintain this level of performance over the final two years of the contract. Officers were also able to report that the repairs service has improved the time taken to complete routine repairs, a key measure for residents, from 20 days in 2016/17 to 13 days in 2017/18. Our measures of success include to maintain repairs satisfaction at above 97% and to continue to operate within 15 day target for average time to complete routine repairs.

3.4 The repairs & maintenance services continue to perform well financially. The 2018/19 HRA budget included a further a £400k reduction in repairs and maintenance costs, enabled through proactive investment in our homes.

3.5 Responsive repairs, planned programme and empty property targets are set and continue to be closely monitored with Mears and Housing & New Homes Committee. The last report to committee in March 2018 indicated that 13 of 19 performance measures were on target, a further three indicators were near to target and three were off target. Weaker areas of performance had substantially improved since 2017/18 specifically around the time taken to complete routine repairs which was 10 days against a target of 15 days.

- 3.6 The council's Annual Report, also being considered at June Housing & New Homes Committee, further outlines the difference we have made through the Housing Revenue Account's repairs and maintenance spend for 2017/18 of £9.675m. This included £4.592m on responsive repairs to complete 39,000 repairs to our homes and £1.808m on empty properties, carrying out major work to 256 homes to make them ready for new tenants. In addition, the council's investment programme for 2017/18 invested £23.306m in our homes, including £10.181m on planned maintenance programmes and £7.806m on major projects, including improvement work at 13 blocks in the city.
- 3.7 Housing & New Homes Committee received a report of the Acting Director Finance & Resources summarising the results of an internal audit review of overpayments identified by the council in respect of contracted housing repairs delivered via the Repairs & Improvement Partnership on 13 January 2016. The same report was also discussed at Audit & Standards Committee on 12 January 2016. A further report summarising actions taken by both the council and Mears was presented to Housing & New Homes Committee on 21 September 2016.
- 3.8 The report in September 2016 indicated that the council would commission an independent review of the partnership contract with Mears. Following appropriate procurement approvals 31ten Consulting were appointed to undertake the review. 31ten are a specialist consultancy with experience of carrying out similar contract reviews for other local authorities and housing providers.
- 3.9 Over 2017 31ten undertook field work, document reviews and interviews to inform the review. Details of the approach taken are included in section 1.7 of the attached report and include meetings with senior council officers and Mears managers as well as a range of staff working on the partnering contract. 31ten also facilitated a workshop with members of the Housing & New Homes Committee.
- 3.10 Key findings
The report details the findings and insights of the review in section 2. The key findings identified in the report include:
- The contract has delivered a number of benefits but its full potential has not been realised.
 - The contract has delivered well against the initial goals of exceeding Decent Homes standards and saving money.
 - The contract has not performed as well on longer term capital works compared to the excellent deliver of the day to day repairs and maintenance service.
 - There have been a number of key failings which are identified at 2.9 in the report.
- 3.11 The detailed findings are split into themes within the report at 2.12 – 2.25. The themes identified are; strategic alignment, culture and behaviour, communications, contractual management, performance management and workforce.
- 3.12 The report also details insight received from the workshop with members at 2.26 – 2.29.

3.13 Recommendations

3.14 31ten have identified a series of recommendations to be considered by the council and Mears in order to enable the partnering contract to fulfil its potential. The report acknowledges the work undertaken by the council and Mears to deliver improvements over the last 18 months.

3.15 The recommendations are consolidated in an action plan included within the report as an appendix. The action plan sets out 11 key actions to deliver improvements. These are summarised below with a short update on progress with each action. The full action plan is at Appendix A within the report:

a) Arrange and hold a series of "Honest Conversation" meetings

The council and Mears now meet on a quarterly basis as a senior management team to develop the relationship and to pro-actively address any concerns or issues which develop. This approach is supported by a fortnightly meeting which operates with a defined action plan to resolve any issues and track progress of key items. To date this has been a successful approach. Over the following quarters the meetings will integrate the action plan identified by 31ten into their work to address the specific content identified under this action.

b) Create and implement joint Communication Strategy and Plan

The senior management meeting above has recently established a communications protocol for dealing with communication issues that relate to the work of the partnership. Positive work is being highlighted to stakeholders on an ad-hoc basis. The development of a communications plan is currently outstanding.

c) Reset the Workforce Strategy and Approach within the Housing Department

Housing Revenue Account budget agreed for 2018/19 includes funding for increased resources to strengthen the contract management function (client side) in relation to the repairs and maintenance contract. Personal development, performance and service plans are kept under regular monitoring and review through one to one meetings, personal development plans, team, management and all staff meetings. Learning and development requirements of individuals and the team as a whole have also been reviewed and are subject to regular monitoring.

d) Strengthen the Council's ability to undertake the client role

The Housing Revenue Account budget includes a range of resource measures to support the action above. These include proposals to provide an additional management resource within the Property & Investment Team. The council has also increased technical resource over recent years with the recruitment of an additional surveyor, quantity surveyor and capital programme manager to support the work of the team.

e) Increase capacity and capability with specific regards to the Capital programme

In addition to the increased resources detailed in (d) budgets for 2018/19 include additional project management support around programmes for fire safety and compliance management.

f) Agree and implement revised and strengthened Contract Management arrangements

A revised delivery plan will be considered by partnership senior managers over the coming months. Mears drafted service improvement plans setting out their approach for the remainder of the contract in 2017; however these will now need to be reviewed and updated ahead of implementation.

g) Review contract Performance Management arrangements in light of the agreed approach for the remainder of the contract

Performance management arrangements are reviewed on an annual basis and revised performance targets were agreed by the Core Group in May 2018. Additional performance measures have been recently introduced for quality assurance processes, Estate Development Budget works and the call centre.

h) If appropriate, create and implement a modern forward looking Performance Management Framework for the Partnering Contract

Further changes to the performance management framework need to be considered against the remaining term of the contract. Significant changes may not be achievable at this stage.

i) Develop and implement a collaborative programme of Culture and Behavioural Change

This will be taken forward through our regular fortnightly and quarterly senior management meetings with Mears.

j) Design and complete a "funnelling process" to identify the most appropriate approach(es) for B&HCC's specific situation and highlight those that are incompatible

The council has established an options programme for the future delivery of housing repairs and maintenance services. This has included engagement with members through Housing & New Homes Committee, Policy, Resources & Growth Committee and the Member Procurement Advisory Board with additional attendance by lead Housing & New Homes Committee members. The programme has recently included engagement of a consultant to develop an options report considering the approaches available for the council in delivering this work.

k) Learn lessons from those that have recently participated in the letting of a contract for this type of services

Alongside the options and market research work detailed in (j) above the programme team are undertaking a number of research visits to providers who deliver repairs and maintenance services in different ways. A summary of this work will be taken to a future Procurement Advisory Board and Housing & New Homes Committee in September.

3.16 Next steps

3.17 Learning will continue to be integrated into proposals for the future delivery of repairs and maintenance services.

3.18 The established senior managers meeting will continue with the additional focus of ensuring progress around the actions detailed in this report. This will be supported by the fortnightly meeting between senior council officers and Mears.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 No alternative options considered for this item.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 The partnering contract with Mears is managed by a Core Group that includes officers from the council, Mears managers and residents. This report will be shared with the Core Group for consideration along with the agreed action plan.

6. CONCLUSION

6.1 Following the conclusion of the review in December 2017, this report summarises the progress against the actions identified that would support improvements to the contract in the final two years of delivery.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The costs of the 31ten report were met from within the HRA revenue budget 2017/18. The HRA budget proposals for 2018/19 included funding for a further 5 full time equivalent posts in order to strengthen the client-side function and the health and safety and compliance management service.

Finance Officer Consulted: Monica Brooks

Date: 29/05/18

Legal Implications:

7.2 There are no direct legal implications arising from this report.

Lawyer Consulted: Isabella Sidoli

Date: 29/05/18

Equalities Implications:

7.3 None as part of this report.

Sustainability Implications:

7.4 None as part of this report.

Any Other Significant Implications:

7.5 None as part of this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Review of Partnering Contract for Housing Repairs and Maintenance, December 2017

Documents in Members' Rooms

None

Background Documents

None



Brighton & Hove City Council Review of Partnering Contract for Housing Repairs and Maintenance

**Report
December 2017**

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1. Introduction and Background

Background

- 1.1 Brighton & Hove City Council (Brighton, the Council) entered into a Partnering Contract with the Mears Group PLC (Mears, the Partner) in April 2010 to provide Repairs, Refurbishment and Housing Improvement for the Council's entire housing stock and covering the whole city. This innovative and forward-looking arrangement was created with two main objectives in mind: to exceed Decent Homes standard accommodation across the Council's portfolio of social and affordable housing and to do so in a cost effective and efficient manner.
- 1.2 The detailed objectives of the Partnering Contract were five-fold with a strong emphasis placed on exceeding Decent Homes standard, improving service delivery and generating savings for the Council:
- **Improved Value for Money:** reduce unit repair and planned maintenance costs and consultancy fees delivering significant financial savings;
 - **Improving residents' homes:** ensuring that residents' homes are well maintained and meet the Brighton & Hove Standard (exceeding the Decent Homes Standard);
 - **Improved service delivery:** providing excellent customer service, getting repairs 'right first time' and demonstrating high levels of customer satisfaction;
 - **Improved sustainability:** a service which has minimal impact on the environment, and improves the energy efficiency and sustainability of the housing stock; and
 - **Community regeneration and added value:** bringing additional benefits for local communities (e.g. apprenticeships & community initiatives) and supporting established local businesses.
- 1.3 It is widely acknowledged that the partnership worked very well in the early years and that an improved service was being provided, at a reduced cost and that Decent Homes standard was exceeded across the housing stock. However, issues were developing in the relationship between the two partners and that as a result, the partnership itself was not as effective or productive as it might have been. Ultimately this meant that delivery for residents and leaseholders was falling short of its potential.
- 1.4 The issues in the partnership, which were accompanied by a break down in trust between the partners, were amplified when it was discovered that a sub-contractor used by Mears had been overcharging for work undertaken. This overcharging had subsequently been passed onto the Council and its Housing Revenue Account.
- 1.5 An internal audit review undertaken by the Council identified that the total overcharged value was approximately £500k and that it had not been picked up because of insufficient control mechanisms operated by Mears. Following the report Mears sacked the sub-contractor, repaid the overcharge in full and agreed to tighten up its control procedures.

However, despite these actions the impact of the overcharging incident has been very negative for the Council, for Mears and for the partnership as a whole as trust and cooperation between the partners has further reduced. Both partners have taken action to alleviate the situation and some concerns have been addressed. However, tensions remain and the partnership is seemingly far from being effective. In response the Council commissioned 31ten Consulting to undertake review of the Partnering Contract to consider the current working arrangements, reporting processes and interactions between Council and Mears staff and make recommendations as to how the partnership can be improved and strengthened moving forward.

Objectives of the Review

1.6 The objectives of the review were to:

- Analyse the current performance of the Partnering Contract;
- Make recommendations for improved performance across the remaining life of the Mears' contract (to April 2020) including the way in which the Council manage the contract;
- Make recommendations for the Council to take forward for consideration for inclusion in the new contract;
- Provide insight of alternative approaches other local authorities are taking for the delivery of these services; and
- Provide an indicative timeframe and task plan for the period until the contract for these services is re-procured (April 2020).

Approach

1.7 The approach taken during the review is set out below and consisted of the following steps:

- An inception meeting was held with the Council's Head of Housing and lead officer for this review. At this meeting a brief history of the Partnering Contract was provided together with a list of Council Members and officers, and Mears staff members with whom the project team should meet;
- A meeting was held between 31ten Consultants and Senior Officers from the Council, the Chief Executive, the Executive Director Neighbourhoods, Communities and Housing, the Executive Director of Economy, Environment & Culture and the Head of Housing. At this meeting the Council officers shared the history and views of the Partnering Contract and the scope of the review was widened to include commentary on different approaches other Local Authorities are currently employing for the delivery of these services;
- A desktop Review of key information relevant to the review. This included the original contract, audit reports pertaining to the overcharging incident, risk logs, performance management strategy, the performance tracker and the asset management strategy;

- Many stakeholders were interviewed as part of the review process. Interviewees included members of staff from both the Council and Mears who are directly involved in delivering the partnership on a managing the day-to-day basis and senior management from both organisations. A workshop was also held with members of the Housing and New Homes Committee. This is a cross party committee consisting of members from the ruling Labour Party, the Conservative Party who formed the administration when the Partnering Contract was let and the Green Party who have also formed the administration during the life of the contract;
- Several meetings were held during the process with the Head of Housing to share emerging findings. Meetings were also held with Senior Officers to feedback findings at the conclusion of the fieldwork; and
- This report draws together the findings of the review and includes recommendations to improve the performance over the remaining years of the Partnering Contract. It also gives insight and makes recommendations to the Council with regard to the shape and type of contract that might replace the existing contract once it concludes.

Presentation of findings

1.8 The findings from the review are based on the document review process and the views and opinions shared with the consultants during a wide range of interviews with relevant Members and officers from the Council and staff from Mears. Whilst there was consensus on many matters the views shared were not always consistent with each other. Where this was the case the consultants have applied their experience and expertise to interpret and represent the views in an appropriately balanced manner. The consultancy team have also used their professional experience to challenge these areas throughout the review and develop the findings in this document.

1.9 As was agreed with the interviewees, views shared during the meetings remain non-attributable to individuals. This is also the case where quotes are included in the report to emphasise the findings throughout.

Partnership

1.10 A partnership in this context is defined as an arrangement between two organisations that work together in the pursuit of common or mutually beneficial goals and objectives. A partnership is often wrongly thought of as any situation when two organisations consult with each other or loosely worked together or simply where one buys something from the other. True partnerships are characterised by some or all the following:

- Each party has a personal stake of some type invested into the partnership;
- There are common goals across the partners;
- Partners have a similar ethos or system of beliefs;
- The partnership works together for a significant length of time;

-
- Each party is aware of and understands what it is expected to bring to the partnership; whilst also understanding the value of what its partner will contribute; and
 - Respect and trust exists between the partners.

1.11 Partnerships succeed as a delivery approach because of the inherent sharing of responsibility and risk between the partners, because of the different perceptions it encompasses and the access it provides to a broader and more in-depth set of skills, knowledge, experience and general resource. Access to a wider variety of ideas and the sharing of financial costs also means that an organisation can take on and tackle issues they might previously have avoided. A successful partnership:

- Will share creativity, risk, responsibility and resources;
- Provide a working environment in which partners can utilise their partner's energy and enthusiasm;
- Will highlight different issues and problems but have a broad range of solutions to address them;
- Provide potential for more efficient and more effective service delivery; and
- Offer support and diversity between partners.

1.12 However, if a partnership is to work successfully and add the value described, there is a need for close working between partners together with significant levels of planning, flexibility, energy and commitment by all the parties involved. There is also a need for a degree of tolerance between partners. Not everything is going to go right the entire time, it never does. However, where issues do arise partnerships will falter unless the mechanisms, means and ambition exist to identify and address these issues. Failure to do so will see the partners reverting to the pre-partnership norms of working alone and only in pursuit of their own goals. Other key aspects that make a partnership work include:

- Clarity of information – each partner needs to understand what the other is doing or planning to do;
- Consultation – talking to each other is not only key to the success of the partnership but also to averting misunderstandings, blame and ultimately partnership breakdowns when things do go awry;
- Joint decision making – successful partners will seek each other's views, enjoy healthy challenge and debate and once agreement is found provide and support a unified message for the partnership as a whole; and
- Acting together – similarly once a message or course of action is agreed, each partner must act in the interest and in support of the partnership. Not to do so will confuse, disappoint and ultimately undermine the partnership.

-
- 1.13 It is important to understand that not all partnerships last forever and indeed most do not. Once the mutually benefits are delivered or are no longer achievable within the current framework, successful partnerships will either evolve to continue to deliver together with a new focus and renewed ambition or end, hopefully amicably, with both partners walking away with a degree of achievement, satisfaction and contentment. Walking away with regret or a sense of missed opportunity points to a partnership that lacked some or many of the characteristics identified above.

2. Findings and insights

- 2.1 From our engagement with staff from the Council and Mears, and the wider stakeholder group, a significant body of anecdotal evidence was gathered and assessed as part the review. It was evident from the early stages of the interview process many consistent themes were emerging. Whilst these were refined as part of the interview process, the substantive nature of them altered very little and as such the findings have been collated and grouped into the key themes to help articulate the key insights and issues.
- 2.2 Whilst the individual findings have been reported under the different themes, many share characteristics or are interdependent and therefore it is important that they are not considered in isolation.

Summary of findings

- 2.3 In summary there was a general consensus amongst those interviewed that whilst the Partnering Contract had delivered many benefits, its full potential had not been realised. The overriding perception or focus of attention, at least publicly and politically, has been on the latter rather than the noteworthy successes.
- 2.4 The contract was initially established with the twin main goals to exceed Decent Homes standards and to save the Council money. It was widely acknowledged amongst staff and Members that the partnership delivered, and delivered quickly against both objectives and that this was a “good contract”.
- 2.5 Council Members and officers agreed that the Partnering Contract has delivered substantial savings and significantly improved services compared to that which preceded it, and that in this context it was one of the Councils’ better performing contracts.

“the Partnering Contract is so much better than what came before it”

“there are plenty of other contracts worse than this one.....it certainly isn’t one that I worry about”

- 2.6 Unfortunately, many of those good news messages have been lost and the general narrative and hence overall opinion is now much less positive than it ought to be. Whilst a good deal of this is attributed to the overcharging incident many staff were keen to point out that the incident was regularly blamed for issues that existed before it occurred.

“People got used to the savings and stopped seeing it as a significant achievement”

“the overcharging incident has been used to bash Mears and the Partnership approach over and over again”

- 2.7 Reflecting the initial aims, the Partnering Contract was in essence a repairs and maintenance contract. It was not designed necessarily to oversee and govern a significant capital improvement programme, an element which has now taken much greater prominence within the overall contract than was ever expected. It is also widely accepted

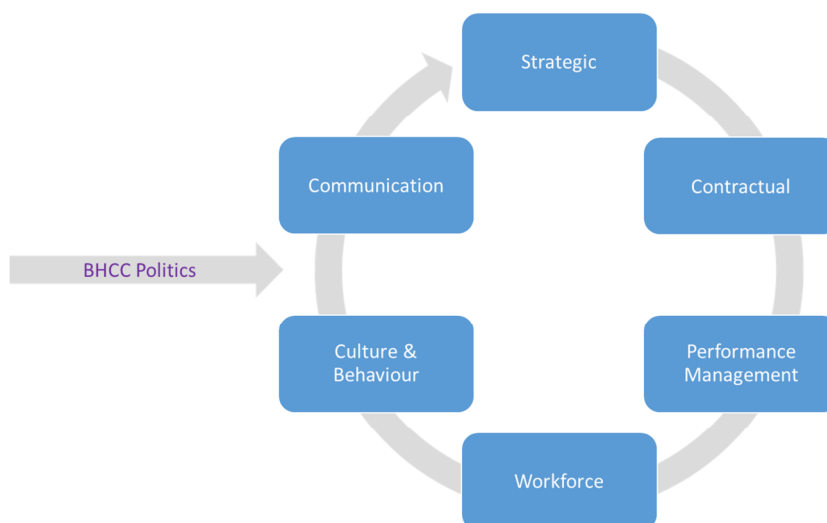
that the partnership's performance, with reference to the longer-term capital works, has been less impressive than that for day to day repairs and has begun to colour the excellent delivery of the general, day-to-day repairs and maintenance service. Officers and Members alike have highlighted that almost all queries and complaints they receive are related to actual or proposed capital works, and as such the question that was often raised during the review was whether more could have been done to "update" the contract to retain its relevance.

2.8 As alluded to above, despite the clear and early successes, the review has identified that, at this point in time, the partnership is widely perceived to have fallen short of fulfilling its potential for either partner. The reported reasons why are explored in some detail in the section below, but at a headline level it appears this is as a result of various key failings within and between the two parties.

2.9 Some of the identified issues are likely to be a direct result of others. However, because individual views were at times contradictory, we have not sought to identify causation or a timeline of their occurrence. It is the view of the Consultants that a combination of these that have ultimately led to a breakdown in trust between the two parties and the sub-optimal working relationship that, despite some recent improvements, continues to exist. The key failings are:

- A lack of willing on the Council's behalf to truly embrace the "spirit of partnership" and the partnership approach. This is best illustrated by the Council's reluctance to engage with and ultimately to reject a "Price per Property" payment arrangement, preferring instead to stick with a traditional schedule of rates;
- The Council's fear of being seen as "too close" to Mears, which has for example resulted in a disjointed and sub-optimal approach to communications and locked door restrictions in a colocation facility – in many ways a rejection of one of the critical success factors of a partnership approach;
- The regular loss of key Council staff in key management positions and particularly those that "believed" in the partnership approach;
- A reduction in overall and skilled resource dedicated by Mears to the delivery of the contract;
- Isolated but significant and well documented mistakes made by Mears, which have had a far reaching political and reputational impact;
- A breakdown in working relationships between the two parties at a day to day operational level that appeared to be unacknowledged and largely unmanaged for a period of time;
- Addressing performance management issues within the Council
- Addressing behaviours that are not conducive to positive working relationships.

Themes



2.10 The findings are grouped into the key themes to help articulate and signpost insights and conclusions. The majority of issues were raised against a number of organisational and operational “conditions” (or environment) that were not in place for the partnership to reach its potential. These conditions are the component parts of an effective working relationship and the review findings highlighted areas of weakness and challenge that must be addressed to reach an improved position. The importance and interrelation of these are set out below:

- **Strategic Alignment** – to enable both parties to align all their resources behind a clearly articulated and coherent strategic ambition, a joint understanding and commitment to that strategic goal must be acknowledged by both parties and supported by the appropriate behaviours. If this is not achieved then fragmented and conflicting activity often arises which is detrimental to the operational, organisational and partnership effectiveness;
- **Culture and Behaviour** – the importance of a cultural fit between two parties cannot be overstated. To have agreed and commonly understood working practices and behaviours is core and fundamental to the success of any partnership. The correct or appropriate behaviours is the cultural “oil and glue” that brings to life the more prosaic components of a partnership such as processes, protocols and structures, and allows the organisational energy of both parties to be focussed on the joint partnership priorities;
- **Communications** – the internal and external partnership voice can be critical at three levels: strategically, operationally and tactically. Good quality communications are required to ensure this key partnership mechanism can manage the flow of information, deliver messaging via appropriate channels and allow engagement with customers and colleagues. It plays a vital part in the efficiency and effectiveness of a partnership as the precision and clarity of communications and subsequent activity will contribute to increased quality and a reduction in cost and overall performance improvement;

- **Contractual Management** – Contract management is not scrutiny nor policing but instead helps to establish a cooperative and challenging working environment to efficiently deliver contract objectives. As such it should reflect the nature of the contract and relationship between the parties, and be flexible to change. Effective contract management will ensure that both parties understand their roles, responsibilities and their obligations and that ultimately expected benefits are realised for both parties;
- **Performance Management** – a well-designed and delivered performance management framework will play an important role not only in measuring the performance of a team or an individual but also in driving the delivery of key goals and objectives. Good frameworks will utilise incentives and disincentives to improve performance. It will do so by using the data and information generated from the process to understand areas of strength and as a mechanism for identifying those areas of poorer performance and in which greater investment or a different approach might be required;
- **Workforce** – key to the successful delivery of any service are the skills and capabilities of the workforce, and the management of that workforce. Where there are gaps in the necessary technical or interpersonal skills or deficiencies in the attitudes or approach, successful delivery is so much harder. Equally important is the leadership and management of the workforce, which includes the ability to identify where those gaps or deficiencies exist and have the necessary skills and courage to address them.

2.11 Set out below are the more detailed findings within each theme.

Strategic alignment

2.12 **Strategic Alignment** – to enable both parties to align all their resources behind a clearly articulated and coherent strategic ambition, a joint understanding and commitment to that strategic goal must be acknowledged by both parties and supported by the appropriate behaviours. If this is not achieved then fragmented and conflicting activity often arises which is detrimental to the operational, organisational and partnership effectiveness.

2.13 A successful strategic partnership would have delivered benefits **and** innovation to both parties over the period of the contract and in the long-term. The findings point to a lack of comprehensive alignment behind, and commitment to, a joint approach to delivering the strategic aims of the partnership by the Council and Mears. This manifested itself in following ways:

- Acknowledgement from staff of both organisations that the benefits of the Partnership were not fully realised. There was a belief that both parties were ultimately comfortable in defaulting to the traditional client /contractor roles. Staff also believed that the relationship has been more effective in delivering the operational rather than the strategic and innovative aspects of the contract. This

highlights a lack of commitment to real partnership working leading to uncoordinated activity resulting in benefits being realised on a more fragmented basis;

- Recognition from staff of both organisations that Mears strength has been in responsive repairs rather than strategic planning. There is little evidence of innovation in service delivery or IT (a traditional labour-intensive approach has been implemented with little or no incentive to innovate). Mears Senior Management recognise the lack of innovation but feel frustrated and blocked on a number of issues that did not gain traction with the Council (e.g. the IT upgrade, sending texts, tablets for Brighton inspectors, Repairs app, PPP);
- Mears highlighted the success of the first 5 years of the contract where innovation was delivered (e.g. 200 apprentices, white hawk estate, young offenders, dedicated response, eco-friendly home) however this momentum has not been maintained through a lack of willingness on both sides to reach a workable agreement.
- The lack of clear strategic alignment and the absence of a strategic or joined up approach to dealing with incidents has also had a detrimental impact on the operational alignment. As a result, roles and responsibilities have become blurred as each organisation or individuals within organisations strive to deliver for themselves. The lack of an agreed operational framework manifests itself in inefficient and less effective delivery.

2.14 Ultimately, the behaviours to support real alignment behind the strategic aims of the partnership have not generally been displayed. The issues were recognised by both parties but a reluctance to raising and addressing the real issues appears to have damaged the commitment and risk-taking that was needed to fulfil the partnership potential.

2.15 The Council, for its part, has not created the appropriate conditions to encourage Mears to engage and develop the relationship into a higher performing partnership. There needs to be a stronger more coherent strategic plan supported by the appropriate management and workforce behaviours.

Culture & Behaviour

2.16 **Culture and Behaviour** – the importance of a cultural fit between two parties in partnership cannot be overstated. To have agreed and commonly understood working practices and behaviours is core and fundamental to the success of any partnership. The correct or appropriate behaviours is the cultural “oil and glue” that brings to life the more prosaic components of a partnership such as processes, protocols and structures, and allows the organisational energy of both parties to be focussed on the joint partnership priorities.

2.17 Typically, a successful partnership displays an open and honest culture and role models behaviours that empower staff, encourage responsibility and collaborates with assertiveness and empathy. They will display many of the following attributes:

- Sets high expectations;
- Concerned with results;
- Involves people in decisions;
- Deals openly with concerns;
- Seeks win-win solutions; and
- Encourages responsibility.

2.18 It was within this context that the Partnership was assessed and found the following:

- There are productive and effective working relationships (more commonly) at a senior level across both organisations but the quality throughout both staff groups is inconsistent at the levels below senior management.
- The existence of poor day to day relationships between operational staff was highlighted. Consequently, issues that arise that can be quickly dealt with by operational staff are *“allowed to fester”* and interrupt service delivery. They then get escalated as more complex problems than they ever needed to be - *“things get escalated rather than discussed and sorted...it’s confrontational”*;
- It seems that relationship issues have existed through the life of the contract between the two parties, but this was exacerbated by the overcharging incident. Both sides appear bruised and sensitive and as a result using this episode to heighten distrust and default to a more risk averse and traditional client/contractor role;
- The *“Co-location”* feels purely symbolic with day to day working practices and behaviour indicating that significant cultural and relationship barriers exist. The apparent lack of trust and the guarded nature of the relationship hampers any meaningful collaboration or integrated working that would fundamentally improve the working relationship and raise the levels of performance in the contract;
- The Council, like many organisations, has struggled with change. The view of many of its own staff is that it is very traditional and inward looking in its approach to change and new ways of working, with the focus being on the minutia and not the bigger strategic picture;
- True collaborative working was not evident with very few examples of sharing mechanisms being in place beyond the standard activities and processes to deliver the service. Most worryingly is that this is perceived to be an issue within the Council service and not just between the two organisations.

2.19 The lack of a consciously defined and agreed culture with a supporting set of behaviours allowed distrust to grow at the first *“bump in the road”* in the partnership relationship. A

culture that does not deal openly with concerns fosters resentment and a broader “them and us” culture has been allowed to develop unchallenged. The “them and us” culture gathered strength as it lay unchecked and then began to manifest itself by actively seeking examples (e.g. the speed of decision making and working hours) to support and strengthen its existence.

Communications

2.20 **Communications** – the internal and external partnership voice can be critical at three levels: strategically, operationally and tactically. Good quality communications are required to ensure this key partnership mechanism can manage the flow of information, deliver messaging via appropriate channels and allow engagement with customers and colleagues. It plays a vital part in the efficiency and effectiveness of a partnership as the precision and clarity of communications and subsequent activity will contribute to increased quality, a reduction in cost and overall performance improvement.

2.21 Both organisations and staff groups openly acknowledged that communications were weak and a key priority to address. Fundamental weaknesses internally and externally were found at all three levels (strategically, operationally and tactically):

- There is no joint communications strategy or plan in place. This has resulted in inconsistent and fragmented communications due to the lack of a coordinated joint response to a range of issues from incidents, maintenance or promotion of positive news stories. This seems particularly acute e.g. with Leaseholders and is sometimes adversarial;
- From an external customer perspective, the opportunity to share and promote good news stories with them has often been lost with no proactive communications strategy and plan in place. (e.g. the level savings achieved especially);
- Internally there is a disconnect between the senior management of both organisations and their teams. Relatively effective communication exists between the two Senior Management teams, but this is not replicated across the other levels of their teams. This is possibly a symptom of the amount of organisational energy that was redirected into rebuilding the relationships at a senior level after the overcharging incident. This may have been to the detriment of other levels within both organisations;
- Day to day communications between the two organisations is reported to be inconsistent and inefficient at the middle and lower levels of the partnership;
- The absence of a joint approach to communications for the partnership is a fundamental and serious flaw. However, quickly creating a joint communications strategy and plan could quickly yield some quick wins with key customers and stakeholders.

Contractual Management

2.22 Contract management is an essential process that establishes a challenging yet cooperative working environment to enable contract objectives to be delivered efficiently. Its focus should not be detailed scrutiny or contract policing. Contract management arrangements should reflect the nature of the contract being managed and the relationship between the parties; it should be designed in a way that allows the flexibility to change as the focus of the contract or the relationship changes. Effective contract management will ensure that both parties understand their roles, responsibilities and their obligations; and allow the expected benefits to be realised for both parties. It is against this definition that we assessed the partnership and found the following:

- Despite the obvious successes, there is a general appreciation from both the Council and Mears that the arrangement between the two organisations has not “flourished” as a Partnership and therefore has failed to fulfil its potential and drive the maximum benefit for both parties. Almost all those interviewed identified the contract management regime as a contributory factor but there was a wide and contradictory set of views as to why;
- It was suggested by a number of those interviewed that ineffective contract management during the partnership contributed to the conditions which allowed the overcharging incident to occur and a more formal, resource intensive approach would have prevented it. Others disagreed, pointing out that the incident would have happened anyway given that it was Mears’ contract management processes that were ineffective in this instance and that the arrangements established for the Partnering Contract were suitable for a partnership arrangement of this nature;
- However, there is broad agreement that the overcharging incident had a significantly detrimental impact on the overall relationship between the two parties. It has been a key driver in shifting the behaviour away from a collaborative partnership approach to a more traditional client and contractor arrangement that now exists;
- It should be noted however that many of those interviewed were keen to highlight that the overcharging was certainly not the singular cause of the issues identified but has instead become “a convenient peg on which to hang the difficulties upon”. Feedback consistently suggests that many of the issues identified were well established before the overcharging came to light and point to underlying cultural and behavioural issues as discussed above;
- The shift away from partnership and towards traditional client and contractor roles has in the opinion of some staff from both organisations has led to a “focus(sing) on the minutia of each transaction rather than the overall strategic purpose”. This intensification of scrutiny is seen by many including some Members and senior Council staff as the right response to the isolated but significant contract failings by Mears and have encouraged it. Others appreciate that such

behaviour is not conducive to a strong partnership and merely weakens the working relationship between the two organisations and that the resource it demands and delays it causes has a detrimental impact on service quality. However, little has been done to consider the situation or take action as appropriate;

- Whilst the overcharging incident was a serious breach of the partnership and its importance should not be understated, it is also widely felt by officers from both organisations that the impact of the incident was “overly amplified” in the context of the entire contract when it became a Political issue. As a result, Members, rather than taking the strategic oversight, are now too close to the operational management of the contract and to a certain extent have stifled the attempts by officers from both organisations to rebuild trust and “get on with the job”;
- When their involvement was raised with Members, it was acknowledged by the cross-party group that whilst housing and housing repairs and investment will always be an important and controversial political issue, that a degree of cross-party consensus must be reached with regards to the contract/arrangement that follows to ensure it too does not get burdened by political point scoring;
- To enable this greater level of “contract management” the Council have re-staffed so that they can increase the level of “clienting” undertaken on the contract. In some situations, these roles directly replicate roles undertaken by Mears and possibly without consultation between the partners. In addition to being “financially wasteful” this confusion regarding roles has further complicated and extended the delivery process;
- This is a further example of where changes to working practices have been allowed to organically develop based on individual preferences rather than within the Partnership’s overall strategic framework.

Performance Management

2.23 A well designed and delivered performance management framework plays an important role not only in measuring the performance of a team or an individual but also in driving the delivery of key goals and objectives. Good frameworks will utilise incentives and disincentives to improve performance. It will do so by using the data and information generated from the process to understand areas of strength and as a mechanism for identifying those areas of poorer performance and in which greater investment or a different approach might be required.

2.24 There is much evidence to support the saying “what gets measured gets done”. Accordingly, the ability to alter what gets measured within a dynamic performance mechanism ensures the delivery partner cannot just focus its attention on doing some parts well and getting paid regardless of performance elsewhere.

- As mentioned previously the Partnering Contract was initially established to deliver Decent Homes and to make financial savings for the Council. As was

appropriate for these purposes, the contract was a repairs and maintenance contract and the Key Performance Indicators (KPIs) included within the detail of the performance management framework are geared towards the delivery of repairs and maintenance. It is understood that despite the changing nature of the work undertaken by Mears, with a greater focus in the capital works space, that the KPIs which continue to be measured and regularly reported have not changed to reflect this rebalancing of work and therefore will not pick up on poorer performance elsewhere;

- It was widely acknowledged that the repairs and maintenance aspect of the contract is delivered well. There is minimal negative feedback from residents and therefore there is little to report and /or discuss in terms of the performance against the KPIs. As a consequence, little is being learnt about overall performance other than Mears continue to deliver in those areas being measured;

“KPIs are considered but not really challenged”

- It is understood that there is minimal use of incentives or disincentives in the Partnering Contract. There is an argument that the goals of the contract, which have remained static, continue to be delivered and therefore this is a satisfactory situation. However, the Council should consider using incentives and disincentives in future contracts as a tool for driving better standards;
- The KPIs used are solely a measure of past performance, which whilst it is important to understand that key tasks are being completed to agreed standards and within agreed timeframes they do little to drive better or improved future performance. Other partnerships of this type will include indicators that will measure the investment the partner organisation is making in for example innovation, skills, and IT. This investment is expected to facilitate better performance in the future. Other organisations are incorporating measures that consider what their partners are doing to avert issues or situations that are known to impact negatively on performance. Examples include, improving staff retention or staff induction programmes and through the intelligent use of incentives and joint working these can help ensure those situations are minimised;

“KPIs report what’s happened but aren’t used to change anything”

- Many individuals stated that they felt the aims and objectives of what the partnership itself was trying to achieve have been lost, and the contract was *“drifting”* without real focus and that staff were not clear what was trying to be achieved. There were many reasons given for this, including the loss of key staff who had pioneered the partnership approach and the Council’s reluctance to embrace an alternative payment mechanism reasons. Another, suggestion was that in some ways the Partnership became *“a victim of its early success”* and the lack of re-establishing or refocussing the delivery goals once the original goals had been delivered had contributed to this state.

Workforce

2.25 **Workforce** – key to the successful delivery of any service are both the skills and capabilities of the workforce, and the management of that workforce. Where there are gaps in the necessary technical or interpersonal skills or deficiencies in the attitudes or approach, successful delivery is so much harder. Equally important is the leadership and management of the workforce, which includes the ability to identify where those gaps or deficiencies exist and have the necessary skills and courage to address them. In this section we consider the feedback given pertaining to the quality, working practices and performance management of staff and the relationships between staff of the two organisations.

- There were numerous examples given from both organisations of people management and performance management issues. Given the challenges facing the partnership the people management deficiencies are a contributing factor to the depth and continuing existence of these issues;
- There was broad agreement that workforce management activities are required to be strengthened and improved within both organisations. There is a strong perception, supported by changes in personnel, that Mears have responded more comprehensively than the Council has with a new management team in place to re-build relationships and drive improvements;
- The importance of these management activities should not be underestimated. The stability now established provides the platform for these issues to be properly and thoroughly addressed;
- Many Council staff suggested that “lip service” was paid to personal development and performance management - “yes we have 1-to-1’s and PDPs (Personal Development Plans) but they aren’t really taken seriously”
- A small number of Council staff stated that in their opinion the Council should not be paying profits to private providers and that a better and more cost-effective service could be provided in-house. Whilst legitimate, these personal beliefs are at odds with the Council’s strategic approach;
- It was raised by both sides that there have been personality clashes between staff from the two organisations during the partnership period that have had a detrimental impact on delivery. Whilst personality clashes are not unusual, and some have been addressed, others remain.

Insight from Member discussions

2.26 One of the key drivers for this review was Member concern regarding the performance of Mears in their partnering role. The Partnering Contract has always been politically sensitive in Brighton reflecting the local circumstances. The very public nature and fallout of the overcharging incident, together with a series of leaseholder complaints that have been received directly by Members has certainly raised the profile of the Contract in the political arena.

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- 2.27 Given the importance of this contract to Members, a workshop was held with a cross party group of members from the Housing Committee.
- 2.28 The discussion during the workshop was driven initially along party lines and defined by the history of the contract. The contract was let by a Conservative administration, managed and reviewed by a Green party led administration and is now managed by the existing Labour administration. The intensity of debate and level of engagement in the workshop was further evidence of the importance of the contract and especially the need to ensure that lessons are learnt for future provision of these services.
- 2.29 However, despite the existing differences of opinion there were many areas in which agreement was found between Members of the different parties:
- Whilst there was a general agreement that anything to do with housing and particularly this service will always generate legitimate political discussion and be a focus during election times, there was acceptance of the need for cross-party consultation and if possible agreement of the type, shape, aims and objectives for future provision of this service;
 - It was agreed that the current 10-year contract was too long but also an acknowledgement of minimum term requirements to ensure/encourage innovation and investment. A 5 year plus 3-year option was more desirable;
 - The issue regarding the length of the contract was highlighted by the lack of activity and challenge undertaken during “contract review” period, which occurred after 5 years. As such the opportunity for the Council to reshape the contract to reflect changing needs to enhance performance and improve relationships was missed. This should not be allowed to happen again and will be the responsibility of the administration and opposition at the time to ensure this is not repeated in the future;
 - Members of all parties were supportive of the use of alternative pricing structures (e.g. Price per Property) rather than the traditional and rather labour-intensive Schedule of Rates approach that currently exists. This is a key benefit of a partnering contract arrangement in that it has been demonstrated to create efficiency, provide greater certainty with regards budgeting, transfer risk to the Partner and encourage innovation in the contract. No one could shed any light on the Council decision not to proceed on this basis despite Mears keenness to do so, and pilot studies suggesting it would be beneficial to all parties;
 - However, despite support for the partnering facilitated PPP approach there was a consensus that contract management has not been strong enough during the partnership and that this deficit had been a contributing factor to the overcharging situation. These two points might be seen as contradictory in that greater contract management is at odds with the partnering approach which is built on trust. There is no doubt that trust between the two parties was diminished by this incident, but

it could also be argued that the financial risk of overcharging would have be borne by the Partner in a PPP situation;

- Members also stated that they wanted increased clarity and distinct separation between the Council and “partner”. This is at odds with a partnering approach, although it is thought to be prominent because of the overcharging incident rather than having been the mindset throughout the contract.

3. Recommendations

- 3.1 It is implicit in the commission and it is clear from the findings that the conditions are not in place for the Council and the Partnering contract to fulfil its potential and ultimately be described as successful. It is both understand and acknowledge that much has been done by both organisations in attempt to address some of the key challenges, and that the Council has already put in place further plans to do so.
- 3.2 The following recommendations are set out in the context of the project findings and are intended to:
- build upon improvements already implemented, realign the strategic ambition and reset the conditions to build a sustainable model for the future;
 - reflect the themes and conditions required to strengthen the future position of the Council for the remaining period of the current contract;
 - act as important considerations for the delivery of the service beyond the life of the Partnering Contract with Mears – they are simply to ensure good practice regardless of the services being delivered.
- 3.3 The recommendations are listed by themes to provide consistency throughout the report and the dependencies are cross referenced where possible.

Strategic Alignment

- 3.4 Many of the recommendations suggested under this theme require close collaboration between the two parties at a senior level to agree the strategic way forward. Honest conversations are required with regards to the aims and objectives, expectations and ways of working. Without a dedicated effort to realign both parties with an agreed way forward, many of the issues highlighted above will continue for the remainder of the contract:
- **Agree and restate the key strategic objectives** for the remainder of the contract – it is imperative that this is done together in partnership with the Council and Mears;
 - **Agree and establish the type of arrangement** that is required for the delivery of the remainder of the contract – despite this being a Partnering Contract there is wide acknowledgment that it now more closely resembles a traditional client/contractor situation. Whatever the desired contract arrangement it must be agreed between the parties and the goals and expectations realigned accordingly. It would be detrimental to both organisations if the behaviour to support the agreed position was not displayed;
 - Discuss and **agree the preferred and acceptable approach to capital works** – this is necessary because the existing contract does not reflect the increased importance of capital works, which together with Mears' strength being in repairs,

represents a significant delivery and political risk over a major aspect of the overall requirements;

- **Re-define, agree and communicate the roles and expectations** – reset and clearly articulate the roles and expectations within the Council and within the Partnership. Ensure a collaborative approach with Mears is adopted to achieving this and the profile of this is appropriate amongst all staff. It is imperative that these are communicated, understood and managed across both organisations;
- **An open and honest conversation about what are the barriers and constraints** to the Partnership fulfilling its potential and a commitment to act to address the concerns raised. This is not an opportunity to blame but an opportunity to openly and honestly air views about the deficiencies that clearly exist within each organisation;
- An honest **and pragmatic conversation about what can realistically be achieved during the remaining duration of the contract** e.g. can an alternative pricing mechanism be realistically implemented, what sort of IT and other innovation can be introduced etc. and a commitment to achieve what is possible. Clearly the preferred type of contract will impact heavily on these discussions.

Culture and Behaviour

3.5 A collaborative programme of improvement should be considered which is driven strongly by the Culture and Behaviour changes that are required across the service and partnership. The objective of the programme will be to create and implement the conditions and environment for a sustainable and successful internal and partnership culture for the Council's Housing Department. This programme would follow the indicative steps set out below:

- The framework for this programme will be created by resetting the strategic alignment as described above in paragraph 3.4;
- **Confirming the strategic ambition and vision** allows the identification and confirmation of the conditions that need to be in place to support the reset strategy. (e.g. the type of values and behaviours, the performance management framework needed, the set of skills and capabilities to deliver the new model, integrated co-location);
- Using the findings of this report to **identify and agree the culture and behaviours that should be role-modelled** (e.g. dealing openly with issues, displaying trust, positive challenge, real collaboration, empowering staff, two-way honest communications);
- **Understand and develop the performance management framework** that needs to be in place to support a new model of working;

- **Reset and build the set of capabilities and skills** required to deliver the type of partnership working the Council desires;
- **Work closely and collaboratively with the broader Council's Organisational Development (OD) team** to ensure alignment with the OD strategy;
- **Creating a collaborative Communications approach** to working with residents, internal and partnership colleagues, Members and stakeholders.

Communications

- **Create a joint Communications Strategy and plan** – quickly establish a joint/collaborative approach to communications that reflects the type of contract and one that addresses the key risks associated with that type. This should include agreed protocols and communications plans for all resident types – e.g. leaseholders and other stakeholders;
- **Promote the successes** of the Partnership and the contribution of Mears. – there are numerous success stories that have been “drowned out” by the “noise” of numerous relationship and contractual issues. There is acknowledgement from both parties that the strong success stories such as achieving savings and responsive repairs should be given a higher profile and publicised more coherently as a partnership both within the Council and externally to residents, leaseholders and the general public;
- **Cascade of message** – Once approved the strategic messages will need to be cascaded to all relevant staff members within both organisations both as individual bodies but also collectively to reflect the approved contract type. There is likely to be an emphasis on joint goals, roles and expected behaviours. Management from both organisations should consider how best this can be achieved individually and jointly. This approach should reflect ongoing communication needs too;
- **Collaborative approach to communications** – as part of the joint communications strategy and plan, news ideas must be developed of how to engage and ensure that staff are aware of, proud and understand the benefits that the partnership has brought and the part they have to play in promoting it. This is closely linked and will be explored as part of the Culture and Behaviour programme;
- **Involving the Members** - Senior Council officers are required to discuss the issues and recommendations identified in this review with Members and emphasise the key role they must play in the Communications Strategy and ensuring success.

Workforce

- 3.6 As a key condition for success there are several elements that must be addressed when **resetting the Workforce strategy and approach** within the Housing Department and any future Partnerships such as:

- **managing under-performance** professionally and robustly implementing the council performance management regime;
- **role modelling** an agreed set of leadership and management behaviours;
- **displaying commitment to the personal development plans** of the workforce and supporting their development needs and the process;
- **ensuring ongoing and refreshed skillsets** and capabilities of the workforce match the model of working and delivery plans;
- **actively monitoring and managing staff turnover** at all levels to ensure the right mix of stability, continuity and quality;

and more specifically:

- **Strengthening the client role** - actively seek to consolidate and increase the Council's expert knowledge and capacity re: compliance; and
- **Increasing capacity and capability** – the capacity of the Capital programme is an area for strengthening. There is a need for a holistic, stronger compliance function, pulling together the key functions of safety re gas, electrical, asbestos fire and H&S through the overall compliance of the contract and the roles within. This would address some of the capacity issues and help build on the lessons learnt from Grenfell.

Contractual Management

3.7 As a symbol of some of the challenges of the past, the changes to the contract management arrangements going forward will carry considerable weight as a sign of change. A number of steps to improve this position are recommended:

- Agree the contract delivery arrangements for the next three years. Jointly agree a revised forward-looking delivery plan and agree what need to change and be in place to implement the plan;
- Establish a contract management process that reflects the delivery arrangements and the agreed contract type. The approach should not scrutinise every detail but instead focuses on the agreed strategic objectives. There must be a balance that provides the level of management demanded by the Council but does not stifle delivery;
- Clearly align the behaviour change required for the contract management process to the broader culture and behaviour recommendations in resetting the overall conditions of the partnership.

Performance Management

3.8 The key recommendations are to:

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- review the performance management arrangements and realign it with an agreed approach;
 - use this opportunity to create a well-designed performance management framework with the following elements:
 - ensure KPIs reflect what is being delivered and the service that is desired now and for the remaining life of the contract. If appropriate build in a mechanism that allows them to be flexed at agreed points in the future;
 - utilise incentives and disincentives to improve performance;
 - use data and information generated from the process to understand areas of strong and poor performance and where investments should be refocussed.

4. Alternative Approaches for Housing Services Delivery

4.1 There are several alternative ways in which other local authorities are seeking to deliver housing repairs, maintenance and investment contracts. Experience suggests that whilst there are variations on a theme, for example some Council’s with larger housing stocks use multiple suppliers, there are five main approaches that are being employed in this area:

- Traditional in-house provision via a DLO – all staff are employed directly by the Council and the service is delivered as a Council service;
- Modern “in-house” provision via a wholly owned company – the Council establishes a wholly owned company and the services are delivered under contract by the Company;
- A Joint Venture – the Council establishes a joint venture (JV) vehicle either with another public sector organisation or a private sector company. The services are provided by the JV. Ownership structure considerations are necessary to ensure compliance with procurement law;
- A traditional client/contractor relationship – the Council lets a service contract to a third party who deliver the services as per an agreed contract. The Council manages the contract via an appropriately resourced and skilled client-side function;
- Partnership arrangement with a private provider – as current exists between the Council and Mears. The two organisations work together to deliver mutually beneficial aims and objectives.

4.2 Some of the more prominent advantages and disadvantages of each approach are outlined in the table below:

Advantages	Disadvantages
Traditional in-house provision	
<ul style="list-style-type: none"> • No need to go through full procurement processes for service delivery. • The Council retains control and discretion over service direction, budgets and policy decisions. • There is no loss of “profit” from the public sector. • Not exposed to 	<ul style="list-style-type: none"> • Costs of “staffing up” for contract delivery, and the associated support costs for doing so. • Significant IT, system and equipment start-up costs. • Unless looking to supply housing services to other house owners there is a lack of opportunity to exploit economies of scale.

<p>changes/consolidation in the market</p> <ul style="list-style-type: none"> • Can use service provision to demonstrate and invest in the local community. • Retain and promote links between service provision and residents. • Potential VAT efficiencies. 	<ul style="list-style-type: none"> • Council housing stocks are generally falling further reducing cost base. • Limited service base to share the costs of innovation and other development. • Will not benefit from market innovation. • Lack of flexibility with regards to staff levels and being able to meet fluctuating service demands. • All risk including the financial risk of permanent staff is retained within the local authority. • All staff are on full Council terms and conditions. • Can lead to blurred boundaries between operational and strategic responsibilities, and especially the role of Members.
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Services provided by a wholly owned Company

<ul style="list-style-type: none"> • As sole shareholder the Council retains strategic control of the company as it is responsible for setting the company’s strategic objectives and signing off its annual business plan. • Any profits flow to the Council through its 100% shareholding. • The company’s governance structure should make the boundaries very clear between operational and strategic responsibilities. • The company decides on the terms and conditions it offers its staff. • Limited client-side required within 	<ul style="list-style-type: none"> • Potentially significant set up costs. • Profits subject to corporation tax and applicable expenditure subject to VAT. • Important that governance structures are clearly defined and implemented or can lead to conflict of interests for company directors. • Costs of “staffing up” for contract delivery, and the associated support costs for doing so. • Significant IT, system and equipment start-up costs. • Unless the company is looking to supply housing services to other
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<p>the Council.</p>	<p>house owners there is a lack of opportunity to exploit economies of scale.</p> <ul style="list-style-type: none"> • As a local authority owned company without a track record it can be difficult to generate other contracts. • Limited service base to share the costs of innovation and other development. • Will not necessarily benefit from market innovation.
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Establishing a JV with another organisation

<ul style="list-style-type: none"> • Risk and reward are shared with another organisation. • Potentially no need to go through full procurement processes for contract delivery. • Potential to retain full control in the public sector if the JV partner is another public sector body. • As significant or majority shareholder the Council retains a significant say in the strategic control of the JV as it is responsible for setting its strategic objectives and signing off its annual business plan. • The JV’s governance structure should make the boundaries very clear between operational and strategic responsibilities. • JV partner will bring a broader range of perceptions, skills, approaches and market experience. • The company decides on the terms 	<ul style="list-style-type: none"> • Setting up a JV can be time consuming and expensive and may require a full procurement process. • Some of the any profits generated will flow to the JV partner through their shareholding. • Potentially significant set up costs. • Profits subject to corporation tax and applicable expenditure subject to VAT. • Important that governance structures are clearly defined and implemented or can lead to conflict of interests for company directors. • Costs of “staffing up” for contract delivery, and the associated support costs for doing so. • Significant IT, system and equipment start-up costs. • Unless the company is looking to supply housing services to other house owners there is a lack of
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<p>and conditions it offers its staff.</p> <ul style="list-style-type: none"> • Will potentially be able to benefit from market innovation through JVs partner breadth of delivery. • Requires a reduced client-side function within the Council. 	<p>opportunity to exploit economies of scale.</p> <ul style="list-style-type: none"> • As a new company without a track record it can be difficult to generate other contracts, although possibly offset by JV partner’s reputation. • Limited service base to share the costs of innovation and other development. • Cultural clashes between the Council and their JV partner can reduce effectiveness of the JV.
<p>A service contract delivered by a Contractor with a strong Council client-side function</p>	
<ul style="list-style-type: none"> • Financial and delivery risk are passed to the Contractor. • This is a comfortable arrangement that is well understood. • There is currently a strong market for this type of approach. • Using multiple suppliers would enable expertise to be exploited in different aspects of the service e.g. splitting day to day repairs and capital improvement works. 	<ul style="list-style-type: none"> • The Council retains reputational risk for service delivery but has little control over service delivery standards. • Potentially significant costs of service procurement. • Typically, reliant on resource heavy schedule of rates as a pricing mechanism. • Requires significant client-side resources within the Council. • Does not encourage innovation and service modernisation on the part of the service delivery organisation. • There is a “leak” of profit to the private sector.
<p>Partnership contract with a private sector partner</p>	
<ul style="list-style-type: none"> • Risk and reward are shared between the Council and its partner. • The partner brings expertise, skills and experience the Council does not 	<ul style="list-style-type: none"> • Potentially significant delivery procurement costs. • The Council retains a share of key risks such as delivery, financial and

<p>possess.</p> <ul style="list-style-type: none"> • The partner’s breadth of delivery should enable the partnership to benefit from economies of scale, such as within the supply chain. • Provides the opportunity for innovative pricing mechanisms, such as open book or price per property. • The partnership agreement can dictate Council expectations regarding the partner’s contribution to innovation. • There is currently a strong market for this type of approach. • The partner will bring “operationally ready and modern IT systems. • Presents the opportunity for innovative, forward looking and flexible performance mechanism. • Requires a reduced client-side function within the Council. 	<p>reputational.</p> <ul style="list-style-type: none"> • Can be politically challenging to the Council to be seen working so closely with a private sector provider. • There is a “leak” of profit to the private sector. • Requires a trusting working relationship that takes hard work to establish and maintain. • Cultural clashes between the Council and their partner can reduce the effectiveness of the partnership.
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4.3 However, the advice to the Council as it is with any consideration of an approach to adopt for any purpose, is that the approach must be consistent with the aims, ambitions, risk appetite, values and culture of the Council. As such it is recommended that the Council goes through the process of challenging itself to answer a series of questions along the lines of those identified in the diagram below across three dimensions – Political, Service Delivery and Transformational/Financial:



- 4.4 This “funnelling process” will enable the Council to identify which are the most appropriate approaches for its specific situation and perhaps more importantly highlight those that are incompatible.

Appendix A – Action Plan

Action	Content	Who	When
Strategic Alignment			
Arrange and hold a series of "Honest Conversation" meetings.	<ul style="list-style-type: none"> - Agree and restate key strategic objectives. - Agree and establish the delivery arrangement for the remainder of the Partnering Contract. - Discuss and Agree the preferred and acceptable approach to capital works - Redefine and Agree roles and expectations. - Discuss openly existing barriers to success and how they can be overcome. 	<ul style="list-style-type: none"> - Senior Officers from B&HCC including Housing Management. - Senior Management from Mears, including Service Delivery Management. 	Immediately and to continue for the remainder of the Partnering Contract.
Communications			
Create a joint Communication Strategy and Plan.	<ul style="list-style-type: none"> - Agree overall and joint aims and objectives. - Identify key target stakeholders/audiences and the most appropriate types of communication for that audience. This should include internal stakeholders such as staff and Members. - Agree "one off" key messages e.g. promotion of the successes of the Partnership to date / findings and recommendations of the Partnering Contract Review/ outcomes of "honest conversations". - Agree ongoing programme of communications (content/type/regularity etc.). - Agree responsibilities between parties. 	<ul style="list-style-type: none"> - Senior Officers from B&HCC including Housing Management and communications/media team. - Senior Management from Mears, including Service Delivery Management and communications/media team. 	Immediate.
Implementation of the joint Communication Strategy and Plan.	<ul style="list-style-type: none"> - Ensure sufficient and appropriately skilled resources are in place to implement the strategy and plan. - Ensure the agreed mechanisms of communication are in place or are in development e.g. Twitter Accounts etc. 	<ul style="list-style-type: none"> - Council Members. - Senior Management from both B&HCC and Mears. - B&HCC Housing Management. 	ASAP and ongoing once the Strategy and Plan are agreed.
Workforce			
Reset the Workforce Strategy and Approach within the Housing Department.	<ul style="list-style-type: none"> - Professional and robust implementation of B&HCC performance management regime. - Leaders and managers to display and role-model the agreed set of behaviours defined from the Behavioural Change Programme. - Demonstrable commitment to staff personal development through the use of Personal Development Plans for all staff. - Use PDPs to identify areas for staff development and invest in those areas. - Active monitoring and management of staff turnover. 	<ul style="list-style-type: none"> - B&HCC Senior Officers. - B&HCC Housing Management. 	Immediately and ongoing.
Strengthen the Council's ability to undertake the client role.	<ul style="list-style-type: none"> - Reflect the Strategic Alignment conversations by securing suitable levels of suitably skilled resource to undertake the re-defined Client Role. 	<ul style="list-style-type: none"> - B&HCC Housing Management. 	Following Strategic Alignment meetings.
Increase capacity and capability with specific regards to the Capital programme.	<ul style="list-style-type: none"> - Reflect the Strategic Alignment conversations by securing suitable levels of suitably skilled resource to ensure the Council's Capital Programme is appropriately resourced and given the necessary prominence within the Council's overall service delivery and specifically within the revised Partnering Contract arrangements. 	<ul style="list-style-type: none"> - B&HCC Housing Management. 	Following Strategic Alignment meetings.

Action	Content	Who	When
Contract Management			
Agree and implement revised and strengthened Contract Management arrangements	<ul style="list-style-type: none"> - Agree contract delivery arrangements for the remainder of the Partnering Contract. - Agree a revised delivery plan. - Agree the changes necessary to implement the new plan. 	<ul style="list-style-type: none"> - B&HCC Housing Management. - Mears delivery Management Team. 	Before Easter 2018
Implement revised and strengthened Contract Management arrangements	<ul style="list-style-type: none"> - Secure appropriately skilled Council resource to manage and operate the revised Contract Management Framework. 	<ul style="list-style-type: none"> - B&HCC Housing Management. 	Following agreement of new arrangements.
Performance Management			
Review contract Performance Management arrangements in light of the agreed approach for the remainder of the contract	<ul style="list-style-type: none"> - Consider whether there is worth in seeking to change the existing Performance Management arrangements and getting agreement with the Partner 	<ul style="list-style-type: none"> - B&HCC Housing Management 	January 2018
If appropriate, create a modern forward looking Performance Management Framework for the Partnering Contract	<ul style="list-style-type: none"> - Review and revise KPIs to ensure they measure the desired outcomes for the remainder of the contract - Consider a flexible approach for KPIs - Consider the use of incentives and disincentives within the Payment Mechanism - Consider and agree a mechanism that uses the data and information generated to improve targeting of investment. - Agree reporting and management mechanisms. 		Before Easter 2018
Implement the new Performance Management Framework	<ul style="list-style-type: none"> - Secure appropriately skilled Council resource to manage and operate the Performance Management Framework. - 	<ul style="list-style-type: none"> - B&HCC client team 	Following agreement of new arrangements.
Reset the Workforce Strategy and Approach within the Housing Department.	<ul style="list-style-type: none"> - Professional and robust implementation of B&HCC performance management regime. - Leaders and managers to display and role-model the agreed set of behaviours defined from the Behavioural Change Programme. - Demonstrable commitment to staff personal development through the use of Personal Development Plans for all staff. - Use PDPs to identify areas for staff development and invest in those areas. - Active monitoring and management of staff turnover. 	<ul style="list-style-type: none"> - B&HCC Senior Officers. - B&HCC Housing Management. 	Immediate and ongoing.

Action	Content	Who	When
Culture and Behaviour			
Develop a collaborative programme of Culture and Behavioural Change.	<ul style="list-style-type: none"> - Identify and secure appropriate resources to develop the change programme. - Confirm the scope of the change programme e.g. housing services, full Council etc. - Confirm the strategic ambition and vision of the service in scope - e.g. the type of values and behaviours. - Identify and agree the culture and behaviours that should be role-modelled - e.g. dealing openly with issues, positive challenge, real collaboration, empowering staff. - Understand and develop the performance management framework to support the new model of working. - Reset and build the new set of capabilities and skills. - Work closely and collaboratively with the broader Council's Organisational Development Team. 	<ul style="list-style-type: none"> - B&HCC Senior Officers. - Expert support. 	Immediate and ongoing.
Implement a collaborative programme of Culture and Behavioural Change.	<ul style="list-style-type: none"> - Define an implementation programme. - Implement the performance management framework to support the new model of working. - Build and model the desired behaviours and the new set of capabilities, skills. - Work closely and collaboratively with the broader Council's Organisational Development Team. 	<ul style="list-style-type: none"> - B&HCC Senior Officers. - Expert support. 	Ongoing following the programme design stage.
New Contract Arrangements			
Design and complete a "funnelling process" to identify the most appropriate approach(es) for B&HCC's specific situation and highlight those that are incompatible.	<ul style="list-style-type: none"> - Identify appropriate resource to design and run the "funnelling process". - Consider each approach with respect to the Council's aims, ambitions, risk appetite, values and culture of the Council. - Consider, discuss and answer a series of questions across three dimensions: Political, Service Delivery and Transformational/Financial. 	<ul style="list-style-type: none"> - B&HCC Members. - B&HCC Senior Officers. - Expert support. 	Before Easter 2018.
Learn lessons from those that have recently participated in the letting of a contract for this type of services.	<ul style="list-style-type: none"> - Communicate with/visit other Council's and 3rd party experts to gain an understanding of their experiences of recently participating in the letting of a contract for these services. 	<ul style="list-style-type: none"> - B&HCC Senior Officers. - B&HCC Housing Management. 	January/February 2018.

NOTICE OF MOTION**CONSERVATIVE, LABOUR & CO-OPERATIVE AND GREEN GROUPS
POST ADOPTION SUPPORT AND INTERAGENCY ADOPTION FEES**

This council resolves that the Chief Executive writes to the Secretary of State for Education, requesting that the government:

- Recognises the value of the Adoption Support Fund, and confirms the long-term future and arrangements for this vital post-adoption support for children and their adoptive families, so that effective planning can take place and maximum benefit can be achieved;
- Intervenes with the Consortium of Voluntary Adoption Agencies to prevent the implementation of the recent 15% increase in inter-agency fees, or offsets the impact of this increase on local authority budgets.

Proposed by: Cllr Wealls

Seconded by: Cllr Chapman
Cllr Knight

Supporting information*Adoption Support Fund*

Coordinated and high quality post-adoption support makes a significant difference to families and the long-term success of adoptions. The Adoption Support Fund (ASF) has been helpful in addressing this need, which this has now raised expectations among adoptive families for high quality post-adoption support.

However, in a period of change for adoption services, and with the introduction of the Fair Access Limit to the ASF, it would be beneficial to know the future of the ASF is secure, so that maximum impact can be achieved for adoptive families – see evaluation report p.11

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/634685/The_Evaluation_of_the_Adoption_Support_Fund.pdf

See information about the Adoption Support Fund, including the Fair Access Limit, here <http://www.adoption-support-fund.co.uk/FAQs>

Inter Agency Adoption Fees

Interagency placements are an important option for local authorities in securing timely adoptive placements for some children. The CVAA has recently proposed a significant increase to the inter agency adoption fee, from £27,000 to £31,000 for placement of one child, from £43,000 to £50,000 for sibling group of two. This will have a very significant impact on local authority resources.

<http://www.cvaa.org.uk/the-voluntary-adoption-sector/inter-agency-fees/>

NOTICE OF MOTION**LABOUR AND CO-OPERATIVE GROUP****UNPAID TRIAL SHIFTS**

This Council resolves:

To request that the Chief Executive asks officers to work in collaboration with local industry bodies, trade unions and organisations representing young people, to develop a plan to end unpaid trial shifts in the City of Brighton and Hove and bring a report to an appropriate meeting of the Policy, Resources & Growth Committee .

Proposed by: Cllr Platts

Seconded by: Cllr Horan

Supporting information

As a Local Authority we believe people should be paid when asked to undertake training or trial shifts prior to being considered for work, and this is consistent with our support of the Brighton and Hove Living Wage campaign.

We are concerned that people in our City are being asked to undertake unpaid trial shifts which we consider to be unfair and exploitative.

Unpaid trial shifts particularly affect young people looking for work in the retail and hospitality industry, which are a key source of entry level, part-time and seasonal employment in the City.

NOTICE OF MOTION**LABOUR AND CO-OPERATIVE GROUP****CHARTER AGAINST MODERN SLAVERY**

This council resolves to ask for a report to the Policy, Resources & Growth Committee detailing:

- (1) The implications of signing up to the Charter Against Modern Slavery, which will commit the council to 10 action points, including to:
 - Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
 - Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery
 - Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
- (2) How to ensure staff are made aware and trained as appropriate in identifying possible instances of modern slavery.

Proposed by: Cllr Cattell

Seconded by: Cllr Daniel

Supporting information

<https://party.coop/policy/modern-slavery-charter/>

The Cooperative Party campaign highlights that there were an estimated 13,000 victims of Modern Slavery in the UK in 2013.

Modern Slavery is a term used to cover many types of exploitation, including sexual exploitation, domestic servitude, forced labour and criminal exploitation, as well as other forms of exploitation including organ removal, forced begging, forced benefit fraud, forced marriage and illegal adoption.

“Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.”

“The Co-operative Party's Charter Against Modern slavery goes further than existing law and guidance, committing councils to proactively vetting their own supply chain to ensure no instances of modern slavery are taking place.”

Supporting this charter will be in line with the council's existing work to:

- Ensure social value from our procurement, and to ensure our procurement practices do not cause social harm
- Combat the exploitation occurring as part of County Lines drug-dealing.

NOTICE OF MOTION
CONSERVATIVE GROUP
CITYCLEAN

This Council resolves to request the Chief Executive and the Executive Director of Economy, Environment and Culture to:

- a. Produce a report for the Environment, Transport & Sustainability Committee that details precisely the sustainable solutions to enable refuse, recycling and green waste collections occurring on the published days.
- b. That the report include actual measures to deal with other issues that were sent to Policy, Resources and Growth Committee on 12th July 2018 (agenda item 11) as well as detailing the constraints and restrictions that prevent modernisation
- c. That the report further include financial and performance analysis of the commercial waste and garden waste services against their respective previously approved business plans and financial forecasts.

Proposed by: Cllr Wares

Seconded by: Cllr Bell

Supporting information:

Since the beginning of 2018 large areas of the City have suffered a systemic failure of the Labour Administration to deliver the most basic of services of refuse, recycling and green waste collections. Such issues include missed refuse collections (4-6 weeks), recycling collections (8 weeks) and green waste missed collections that are paid for separately. These also include assisted collections impacting our less abled and aging citizens.

At 19th April 2018 Full Council, in response to a written question, it was advised that a report subject to the financial and operational performance of the commercial and green waste services would be submitted to Policy, Resources and Growth Committee in July 2018. The July PR&G report only “discusses” the green waste service and recommends a report for the expansion of the commercial waste service. The PR&G report fails to deliver the commitment made by the Labour Administration at Full Council and seeks merely to deflect attention from the inherent failures that exist.

The Labour Administration is spending millions of pounds of taxpayer monies on the modernisation of the Council’s services but in respect to Cityclean, continuously fails to specify what changes are necessary, how they are actually being delivered, how much is being spent, what actual benefits are being achieved and in particular, what restrictions and constraints exist that prevent these basic services being delivered.

NOTICE OF MOTION
CONSERVATIVE GROUP
PRESTON PARK STATION

This Council resolves to:

Request the Chief Executive write to Nick Brown (COO Govia Thameslink Railway), and John Halsall (Route Managing Director Network Rail South East) calling for immediate action to provide the following:

- (1) Detail the process by which they assess passenger numbers using Preston Park Station. The decision making process that has led to a reduction in services and clarification about the changes to the levels of service / number of trains that stop at Preston introduced in the new timetable from 20th May 2018, compared to the previous timetable.
- (2) Implement a timetable that enables commuters to travel frequently, and without extraordinarily long journey / waiting times between Preston Park Station and London.
- (3) Increased investment at Preston Park Station to provide first class facilities to ensure passenger safety, comfort and convenience.

Proposed by: Cllr Geoffrey Theobald

Seconded by: Cllr Taylor

Additional Information:

The new timetable has decimated the Preston Park train service with significantly less trains now mostly coming from Littlehampton rather than Brighton. With this Notice of Motion we are aiming to improve this dramatically.

NOTICE OF MOTION**GREEN GROUP****TRULY AFFORDABLE HOUSING AT BRIGHTON GENERAL SITE**

This Council notes that the Brighton General Hospital site is a public asset, and as such should be used for public good; prioritising NHS use first and foremost with any spare land used for truly affordable housing.

This Council therefore requests:

1. A report to be provided to Housing and New Homes Committee, detailing the availability of land at the site and the most appropriate ways in which to develop it for truly affordable housing, including options for development by the Joint Venture, B&H Community Land Trust, directly by the Council, or a combination.
2. That the Chief Executive writes to partners at Sussex Community NHS Trust, to communicate the will of the Council expressed in this Notice of Motion, so that all parties can conduct negotiations with this in mind.

Proposed by: Cllr Druitt

Seconded by: Cllr Gibson

Supporting Information:

- Sussex Community Foundation Trust has set out a number of options for the Brighton General Hospital site, with plans funded through the sale of the hospital buildings. Many of the buildings are intended for the creation of housing. A recent meeting of Health Overview and Scrutiny Committee (HOSC, 27th June) discussed the feasibility of key worker and supported housing at the site.
- The 'Affordable Cities Review' by Lloyds Bank ranked Brighton and Hove as the 6th least affordable place to live in the UK. A recent report by the Public Accounts Committee cited the lack of affordable homes as a major impediment to the supply of permanent key workers in the NHS, particularly in areas where it is expensive to rent and buy property. <http://www.independentnurse.co.uk/news/the-housing-crisis-for-health-staff/141963>

NOTICE OF MOTION**GREEN GROUP****SUSSEX IFCA: INSHORE TRAWLING AND FISHING**

This Council notes the importance of the marine environment to the city and to the city's tourism economy, and is very concerned at the damage that the fishing method of 'netting' and trawling causes to our marine environment, contributing to a decline in fish and the ecosystem present in Sussex waters.

As part of our commitment to maintain a 'Living Coast' and UNESCO Biosphere, this Council resolves to request the Chief Executive to write to the SIFCA Chief Fisheries and Conservation Officer, asking for:

- (a) changes to trawling management that respond positively to suggestions in the SIFCA consultation paper, including creating trawling exclusion areas in nearshore waters of Sussex;
- (b) changes to how 'netting' is managed, in line with the suggestions of SIFCA, including netting controls all year round and the of fisheries 'zones'

Proposed by: Cllr Sykes

Seconded by: Cllr Littman

Further information

The Sussex Inshore Fisheries and Conservation Authority (SIFCA) has set out a number of options for updating management of both trawling and netting, given the state of our marine environment, declines in fish stocks and changes in commercial fishing technology.

- SIFCA, of which this Council is a member, has powers to write and enforce byelaws to manage the exploitation of sea fisheries resources. Their recent public consultation put forward a number of options for how ['netting'](#) and ['trawling'](#) can be restricted in Sussex waters.
https://secure.toolkitfiles.co.uk/clients/34087/sitedata/files/Byelaw_docs/Informal-consultation-Nearshore-Trawling.pdf
- The catching capacity of small boats has escalated since the introduction of 'netting', contributing to a decline in fish stocks. Bottom towed gears of some trawling operations can damage the marine environment and prevent the development of key ecosystem services, including habitats for breeding fish and nursery grounds for their juveniles, giving food and shelter. Sussex Wildlife Trust estimates that fish stocks including skate, cod, mackerel and herring are declining. Sussex eel stocks have fallen by over 90%.
- <https://sussexwildlifetrust.org.uk/discover/around-sussex/wetlands/wetland-species/fishDEFRA> are currently consulting on sustainable fisheries, stating the aim of the UK to become a 'world leader in marine protection.'

